

SYDNEY CENTRAL PLANNING PANEL (SCPP)

Panel Reference	2016SYE108 DA
DA Number	DA201600434
LGA	Inner West Council
Proposed Development	Construction of a mixed use development through the adaptive reuse and associated alterations of former hospital building(s) to provide a community hub, comprising a public library, pavilion, a residential building, and construction of three (3) new residential flat buildings including car parking, landscaping and associated works.
Street Address	182-186 Livingstone Road & 313-319 Marrickville Road, Marrickville
Applicant/Owner	Mirvac Projects Pty Limited / Inner West Council
Date of DA lodgement	26 August 2016
Number of Submissions	60
Recommendation	Approval subject to conditions
Regional Development Criteria (Schedule 4A of the EP&A Act)	Capital Investment Value (CIV) exceeds \$5 million.
List of all relevant s79C(1)(a) matters	<p>The following State and Local government legislative framework applies to the development:</p> <ul style="list-style-type: none"> • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy No 55 - Remediation of Land • State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65) • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • State Environmental Planning Policy (Infrastructure) 2007 • Marrickville Local Environmental Plan 2011 • Marrickville Development Control Plan 2011 • Marrickville Section 94/94A Contributions Plan 2014
List all documents submitted with this report for the Panel's consideration	<p>Attachment A - Recommended Conditions of Consent Attachment B - WaterNSW General Terms of Approval Attachment C - Plans of Proposed Development Attachment D - Copy of Council's Strategic Planning Projects Coordinator Advice Attachment D - S94 Condition and Justification Attachment E - Clause 4.6 variation statements Attachment F - Design Report Attachment G - Natural Cross Ventilation Report Attachment H - Updated Technical Report Submissions</p>
Report prepared by	SJB Planning, Consultant Town Planners for Inner West Council
Report date	4 August 2017

Summary of s79C matters

Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report? **Yes**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**
e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Yes**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S94EF)? **No**
Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment? **No**
Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

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1. Purpose of the Report

The purpose of this report is to seek the Sydney Central Planning Panel's (SCPP) determination of a development application (DA) for DA201600434, which proposes the construction of a mixed use development through the adaptive reuse and associated alterations of former hospital building(s) to provide a community hub, comprising a public library, pavilion, a residential building, and construction of three (3) new residential flat buildings including car parking, landscaping and associated works at 182-186 Livingstone Road and 313 to 319 Marrickville Road, Marrickville.

The Panel is the determining authority for this DA as, pursuant to Part 4 of State Environmental Planning Policy (State and Regional Development) (SEPP SRD) 2011 and Schedule 4A of the *Environmental Planning and Assessment (EP&A) Act 1979*, the application is council related development that has a capital investment value (CIV) of \$99,369,900 which exceeds the CIV threshold of \$5 million for Council to determine the DA.

2. Summary of the Recommendation

That the Panel:

1. Determine DA201600434 for the construction of a mixed use development through the adaptive reuse and associated alterations of former hospital building(s) to provide a community hub, comprising a public library, pavilion, residential building, and construction of three (3) new residential flat buildings, including car parking, landscaping, and associated works pursuant to Section 80 of the *EP&A Act 1979*, by granting consent subject to the conditions contained in this report;
2. That the objectors be notified of this decision; and
3. That a copy of the development consent be forwarded to Water NSW.

3. Executive Summary

Council is in receipt of a DA for the construction of a mixed use development through the adaptive reuse and associated alterations of former hospital building(s) to provide a community hub, comprising a public library, pavilion, residential building, and construction of three (3) new residential flat buildings, including car parking, landscaping, and associated works at 182-186 Livingstone Road and 313-319 Marrickville Road, Marrickville.

The consent authority for the purposes of determining the application is the SCPP, as the proposal has a CIV over \$5 million for a Council related development.

The DA was originally notified to surrounding property owners between 21 September 2016 to 11 October 2016 in which a total of 46 submissions were received. However, upon receipt of amended plans and supporting documents, the application was subsequently renotified between 18 May 2017 to 20 June 2017, in accordance with Marrickville Council's Development Application Guidelines Part A1. A total of 14 submissions were received during the renotification period, including one (1) letter in support. The matters raised in the submissions are discussed in detail in the report.

The main issues that have arisen from the assessment of the application include:

- Permissibility;
- Clause 4.6 variation for Height of Building;
- Scale and alignment of the residential buildings;
- Visual privacy;
- Overshadowing of public open space and civic areas;
- Residential amenity of proposed apartments;
- Amount of tree canopy cover; and
- Heritage impacts.

The proposal achieves an FSR of 2.031:1, which is less than the applicable development standard of 2.05:1.

The Community Hub, Building B, and Building C, are all less than the applicable height of building (HoB) development standard. Building A2 and the northern end of Building A1, are 32.8m in height, and exceed the applicable HoB development standards of 32m and 29m in those locations.

The development, particularly the residential component, is of a scale (height and bulk) that is significantly greater than the existing lower density residential development to the north, east, and west of the site. Notwithstanding, the development is of a density and scale that has been envisaged for the site in accordance with the relevant site specific strategic planning policies and development controls.

Both the civic and residential components of the development display a high degree of architectural merit. The residential component of the development will result in a good level of amenity to future residents of the site. The application will result in considerable public benefit through the delivery of new public facilities including a library, a multipurpose pavilion attached to the library containing community meeting space, a café, a commercial tenancy to be owned by Council, a public park, and nine (9) affordable residential apartments to be owned by Council.

The development is Integrated Development, and was referred to Water NSW under section 91A of the *Environmental Planning and Assessment (EP&A) Act 1979*, as the development involves an aquifer interference activity requiring an authorisation under the *Water Management Act 2000*. Water NSW has assessed the application and issued General Terms of Approval.

On balance, the proposed development is generally consistent with the relevant planning controls applicable to the site, and where variations are proposed, those variations are considered to have merit, are justified having regard to the applicable objectives, and will not give rise to unacceptable environmental impacts. In the instance of the proposed building height variation, it is considered that the result will be an improved urban design and heritage conservation outcome, compared to a development that strictly complied.

Therefore, the application is recommended for approval subject to conditions.

4. Proposal

This Development Application (DA) seeks approval for the substantive redevelopment of the old Marrickville Hospital site to deliver what is known as “The Marrickville Community Hub”, as contemplated in a Delivery Agreement between Council and Mirvac.

The DA seeks approval for the following:

- The adaptive reuse of the former ‘Main Ward Block’ to accommodate a new Community Hub incorporating a public library, multipurpose pavilion, and public park;
- A café and children’s play area within the Community Hub area;
- The provision of a 255m² ‘leased area’ in the northern end of the former ‘Main Ward’, to be retained by Council and leased for a future commercial use;
- Three (3) new residential flat buildings, with nine (9) affordable and 212 private dwellings, comprising:
 - Building A1: 84 apartments within a new 10 (ten) storey building fronting Livingstone Road and the Community Hub to the south;
 - Building A2: 82 apartments within a new 11 storey building fronting Livingstone Road and adjoining Building A1; and
 - Building B: 55 apartments within a new nine (9) storey building fronting Lilydale Street.
- Alterations and the adaptive reuse of the two (2) storey former ‘Old Nurses’ Quarters’ building, also formerly known as Lilydale House (Building C), to include four (4) new apartments;
- The construction of two (2) separate basements, one (1) for the Community Hub and one (1) for the residential component, incorporating the following:
 - 60 car spaces for the Community Hub over one (1) basement level;
 - 237 car spaces and residential storage for the residential buildings over three (3) levels;
 - Two (2) car share pods; and
 - Loading and servicing facilities within each basement;
- Associated landscaping works, including:
 - The construction of a new public park at the corner of Livingstone and Marrickville Roads;
 - The construction of a communal open space in the centre of the site (referred to as “The Common”);
 - The retention and embellishment of Hospital Lane to create a north-south thoroughfare through the centre of the site; and
 - Communal and private open space within and around the buildings.

The development comprises two (2) main components, being the Community Hub, and the residential component. The applicant has also outlined an intention that the construction and

occupation of the Community Hub and the residential development be undertaken in a staged manner. Whilst one (1) approval is sought for the Community Hub and residential development, they are intended to be constructed and occupied separately, to align with the approved subdivision of the site. Figure 1 below outlines the two (2) stages.

The Community Hub and residential component will comprise separate basements/buildings, which are not structurally linked either below or above ground, and are therefore capable of being constructed independently, or simultaneously.

As such, the applicant has requested that any development consent issued allow for multiple Construction and Occupation Certificates to be issued separately for the Community Hub and residential component.

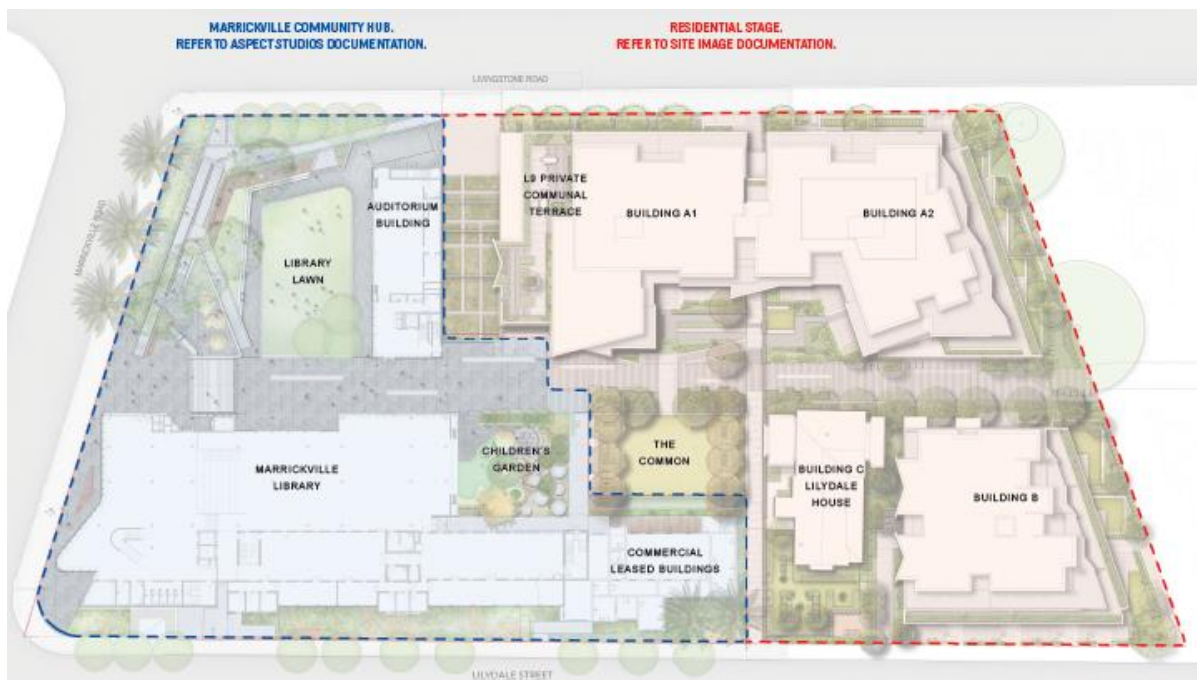


Figure 1: Extract from the submitted Landscape Plans prepared by Aspect Studios

The application was amended in response to issues raised in a letter to the application dated 7 March 2017, and the amended application was renotified.

The amendments included the following aspects:

- Various internal layout amendments to improve the amenity of residential apartments;
- Increased façade articulation and embellishment;
- Reduction in basement area to provide greater separation from the heritage buildings, and reduce the overall basement footprint; and
- Clarification of levels relating to existing heritage buildings resulting from more accurate survey information.

Additional information demonstrating the proposed amendments and clarifying various elements of the proposal was also submitted, including the following:

- Amended architectural plans and accompanying Design Reports and written responses prepared by the project Architects;
- Additional perspective plans and photomontages;
- Amended Landscape Plans and associated letters;
- Solar Analysis drawings (including 'Sun Eye Views');
- Shadow Diagrams;
- Apartment Compliance Summary Table;
- Natural Ventilation Compliance Plans and advice letter regarding cross ventilation;
- Gross Floor Area calculation plans;
- Internal Screening Plans;
- Civil Engineers letter;
- Lighting Plan;
- Public Art response;
- Heritage letter prepared by GML Heritage; and
- Advice letter regarding fire separation to car parking.

Following the renotification and subsequent assessment of the amended DA, further amendments to the northern elevation of Building A2 and Building B, as well as amendments to the landscape plans, have been made in response to requests by Council.

The further amendments related to the inclusion and installation of additional visual privacy screening devices to the northern elevation of Buildings A2 and B, in order to better prevent overlooking of residential properties, particularly to the north of the site.

The further amendments did not alter the internal layout of apartments, the location of openings, or the height of buildings, and therefore did not require renotification.

A summary of the development as proposed is provided in the table below:

Component	Proposal
Site area	11,482.4m ² (from survey)
GFA:	
• Community Hub	3,442.6m ²
• Residential	19,881m ²
Total:	23,323.60m ²
FSR	2.031:1
Maximum Building Height:	
• Community Hub	

Component	Proposal
<ul style="list-style-type: none"> Residential <ul style="list-style-type: none"> Building A1 Building A2 Building B Building C 	38.2m 32.8m 28.9m 10.2m
Residential Apartments	225 (including nine (9) affordable)
Apartment Mix: <ul style="list-style-type: none"> 1 bedroom 2 bedroom 3 bedroom 	67 134 24
Onsite Car Parking Spaces: <ul style="list-style-type: none"> Community Hub Residential Total:	60 237 297
Landscaped Area (Total soft landscaped area including landscaping over basement levels, but not including hard paved areas)	2,877m ² (25%)
Deep Soil Area	1,988m ² (17.3% of total site area)

5. Site Description

The subject site is known as the former Marrickville Hospital site, which is bound by Marrickville Road, Livingstone Road, Lilydale Street, and Hospital Lane, Marrickville. The site is located on the western edge of the Marrickville town centre, approximately 6.5km south west of the Sydney CBD.

The Marrickville Railway Station is located approximately 530m to the south of the site, and the Dulwich Hill Railway Station and the Dulwich Hill Light Rail Station located approximately 1.1km to the south west of the site.

Council is the owner of the entire site, which comprises the following land parcels:

- Lot 2 DP872693 (known as 313-319 Marrickville Road); and
- Lot 2 DP103507, and Lots 36 and 37 DP 3164 (known as 182-186 Livingstone Road).

It is an irregular shaped allotment, comprising a site area of approximately 11,482.4m² (from the submitted survey plan). The site has three (3) street frontages of approximately:

- 172.5m along Lilydale Street;
- 121m along Livingstone Road; and
- 81m along Marrickville Road.

The northern boundary is approximately 84.3m in length. Access to the site is provided from all street frontages, together with a further access from Hospital Lane, which runs south off Stanley Street and intersects with the centre of the northern boundary of the site.

The site is located within a Conservation Area identified within the Marrickville Local Environmental Plan (MLEP) 2011 as the Civic Precinct Heritage Conservation Area (C30), which has “Local Significance”. The site is identified in MLEP 2011 as accommodating a Heritage Item (being the buildings comprising the Former Marrickville Hospital), which also have a local level of significance.

The site is located within the vicinity of a cluster of locally significant heritage items including the following:

- 159 Livingstone Road - Federation Queen Anne mansion and coach house, “Penston Hall”;
- A letter box on Marrickville Road (near corner of Lilydale Street);
- 303 Marrickville Road - Marrickville Town Hall;
- 309 Marrickville Road - Marrickville Fire Station;
- 321 Marrickville Road - Edwardian House, “Montrose”;
- 332–334 Marrickville Road - St Clement’s Church, Hall and Rectory; and
- 344–392 Marrickville Road - St Brigid’s Church, Hall, Monastery, Shrine and grounds.

The site previously accommodated three (3) dwellings (located at 182-186 Livingstone Road), and a series of buildings which comprised the former Marrickville Hospital.

Figure 2 of this report is an extract of “Figure 1.3” from the Statement of Heritage Impact prepared by GBA Heritage (dated June 2016), which demonstrates the individual components of the former Marrickville Hospital site as existing in 2011.

The numbers on the Figure denote the following buildings:

- 1) Main Ward Block;
- 2) Early Operating Theatre and Ward Block;
- 3) Wardsmen’s Block;
- 4) Old Nurses Home;
- 5) Kitchen and Operating Theatre;
- 6) Boiler House and Laundry Block;
- 7) Nurses Home/Pathology;
- 8) 182 Livingstone Road;
- 9) 184 Livingstone Road; and
- 10) 186 Livingstone Road.

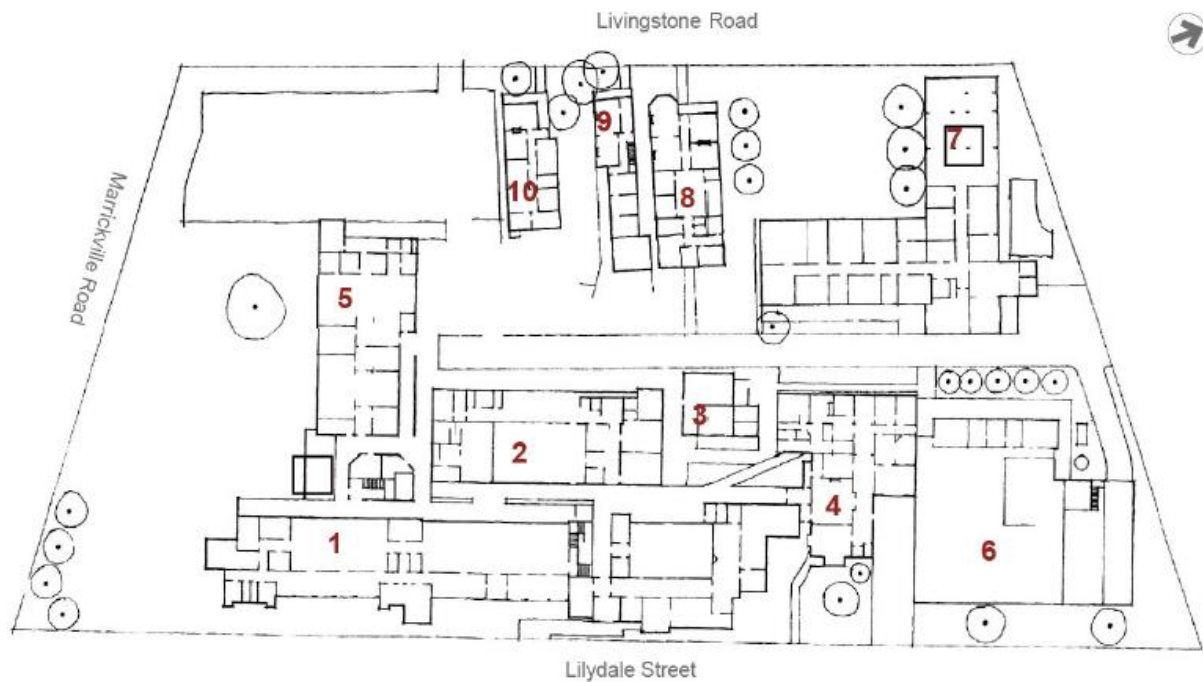


Figure 2: Diagram demonstrating previous structures at the site

The site has undergone recent works in accordance with other Development Consents, so that all of the buildings previously located at the site have been demolished other than the Main Ward Block (Building 1 in Figure 2), and the Old Nurses Home (being Building 4 in Figure 2) which have been assessed as the buildings containing the most heritage significance.

The locational context of the site is demonstrated in Figure 3. Figure 4 demonstrates the allotment layout which comprises the site, and Figures 5 and 6 are aerial photographs demonstrating the site from 2011 (when all of the buildings remained), and as it was at the beginning of July 2017 with buildings having been demolished, trees removed, and earthworks underway.



Figure 3: Location Plan (site outlined in red)

The topography of the site is such that it has a general fall from the southern boundary (Marrickville Road frontage) to the northern boundary. The survey plan indicates that there is an approximate 8m difference in the levels from the south west corner to the north east corner of the site.

The gradient is relatively gentle at 5%, given the fall is spread over the north south axis of the site, which is up to 172.5m in length (in part).

Figures 7 to 15 are photos of the site. The photos are of the site prior to the demolition of most of the buildings. Figures 16 to 26 are photos of the surrounding area and development.



Figure 4: Site with cadastre overlay



Figure 5: Aerial photograph of the site (October 2011 – Source: Nearmap)



Figure 6: Aerial photograph of the site (July 2017 – Source: Nearmap)



Figure 7: Photo of the eastern elevation of the Main Ward Block of the former Marrickville Hospital



Figure 8: Photo of the eastern elevation of the Main Ward Block building looking north along Lilydale Street



Figure 9: Photo of some current and previous buildings at the site – view from Lilydale Street looking south west



Figure 10: View from Stanley Street looking south along Hospital Lane – with the former Nurses Home and Pathology building on the right of the photo (now demolished).

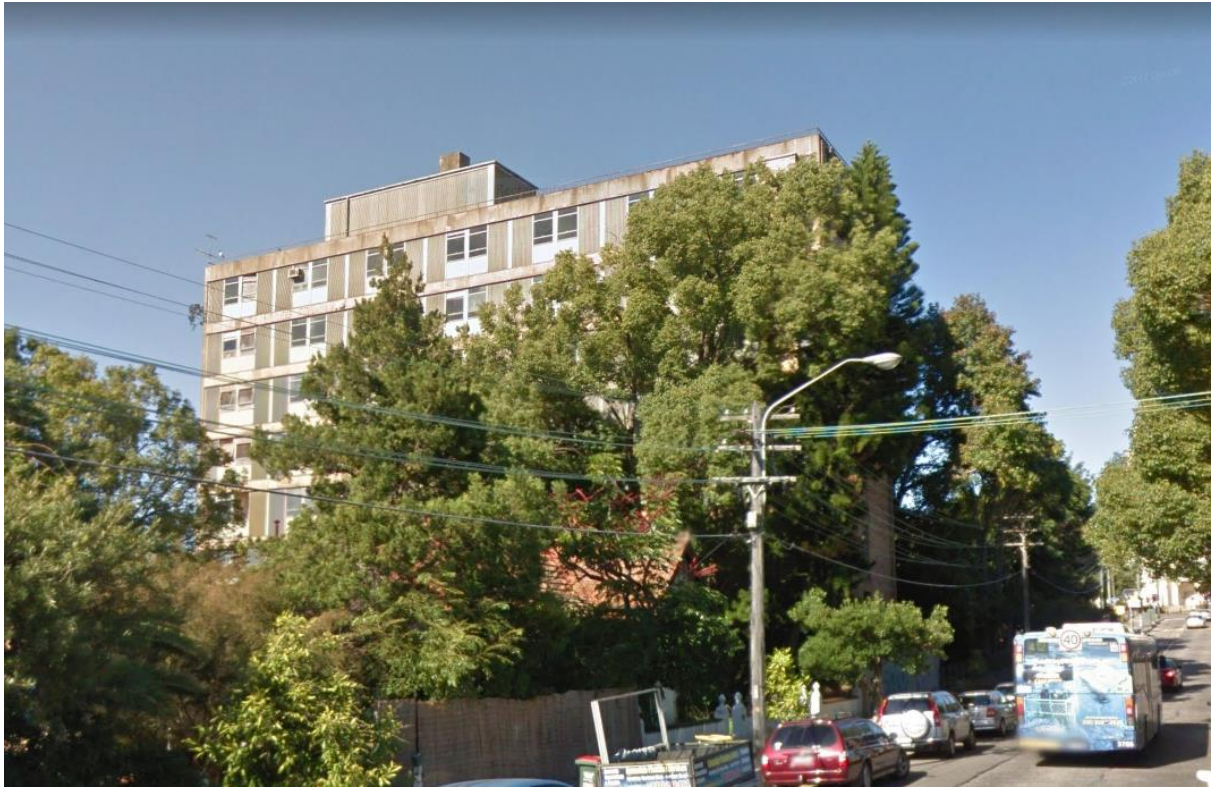


Figure 11: View from Livingstone Road looking south east towards the northern elevation of the former Nurses Home and Pathology building (now demolished).



Figure 12: View from Livingstone Road of the western elevation of the former Nurses Home and Pathology building (now demolished).



Figure 13: View from Livingstone Road of the western elevation of the former three (3) dwellings at 182-186 Livingstone Road (now demolished)

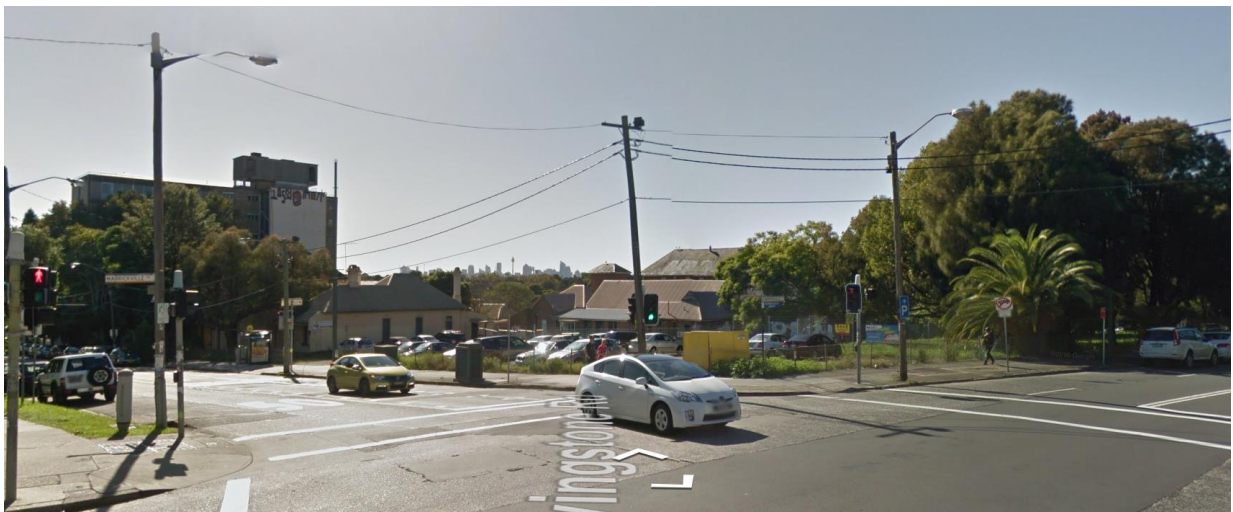


Figure 14: View from the intersection of Livingstone Road and Marrickville Road looking north east over the site (many of the buildings in the photo and all of the trees at the site are no demolished and or removed).



Figure 15: View from Marrickville Road looking north over the site (the trees in the photo have been removed).

Development in the vicinity of the site is characterised by a mixture of residential, civic, and commercial buildings and uses.

Immediately to the north of the site are single storey dwellings located at 172, 170, 168, and 166 Livingstone Street, and a number of detached, single storey residential dwellings at 28 to 40 Lilydale Street.

Beyond the single storey dwellings in Livingstone Road is the Greek Macedonian Club on the corner of Livingstone Road and Stanley Street (160-164 Livingstone Road). The buildings to the north of the site are demonstrated in Figures 16 to 19.

Further north, development is predominantly low density residential dwellings (interspersed with several medium density residential flat buildings), Marrickville High School, Marrickville Park, Henson Park, and Wilkins Public School.

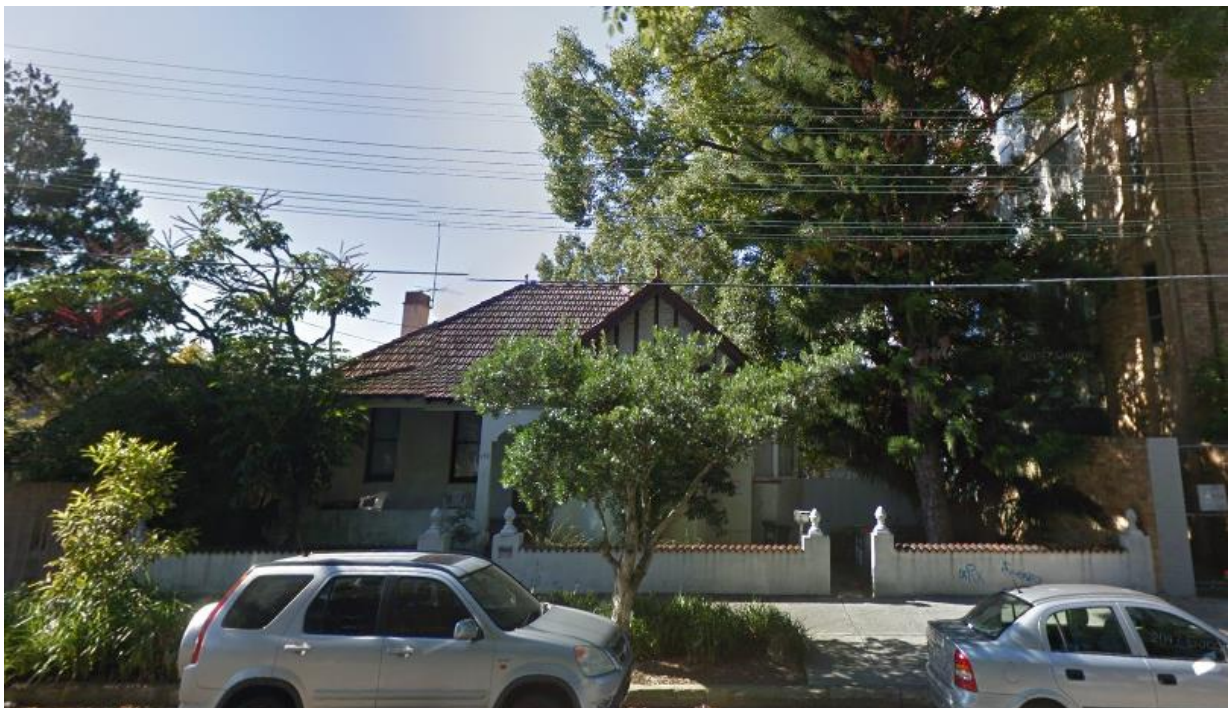


Figure 16: Single storey dwelling at 172 Livingstone Road



Figure 17: Single storey dwellings (behind the vegetation) at 166-168 Livingstone Road and the Greek Macedonian Club at 160-164 Livingstone Road (left of photo).



Figure 18: Single storey dwellings at 28 Lilydale Street



Figure 19: Single storey dwellings at 30 to 34 Lilydale Street

Located to the west of the site, on the opposite side of Livingstone Road, is the Marrickville Community Health Centre (155-157 Livingstone Road,) and child care centre. The child care centre is accommodated within the two (2) heritage items at 159 Livingstone Road (i.e. “Penston Hall” – refer to Figure 20), whereas the Health Centre is accommodated within a relatively modern three and a half storey building (refer to Figure 21).

Elsewhere along the western side of Livingstone Road opposite the site is low density residential development.

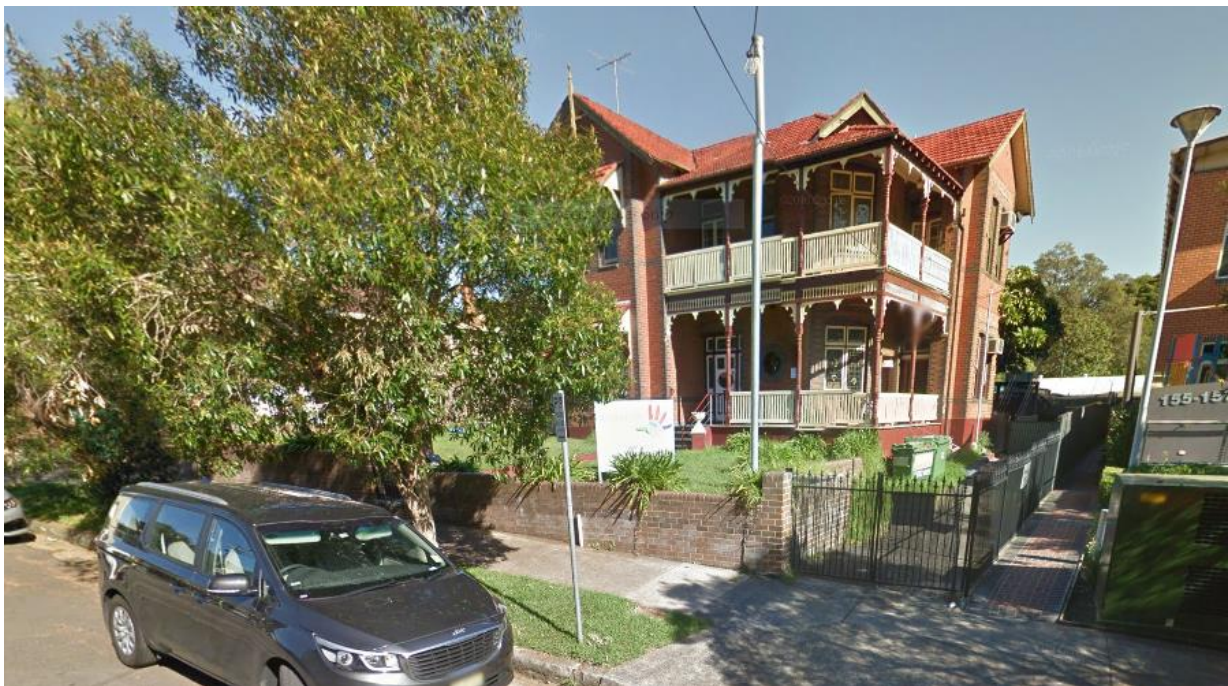


Figure 20: 159 Livingstone Road - Penston Hall



Figure 21: Marrickville Community Health Centre

To the south of the site is the St Brigid's Catholic Church. The Church is located within a relatively large site, which also includes open space fronting Marrickville Road and the St Brigid's Catholic Primary School (refer to Figure 22).



Figure 22: St Brigid's Catholic Church

To the south west, diagonally opposite the site and on the south western side of the Livingstone Road and Marrickville Road intersection (at 394 Marrickville Road), is a two (2) storey commercial type building used for multiple purposes including a gym, dance school, dentist, and physiotherapy centre (refer to Figure 23).



Figure 23: Building at 394 Marrickville Road.

Further south, behind St Brigid's Catholic Church, is Casimir Catholic College and a mix of low and medium density residential type buildings.

To the east of the site, at the intersection of Marrickville Road and Lilydale Street (311 Marrickville Road), is a two (2) storey building which accommodates the Inner West Endoscopy Centre (refer to Figure 24).



Figure 24: Inner West Endoscopy Centre – 311 Marrickville Road



Figure 25: Single dwellings located in Lilydale Street opposite the site – looking south.



Figure 26: Single dwellings located in Lilydale Street opposite the site – looking north.

Further east along Marrickville Road is a mixture of Civic buildings (including the current Marrickville Library, Town Hall, and the Fire Station), commercial buildings, and medium density residential buildings.

To the north east, beyond Petersham Road, there is a mixture of low density and higher density residential development.

6. Background

The site operated as the Marrickville Hospital from 1899 until its closure in 1991. Marrickville Council purchased the site (excluding the three (3) dwellings at 182-186 Livingstone Road, Marrickville) from NSW Department of Health in 1995. Council purchased 182-186 Livingstone Road, Marrickville in 2005.

In 2009, Council commissioned GMU to prepare a masterplan for the redevelopment of the site. The masterplan recommended that the site be used to provide substantial new community facilities, in particular, a new civic and library complex. The masterplan was considered as part of the LEP process, and subsequently adopted with regard to FSR and height.

It is noted that the GMU masterplan included, amongst other elements, a 10 (ten) storey building on the corner of Marrickville and Livingstone Roads. The GMU work formed the basis of the Masterplan in the Marrickville Development Control Plan (MDCP) 2011 for the site. Council resolved to develop the site for the purpose of a new library and community facilities, and between 2011 and 2015, Council considered the funding arrangements to develop the site, and underwent an EOI process.

As part of those deliberations, Council selected three (3) architectural firms to participate in a tender and design competition process, and engaged BVN Architects. BVN prepared a report titled Master Planning for Precincts C, D and E (& B) which modified the concept plans for the site.

One of the modifications to the masterplan, accepted by Council, was that the development was to include the provision of 1,200m² of contiguous Open Space, fronting Marrickville Road.

An EOI process commenced in 2013, with Council resolving that the provision of the new Library and Community Hub was required to be revenue neutral - i.e. that any income from the sale of the site must fully pay for the new Library and Community Hub.

As a result of changes to the preferred development scenario and the modified masterplan for the site, the need for consequential changes to Part 9.40 of MDCP 2011 arose. Accordingly, revised Masterplan controls for the site were developed to guide future development on the land in accordance with Council's adopted vision for the site, and these came into force on 2 March 2015 under Amendment 3 to MDCP 2011.

In October 2015, Mirvac was selected by Council as the project developer for the site, including the substantial new community facilities ("Community Hub") for which a design was prepared by Council. The development scheme for the site represents the culmination of extensive master planning, design, and tender processes led by Council over the past 20 years.

6(a) Site history

The following applications are relevant to the site, and have previously been approved as preliminary steps in the process of preparing the site for redevelopment:

Application	Proposal	Decision & Date
DA201200169	DA for the demolition of Buildings 5 and 6, removal of hazardous materials, make safe remaining buildings, decommissioning of services and utilities, and tree removal.	Approved on 11 July 2012

Application	Proposal	Decision & Date
DA201400639	DA for the demolition of Buildings 8, 9 and 10	Approved on 22 May 2015
DA201400640	Involved the demolition of Buildings 2, 3 and 7 within the former Marrickville Hospital site and for site preparation works including removal of trees and decommissioning of utilities at the site.	Approved on 20 May 2015
DA201400640.01	Modification to DA201400640, including the removal of an additional eight (8) trees and also by increasing the amount of demolition previously approved.	Approved on 21 November 2016
DA201400640.02	Modification to DA201400640 including removal of hazardous materials within the ceiling cavities and non-heritage components of the former Nurses Quarters (Building 4) in preparation of the adaptive reuse of the building for residential apartments and to prune 5 trees located in Lilydale Street adjacent to the eastern boundary of the site.	Approved on 1 March 2017
DA201600430	DA for Stage 1 civil works, including site preparation works, bulk excavation, remediation and validation works, and construction of a new stormwater line the east of the site to connect to the existing stormwater system in Lilydale Street.	Deferred commencement consent approved on 16 December 2016
DA201600475	DA for Stage 2 civil works on the residential (Northern) portion of the site.	Deferred commencement consent approved on 16 December 2016
DA201600582	DA for the erection of temporary project information signage on the construction hoarding along Livingstone Road, Marrickville Road and Lilydale Street frontages of the former Marrickville Hospital site.	Approved on 23 December 2016
DA201600533	DA for the subdivision of the site into 2 lots to create the community parcel and the residential parcel, with the necessary easements and restrictions.	Approved on 6 March 2017

7. Assessment

The following is a summary of the assessment of the application in accordance with Section 79C of the *Environmental Planning and Assessment (EP&A) Act 1979*.

7(a) Environmental Planning Instruments

The application has been assessed against the relevant Environmental Planning Instruments listed below:

- State Environmental Planning Policy (State and Regional Development) (SRD SEPP) 2011;
- State Environmental Planning Policy No 55 - Remediation of Land (SEPP 55);
- State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development (SEPP 65);
- State Environmental Planning Policy (Building Sustainability Index: BASIX) (BASIX SEPP) 2004; and
- State Environmental Planning Policy (Infrastructure) (ISEPP) 2007.

The following provides further discussion of the relevant issues:

7(a)(i) State Environmental Planning Policy (State and Regional Development) 2011

The estimated cost of development was stated as \$99,369,000. As the proposal is a class of development described in Schedule 4A of the *EP&A Act 1979*, being a development that has a CIV of more than \$5 million, and to which Council is the land owner, Part 4 of the SRD SEPP applies to the DA. Under Part 4 of the SEPP, the Council's consent function is exercised by the Sydney Central Planning Panel (SCPP).

7(a)(ii) State Environmental Planning Policy No 55 - Remediation of Land

SEPP 55 provides planning guidelines for remediation of contaminated land. MDCP 2011 provides controls and guidelines for remediation works. SEPP 55 requires that remediation works must be carried out in accordance with a Remediation Action Plan (RAP) as approved by the consent authority, and any guidelines enforced under the *Contaminated Land Management Act 1997*.

It is noted that a detailed assessment of the site in accordance with the provisions of SEPP 55 was undertaken as part of DA201600430, which involved Stage 1 of civil works at the site and remediation of the site.

As part of that previous DA, the applicant submitted a Detailed Site Investigation (DSI) which identified that some land contamination was evident, and the site could be made suitable for the future mixed use (residential and community hub) redevelopment, subject to the implementation of a submitted RAP and associated Interim Audit Advice.

Development Consent was subsequently issued for DA201600430 which, amongst other matters, included conditions that required the remediation of the site in accordance with the approved RAP, as well as a Site Audit Statement to be prepared by a qualified Site Auditor and submitted to Council demonstrating that remedial activities have rendered the site suitable, and that contamination is managed or no longer a concern.

It is noted that a Construction Certificate has been issued for DA201600430, and those works are underway. Consequently, the site will be made suitable for the mixed uses proposed under the current DA as part of the previous approvals for the site.

Notwithstanding, and to provide certainty, a condition has been recommended as part of the conditions of consent for the current DA to ensure that the remediation works approved under DA201600430 are completed and validated prior to the issue of a Construction Certificate for the current DA.

Subject to the recommended conditions of consent and the proposal accords with the provisions of Clause 7 of SEPP 55.

7(a)(iii) State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development

The development is subject to the requirements of SEPP 65.

SEPP 65 prescribes nine (9) design quality principles to guide the design of residential apartment development, and to assist in assessing such developments. The principles relate to key design issues including context and neighbourhood character, built form and scale, density, sustainability, landscape, amenity, safety, housing diversity and social interaction and aesthetics.

A statement was submitted with the application verifying that two (2) registered architects (i.e. Kim Bazeley of Mirvac Design and Tim Greer of Tonkin Zulaikha Greer Architects) directed the design of the residential component of the proposed development.

The statement also provides an explanation that verifies how the design quality principles are achieved within the development and demonstrates, in terms of the Apartment Design Guide (ADG), how the objectives in Parts 3 and 4 of the guide have been achieved.

It is noted that the application has also been reviewed by Council's Architectural Excellence Panel (AEP). The AEP supported the application and concluded that the *"proposal will provide significant public benefits in terms of public domain improvement, delivery of community facilities, heritage preservation and affordable housing provision"*.

The AEP also provided various recommendations and suggestions with respect to design refinements.

In addition, Council separately engaged Steve Kennedy and Associates, independent architects, to peer review and provide comment on the application from an urban design and architectural perspective.

The recommendations and suggestions of the AEP and the independent urban design architect were forwarded to the applicant as part of formal requests for amendments and additional information.

The applicant has responded with amended plans and additional information which has clarified and addressed various matters raised by the AEP and independent urban design expert.

Having regard to the amended proposal and the applicant's design responses to the AEP and independent urban designer, the proposed development is considered acceptable having regard to the nine (9) design quality principles.

The key responses are provided below, noting that some of the matters raised by the AEP and independent urban designer relate to the Community Hub, and not directly to the residential component. Notwithstanding, the comments and responses are pertinent to the overall design quality of the mixed use development and therefore are provided under this section of the assessment report:

- 1. Significant level change across the site and Council's requirement for vehicular access for future events (right-of-way) from Hospital Lane create challenges to its implementation. There is a risk, therefore, that the through-site link could have the appearance of a wheelchair ramp.*

The applicant has submitted a detailed drawing titled Public Domain Levels (Drawing SK0027) which detail all levels of all the public domain spaces and ramps throughout the site. In addition, a "Hospital Lane Render" has been provided which provides a CGI perspective of the main through-site link from the south looking north – refer to Figure 27.

The additional information demonstrates the change in levels across the site, and the way in which the application deals with those levels from a pedestrian access point of view.

The proposed network of pedestrian access pathways through the site have been designed to comply with the applicable DDA and accessible requirements, and are considered to be well treated from an architectural and landscaping perspective. The spaces will be functional and visually interesting.



Figure 27: Hospital Lane Render

2. Potential overshadowing of public park by non-compliant height elements.

Additional shadow diagrams have been submitted demonstrating that the height non-compliance of Buildings A1 and A2 has a negligible negative impact on the solar amenity of the public open spaces.

3. Ramp design in the new public park.

A written submission with associated drawings have been submitted, demonstrating that the level change from Marrickville Road (EX RL 20.33) to the Library Lawn (RL 17.460) requires a significant length of ramping to achieve DDA compliant access.

The approach to the design of these ramps has been to integrate them within the landscape to not only provide ramped access to the lawn, but also to the range of terraces at different levels.

The majority of ramping has been pushed towards Marrickville Road and Livingstone Road, alongside a planted embankment, and integrated with retaining walls which would have otherwise been unutilised. Pushing the ramps to the edges of the park also means they form part of a buffer that separates the lawn from the visual and noise impacts of surrounding streets.

The location of the ramps located at the edges of the site also results in a larger central gathering space adjacent to the Community hub buildings. The applicant also provided an additional CGI perspective to clarify the design – refer to Figure 28.



Figure 28: Extract from Public Open Space Perspective prepared by BVN Architects

4. Design resolution to improve way finding and avoid confusion about the location of the main entrance to the library.

A written submission with associated drawings has been submitted, demonstrating that the design of the entry is intended to create a single point of entry for the library building. This element has been primarily driven by book security, and a desire to have single reception desk to the new library as directed by Council. The challenge of the site levels created the necessity for the use of lifts, ramps and stairs to drop down to the courtyard/entry level from Marrickville Road. The glazed nature of the entry, its scale (with four (4) double entry doors), and its visibility on approach from multiple directions acknowledges the porous nature of the site.

The applicant has stated the following:

“It is envisaged that a large proportion of the library users will access the site from Marrickville Road by descending the main stairs down to courtyard level. The conundrum for the design team was maintain a single point of entry at courtyard level yet make it relatively easy for accessible users and mothers with prams to gain access to the building from Marrickville Road via the courtyard entry level. The strategy was to create a discreet lift access to take them down one level. For first time users, signage will indicate the lift access at the top of the stairs if they don't want to take the adjacent ramp. Appropriate signage and architectural treatment of the lift entry will mitigate confusion for users.

The architectural treatment of the lift lobby and service entry doors required for the cafe at Marrickville Road level is detailed to be solid and recessive in appearance which is in direct contrast to the glazed/ transparent main entry. BVN's opinion is that the current design meets the Council's brief while managing the challenges of the site levels appropriately to create an egalitarian experience for all users.”

The written submission is supported by a CGI perspective of the lift and entry area from Marrickville Road – refer to Figure 29.



Figure 29: Extract from BVN perspective of proposed Library entry from Marrickville Road

5. *The transition between the new roof to the library and the original roof to the old hospital building (East Elevation facing Lilydale Street) requires refinement so that the new roof does not engage with the original roof.*

The amended plans demonstrate further refinement of this element, such that the design has been amended to not engage the existing hip roof, while allowing views of the old building from within the new building – refer to Figure 30.

6. *It would be beneficial if the design of the library roof was reconsidered to provide valley gutters at a maximum gradient of 1:100 to improve drainage and reduce need for maintenance.*

The design of the skylight connection detail on the western side has been refined. Additional information has been provided by the Library architects as well as the applicant's hydraulic engineer which details that required waterproofing will be provided, and that the proposed roof gutter design has been undertaken in accordance with requirements as noted in the NCC and AS3500 which is typically used for all roof water drainage systems. Additionally, the design will allow views of the Heritage building details internally.

The amended design addresses the AEP concerns.

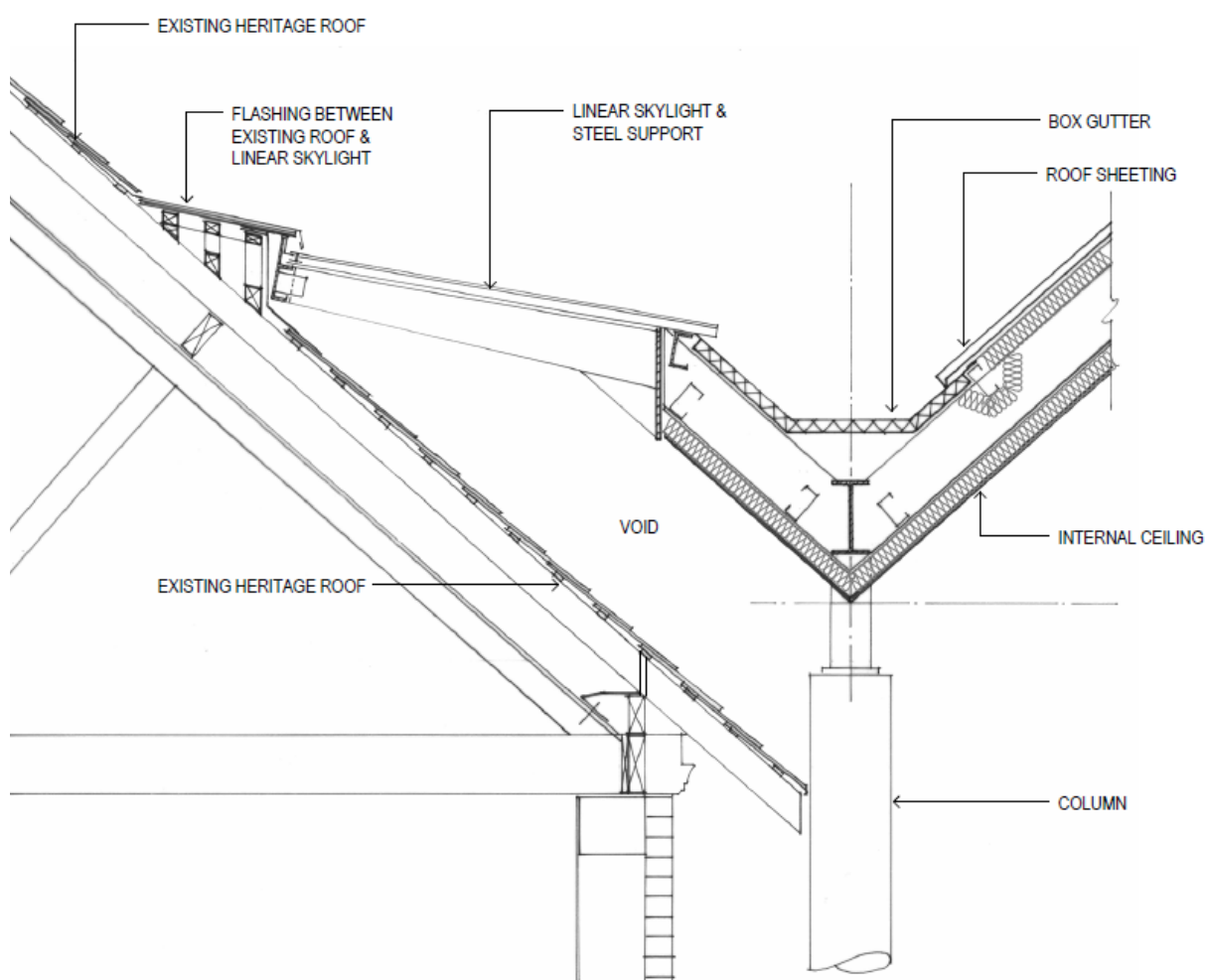


Figure 30: Extract from Library Roof Detail prepared by BVN

7. *The balconies/bedrooms where Buildings A1 and A2 turn the corner create dwelling proximity and separation issues that are difficult to resolve.*

The applicant has provided detailed drawing of the relationship between Buildings A1 and A2 where they "turn the corner". The drawing demonstrates that attention has been given to the orientation of balconies and openings as well as the configuration of internal layouts that when combined with proposed fixed and operable vertical louvered blades, an acceptable level of visual privacy will be achieved – refer to Figure 31 which is an extract of Drawing SK0022.

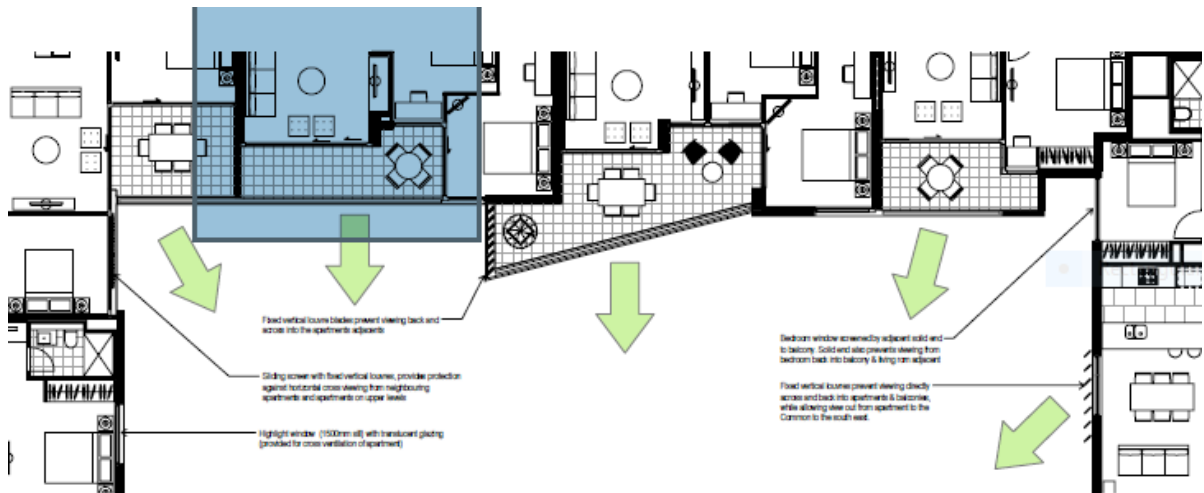


Figure 31: Extract of Drawing SK0022 – “Building A Internal Corner Screening”

8. *Sun's eye view analysis demonstrating solar access compliance in winter should be provided.*

The applicant has provided ‘sun eye’ diagrams which demonstrate that more than 70% of the living rooms and private open space areas of the residential apartments will achieve sunlight between 9:00am and 3:00pm in midwinter.

9. *Cross-ventilation diagrams demonstrating compliance with ADG’s requirements should be provided.*

The applicant has provided diagrams and statements from ventilation experts which demonstrate that 60% of the proposed apartments will be naturally cross ventilated.

10. *The proposal should demonstrate BCA compliance with requirements for fire separation in relation to car parking numbers (40 maximum) per compartment.*

The applicant has provided a statement from BCA experts (the McKenzie Group) which confirms that the car park will be sprinkler protected in accordance with Table E1.5 of the BCA and as such the requirement for fire separation is not required to be restricted to 40 car parking spaces per compartment.

Apartment Design Guide (ADG)

The ADG contains objectives, design criteria and design guidelines for residential apartment development. In accordance with Clause 6A of the SEPP, certain requirements contained within MDCP 2011 do not apply. In this regard, the objectives, design criteria, and design guidelines set out in Parts 3 and 4 of the ADG prevail.

The following provides further discussion of the relevant issues:

Communal and Open Space

The ADG prescribes the following requirements for communal and open space:

- Communal open space has a minimum area equal to 25% of the site; and
- Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of two (2) hours between 9:00am and 3:00pm on 21 June (midwinter).

The Objective of Part 3D-1 (Communal and public open space) of the ADG is as follows:

“An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping”

Communal and open space is proposed to be provided within the residential component of the development in the following forms:

- Eastern terraces – located on the eastern side of Buildings A1 and A2 (250m²);
- The Common (600m²);
- Terrace on Level 9 of Building A1 (50m²);
- Terrace on Level 10 of Building A1 (150m²);
- Communal Garden / Kitchen Garden at the front of ‘Lilydale House’ (150m²); and
- Hospital Lane.

The proposal includes the provision of BBQ facilities and seating within some of the communal open spaces.

It is noted that public access through the site is proposed via Hospital Lane, and also from Lilydale Street via a pedestrian pathway between the Main Ward Block and ‘Lilydale House’.

Additionally, 1,250m² of public open space is to be provided on the corner of Marrickville and Livingstone Roads, associated with the new Marrickville Library and Community Hub, as well as the Children’s Play Area at the northern end of the Library.

When combined, the public and communal open space (including Hospital Lane) is greater than 25% of the site area.

It is noted that the shadow diagrams submitted with the DA demonstrate that on balance, the combined communal open space will not receive 50% direct sunlight for a minimum of two (2) hours between 9:00am and 3:00pm on 21 June (midwinter). Notwithstanding, each section of the communal open space will receive sunlight at various stages throughout the day so that the Terrace on Level 10 will receive 50% sunlight, The Common will receive small amounts of sunlight in the morning and afternoon, but will be in approximately 70% sun at midday. The Hospital Lane and the eastern terraces will receive sporadic sunlight, the south western public park will receive 30% direct sunlight, while the Children’s Play Area will receive more than 50% sunlight for greater than two (2) hours in the winter solstice.

It is considered that the combination of the communal, private, and public open space throughout the site will provide a high amenity to the future residents, and will result in a range of options, satisfying a wide range of recreational needs.

In view of the above, the communal open space is considered acceptable and satisfies the Objective at Part 3D-1 of the ADG.

Deep Soil Zones

The proposal provides approximately 17% of the residential site area, and the total site area, as deep soil landscaping. This is well in excess of 7% of the site area, and the proposal is compliant with ADG requirements.

Visual Privacy/Building Separation

- Building A2 and Building B

The application does not fully comply with the recommendations of the ADG with respect to the building separation between Buildings A & B, with building separation of 12m (from ground level to the fourth storey), 18m (fifth storey to the eighth storey) and 24m (ninth storey and above) applying to the development in this location.

The lower four (4) storeys are separated by between 10m and 17m, the fifth storey to the ninth storey of the respective buildings are separated by between 13.4m and 17m.

Although the separation distances do not fully meet the recommended Design Criteria of the ADG set out in Part 3F-1 Visual Privacy, the proposed separation distances are considered to satisfy the Objective F Part 3F-1 which states the following:

“Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy may be able to be supported where the objectives for adequate building separation distances are met.”

In particular, the design of the development demonstrates that adequate visual privacy between Building A2 and Building B will be achieved. Specifically, the applicant has provided details of how the visual privacy between these two (2) buildings will be achieved, including through the offsetting of openings, angled orientation of openings, and the installation of visual privacy screening devices.

The proposal is demonstrated in the drawing titled “Building Separation Typical Plan for Levels 03-08” (SK0021), which was submitted by the applicant in response to a request for greater details relating to visual privacy and building separation raised by Council and the AEP. An extract of the drawing is provided below in Figure 32. Additionally, a document titled “DA201600434 Design Response May 2017” included an illustration and analysis of the building separation between Building A2 and Building B (refer to Figure 33).

The design incorporates movable privacy screening to the upper levels of Building A2 and Building B to mitigate privacy impacts and overlooking opportunities between the buildings. The screening is in the form of a combination of sliding and fixed aluminium, horizontal louvres for bedrooms, and fixed aluminium horizontal louvre screens for balconies.

The design of the apartment layouts and the orientation assist in providing privacy at this interface by directing the principal outlook away from neighbouring apartments, as demonstrated in the submitted drawing SK0021.

Additionally, the majority of apartments in the western portion of Building B have been designed so that their bedrooms face Hospital Lane. This allows the apartments occupying

the north eastern wing of Building A to locate their living area and balconies along the eastern façade, and take advantage of both access to sunlight and outlooks toward the city.

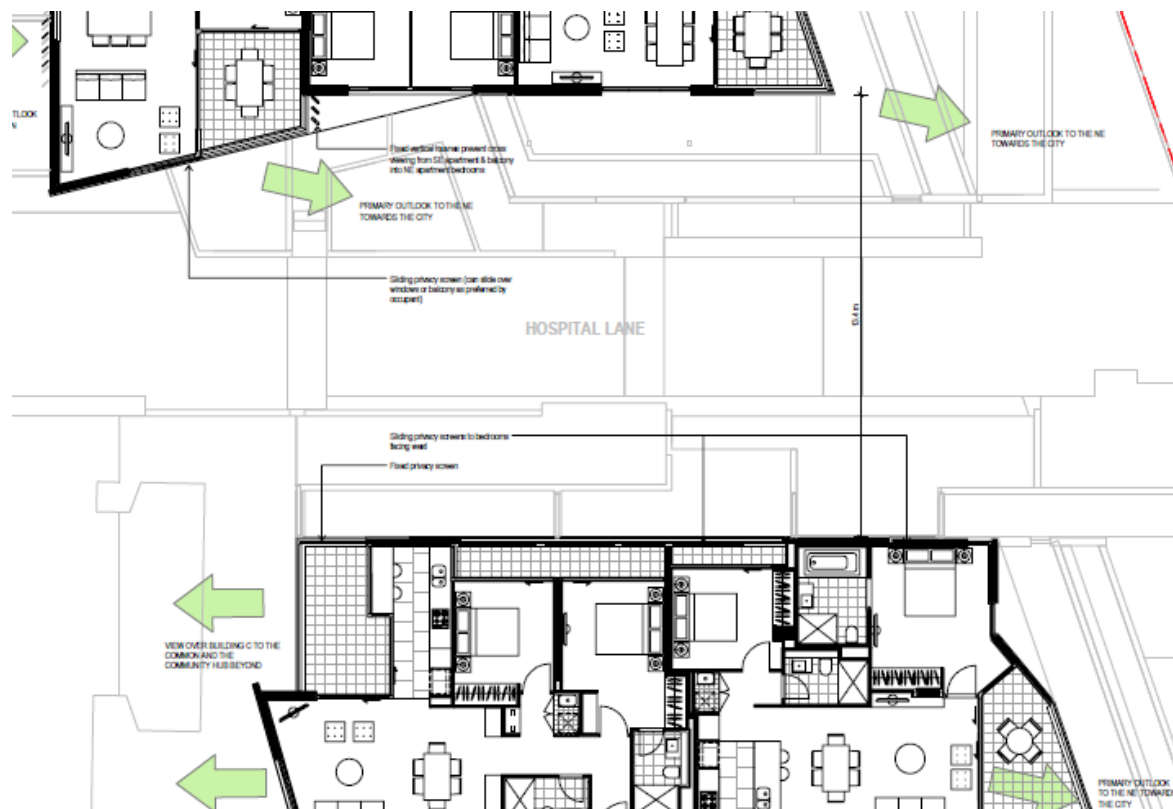


Figure 32: Extract from drawing SK0021 submitted by the applicant

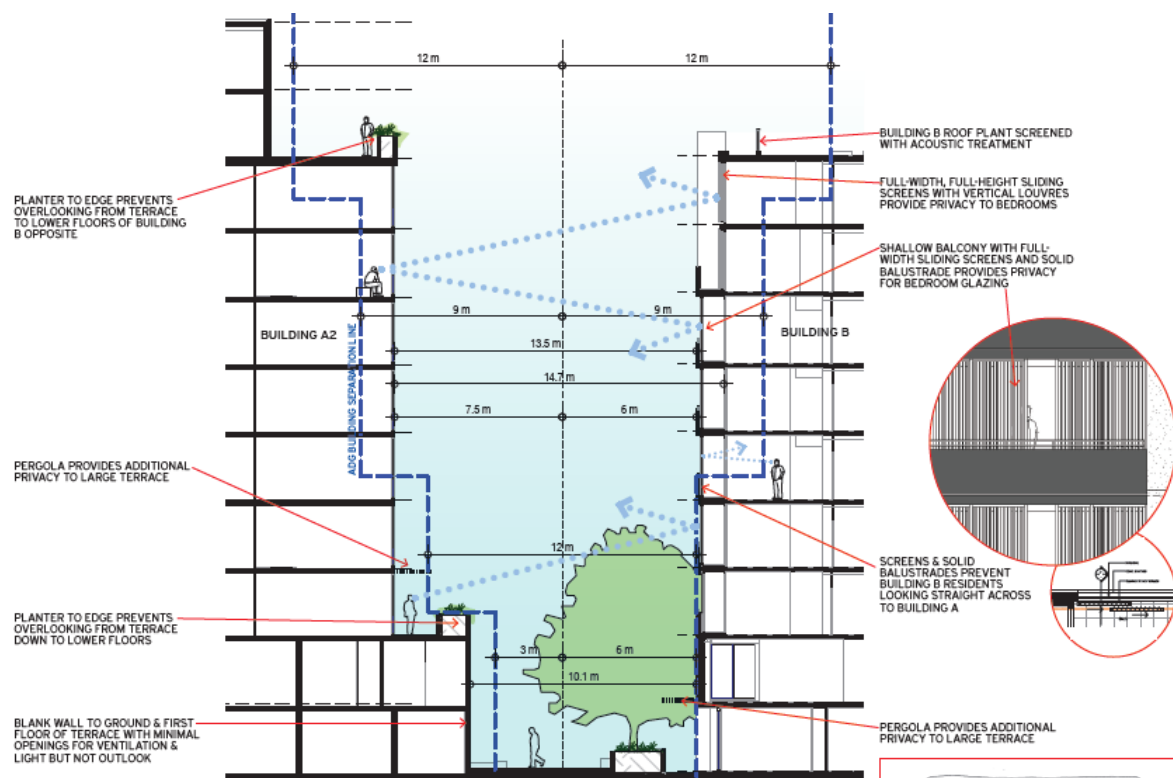


Figure 33: Extract from document titled "DA201600434 Design Response May 2017"

On the lower two (2) levels of Building B, where living areas (instead of bedrooms) are orientated towards Hospital Lane, a landscape zone with mature tree planting has been proposed in order to achieve an appropriate level of screening and amenity.

In terms of visual massing, the buildings are positioned at the northern end of the site, straddling and marking the 're-formed' Hospital Lane. The relationship between Building A and B across Hospital Lane is an important element of the design of the public domain and the overall urban design outcomes of the redevelopment of the site. Hospital Lane is intended as the focal pedestrian link through the centre of site, with two (2) key main 'gateway' entry points at either end. The southern gateway is generated by the pleated roof of the new Library, with the northern gateway created by the juxtaposition of Building A and B straddling Hospital Lane. This will provide a clear delineation between adjacent low scale residential development to the north, and the clearly more urban, denser, and more public and communal centre of the site.

It is also noted that the separation distances between Buildings A2 and B are consistent with the separation envisaged for these two (2) buildings in the site specific masterplan as set out in the DCP.

In this instance, it is considered that the Objective of Part 3F-1 Visual Privacy has been met, and the proposed separation between the two (2) buildings is acceptable.

- Separation between Building A2 and Building B and the residential properties to the north

The application does not fully comply with the recommendations of the ADG with respect to the building separation between Buildings A & B and the northern boundary. It is, however, noted that at several levels, the proposed building separation is greater than what is recommended in Part 3F-1 of the ADG, while at other levels the separation is less than what is recommended in the Design Criteria of the ADG.

Again, it is noted that recommended building separation is 12m from ground level to the fourth storey, 18m from the fifth storey to the eighth storey, and 24m from the ninth storey and above.

The ADG indicates that each site should provide half of the recommended separation distances. The ADG also indicates as "Design Guidance" that an increased separation distance of 3m (in addition to the above design criteria) should be employed when adjacent to a different zone that permits lower density residential development.

In this instance, the northern boundary of the site represents the boundary between the R4 High Density Zone (at the subject site) and the R2 Low Density Residential Zone (to the north) and therefore the additional 3m recommended separation distance applies.

Notwithstanding the above, the masterplan within the DCP indicates setbacks to the northern boundary for Building B in the order of 3m to 6m, while Building A2 is indicated as having a splayed setback of between approximately 3m, ranging to approximately 18m, although the setbacks are not dimensioned on the masterplan, and are not prescribed in the DCP.

The DA includes the following setbacks to the northern boundary:

Building A2	
Ground Level	Minimum 6m and up to 9.5m to glazing line
Level 1	Minimum of 6m to glazing and balcony line, and up to 11m to glazing line
Level 2	Minimum of 8m to the balcony line and a minimum of 9.5m to the glazing line and up to 12m to the glazing line.
Level 3	Minimum of 9m to the balcony line and a minimum of 10m to the glazing line and up to 12.3m to the glazing line.
Level 4	Minimum of 9m to the balcony line and a minimum of 10m to the glazing line and up to 12.3m to the glazing line.
Level 5	Minimum of 9m to the balcony line and a minimum of 10m to the glazing line and up to 12.3m to the glazing line.
Level 6	Minimum of 9m to the balcony line and a minimum of 10m to the glazing line and up to 12.3m to the glazing line.
Level 7	Minimum of 9m to the balcony line and a minimum of 10m to the glazing line and up to 12.3m to the glazing line.
Level 8	Minimum of 9m to the balcony line and a minimum of 10m to the glazing line and up to 12.3m to the glazing line.
Level 9	Minimum of 10m to the balcony line and a minimum of 10.5m to the glazing line and up to 14.5m to the glazing line.
Level 10	Minimum of 10m to the balcony line and a minimum of 10.5m to the glazing line and up to 14.5m to the glazing line.

Building B	
Ground Level	Minimum 6m and up to 9.5m to glazing line
Level 1	Minimum of 6m to glazing and balcony line, and up to 10.5m to glazing line
Level 2	Minimum of 8m to the balcony line and a minimum of 9.5m to the glazing line and up to 12m to the glazing line.
Level 3	Minimum of 9m to the balcony line and a minimum of 10m to the glazing line and up to 12.3m to the glazing line.
Level 4	Minimum of 9m to the balcony line and a minimum of 10m to the glazing line and up to 12.3m to the glazing line.
Level 5	Minimum of 9m to the balcony line and a minimum of 10m to the glazing line and up to 12.3m to the glazing line.
Level 6	Minimum of 9m to the balcony line and a minimum of 10m to the glazing line and up to 12.3m to the glazing line.
Level 7	Minimum of 10m to the balcony line and a minimum of 11m to the glazing line and up to 15m to the glazing line.
Level 8	Minimum of 10.2m to the balcony line and a minimum of 11m to the glazing line and up to 15m to the glazing line.

As outlined in the Table above, the proposed development includes a stepped and varied setback arrangement to the northern boundary for Buildings A2 and B. The northern elevation of the two (2) respective buildings are considered to be well resolved from an architectural perspective, and this is confirmed within the AEP's comments, as well as by the independent architect (Steve Kennedy & Associates) who peer reviewed the proposal.

The northern elevations of Buildings A2 and B are well articulated, and will provide visual interest when viewed from the north. The composition of both buildings comprises of three (3) main components, being a base, middle levels, and roof elements. The buildings include a two (2) storey concrete framed podium, with modelled masonry and tile infill forming the base.

The buildings are further articulated through the inclusion of a series of folded and angled planes and balconies, that create a broken parapet line. Both buildings are finished with dark, articulated roof forms. The design avoids a “ziggurat” or “wedding cake” effect.

It can be seen that several lower levels (in part) achieve building separation distances in excess of the ADG recommended distances, while some of the upper levels (in part) provide less than the ADG recommended distances.

Notwithstanding, the applicant has amended the design of the northern elevations of Buildings A2 and B, and the landscape treatment adjacent to the northern boundary in response to a request by the assessment officer, to mitigate overlooking opportunities towards the low density residential properties to the north, particularly to the rear yards and south facing openings of 28 Lilydale Street and 172 Livingstone Road.

The amendments include a dedicated 3m wide landscaped zone running along the northern boundary at ground level, to be designated as common property. This zone is a deep soil landscaped area, and will accommodate tree species (i.e. Brush Box) that are capable of growing to 10m in height upon maturity. At the southern side of the common property landscape zone, at the northern edge of the private open space of the ground floor apartments, a wall is proposed which will be to a height of 1.6m (eye level) above the finished level of the private open space.

The amendments also include the installation of horizontal louvres to the northern edge of the building at most levels, and the inclusion of raised planter beds on the levels that do not have horizontal louvres. A reduction in the size of north facing bedroom balconies to no more than 1.2m in depth has also occurred.

The result of the amendments is that direct overlooking from the balconies and living rooms of the north facing apartments in Buildings A2 and B towards the low density residential properties to the north (particularly the properties at 28 Lilydale Street and 172 Livingstone Road) have been mitigated to an acceptable level. This is demonstrated in the section drawing DA-R30 (refer to extract below in Figure 34).

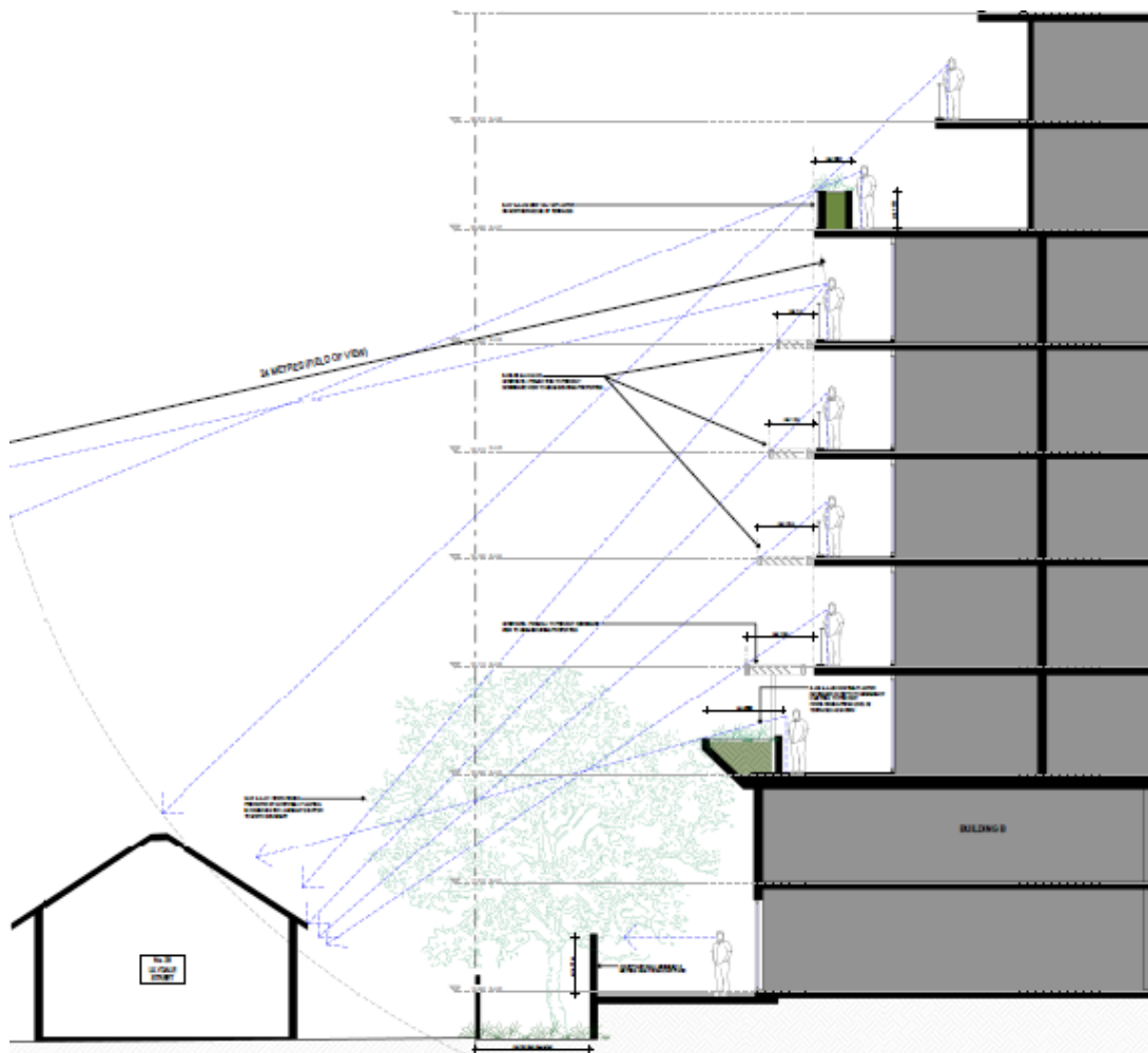


Figure 34: Extract from “Building B Context Section with Lilydale Street neighbours” drawing DA-R30

The amended design is considered to mitigate overlooking from the proposed buildings towards the low density dwellings to the north to an acceptable level and satisfy the Objective at Part 3F-1 of the ADG.

The proposed building separation distances from Buildings A1 and Building B to the northern boundary and the properties beyond are supported on the basis that:

- The proposal is, for the most part, compliant with the Design Criteria for Part 3F-1;
- There are no adverse amenity impacts in terms of overshadowing, given the buildings are separated by road reserves to residential properties to the east and west, and are to the south of 172 Livingstone Road and 28 Lilydale Street; and
- A well designed system of horizontal louvres, deep planters and a deep soil landscaped buffer are provided for privacy to the northern edge of the site.

Solar and Daylight Access

The ADG prescribes the following requirements for solar and daylight access:

- Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of two (2) hours direct sunlight between 9:00am and 3:00pm at midwinter; and
- A maximum of 15% of apartments in a building receive no direct sunlight between 9:00am and 3:00pm at midwinter.

The applicant has provided detailed drawings and a Direct Solar Access Analysis, which demonstrate that the living rooms and private open spaces of 173 out of 225 apartments (76.9%) in the development will receive a minimum of two (2) hours of direct solar access between 9:00am and 3:00pm on 21 June, which complies with the ADG Guidance at Part 4A-1.

Additionally, the analysis demonstrates that 13.8% of apartments are south facing dwellings, and will not receive direct sunlight between 9:00am and 3:00pm at midwinter, which complies with the ADG Guidance at Part 4A-1.

Natural Ventilation

The ADG outlines the following requirements for natural ventilation:

- At least 60% of apartments are naturally cross ventilated in the first nine (9) storeys of the building.

The applicant has provided detailed drawings identifying which apartments achieve natural cross ventilation, as well as a statement from a ventilation and wind expert. The analysis demonstrates that at least 135 apartments out of the proposed 225 apartments (60%) will achieve natural cross ventilation, and the proposal therefore accords with the ADG.

Ceiling Heights

The development provides suitable floor to floor heights for the dwellings to ensure that compliant ceiling heights can be achieved in accordance with the ADG requirements.

Apartment Size

The ADG recommends the following minimum apartment sizes:

Apartment Type	Minimum Internal Area
Studio apartments	35m ²
1 Bedroom apartments	50m ²
2 Bedroom apartments	70m ²
3 Bedroom apartments	90m ²

Note: The minimum internal areas include only one (1) bathroom. Additional bathrooms increase the minimum internal area by 5m² each. A fourth bedroom, and further additional bedrooms, increase the minimum internal area by 12m² each.

The development complies with the minimum internal area requirements set out above.

Apartment Layout

The development meets the minimum requirements regarding the provision of windows, minimum habitable room depths, and minimum habitable room widths. The development is acceptable with regard to the apartment layout requirements of the ADG.

Private Open Space and Balconies

The ADG recommends the following sizes for primary balconies of apartments:

Dwelling Type	Minimum Area	Minimum Depth
Studio apartments	4m ²	-
1 Bedroom apartments	8m ²	2m
2 Bedroom apartments	10m ²	2m
3+ Bedroom apartments	12m ²	2.4m

Note: The minimum balcony depth to be counted as contributing to the balcony area is 1m.

The development proposes private open space to all apartments in the form of ground level courtyards, and balconies to above ground level apartments. Many of the proposed private open space areas exceed the ADG minimum recommended size, however 10 x two (2) bedroom dwellings (representing 4.4% of the total dwellings) are marginally under the recommended minimum size. The variation is considered minor, such that the size of the non-compliant balconies are approximately 1m² to 2m² below the ADG Design Criteria.

Further, it is noted that 103 of the proposed 225 apartments (45.7%) include private open space that is above the minimum area requirement, with a large number of those apartments substantially larger than the design criteria (ranging from 1m² up to 83m² above the design criteria).

Additionally, the private open space provided is considered to achieve the objectives of the ADG for private open space, such that they will receive solar access, are connected to the internal living areas, are all of the suggested minimum depth, and are suitable and capable of accommodating outdoor tables and chairs.

The proposal is acceptable with respect to private open space.

Common Circulation and Spaces

The ADG recommends the following requirements for common circulation and spaces:

- The maximum number of apartments off a circulation core on a single level is eight (8); and
- For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.

It is noted that in addition to the above Design Criteria, further Guidance is provided which, amongst other matters, states that:

“Where design criteria 1 is not achieved, no more than 12 apartments should be provided off a circulation core on a single level”

Building B and C are compliant. Buildings A1 and A2 have between eight (8) and 10 apartments using a circulation core and complies with the guidance.

It is also noted that the application is supported with a Vertical Transportation Design Statement, which identifies that Buildings A1 and A2 will have four (4) lifts serving 166 apartments. The Statement includes an assessment of the proposed vertical transportation system against the performance criteria for residential buildings, as outlined in the “Chartered Institute of Building Services Engineer’s – Transportation Systems in Buildings (CIBSE) Guide D.”

Based upon the apartment mix proposed, the Statement concludes that the performance of the proposed vertical transportation systems for Buildings A1 and A2 will readily exceed the performance targets for a “normal type” residential development.

Given the proposal satisfies the ADG Guidance for circulation cores, the development is considered to meet the Objectives of the ADG for Common Circulation and Spaces.

Storage

The ADG prescribes the following storage requirements in addition to storage in kitchen, bathrooms and bedrooms:

Dwelling Type	Minimum Area
Studio apartments	4m ²
1 Bedroom apartments	6m ²
2 Bedroom apartments	8m ²
3+ Bedroom apartments	10m ²

Note: At least 50% of the required storage is to be located within the apartment.

Storage in accordance with the above requirements is provided for all apartments.

7(a)(iii) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

Two BASIX Certificates were submitted with the application indicating that the proposal achieves full compliance with the BASIX requirements. Appropriate conditions are included in the recommendation to ensure commitments in the BASIX Certificates are implemented into the development.

7(a)(iv) State Environmental Planning Policy (Infrastructure) 2007

Traffic-generating development (Clause 102)

Clause 104 of ISEPP relates to the impacts on the road network from development of a certain size or capacity with respect to onsite car parking.

In this case, the development proposes basement carparking in excess of 200 car spaces, and therefore the provisions of Clause 104 apply, and the application was referred to the RMS for comment as required under Clause 104.

The RMS subsequently informed Council by letter that they raise no objection to the proposed development.

Additionally, the application was referred to Council's Development Engineer and the Council's Traffic Committee. No objection to the application was raised and the proposal is considered to satisfy the provisions of Clause 104 of the SEPP.

7(a)(v) Marrickville Local Environment Plan (MLEP) 2011

The application was assessed against the following relevant Clauses of MLEP 2011:

- Clause 1.8A - Savings provision relating to development applications;
- Clause 2.3 – Zone objectives and Land Use Table;
- Clause 2.5 - Additional permitted uses for particular land;
- Clause 4.3 – Height of buildings;
- Clause 4.4 – Floor Space Ratio;
- Clause 4.6 - Exceptions to development standards;
- Clause 5.10 - Heritage conservation;
- Clause 6.1 - Acid sulfate soils;
- Clause 6.2 – Earthworks; and
- Clause 6.5 - Development in areas subject to aircraft noise .

The following table provides an assessment of the application against the development standards:

Standard (max.)	Proposal	% non compliance	Compliance
Floor Space Ratio 2.05:1 23,465.1m ² GFA	2.031:1 23,323.60m ²		Yes
Maximum Building Height 29m (northern R4 zoned portion of the site) 32m (southern B2 zoned portion of the site)	Building A2 (noting that the 29m standard applies) - 32.8m (to top of lift core) Building A1 – (noting that the northern section of Building A1 is affected by the 29m height standard and the southern section is affected by the 32m standard) 32.8m	13.1% (3.8m)	No

The following provides further discussion of the relevant provisions of MLEP 2011.

Clause 2.3 Land Use Table and Zone Objectives & Clause 2.5 - Additional permitted uses for particular land

The property is zoned part B2 Local Centre, and part R4 High Density Residential under the provisions of MLEP 2011 (refer to Figure 35).

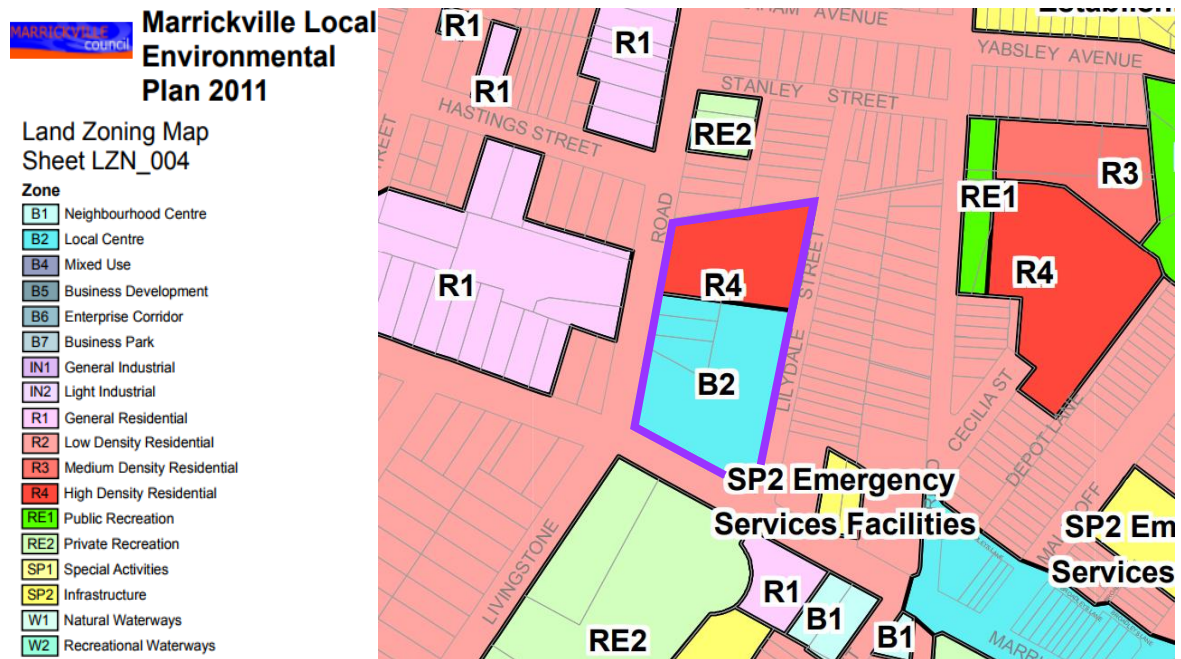


Figure 35: Extract of MLEP 2011 Zoning Map (site outlined in purple)

Within the B2 Local Centre zone, community facilities, which includes a library, and the multiple purposes envisaged to be available within the Pavilion, are permissible with consent. Cafés, which are a type of food and drink premise, and other commercial activities (which may occur within the proposed commercial tenancy located at the northern end of the Main Ward Building to be owned and leased by Council) are also permissible with consent.

The public open space, being the park at the south west corner, and “The Common” in the centre of the site, are recreation areas and are permissible with consent in both the B2 and the R4 zones.

Proposed Buildings A1, A2, B, and C, are residential flat buildings, which are permissible with consent in the R4 zone, but are prohibited in the B2 zone. In this regard Buildings A2, B and C are all located in the R4 zone, and are permissible.

The southern portion of Building A1 is located within the B2 zone (i.e. over Lots 36 and 37 in DP 3164) and would be prohibited but for the provisions of Clause 2.5 (Additional permitted uses for particular land), and Clause 9 of Schedule 1 of MLEP 2011.

Specifically, Clause 9 of Schedule 1 relates to the *“Use of certain land at 313–319 Marrickville Road and 182–186 Livingstone Road, Marrickville being Lot 2, DP 872693, Lot 2, DP 103507 and Lots 36 and 37, DP 3164 in Zone B2 Local Centre”* and states the following:

“(2) Development for following purposes is permitted with consent:

- (a) residential flat buildings (but only as part of a mixed use development that contains a non-residential use permitted in the zone), and*
- (b) residential flat buildings within heritage buildings retained on the land.”*

Mixed use development is defined as a building or place comprising two (2) or more different land uses. In addition to the residential flat building, are the proposed community facilities, recreation areas, and commercial premises within the B2 zone. The development therefore includes non-residential uses that are permitted in the B2 zone, and therefore fulfils the definition of mixed use, and the part of the residential flat building (A1) located within the B2 zone is permissible with consent under Clause 9 of Schedule 1.

It is noted that at the time of lodgement of the DA, Clause 9 of Schedule 1 had an error, in that it identified the correct addresses of the site, but did not specifically reference Lots 36 and 37 in DP 3164. This error has been addressed by Council and the Department of Planning and Environment, such that Amendment 4 to MLEP 2011, adopted on 26 May 2017, amended Clause 9 of Schedule 1 to include references to Lots 36 and 37, DP 3164 in addition to Lot 2, DP 872693 and Lot 2, DP 103507.

It has also been confirmed by Council's Legal Counsel and the Department of Planning and Environment, that the provisions of Clause 1.8A (Savings provision relating to development applications) of MLEP 2011 only apply to DAs lodged prior to the LEP coming into force, and have no relevance to amending LEPs, and this interpretation is consistent with the NSW Court of Appeal decision in *Wingecarribee Shire Council V DeAngelis [2016] NSWCA 189*.

The proposed mixed use development is consistent with the identified objectives of the B2 Local Centre zone and the R4 High Density Residential zone.

The development will provide for a range of unit sizes and layouts to meet the needs of future community, while providing a well located and planned civic and commercial space that will meet needs of residents and commuters.

The Community Hub will benefit residents in the vicinity of the site, but also serve the wider Marrickville and Inner West communities by providing a new contemporary library, multipurpose community rooms, and well-designed public open spaces.

Council and the community will also gain significant social benefits through the provision of nine (9) affordable housing apartments.

The site has good access to public transport, and is located at the western end of the Marrickville main commercial street. The library and new park address the Marrickville Road frontage, and will generate pedestrian interest and activity.

The proposal is consistent with the objectives of the R4 and B2 zones.

Height (Clause 4.3)

The site has two (2) maximum height of buildings standards, aligned to the zone boundaries. The Residential R4 zone aligns to the Maximum Height of Buildings Maps Area T2, which has a development standard of 32m, and the B2 Local Centre zone aligns with Area U which has a standard of 29m.

The development has a maximum building height of approximately 32.8m, which does not comply with either height development standard.

The area of non-compliance relates to Building A2 and the northern portion of Building A1, with both buildings having a maximum height of 32.8m.

Figure 36 is an extract from a Section drawing submitted with the DA and demonstrates the area and level of non-compliance.

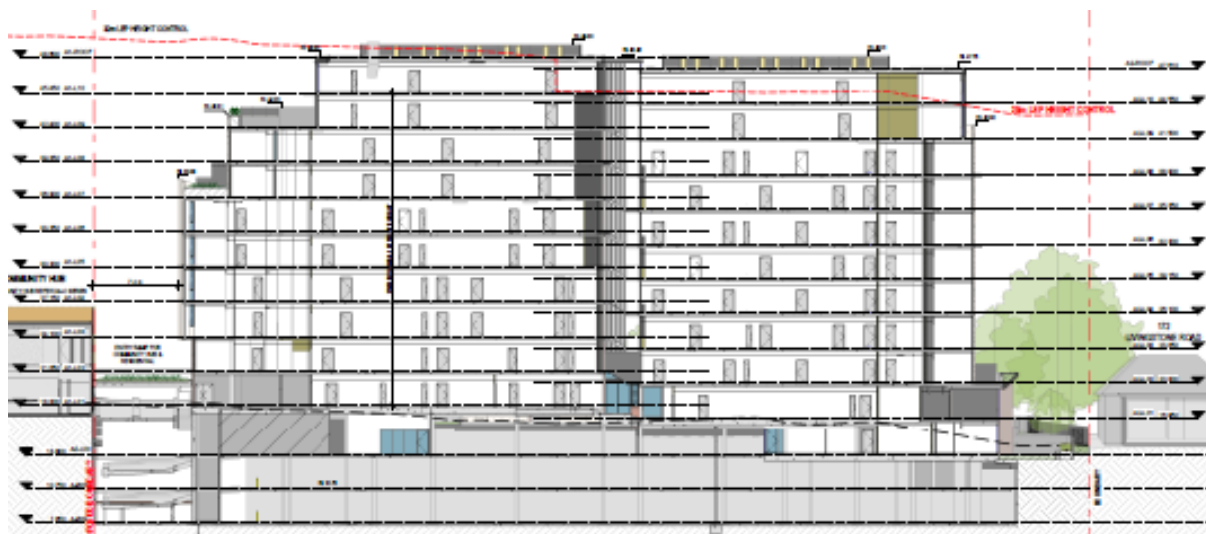


Figure 36: Extract from Section Drawing DA-R24

A written request, in relation to the development's non-compliance with the building height development standard in accordance with Clause 4.6 (Exception to Development Standards) of MLEP 2011, was submitted with the application.

The Clause 4.6 variation request is supported for reasons summarised below:

- The majority of the development complies with the standard, including the civic component (Community Hub), Building B, Building C, and the majority of Building A1. The additional floor space provided above the height of building control is positioned and designed on the site in a manner which will not result in unreasonable adverse impacts upon adjacent properties or the public realm by way of overshadowing, visual massing, view loss, or visual and acoustic privacy impacts;
- The scale of the development is not altered in a significant manner compared to a development that would be compliant, such that the additional height is confined to the north west corner where the site specific masterplan envisages a built form of 10 storeys, compared to the proposed 11 storeys. The tenth and eleventh storeys of Building A2 have been designed to be visually recessive, such that they are setback further from the northern boundary compared to the lower levels, and will be finished in darker materials (refer to Figure 37).



Figure 37: Extract from computer generated image submitted by the applicant of the north west corner of proposed Building A2.

- Building A2 and Building A1 are located on the part of the site that, until very recently, accommodated a tall building in the form of the former Nurses Home and Pathology building, which was up to approximately 30m in height. The positioning of the higher elements of Building A1 and A2 in the north west corner of the site therefore is, in part, consistent with the scale of previous development in that location (refer to Figure 38);

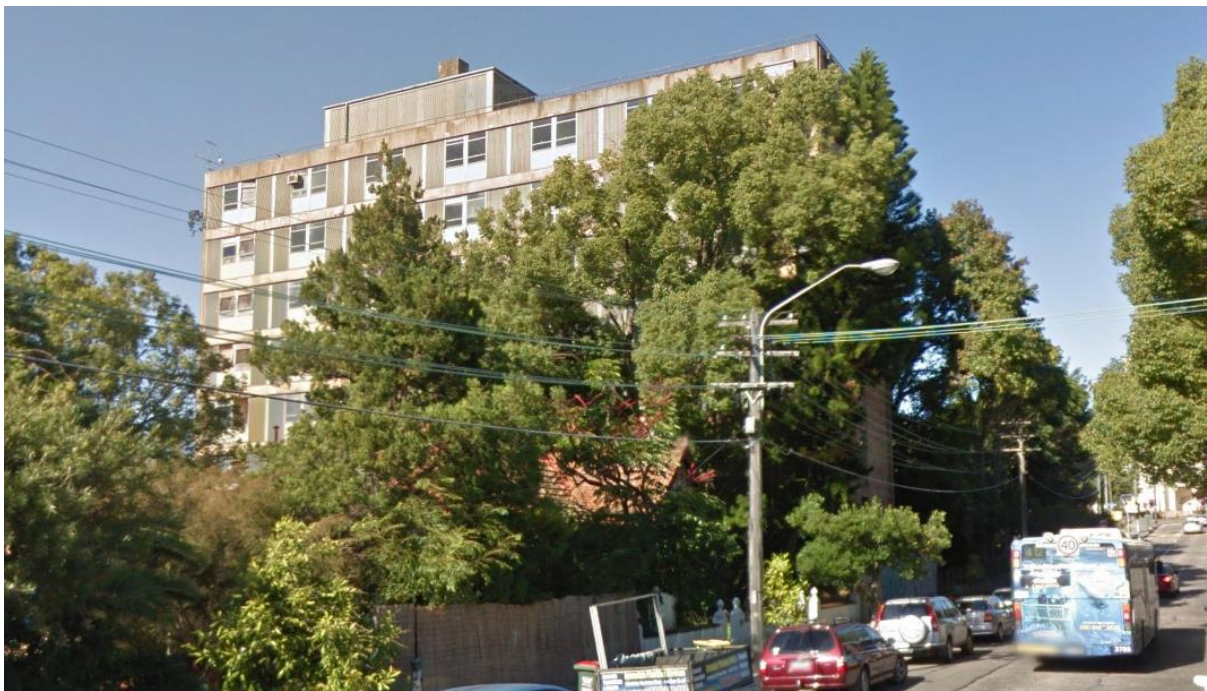


Figure 35: Photo of the former Nurses Home and Pathology building in the north west corner of the site.

- The non-compliance has resulted from a redistribution over the site of the gross floor area envisaged in the masterplan for the site. Specifically, the proposal differs from the masterplan by effectively deleting a new building that was envisaged to be constructed adjacent to the western side, at the northern end of the Main Ward Block. The proposal instead seeks to redistribute the GFA that would otherwise have been achievable in that location (approximately 600m²) to the upper level at the northern end of Building A1, as well as creating an eleventh storey to Building A2. The redistribution of GFA does not increase the total GFA above that which has been envisaged for the site, such that the proposal remains compliant with (less than) the applicable FSR development standard for the site;
- The redistribution of permissible GFA at the site, and subsequent variation of the height control, is considered to be a design response to the site specific constraints and conditions, and it has facilitated several significant design benefits for the overall site planning, including the provision of additional public open space, improved relationship with the retained heritage items, and improved urban design outcomes;
- The proposal includes an area of public open space above that which was envisaged within the masterplan for the site. Specifically, a 600m² deep soil, public park (referred to on the DA drawings as “The Common”) has been proposed at the north western end of the Main Ward Block, and adjacent to the south of the Old Nurses’ Quarters. In effect, the new public open space is able to be achieved as a result of the decision of the applicant not to build on a part of the site where a building would otherwise be permitted under the site specific planning controls;
- The heritage significance of the site is better respected and enhanced by redistributing the GFA to buildings A1 and A2. The Heritage Impact Statements supporting the DA identify that the proposed provision of The Common at the north western end of the Main Ward Block creates a more generous visual setting around the Old Nurses’ Quarters and the Main Ward Block, and reduces the potential for visual dominance of the new buildings over the heritage buildings. The proposed design also provides a clearer separation between the Old Nurses Quarters and the proposed residential buildings. This view is supported by the heritage advisor engaged by Council to review the application;
- The additional open space on the ground plane achieved through the provision of The Common will also result in a higher degree of accessibility and permeability through the site for future residents and the public compared to a compliant development which included a building at the north western end of the Main Ward Block;
- The redistribution of the GFA (causing the non-compliance with the height control) has been designed to minimise impacts upon the amenity of adjacent properties and the streetscape. The additional height has been positioned to address the more urban scaled Livingstone Road, away from the lower scale Lilydale Street. Shadow diagrams submitted with the application demonstrate that the non-compliant building height elements do not impact the solar access to the public park (Library Lawn) at the south west corner of the site in the winter solstice;
- Additionally, there is on balance, an improved solar access outcome to the Children’s Playground at the northern end of the library as a result of the redistribution of the GFA. Specifically, the solar access to the Children’s Playground will be increased from 9:00am to approximately 1:30pm, compared to a development that incorporated a building at the north western end of the Main Ward Block as envisaged in the site specific masterplan;

- There is negligible to nil impact to the solar access of adjacent residential dwellings as a result of the building height non-compliance. Specifically, the non-compliant height will not result in any dwelling receiving less than the required solar access (per the DCP) at the winter solstice, with only minor impacts to the front yards of two residential properties opposite the site on Livingstone Road between 9:00am and approximately 9:30am on the winter solstice. There are no additional solar access impacts to properties in Lilydale Street as a result of the building height non-compliance;
- The proposal will result in public benefits above those that would otherwise be realised through a strictly compliant development, such that the proposal will result in an additional significant public open space and will result in improved outcomes for the remaining heritage items of the site; and
- The development satisfies the objectives of the height development standard for reasons discussed throughout this analysis. These objectives are reproduced below:
 - “(a) to establish the maximum height of buildings,*
 - (b) to ensure building height is consistent with the desired future character of an area,*
 - (c) to ensure buildings and public areas continue to receive satisfactory exposure to the sky and sunlight,*
 - (d) to nominate heights that will provide an appropriate transition in built form and land use intensity.”*

The justification provided in the applicant’s written submission is considered to be well founded and worthy of support.

It is considered that there are sufficient environmental planning grounds as to why the building height development standard should be varied in this particular case.

The proposal will be architecturally consistent with the future streetscape character of the area as envisaged in the Marrickville DCP. The proposed redistribution of the permissible (compliant) GFA across the site in the manner proposed is considered to be a reasonable and rational design and planning response to the constraints and opportunities at the site.

It is considered that the contravention of the development standard does not raise any matter of significance for State and regional environmental planning, and that there is no public benefit in maintaining the development standard for the proposed development in the circumstances.

Floor Space Ratio (Clause 4.4)

The maximum permissible floor space ratio for the site, in accordance with the Floor Space Ratio maps of MLEP 2011, is 2.05:1.

The submitted architectural drawing package prepared by BVN + Mirvac Design in collaboration with Tonkin Zulaikha Greer Architects, includes a comprehensive GFA analysis for the entire development (refer to Drawings DA04 and DA05).

In addition, a detailed Gross Floor Area Calculation statement was prepared by a registered surveyor and submitted by the applicant. The GFA analysis was calculated in accordance with the definition contained within MLEP 2011.

Using the site area of 11,482.4m², from the Survey Plan titled “Detail Survey over Lot 2 D.P. 872693, Lots 36 and 37 D.P. 3164, Lot 2 D.P. 103507, Marrickville Hospital Site, Livingstone & Marrickville Road, Marrickville”, drawing number 078-12G T01 [08]-04, dated 2 May 2016, prepared by Craig and Rhodes (Surveyors Reference: 078-12), the GFA for the development is 23,323.60m². The FSR equates to 2.031:1.

The development proposal is compliant with Clause 4.4.

Heritage conservation (Clause 5.10)

The site as a whole is an item of local heritage significance, listed in MLEP 2011 as the ‘*Former Marrickville Hospital Site and Victorian Cottage, including interiors*’ (I101). The site is within the Civic Precinct Heritage Conservation Area (C30). Therefore, the provisions of Clause 5.10 of MLEP 2011 are applicable.

Heritage considerations have been a major part of the evolution of the master planning of the site over many years and the Project Delivery Agreement between the applicant and Council. A comprehensive Conservation Management Plan has been approved for the site, and previous development approvals have been granted for demolition of buildings 2, 3, 5, 6, 7, 8, 9 and 10 (refer to Site History).

This DA includes the adaptive reuse of the Main Ward Block (Building 1) and Nurses’ Quarters (Building 4), which are located along Lilydale Street and present as two (2) storey face brick structures with gabled tiled roofs.

The DA was reviewed by Council’s heritage consultant, who was generally supportive of the DA, though raised several issues in terms of the potential impacts upon the Main Ward Block. The issues related in particular to the part of the library which wraps around and connects to the Main Ward Block on the south and east, and the views of the original roof form of the Main Ward Block from the western side. Additionally, the connection of the roof of the new building with the roof of the old (heritage building) were raised as points of concern.

The issues raised and the general heritage conservation matters have been thoroughly considered in the submitted reports from GBA Heritage, GML Heritage, and BVN Architects. The conclusions of these reports are that the development can be supported from a heritage perspective, taking account of the following:

- It will continue the significant historic use of the site as a major community facility;
- The adaptive reuse of the main ward block and nurses’ quarters will remain recognisable as the former public face of the Marrickville hospital;
- Unsympathetic additions to the hospital buildings will be removed, and the buildings will be restored largely back to their original form;
- New extensions to the hospital buildings read as distinctly different and contemporary additions whilst relating to the scale of the existing built form;
- The residential component of the development is supported as it ensures the feasibility of the community facilities and conservation works;
- The development reduces the visual dominance of new buildings over the retained historic components of the site, and ensures that the existing views to and from these two (2) buildings are retained.
- The new residential buildings are fronted to the north and east by rows of double storey townhouses to create a podium that relates in scale, proportion and rhythm to the adjacent old nurses’ home and main ward block;

- Limiting vehicular access to a single point on Livingstone Road reduces the adverse impact on the retained heritage buildings fronting Lilydale Road; and
- The proposed landscaping strengthens the existing Hospital Lane site axis.

In addition to the above, the detailed BVN response to the heritage issues (dated 11 April 2017) included amended plans dealing with the connection of the new library building with the Main Ward Block building. BVN provided details of the proposed transparent connection between the existing heritage roof and the new library roof.

The amended design and accompanying computer generated images, demonstrate the physical relationship between the Main Ward Block building and the new building.

The design is such that it will expose the eaves line of the existing heritage building roof so that it will be possible to view the roof and western and southern walls of the Main Ward Block as occupants move through the new building. The images provided (refer to Figures 36 and 37) demonstrate the articulation of the existing roof by “floating” the new roof over it with a glazed connection.



Figure 36: Extract from BVN document dated 11 April 2017



Figure 37: Extract from BVN document dated 11 April 2017

The following recommended mitigation measures were also identified by GBA to ensure the heritage significance of the site and surrounds is maintained with the redevelopment:

- Adequate protection of the retained buildings during construction and excavation works;
- Implementation of a site wide interpretation plan;
- Preparation of a schedule of conservation works for the main ward block and old nurses' quarters;
- Preparation of an archival photographic recording of the old nurses' quarters; and
- Advice from a qualified archaeologist to ensure that the works are carried out with the required approvals and in accordance with the relevant guidelines and acts.

The amended plans and the written heritage responses were referred to Council's heritage consultant who stated the following:

"The response includes a detailed rationale for the heritage aspects of the proposal and is illustrated by several interior perspectives which explain the proposal far better than the original documentation."

The Council's external heritage consultant is in support of the application subject to series of recommended conditions of consent, which have all been included in the conditions recommended in this report.

Subject to the implementation of the recommended conditions, the proposal will maintain the heritage significance of the remaining buildings, is consistent with the approved Conservation Management Plan, and satisfies the relevant provisions of Clause 5.10.

Acid Sulfate Soils (Clause 6.1)

The property is identified as land being affected by Class 5 acid sulfate soils on the MLEP 2011 Acid Sulfate Soils Map. These issues have been adequately considered in the related DAs for civil works, which included excavation for the proposed basement levels (refer to DA201600430 and DA201600475).

Earthworks (Clause 6.2)

This clause ensures that any significant earthworks are properly considered. These issues have been adequately considered in the related DAs for civil works which included earthworks and excavation across the site (refer to DA201600430 and DA201600475).

Development in areas subject to aircraft noise (Clause 6.5)

This clause has the objective of ensuring development is not adversely affected by aircraft noise. Subclause (3) requires the consent authority to consider the following:

“(3) Before determining a development application for development to which this clause applies, the consent authority:

- (a) must consider whether the development will result in the creation of a new dwelling, or an increase in the number of dwellings or people affected by aircraft noise, and*
- (b) must consider the location of the development in relation to the criteria set out in Table 2.1 (Building Site Acceptability Based on ANEF Zones) in AS 2021—2000, and*
- (c) must be satisfied the development will 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.”*

Two (2) comprehensive acoustic assessment reports prepared by Renzo Tonin & Associates and ARUP have been submitted, one (1) focused on the community hub, and one (1) focused on the residential component of the development. These reports allow the consent authority to properly consider the relevant issues, and therefore satisfy the provisions of Clause 6.5.

The conclusion of these reports is that:

“The study of external noise intrusion into the subject development has found that appropriate controls can be incorporated such as acoustic glazing into the building design to achieve compliance with acoustic requirement of Marrickville Council's DCP 2011, State Environmental Planning Policy (Infrastructure), Australian Standards AS2107 and AS2021.”

Appropriate conditions have been included in the recommended conditions of this report which require the recommendations of the acoustic reports to be incorporated into the development.

There are no other provisions of MLEP 2011 that are relevant to the assessment of the DA.

7(b) Draft Environmental Planning Instruments

There are no relevant Draft Environmental Planning Instruments.

7(c) Development Control Plans

The application has been assessed against the following relevant provisions of MDCP 2011, noting that the site is within a specifically identified precinct under Part 9, Section 9.40.5.8, Former Marrickville Hospital site – Masterplan Area (MA 40.8) and many of the controls (particularly those relating to built form) in Section 9.40.5.8 replace or supersede the controls within other sections of the DCP (including those within Part 4.2 relating to Residential Flat Buildings).

Part of MDCP 2011	Compliance
Part 2.1 – Urban Design	Yes
Part 2.3 - Site and Context Analysis	Yes
Part 2.5 – Equity of Access and Mobility	Yes
Part 2.6 - Acoustic and Visual Privacy	Yes
Part 2.7 - Solar Access and Overshadowing	Yes
Part 2.9 – Community Safety	Yes
Part 2.10 – Parking	Yes
Part 2.16 – Energy Efficiency Yes	Yes
Part 2.17 – Water Sensitive Urban Design	Yes
Part 2.18 – Landscaping and Open Spaces	Yes
Part 2.20 – Tree Management	Yes
Part 2.21 – Site Facilities and Waste Management	Yes
Part 2.24 – Contaminated Land	Yes
Part 2.25 – Stormwater Management	Yes
Part 4.2 - Multi Dwelling Housing and Residential Flat Buildings	Yes
Par 8 - Heritage	Yes
Part 9 – Strategic Context	Seeks variation to the masterplan – refer to comments below

The following sections provide discussion of the relevant issues.

7(c)(i) Equity of Access and Mobility (Part 2.5)

Part 2.5 of MDCP 2011 specifies the minimum access requirements including the following accessible facilities in accordance with the relevant Australian Standards:

Residential Component

The development requires the provision of 45 adaptable dwellings in accordance with the requirements of MDCP 2011. The development has provided 45 adaptable dwellings and 45 accessible car spaces for residents and 5 accessible visitor spaces. The proposal is considered reasonable having regard to compliance with access requirements for the residential component of the building.

Non-Residential Component

The development is required to have:

- Appropriate access is provided for all persons through the principal entrance to each premises;
- A Continuous Accessible Path of Travel (CAPT) to and within the subject premises is provide which allows a person with a disability to gain access to all areas within the building; and
- Accessible sanitary facilities are provided within each of the commercial tenancies.

The DA is supported an Access Review which identifies that the Community Hub component of the proposal is consistent with the following standards subject to various recommendations:

- AS 1428.1:2009 (General Requirements for Access-New Building Work);
- AS 1428.2:1992 (Enhanced Requirements for Access);
- AS 1735.12:1999 (Lifts, Escalators, & Moving Walks);
- BCA – Building Code of Australia 2016;
- DDA Access to Premises Standards 2010; and
- Marrickville Council DCP 2011.

Subject to the implementation of the recommendations the proposal is considered to comply with the access and mobility controls of the DCP.

7(c)(ii) Parking (Part 2.10)

The application was referred to Council's Development Engineer and Council's Traffic Committee for comment.

The application was also referred to RMS for comment under ISEPP, and they raised no objection to the proposed application.

Council's Development Engineer has confirmed that the application is generally sound with respect to the provision of onsite car parking, and impacts upon the local road network, and the Traffic Committee are in support of the application subject to the implementation of the conditions of consent recommended by Council's Development Engineer.

With regard to parking, the subject site is located within Car Parking Area 2, and Council's Development Engineer has confirmed that 283 car parking spaces (inclusive of 56 accessible spaces) are required to satisfy Council's DCP requirements.

The development provides a total of 297 carparking spaces (inclusive of 50 accessible spaces). This is above the total minimum required.

Although there is a minor non-compliance in the number of accessible visitor car spaces, the development nonetheless provides 20% of the visitor car spaces as accessible car spaces. This will ensure that the visitor car spaces are not underutilised, and hence Council's Development Engineer has concluded that the proposed parking numbers are satisfactory and appropriate to the development.

The basement car park contains 255 bicycle parking spaces including a mix of residential storage cages suitable to accommodate bicycles as well as separate racks. Eight (8) additional bicycle spaces for visitors are provided outside the secure entry point to the residential car park, and a further 15 visitor spaces are proposed to be provided at ground level along the residential portion of Hospital Lane.

A secure commercial cage suitable to accommodate eight (8) bicycles is proposed to be provided for staff of the Community Hub and 20 racks, to accommodate up to 40 bicycles, is proposed at ground level for visitors.

The proposal includes vehicular access to the site via a single 6.6m wide vehicular crossing off Livingstone Road, located approximately 40m from the signalised intersection of Marrickville Road and Livingstone Road. The vehicular crossing will provide access to two (2) separate basement carparks, the first for the Community Hub (one (1) basement level) and the second for the residential buildings (three (3) basement levels).

The application was supported with a Traffic and Parking Assessment, which included a sight distance review for the driveway. The review recommended that "no parking" restrictions be imposed, beginning at the southern side of the proposed driveway and continuing north for 37.6m, to ensure that adequate site distance is provided for vehicles exiting the site. The implementation of this "no parking" restriction has been referred to and approved by the Traffic Committee, and the implementation of the "no parking" zone has been recommended as a condition of consent.

In addition, the vehicular ramp, carpark layout, and car spaces, have been assessed as compliant with AS2890.1:2004 and AS2890.6:2009.

With regard to servicing of the site, the proposed development has provided a total of six (6) service/delivery vehicle parking spaces, suitable for the standard B99 vehicle (e.g. utes and vans) which will be utilised by general maintenance vehicles and for deliveries to the site.

Two (2) service/delivery spaces will be located within the carpark of the Community Hub, while four (4) will be located within the car park of the residential buildings. In addition, short term access is also available along Hospital Lane for Small Rigid Vehicles, with a turning area provided near the Community Hub. Access to Hospital Lane will be controlled by the use of removable bollards.

Waste and recycling will be collected once a week, on a wheel-in/wheel-out basis. The waste from the Community Hub will be collected directly from the kerbside on Lilydale Street, while the waste from the residential complex will be collected directly from the waste area via Livingstone Road.

The application was referred to the Local Traffic Committee meeting of 1 December 2016 for comments. The Traffic Committee reviewed the application and found that the projected traffic generation of 74 vehicle trips per hour (morning peak) and 65 vehicle trips per hour (evening peak) to be acceptable.

With regard to the location of the vehicular crossing on Livingstone Road, the Traffic Committee noted that ideally the driveway should be located as far as possible from the traffic signals, however the Committee concluded that overall the proposed development was supportable in its current form.

The proposal satisfies the controls and objectives of Part 2.10 of the DCP.

7(c)(iii) Aircraft Noise (Part 2.6.2)

The site is located in area between the 20 to 25 ANEF. The provisions of part 2.6.2 of the DCP outline that residential development is conditionally acceptable between 20 to 25 ANEF.

Two (2) comprehensive acoustic assessment reports prepared by Renzo Tonin & Associates and ARUP have been submitted, one (1) focused on the community hub, and one (1) focused on the residential component of the development.

The report focusing on the residential component demonstrates that the external noise intrusion into the subject development can be controlled subject to the incorporation of acoustic glazing into the building design to achieve compliance with acoustic requirement of MDCP 2011, ISEPP, and Australian Standards AS2107 and AS2021.

The residential acoustic report provided recommendations relating to noise emission criteria for the site, including mechanical plant and construction noise. Subject to the implementation of the recommendations of the residential acoustic report, the proposed residential buildings will comply with all relevant acoustic criteria through means of standard acoustic treatment.

With respect to the proposed library, the applicable acoustic report prepared by ARUP included a noise survey which established existing ambient noise levels in the vicinity of the development site.

The report also determined the applicable acoustic criteria (including noise emission), recommended background noise targets, and recommended reverberation time targets for the library.

The report does not include detailed recommendations on how to achieve the acoustic criteria, but instead indicates that an assessment of sound insulation requirements will be required to meet the acoustic criteria specified. A condition of consent has therefore been recommended which requires that a further report is provided prior to the issue of a Construction Certificate which confirms the sound insulation measures to be included in order that the acoustic criteria set out in the ARUP report are achieved.

Subject to the implementation of the recommended conditions of consent, the proposal is consistent with the DCP provisions for aircraft noise and acoustic privacy.

7(c)(iv) Solar access for new development (Part 2.7.5)

Control C9 at 2.7.5 outlines that at least 65% of dwellings within residential flat buildings are to provide living area windows positioned within 30 degrees east and 20 degrees west of true north, and allow for direct sunlight for at least two (2) hours over a minimum of 50% of the glazed surface between 9:00am and 3:00pm on 21 June.

The proposal satisfies this control by satisfying the corresponding ADG Design Criteria. Specifically, approximately 75% of the proposed residential apartments achieve direct sunlight for at least two (2) hours to their respective internal living areas and their private open space areas.

7(c)(v) Landscaping (2.18)

The development incorporates a relatively large component of landscaped space around the periphery of the site, through the centre, and within through-site links. A large component of the landscaped area is publicly accessible, and the proposed treatment of the landscaped areas is considered to be of a high quality.

The landscaped areas include deep soil landscaping (approximately 17% of the total site area), as well as podium landscaping and landscaping on the upper levels of several of the residential buildings.

The landscaped areas are considered to integrate well with the proposed built form of the Community Hub and the residential component of the development, and will enhance the various streetscapes.

The proposal does not comply with several site coverage and landscaped area controls within Parts 4.2 and 2.18 of the DCP. Nonetheless, the proposal complies with the applicable site specific landscape controls (in Part MA40.8) and the ADG requirements for communal open space and deep soil landscaped area.

In this instance, the site specific controls and the ADG controls are considered more pertinent and take precedence, and in that respect the proposal is compliant with the applicable numerical landscaped controls.

The proposal was referred to Council's Tree Management Officer, as well as an independent landscape architect for review. Both the Tree Management Officer and independent landscape architect provided initial detailed comments raising various issues with the proposal as well as seeking clarification on several aspects.

In particular, issues were raised with respect to the species of trees proposed and the tree canopy cover that would be achieved across the site. Additionally, clarification was sought with respect to the 'openness' of the arbour design along the Marrickville Road frontage, as well as the solar access to be received by the proposed public open spaces.

The applicant responded to the issues raised with amended landscape plans, additional shadow diagrams, perspective drawings of the arbour, and other details clarifying aspects of the proposal.

The amended landscape design includes tree species to Council's satisfaction, the spacing and position of trees has been amended and the details regarding above podium plantings (i.e. soil depth and the like) have been amended to ensure that the development will achieve a canopy cover of at least 22% across the site, which is equivalent to the tree canopy cover previously present at the site prior to the approval of the early works and civil works DAs for the site (which approved the removal of most trees).

The additional shadow diagrams confirm that the proposal complies with the relevant solar access controls for the new public park in the south west corner, and the harbour design is consistent with streetscape outcomes envisaged for that section of the site within the site specific controls.

Council's Tree Management Officer has since confirmed support of the amended landscape design and subject to the imposition of the recommended conditions of consent provided by Council's Tree Management Officer, the proposal is considered acceptable with respect to landscape requirements.

7(c)(vi) Recycling and waste management/facilities for residential development (Part 2.21.2.5)

The application was referred to Council's Waste and Resource Management Officer for comment. Several issues were raised and forwarded to the applicant. Amended plans were subsequently submitted and again referred to Council's Waste and Resource Management Officer.

The amended design is generally acceptable with respect to waste management, subject to several minor design changes required to meet Council's requirements. The design changes include the requirement for bins to be located within the boundary on the Livingstone Road frontage of the site for Council pickup, and not on the footpath or road reserve as currently proposed. As such, a condition of consent has been included which requires an area to be provided within the site boundary in a location in front of apartments 10103, 10105, 10106 and 10107 for the presentation of bins for Council pick up.

Additionally, the waste management arrangements for Building C require modification to accommodate bins of minimum of 240L in size (can be 660L) as opposed to the proposed 120L bins. This is required as Council do not service 120L sized bins. The amended waste management arrangements for Building C are also to include details for the protection methods to be put in place within the Lobby of Building B during the transfer of receptacles through that Lobby.

Subject to the implementation of the recommended conditions of consent, the proposal will be satisfactory with respect to the DCP provisions for waste management.

7(c)(vii) Stormwater management (Part 2.25)

This part of the DCP requires stormwater to be managed so as to negate the possibility of flooding, through the storage of stormwater where appropriate and the control of major development drainage systems.

The application is supported with an Integrated Water Cycle Management Report prepared by Taylor Thomson Whitting. Additionally, the application is supported with a Flood Risk Assessment prepared by BG&E.

Both reports were referred to Council's Development Engineer for review. Subject to the implementation of the Integrated Water Cycle Management practices identified in the submitted report and the conditions of consent recommended by Council's Development Engineer, the development satisfies the provisions of Part 2.25 of the DCP.

7(c)(viii) Multi Dwelling Housing and Residential Flat Buildings (Part 4.2)

As stated above in this report, many of the controls under this Part of the DCP are superseded by the site specific controls within Part 9.40 of the DCP and/or by the applicable ADG requirements.

Nonetheless there are several controls which remain applicable to the DA within this Part of the DCP including the following:

4.2.3 General controls (Residential Flat Buildings)

This section of the DCP requires the following apartment mix for residential flat development:

- Studio 5 – 20%
- 1 bedroom 10 – 40%
- 2 bedroom 40 – 75%
- 3 bedroom or bigger 10 – 45%

The proposal provides the following apartment mix:

- 1 bedroom 29.8%
- 2 bedroom 59.5%
- 3 bedroom or bigger 10.7%

The proposal therefore complies with the unit mix control.

4.2.5.1 Facade and streetscape design

The site has street frontages to the south (Marrickville Road), the west (Livingstone Road) and to the east (Lilydale Street). Each has different qualities, character and existing development typology.

The Marrickville Road character is more 'civic' in nature and the site is located at the western end of the commercial centre, it has a varying scale of between two (2) and four (4) storeys.

Livingstone Road is a mixture of residential buildings of varying scale (one (1) to three (3) storeys) and also includes non-residential buildings (e.g. health care centre, child care centre and a registered club).

Lilydale Street is predominantly single storey, freestanding, and semidetached residential dwellings.

The new public park and library buildings address Marrickville Road, and will provide an enhanced streetscape to this important frontage. The design is well articulated, and will be a visually interesting, contemporary building, of high architectural quality. It is anticipated that the new library building, the roof design in particular, will become a focal point in this section of Marrickville Road (refer to Figure 38).

The new building's connection and interaction with the Main Ward Block hospital building will provide a visually stimulating experience for users and the public in general, as well as resulting a functional new public library.

The proposed landscaping treatment in the south west corner of the site, fronting Marrickville Road, consists of open arbours, new tree plantings, and terraced pathways and seating leading to a larger grassed area in front of the library and library pavilion. The treatment of this space is considered to be well designed, and will significantly enhance the streetscape at the prominent intersection of Marrickville Road and Livingstone Road.



Figure 38: Extract from submitted photomontage of the Marrickville frontage showing the new library building at the south east corner of the site

In terms of the Livingstone Road façade and streetscape design, it is considered that despite the length of Buildings A1 and A2, the distinct architectural modulation and separation between the two (2) buildings help to reduce bulk and perceived length when viewed from the public domain in Livingstone Road.



Figure 39: Extract from the submitted photomontage of the western elevation of Buildings A1 and A2.

The buildings contain clearly defined layering (base, middle, top), which is differentiated by materiality and massing, with the buildings having a dominant, masonry, seven (7) or eight (8) storey character, and a recessive, metallic, upper (attic) two (2) storeys (refer to Figure 39).

The bases of the buildings are articulated by a two (2) storey 'townhouse' appearance, although the portion of Building A facing Livingstone Road only consists of single level apartments.

Compared with the dominant horizontality of the Community Hub buildings, the apartment buildings have a more static quality, offsetting strong vertical elements (painted masonry panelling and glazed louvres) with an underlying grid of the building structure, balconies and the like.

Whilst essentially rectilinear in form, in the traditional 'perimeter block' typology, the buildings shift and bend to address both their location and the masterplan.

The facades to Livingstone Road and the northern boundary are highly articulated and provide interesting geometric exploration.

With respect to Lilydale Street, the streetscape proposed will be varied, and will include the contemporary new library building, the restored Main Ward Block and Old Nurses' Home buildings, and the new nine (9) storey contemporary residential Building B.

Building B, while significantly greater in scale than opposing existing single storey dwellings, is similar to Buildings A1 and A2, in that it has distinct architectural modulation to reduce bulk when viewed from the public domain in Lilydale Street. It also contains clearly defined layering (base, middle, top), and the design of the building is stepped in part with a landscape offering, and 'townhouse' appearance and street addresses at ground level (refer to Figure 40).



Figure 40: Extract from the East Elevation drawing of Building B (DA-R26).

The facade treatments of the various buildings comprising the development are well considered, display design excellence and satisfy the provisions and objectives of Part 4.2.5.1 of the DCP.

4.2.5.3 Materials, finishes, textures and colours

The proposed choice of external materials for the various buildings at the site are consistent with the provisions of 4.2.5.3 of the DCP in the following ways:

- The development avoids large expanses of glass and reflective wall cladding (including glass blocks);
- Use roof cladding which conforms with contributing neighbouring development; and
- Includes colour schemes that reflect and draw references from the locality, ensuring the colour of the building is not excessively light or dark.

4.2.7 Ceiling heights

The residential component of the proposal achieves floor to floor levels of between 3.3m and 3.05m which will facilitate floor to ceiling heights that are compliant with the ADG recommended floor to ceiling heights. The proposal is therefore considered satisfactory with respect to floor to ceiling heights.

7(c)(ix) Heritage (Part 8)

Matters relating to heritage are addressed under Part 5(a) of this report.

7(c)(x) Strategic Context (Part 9)

The site is located in the Marrickville Town Centre (Commercial) Precinct and is identified as the Marrickville Hospital site which is subject to the provisions of Masterplan Area MA 40.8 in Section 9.40.5.8 of the MDCP 2011.

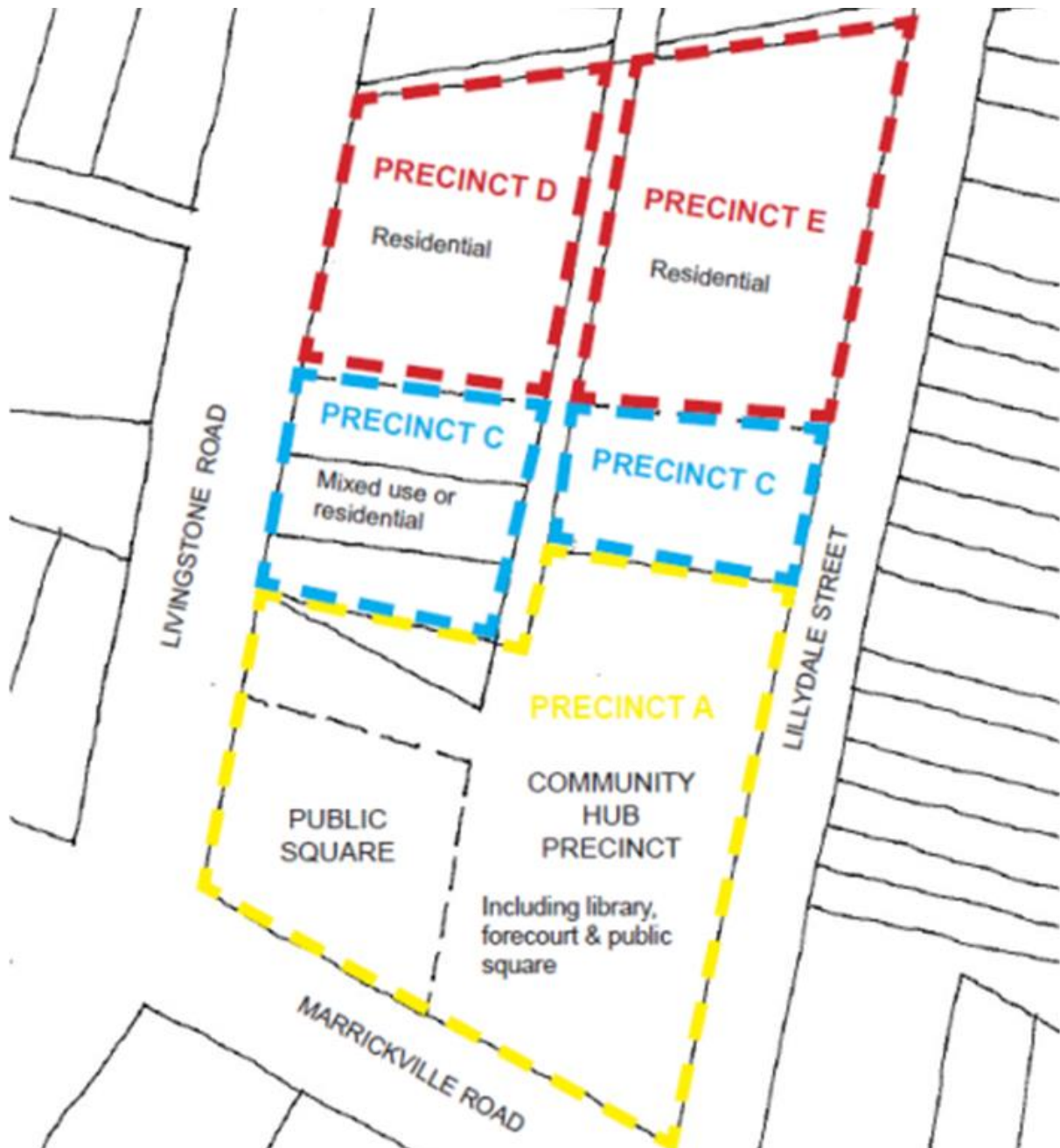


Figure 41: Extract from Figure 40.8b Precincts within Masterplan Area MA 40.8 in the DCP

The Masterplan Area contains 4 Precincts as shown in Figure 40.8b (refer to Figure 41 of this report). The configuration of the proposed development generally accords with the “4 Precincts” such that proposed residential development is positioned at the northern end and through the centre of the site (in Precincts B and C), the library, public park, and civic components are positioned at the southern end of the site (in Precinct A), and there are some commercial uses positioned in the central eastern side of the site (in Precinct C).

A detailed assessment against the provisions of the Masterplan has been undertaken below.

Relevant DCP requirements from Part 9.40.5.8	Compliance/Comment
Heritage – C80	
<ul style="list-style-type: none"> i. New development must respect the heritage significance of the site and be designed to respond positively to those buildings and elements and the public domain. ii. New development should be contemporary in design with sensitivity to the heritage buildings and elements that are retained through the proportions, alignments, colours and materials used in the new development. iii. Any conservation work should generally comply with the recommendations made in the Marrickville Hospital Site Conservation Management Plan prepared by Graham Brooks and Associates dated June 2011. iv. Any alterations or additions to the heritage buildings retained must be clearly discernible from the heritage fabric. v. The landscape strategy must be developed to highlight the Hospital Lane heritage axis. vi. A heritage interpretation plan must be prepared and submitted as part of any development application. vii. Adaptation of heritage significant building interiors must aim for maximum retention of original spaces and fabric while allowing for the adequate adaptation to new uses. viii. New uses in heritage buildings retained must be appropriate to the scale and location of spaces within the heritage buildings. ix. An archaeological assessment must be undertaken prior to excavation works. 	<p>The proposed development has been designed having regard to the heritage sensitivities of the site, and in accordance with the Conservation Management Plan prepared by GBA in 2011. Previous approvals issued by Council have allowed the demolition of some original buildings whereas others are to be adaptively reused.</p> <p>Heritage Impact Statements have been provided to support the DA. Mitigation measures have been identified and these can be readily incorporated as conditions of consent.</p> <p>These Statements conclude that considered as a whole, the proposed development will not unduly affect the heritage significance of the locality and will not detract from surrounding heritage items or conservation area.</p> <p>The adaptive reuse of the site will ensure it continues to provide significant community facilities in accordance with its historic use.</p> <p>Council's external heritage consultant has undertaken an assessment of the proposal and concluded that the development is worthy of support and consistent with the relevant heritage provisions subject to conditions of consent. The recommended heritage conditions have all been included as part of the recommendation of this report.</p> <p>The proposal satisfies the heritage provisions of Part 9.40.5.8.</p>

Hospital Lane – C81	
<ul style="list-style-type: none"> i. Must have its role as the historic axis through the site recognised as part of future development. ii. Should be prioritised as a pedestrian and cycle path with the possibility of acting as a shared-way in the mixed use precinct and as an access road in the residential precinct. iii. Is to be landscaped to a high quality with street tree planting to at least one side of the Lane and preferably both sides. 	<p>The historic north south axis of Hospital Lane is retained through the site and embellished with landscaping.</p> <p>Within the residential precinct it serves as an internal street to separate Residential Building A2 and Residential Building B.</p> <p>It continues south through the site to Marrickville Road. Through the civic precinct of the site it is less defined and would be read more as part of the broader open plaza and park area.</p> <p>The Lane will provide public access through the site and will improve pedestrian connections for residents to the north of the site to the Marrickville civic precinct and commercial centre in Marrickville Road, south of the site.</p>
Building Height – C82	
<ul style="list-style-type: none"> i. Appropriately respond to the desired future scale and character of the area and surrounding locality and the heritage significance of the site. ii. Enhance and respond to the axial views to the site. iii. Respond to the lower scale of development of the former Marrickville Hospital Main Wards building and Old Nurses Home building fronting Lilydale Street. iv. Ensure adequate daylight and solar access is provided to the public domain, new dwellings, common open space and existing residential uses within the surrounding neighbourhood. 	<p>Notwithstanding a variation of 3.8m for part of Building A1 and Building A2 to the applicable LEP height standards, the proposal generally complies with the heights that are envisaged for the site within the LEP and site specific DCP controls.</p> <p>Specifically, the buildings are arranged on the site in a manner that is generally consistent with the scale envisaged in the Masterplan, such that taller buildings are located at the northern end and along the western boundary, with lower civic buildings and heritage buildings located to the south and the south east.</p> <p>It is noted that the development seeks a variation in the siting of buildings from the Masterplan, such that the application does not include a mid size building at the north west end of the Main Ward Block and to the south of the Old Nurses Home. Instead the application seeks to redistribute the GFA from this location to the north western end of the site (i.e. in Buildings A1 and A2).</p>

	<p>There are considerable benefits resulting from the redistribution of the GFA and subsequent variation to the height controls, mainly in the form of public benefits through increased public open space, improved solar access to the Children's Playground, improved visual curtilage and setting to the heritage items that are being retained at the site and improved urban design outcomes via greater accessibility and permeability at the ground plane of the development.</p> <p>The proposed variation to the height control for Buildings A2 and A1 does not diminish the solar access to adjacent residential sites or the proposed public park.</p> <p>It is noted that the desired future character and scale for the site is set by the LEP provisions for FSR and building height, as well as the siting and design, heritage and landscaping provisions of Part 9.40.5.8 of the DCP.</p> <p>These provisions provide for development at the site that is significantly greater in scale and density than existing development at adjacent sites. Further, the envisaged scale and density for the site is significantly greater than the scale and density of development envisaged for adjacent properties (particularly to the north, east and west) as set by the current planning controls. It is also noted that there does not appear to be any exhibited draft strategic or statutory planning documents which identify the immediately surrounding area for 'uplift' or increase in scale or density.</p> <p>It is noted that the applicable statutory controls relevant to the site were the result of a strategic planning process carried out by Council over a number of years, which amongst other relevant drafting procedures, included public exhibition of the then draft controls.</p> <p>The proposed arrangement of buildings on the site and their scale, is generally consistent with the desired future character for the site. The proposal complies with (is</p>
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	<p>less than) the maximum FSR applicable to the site, and Buildings B, C and the Community Hub buildings all comply with the applicable height controls.</p> <p>The arrangement of height at the site responds to the lower scale of development of the former Marrickville Hospital Main Wards building and Old Nurses Home building fronting Lilydale Street and will ensure adequate daylight and solar access is provided to the public domain, new dwellings, common open space and existing residential uses within the surrounding neighbourhood.</p> <p>The proposed development is considered to comply with control C82.</p>
Siting and Design – C83, 84, 85 and 86	
<p>Library forecourt and public square:</p> <ol style="list-style-type: none"> The library forecourt must provide a high quality urban plaza space that encourages pedestrians into the site and the public square. The public square must provide flexibility for civic and community gatherings and must highlight the history of the site and the axis of Hospital Lane. Outdoor seating areas must be provided in the public square for meeting and gathering. The existing heritage palms should be retained, or appropriately transplanted and incorporated into the landscape design in suitable locations, with an appropriate on going management strategy for the Australian White Ibis, to minimise impacts on the functioning of the public square and people's enjoyment of the square. New deciduous trees and planting in the public square should be provided for shade in summer and solar access in winter. Appropriate night time use lighting should be used to improve safety. 	<p>The proposal includes a high quality urban plaza as the forecourt to the library. The open space has been designed to encourage pedestrians into the space from all directions, such that it will be accessible from Livingstone Road, Hospital Lane (to the north), Marrickville Road to the south and also from the Library itself.</p> <p>The finishes and layout of the public space ensures that it will be suitable for use for the purpose of civic and community gatherings. Vehicular access for small delivery vehicles and Council vehicles to the northern edge of the public space has been designed via Hospital Lane for the purpose of facilitating special events.</p> <p>The public space includes terraces wrapped by concrete bleachers, which follow the geometry of the Park to define each terrace and provide informal seating opportunities.</p> <p>New deciduous plantings are proposed to be provided to the park including Jacaranda trees.</p> <p>The application is supported with a Lighting Plan for the public space which demonstrates a proposed integrated lighting system to be installed within the public park.</p>

<p>vii. Directional signage and public art in the library forecourt and public square, and special provisions for children in the civic precinct such as an abstract play sculpture or outdoor focus for reading groups, are encouraged.</p> <p>Site design must:</p> <ul style="list-style-type: none"> i. Ensure street setbacks establish the desired spatial proportions of the street and define the street edge with new development being setback a minimum of 3 metres from the Livingstone Road and Lilydale Street alignments. ii. Ensure street setbacks create a clear threshold by providing a transition between public and private space, assist in achieving visual privacy to apartments from the street, create good quality entry spaces to lobbies, foyers or individual dwelling entrances, allow an outlook to and surveillance of the street and allow for street landscape character. iii. Ensure side setbacks minimise the impact of development on light, air, sun, privacy, views and outlook for neighbouring properties, including future buildings. iv. Use the design of facades to reflect the use, orientation, prominence and context of the frontage. v. Ensure entries are clearly visible and accessible vi. Ensure that the built form is well designed and articulated using a variety of materials, colours and textures to create a balanced composition of elements, reflecting internal layout and structure and distinguishing between commercial and residential components. vii. Where buildings are additions to retained heritage buildings, have a complementary scale and facade sensitive to that heritage building. 	<p>The proposal has identified public art locations and special provisions for children within the Community Hub precinct.</p> <p>Buildings A1 and A2 are setback a minimum of 3m from Livingstone Road and Building B is setback a minimum of 3m from Lilydale Street.</p> <p>Detailed sections of the street setback thresholds have been submitted which demonstrate the transition between the public footpath and the ground level dwellings addressing Livingstone Road and Lilydale Street. The details confirm that this space will appropriately delineate the private dwellings from the public realm through a combination of landscape treatments, level changes, appropriate scaled fencing and the positioning of private open space and dwelling entries.</p> <p>A high level of outlook and surveillance over the streets will be achieved.</p> <p>Although significantly greater in scale than adjacent low density residential development (particularly in Lilydale Street), the proposed alignment and site configuration of the tall residential buildings and the orientation of the site is such that overshadowing of adjacent residential development is relatively minimal and the proposal does not result in adjacent dwellings having solar access reduced to less than the DCP required amount in mid-winter.</p> <p>Façade treatments are considered well resolved (refer to detailed discussion under section 4.2.5.1 Facade and streetscape design).</p> <p>Residential entries are clearly visible.</p> <p>Although clearly greater in scale, the design of residential Building B responds to the landscaping and lower built form evident in</p>
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<p>viii. Use setbacks to promote appropriate building mass and separation to provide adequate amenity and privacy to all uses on site.</p> <p>ix. Encourage appropriate solar access to public and communal open spaces.</p> <p>Streetscape design must:</p> <ul style="list-style-type: none"> i. Reinforce the existing landscape character of Lilydale Street. ii. Provide additional street trees to Livingstone Road in character with the existing street trees and Council's Street Tree Master Plan. iii. Extend the public domain improvements and landscape treatment along the Marrickville Road main street up to the intersection with Livingstone Road, including paving, street trees, lighting, signage and flag poles. iv. For Marrickville Road, reflect the character of the town centre and civic importance of this site and precinct, with an attractive street frontage, wide pedestrian footpath, street lighting and street trees. v. For Livingstone Road, provide a transition between the character of the town centre and that of residential precincts north of the site with strong active edges. vi. For Lilydale Street, retain its residential character and fine grain, ensuring garden and streetscape scale and treatments to the former hospital buildings, and new buildings to the north are consistent with the character of the buildings and landscape style of the period and with the residential scale and character of Lilydale Street. <p>The built form of proposals must:</p> <ul style="list-style-type: none"> i. Encourage a variety of complementary building styles within the site including 	<p>the single storey dwellings in Lilydale Street by providing a landscaped front setback, individual street entry to apartments and articulation of the building facades.</p> <p>Specifically, the residential apartments at ground level to Lilydale Street have the style of townhouses, in part referencing the single dwelling nature of Lilydale Street.</p> <p>At ground level to the third storey the building respects the 3m minimum setback identified in the masterplan. Higher levels are stepped back to between 5m and 8m within the articulation area identified on the masterplan.</p> <p>The proposed design includes a palette of materials and colours that contribute to the design excellence of the development, while sensitively responding to the heritage items at the site and the character of the locale.</p> <p>The proposed buildings (scale, alignment and building separation) have been assessed as responding appropriately to the retained heritage buildings. Importantly it is considered that the redistribution of GFA from the building site identified at the north west end of the Main Ward Block and to the south of the old Nurses Home to Buildings A1 and A2 on Figure 40.8C of the DCP will result in improved visual and pedestrian access to those two heritage buildings. The decision not to build the building identified on the masterplan will improve the curtilage of the heritage items and the opportunities for their public appreciation.</p> <p>The documentation submitted with the application identifies that the alignment of the buildings will not result in significant overshadowing of adjacent low density residential development, is unlikely to result in significant view loss and will not result in visual privacy impacts that could not be reasonably expected given the density, scale and height of development envisaged for the site.</p> <p>The primary new public open space, in the south west corner of the site is of a size and</p>
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<p>adaptive re-use of retained heritage buildings.</p> <ul style="list-style-type: none"> ii. Offer high quality contemporary architecture that responds to, but does not mimic, the existing architectural character of the site with appropriate proportions and articulation to the building massing. iii. Have a distinct base and middle with high quality roof treatments that are integrated with the architecture of the buildings. iv. Treat facades as front elevations to all sides of the building. v. Use high quality materials throughout. vi. Ensure that the architectural expression of residential buildings offers a balance of solid to void without depending on continuous balconies to create articulation and interest. vii. Ensure that the residential components of proposed buildings comply with State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development. viii. Treat materials accessible at ground level for graffiti resistance. ix. Address Hospital Lane as well as the surrounding streets with active frontages and entry to the ground floor. x. Create a distinctive streetscape character. xi. Incorporate environmentally appropriate facade treatments according to orientation. xii. Provide shading and good internal amenity including cross ventilation, solar access, adjoining indoor and outdoor living spaces and generously sized rooms. 	<p>layout envisaged in the DCP. It also receives the minimum amount of solar access required by the DCP.</p> <p>The additional public open space (i.e. The Common) provided as a result of the redistribution of the GFA to buildings A1 and A2, will receive limited sunlight at various parts of the day between 9am and 3pm in mid-winter, and will receive more sunlight at the equinox. This outcome is nonetheless considered acceptable given a development that complied strictly with the masterplan siting arrangements would otherwise include a building of up to four storeys in that location and therefore result in less public open space. Additionally, it is noted that the redistribution of GFA to Buildings A1 and A2 does not result in discernible overshadowing of the public open spaces.</p> <p>The facades of all buildings (including side facades) are generally treated as front facades, such that there are no large expanses of blank and unmodulated walls.</p> <p>The built form of the residential buildings is enhanced with indented balconies, interspersed with some protruding terrace balconies (and associated planters) that there is a balance between the solid and void to the facades.</p> <p>The residential buildings comply with the amenity Design Criteria of the ADG and the 9 Design Principles of SEPP 65.</p> <p>The proposal does include variations to building separation distances recommended in the Design Criteria for Visual Privacy within Part 3F of the ADG. Notwithstanding, the proposal has been amended and the applicant has demonstrated that the internal building separation between Building A2 and Building B and the external separation between Buildings A2 and B and the properties to the north of the site have been designed to mitigate adverse visual privacy impacts. The design is considered to satisfy the Objective at Part 3F-1 of the ADG.</p>
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	<p>Hospital Lane, Livingstone Road and Lilydale Street are all treated with active street frontages at ground floor level.</p> <p>It is also noted that a condition of consent has been recommended which requires the existing overhead power cables adjacent to the site frontages to be relocated underground with appropriate new street lighting provided. This will enhance the streetscape outcomes and assist in the realisation of a high quality public domain at the site.</p> <p>The proposal is considered to accord with the Site Design, the Streetscape Design and the Built Form provisions of the DCP.</p>
Open space and landscaping – C87 and 88	
<p>Open space:</p> <ol style="list-style-type: none"> A high quality public space must be provided in the southern section of the site adjacent to the intersection of Marrickville and Livingstone Roads extending to the alignment of Hospital Lane as the major open space and heritage axis through the site. A minimum of 30% of the level area of open space (excluding the terraced embankments adjacent to Marrickville and Livingstone Roads) must receive a minimum of 2 hours sunlight between 9.00am and 3.00pm on 21 June. The Hospital Lane axis must be revitalised as a public space and circulation spine for the length of the site connecting to Marrickville Road. The character of the open space areas must respond to the immediate precinct character, whether residential, civic or commercial. <p>Landscaping and public open spaces:</p> <p>Formal planting must be provided to the public square incorporating the palm trees fronting Marrickville Road. A less formalised landscape design should be provided for the residential precinct.</p>	<p>The proposal provides a new public park in the south west corner of the site in front of the new library and addressing Marrickville Road in a location that is envisaged within the masterplan.</p> <p>The landscape plans demonstrate that the space will be finished with high quality materials and landscape treatments suitable for high pedestrian public use.</p> <p>The shadow diagrams submitted with the DA demonstrate that a minimum of 30% of the level area of the proposed public park in the south west corner (excluding the terraced embankments adjacent to Marrickville and Livingstone Roads) will receive a minimum of 2 hours sunlight between 9.00am and 3.00pm on 21 June.</p> <p>The proposal includes upgrading of Hospital Lane and incorporates it as a fundamental feature of the design, providing public access through the centre of the site from the southern boundary to the northern boundary, with smaller public access ways transecting it from Lilydale Street.</p> <p>The landscaping is considered to be suitably robust to accommodate its public and civic functions while also responding to the</p>

<ul style="list-style-type: none"> i. Planting for shade in summer and sunlight penetration in winter must be provided in open public spaces. ii. Landscape design must promote screening between different building uses for the privacy of occupants. iii. Where landscaping is provided on podium structures, a minimum of 1 metre depth and sufficient soil volume to allow trees to reach maturity is required. iv. A minimum of 25% of the landscaped areas within the residential precinct should be provided as a deep soil zone 	<p>residential landscaping within Lilydale Street and Livingstone Road.</p> <p>Importantly it is noted that the application includes an additional public open space area, referred to as The Common, which was not envisaged in the masterplan. This space is centrally located within the site and will provide further landscaping relief to the high density residential buildings as well as improved curtilage to the retained heritage items.</p> <p>The space will benefit the private residents of the development as well as public users of the Community Hub.</p> <p>It is noted that the palm trees fronting Marrickville Road have been removed from the site in accordance with a previous approval. Notwithstanding, the proposed landscaped design satisfies the provisions of the DCP in that more formal landscaping is provided to the south west park with less formalised landscape design provided for the residential precinct.</p> <p>In excess of 25% of the area within the residential component of the development is soft landscaped area with 17.3% considered deep soil. There is also further approximately 16% of the residential component proposed as 'hard' landscaped areas (in addition to the soft landscaped area). The landscaping design and treatments overall are considered acceptable and it is noted that tree canopy cover under the development will be equal to or greater than the tree canopy cover which previously existed at the site prior to redevelopment commencing.</p>
Traffic, access and parking – C89, 90 and 91	
<p>Vehicular access and parking:</p> <ul style="list-style-type: none"> i. Must ensure that the location and design of driveways, parking spaces and other areas used for the movement of motor vehicles are efficient, safe, convenient and are integrated into the design of the development to minimise their visual impact. 	<p>The proposed location of vehicular access is from Livingstone Road.</p> <p>Site parking and all service vehicle facilities are located within basement and therefore there is minimal conflict with pedestrians who will be utilising the civic spaces at ground level. The exception to this is the occasional use of Hospital Lane by service vehicles up</p>

<ul style="list-style-type: none"> ii. Must ensure that parking and service/delivery areas and vehicular access points are located to minimise conflict between pedestrians and vehicles and to minimise impact on residential amenity. iii. No vehicular access is permitted from Marrickville Road or Lilydale Street. iv. The primary vehicular access to the civic precinct must be from Livingstone Road. <p>Vehicular access points must be:</p> <ul style="list-style-type: none"> i. easily accessible and recognisable to motorists. ii. Undisruptive to pedestrian flow and safety. iii. Located to minimise traffic hazard and the potential for vehicles to queue on public roads. iv. Located to minimise the loss of on street car parking, and to minimise the number of access points. v. Located to minimise impacts on heritage buildings and elements retained. <p>Must ensure that adequate off-street parking is provided to serve the needs of the development.</p>	<p>to Small Rigid Vehicle (SRV) size that may be associated with community events to be held within the public open space areas.</p> <p>There is no vehicular access to the site from Marrickville Road or Lilydale Street.</p> <p>The sole point of access to the basement parking is from Livingstone Road.</p> <p>The vehicular access point onto Livingstone Road is appropriate. This has been assessed within the submitted Traffic and Transport Plan, and has also been considered by Council's Development Engineer and the Council Traffic Committee. The location of the driveway has been deemed acceptable subject to conditions ensuring that "No Parking" restrictions are implemented along the eastern side of Livingstone Road between the driveway and the intersection with Marrickville Road.</p> <p>The basement parking areas are separated into the civic uses and the residential spaces. The number of spaces provided for each component of the development have been assessed in the Traffic and Parking report. The total numbers provided are compliant with the minimum requirements (223 required v 237 provided) although there is a slightly higher proportion allocated to residents (194 required v 214 provided) with a slightly lower number allocated to visitors (29 required v 23 provided). The number of disabled spaces within the resident parking allocation is compliant for residents (45 spaces) but in lieu of the DCP requirement for 11 accessible visitor spaces, the applicant has argued that 5 spaces is sufficient. This has been put forward on the basis of maximising the useability of the visitor spaces which may be compromised if there are too many spaces allocated for use as accessible spaces only.</p> <p>Council's Development Engineer has assessed the DA and the application was also referred to the Council's Traffic Committee. Both the Development Engineer and the Traffic Committee support the application (subject to the imposition of</p>
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	<p>various conditions of consent). It is considered on balance the variation to the number of visitor spaces and the provision of 14 additional car spaces overall is acceptable.</p>
Masterplan planning principles – C92	
	<p>The masterplan planning principles are represented in diagram format within Figure 40.8c (refer to Figure below).</p> <p>It is noted that Figure 40.8c is not prescriptive in terms of building separation, alignments and setbacks (other than 3m setbacks identified for the frontages of residential buildings to Lilydale Street and Livingstone Road).</p> <p>In that respect, the application is broadly consistent with the planning principles established for the master plan and buildings are positioned in the locations identified in Figure 40.8c other than the addition of a proposed public open space at the north western end of the Main Ward Block instead of a building in that location. This variation is considered to result in positive benefits and outcomes for the overall redevelopment of the site as discussed elsewhere in this report.</p>



Figure 42: Extract from Figure 40.8c Planning Principles for Masterplan Area MA 40.8 in the DCP

The proposed development includes some variations to the Masterplan for the site, however the Masterplan is flexible in its composition and, although it provides some prescriptive controls, the masterplan also provides many performance based controls.

On balance, the proposed development is considered to be generally consistent with the key controls of the Masterplan (including the Siting and Design controls) and satisfies the stated Objectives of the Masterplan which are set out below:

"O1. To create a distinctive, environmentally sensitive and inviting new civic heart for Marrickville.

O2. To guide the redevelopment of the former Marrickville Hospital site to accommodate a range of civic and commercial land uses and a public square that fronts Marrickville and Livingstone Roads, with mixed use and residential uses to the north and east that respond to the adjoining lower density residential areas."

7(d) The Likely Impact

The assessment of the DA demonstrates that, subject to the recommended conditions, the proposal will have minimal adverse impacts in the locality.

7(e) The suitability of the site for the development

The site is suitable for the proposed development. It has been the subject of a thorough design process resulting in a master plan for the site. The submitted DA is, on balance, consistent with the master plan.

The proposed land uses are consistent with the zoning of the land and in that sense, the site is suitable for the development.

Scale, height and form of the proposed development is generally consistent with the development controls and is consistent with the desired future character of the area as envisaged through the MLEP 2011 development standards and the site specific DCP controls.

The size and dimensions of the land are suitable for the scale of the proposed development and the site will have access to all utility services to accommodate the demand generated by the proposed development.

The local road network and key intersections have been assessed to being able to accommodate the traffic volumes generated by the proposal, without adverse impact on performance or safety.

Provided that any adverse effects on adjoining properties are minimised, this site is considered suitable to accommodate the proposed development, and this has been demonstrated in the assessment of the application.

7(f) Any submissions

The application was advertised, an onsite notice displayed on the property and resident/property owners in the vicinity of the property were notified in accordance with Council's Notification Policy. A total of 46 submissions were received. The application was amended and was renotified to surrounding properties. A total of 14 submissions were received in the second notification period.

The submissions raised the following concerns which have already been discussed throughout the main body of this report:

- (i) The buildings are significantly higher than the surrounding buildings. The buildings are too large, out of scale and not in keeping with the area. The buildings should hold less dwellings and be of a lesser height.
- (ii) The submitted photomontages don't realistically display the scale and impact of the proposed development.
- (iii) The proposed building height of 9 storeys on Lilydale Street does not align with Council's development goals that new developments 'should be in keeping with the scale and character of surrounding buildings' and should be reduced to 5 or 6 levels and setback further from the street in line with the 2011 DCP.
- (iv) The proposal does not comply with ADG building separation guidelines.

- (v) The transition between the development and the low density dwellings to the north is inadequate.
- (vi) The proposal is inconsistent with the objectives of the DCP.
- (vii) The proposal will have adverse impacts on the streetscape.
- (viii) The increase in visual bulk from the development will have adverse impacts on the closest residential dwellings, particularly those in Lilydale Street and Livingstone Road.
- (ix) Inadequate and non-compliant setbacks to Lilydale Street, the northern boundary and Livingstone Road.
- (x) Privacy and overlooking opportunities between units and privacy and overlooking opportunities from the new buildings to adjacent residential properties.
- (xi) The residential buildings are out of scale with the heritage items and will have an adverse impact upon the heritage items and the Community Hub.
- (xii) The form of the south east corner of the new library building is inappropriate, should be scaled back, the number of bicycle racks reduced and a large tree introduced to replace the lost canopy as a result of the removal of the current trees.
- (xiii) Local road and transport infrastructure cannot support a development of this scale and intensity. The traffic generated by the development will result in adverse impacts to the road network.
- (xiv) There is concern that there insufficient off-street car parking provided to service a development of this density and that on-street car parking in the local roads will be adversely affected. Need to establish resident parking on the street and make visitor spots for 1-2 hours.
- (xv) Adverse solar access and overshadowing impacts from the development on adjoining properties.
- (xvi) There is inadequate landscaped area and communal open space. Communal Space is less than the ADG Guidelines of 25%.
- (xvii) The residential site should rely on its own borders for green space and not the community hub, which is separate development.
- (xviii) The proposed public park is too small and the public space is located in the wrong location. The children's play area should be moved away from the busy corner to the back of the site.
- (xix) The unit mix and sizes should be clarified – there is a trend towards too many studios and 1 bedroom apartments.
- (xx) The form of the new library building requires design amendment, including the eastern wall, south eastern corner element and the roof form.
- (xxi) The heritage listed 'Lilydale House' will be overshadowed and the 10-storey building to the north will 'overwhelm' the building.
- (xxii) The proposed landscape design will not succeed due to lack of sunlight.
- (xxiii) The proposed development has only one driveway which will result in problems on Livingstone Road.
- (xxiv) Rubbish removal on Livingstone Road will cause ongoing traffic disruptions.
- (xxv) Additional demands to sewerage and drainage will need to be addressed.
- (xxvi) Providing public space to gain increases in height should not be supported as it would be required in any case.

- (xxvii) The development will increase adverse noise impacts during construction and post construction.
- (xxviii) Buildings A1 & A2 do not comply with maximum of 7 units off a single core lift per ADG.
- (xxix) The proposed development does not comply with accessible car spaces per the DCP requirement.
- (xxx) The proposed unit layout will result in privacy issues for adjacent properties, particularly those to the immediate north of the site.
- (xxxi) Narrow streets will be unable to cope with amount of vehicles on site during construction and a traffic management plan should be implemented to assist with number of congestion issues.

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

- (i) The proposal does not include enough affordable housing for the area.

Comment: There is no current statutory requirement to provide affordable housing as part of the development. The nine (9) affordable dwellings are therefore provided above any applicable requirement.

- (ii) Concerned that there is only one elevator in proposed residential building.

Comment: The application provides lifts in accordance with the ADG and BCA requirements.

- (iii) Rooftop entertaining areas above residential buildings should be provided to maximise views and encourage community spirit.

Comment: The proposal provides sufficient communal and private landscaped areas to satisfy the DCP and ADG requirements.

- (iv) Potential safety issues in common area when library/café closed. Good lighting and restaurants that open in the evening should be provided to assist with safety.

Comment: Conditions of consent have been recommended that require appropriate lighting to all publicly accessible areas.

- (v) The project has changed dramatically from the original intention and 9 affordable dwellings will not change it into a social project.

Comment: On balance the proposal complies with the adopted masterplan and DCP controls applicable to the site.

- (vi) Concerns raised about dust and noise pollution during construction and hours of work over weekends and the actual duration of the project. Additionally, concern is raised about unsafe removal of asbestos. No mention of when the work will be completed.

Comment: Conditions have been recommended that require the implementation of a Construction Management Plan which is to include standard hours of construction and appropriate conditions dealing with dust and noise emissions and removal of asbestos.

- (vii) The is no mention of the environmental sustainability of the project.

Comment: The residential component of the DA is supported with BASIX Certificates confirming that it complies with applicable water and energy efficiency targets under the BASIX SEPP.

- (viii) 225 dwellings with 500 residents will put a strain on services in the area. Public transport already overcrowded.

Comment: The site is within walking distance to the Marrickville Train Station and to various bus routes. The site is also within walking distance to a large array of commercial and retail services within the main part of the Marrickville commercial centre. The site has been identified for an increase in density to the level that is proposed and the site is considered suitable for the density of development proposed.

- (ix) The project has changed from the original scope and is now overseen by people responsible for Urban Growth and the JRPP for the Council area. Locally elected representatives should preside over the project.

Comment: The proposal is on balance consistent with the site specific controls within the DCP which were adopted by Council. In accordance with the relevant legislation, the consent authority for the development is the relevant Sydney Planning Panel as the site is owned by Council and the value of the work is well in excess of the relevant \$5 million threshold.

- (x) All the federation buildings should be retained

Comment: This DA proposal does not include demolition of any buildings at the site.

- (xi) The DA will ruin the culture and atmosphere of a quiet area that has a focus on health.

Comment: The former hospital was decommissioned many years ago. The operation of the existing health services in the vicinity of the site will not be affected as a result of the proposed development.

The development will undoubtedly increase the density and activity at the site and within the vicinity and this has been envisaged within the applicable strategic planning documents relating to the site.

- (xii) The development breaches height limits and is for the benefit of the developer and not the community.

Comment: The proposal is supported with a formal request to vary the development standard for maximum building height applicable to the site. The proposed variation is supported for the reasons outlined within Part 5 of this report.

- (xiii) High density residential development is out of context and similar buildings in Redfern and Waterloo are poorly maintained and infested with vermin and attract crime and antisocial behaviour.

Comment: The proposal is consistent with the FSR (density) controls applicable to the site. The design of the development generally accords with the provisions of SEPP 65,

the ADG and the DCP. In that respect the development is considered to be a well designed example of higher density development.

- (xiv) The library will attract graffiti.

Comment: The recommended conditions of consent include a requirement that anti-graffiti paint/finishes are to be used and appropriate lighting is to be implemented to the Community Hub and public spaces.

- (xv) The proposed Library waste services are located in Lilydale Street and will result in waste vehicles using Lilydale Street and parking issues in the Street. The location of the waste facility will also detract from the streetscape.

Comment: The proposal has been assessed by Council's Waste Management Officer, Traffic Engineer, AEP and Heritage Officer and no objection has been raised to the location or the visual impact of the Library waste storage facility.

- (xvi) Objection is raised to transplanting the Canary Island Date Palms and resultant relocation of nuisance Ibis community.

Comment: Approval for the removal of the Canary Island Date Palms was granted in a previous consent and they have since been removed from the site completely.

- (xvii) The height and density are too great for the site and the process of establishing those controls within the DCP and LEP was flawed.

Comment: The LEP was amended to include the current height and FSR controls in the appropriate way in accordance with the statutory provisions. The site specific controls within Part 9.40 of the DCP were also adopted in accordance with the statutory provisions for the making and amending of DCPs. In both instances, it is understood that the draft controls were publicly exhibited for the appropriate timeframe and reported in the manner required.

- (xviii) The cumulative impact of development in the area has not been considered, in particular traffic generation and parking.

Comment: Council as part of the DA process considers the individual impacts of the development having regard to traffic, parking overshadowing, bulk and scale, etc. The impacts are generally considered to be appropriate for the site.

The density of the locality was considered when drafting the LEP controls. It is noted that the site enjoys good public transport links as it is within 800 metres of the Marrickville Railway Station. All relevant matters raised in the submissions able to be considered under the provisions of Section 79C of the Environmental Planning and Assessment Act have been discussed in the report and consequently the cumulative impacts have also been considered.

- (xix) The community consultation process was inadequate and not accessible to all members of the community. The consultation period was too short and documents are no longer available to view.

Comment: The application was notified, and the amended DA was re-notified, in accordance with the procedures established in Council's adopted notification policy, including timeframes and the locations and formats for which DA documents are made available for public access.

- (xx) Concerns that traffic impact assessment is inadequate in scope, outdated and inappropriate for the scale of development proposed. Additional and updated surveys should be included, additional intersections should be analysed, school operations should be included in analysis, the capacity of the road to accommodate heavy vehicle movements should be included.

Comment: The application (including the Traffic Impact Report) was referred for review to the RMS, Council's Development Engineer and the Traffic Committee. No objection to the application was raised subject to the imposition of various conditions of consent which have all been adopted in the recommendation of the report. Additionally, no concerns were raised with the content or scope of the submitted Traffic Impact Assessment.

- (xxi) Support for the application. The development is consistent with the masterplan and LEP and the development will improve the site and benefit the community and locality.

Comment: Noted

- (xxii) Support for the spaces provided for car hire and loading.

Comment: Noted.

- (xxiii) Service for charging electric cars should be made available.

Comment: Although this facility may be desirable, there are no provisions in the DCP that require such a service to be provided.

- (xxiv) Will insurance cover Council workers if they are injured accessing bins on private property, as proposed in the DA.

Comment: The proposal is consistent with Council waste collection procedures.

- (xxv) The development will set a precedent for increased height in the area.

Comment: The application is supported by a formal request to vary the building height development standard in accordance with the provisions of Clause 4.6 of the LEP. The assessment and consideration of the height variation under the provisions of this clause does not set a precedent that is available to other applications.

- (xxvi) The application does not meet the duty of care to deliver a proposal that benefits the community, as it is on public (Council) land. The proposed development is skewed towards the provision of private apartments and not community assets or benefit.

Comment: The application has been considered against the relevant statutory planning controls and policies and on balance it is concluded that the application will be in the public interest and result in considerable public benefit.

- (xxvii) The proposed 2 car share pods should be increased to 5.

Comment: Whilst Council encourages car share, there are no numerical requirements for car share pods and therefore the proposal is already above any minimum requirement.

(xxviii) Supports the development with respect to the provision of on-site bicycle spaces.

Comment: Noted.

(xxix) There is an onus on Council to ensure there is a high return on investment to the community to benefit from the proposed development being on public land.

Comment: The conclusion of the assessment is that the proposal on balance will result in significant public benefit and is in the public interest. The financial arrangements between the Council and the applicant with respect to the delivery and construction of the development are not a matter for assessment under Section 79C of the EP&A Act.

(xxx) There are no locally elected decision makers involved in the process and therefore accountability is less that it should be.

Comment: This assessment report demonstrates that the application has been considered against the relevant statutory planning controls and policies. The application will be determined by the consent authority which is prescribed by the relevant legislation. The assessment process and determination of the DA is consistent with all relevant legislation.

(xxxi) It is recommended that Building B be deleted and the community hub be relocated on this footprint to remove the overlooking and solar access issues to properties in Lilydale Street.

Comment: The location of Building B and the Community Hub are consistent with the locations demonstrated in the masterplan within the DCP. Relocation of the buildings as suggested would likely require the formal amendment of the DCP.

(xxxii) The owner of an adjacent dwelling (28 Lilydale Street) did not receive notice of the meeting as the property is leased and would like an opportunity to discuss concerns with Council's consultant town planner.

Comment: The notification process, including mailing of notification letters was carried out in accordance with Council adopted notification policy. In addition the contact number of Council's consultant planner was been made available to the public through the duration of the assessment.

It is noted that the consultant planner has received numerous calls from local residents and interested people throughout the process, including from a legal representative of the owner of 28 Lilydale Street and author of the subject submission. That representative did not request a personal meeting at that stage.

Additionally, the consultant planner has visited the site on several occasions and considered the detailed submissions lodged on behalf of the owner of the 28 Lilydale Street.

(xxxiii) Request that Council advise the dates of any JRPP meeting to consider the proposal as they wish to speak to the planning authority.

Comment: The date of the Sydney Planning Panel determination meeting will be advised in accordance with the required procedures including the notification by the secretariat to each person who lodged a submission to the application.

7(g) The Public Interest

The public interest is best served by the consistent application of the requirements of the relevant Environmental Planning Instruments, and by Council ensuring that any adverse effects on the surrounding area and the environment are appropriately managed.

The proposal is not contrary to the public interest.

8 Referrals

8(a) Internal

The application was referred to the following internal sections/officers and issues raised in those referrals have been discussed in section 5 above.

- Heritage Advisor
- Architectural Excellence Panel (AEP)
- Traffic Committee
- Development Engineer
- Tree Management Officer
- Waste Management Officer
- GIS Officer
- Strategic Planning Projects Coordinator

8(b) External

The application was referred to the following external bodies:

- WaterNSW
- Roads and Maritime Services
- Sydney Trains
- Sydney Airport
- Ausgrid

Issues raised in those referrals have been discussed in Section 5 above, or are otherwise discussed below.

8(b)(i) WaterNSW

The development is Integrated Development and was referred to Water NSW under section 91A of the *Environmental Planning and Assessment Act* as the development involves an aquifer interference activity requiring an authorisation under the *Water Management Act 2000*. WaterNSW has assessed the application and issued General Terms of Approval.

8(b)(ii) Ausgrid

Ausgrid reviewed the application and provided standard recommendations for conditions of consent relating to:

- Proximity to Existing Network Assets;
- Method of Electricity Connection;
- Supply of Electricity; and
- Conduit Installation.

The recommended conditions have been included the recommendations of this report.

8(b)(iii) Sydney Airport

Sydney Airports reviewed the application and provided a response outlining no objection to the development for construction to a maximum height of 50.0 metres AHD.

The Sydney Airport response also advised that approval to operate construction equipment (i.e. cranes) higher than 50 metres AHD would likely require approval prior to any commitment to construct. The advice from Sydney Airport has been attached to the recommendations of this report.

9. Section 94 Contributions

The application was referred to Council's Strategic Planning Projects Coordinator for review to determine the Section 94 Contributions payable. Council's Strategic Planning Projects Coordinator has concluded that Section 94 contributions are payable for the proposal. Specifically, the carrying out of the development would result in an increased demand for public amenities and public services within the area. A contribution of \$2,612,923.01 would be required for the development under Marrickville Section 94/94A Contributions Plan 2014.

It is noted that the applicant has made submissions that no Section 94 contributions should be payable due to the significant public benefit being provided. The applicant contends that the development will result in public benefit through the delivery of a new Community Hub including a library, auditorium, public car parking, open spaces, a leasable tenancy and public access. It is submitted that the provision of the new library and the embellishment of the public open space are significant material public benefits, the value of which is more than the quantum of the Section 94 Contributions that would otherwise be levied and therefore no Section 94 Contributions should be payable.

In addition, the proposed development includes the provision of 9 affordable housing units. The applicant submits that the 9 affordable housing units are to be constructed and delivered to Council, at no cost to Council and is a significant public benefit and as a result it would be unreasonable for Council to impose Section 94 contributions on those units, and on this basis, would be contrary to Section 94(2) of the Act. The applicant has stated that "*Section 94(2) of the EP&A Act requires that conditions of development consent which imposes development contributions must be reasonable. We consider that it would be both unreasonable and beyond the scope of the statutory scheme for Council to levy contributions on this social infrastructure.*"

The applicant indicates that the estimated market value of the 9 affordable housing units is \$8,240,000.

It is acknowledged that the proponent is providing a material public benefit, however the applicant's contention that that material public benefit is being provided 'free of cost' as part of the redevelopment of the former Marrickville Hospital site is not supported. Instead, the conclusions of Council's Strategic Planning Projects Coordinator are considered reasonable on this matter. The following conclusions of Council's Strategic Planning Projects Coordinator are considered pertinent:

"The redevelopment of the site is subject to a Delivery Agreement with Council and any works that provide a material public benefit required under that agreement are not "free of cost" but rather are part of a commercial arrangement with Council.

Furthermore, if the works being carried out by Mirvac were considered to provide a material public benefit that justified the full or partial satisfaction of Section 94 contributions, such an offer would need to be made in accordance with the Marrickville Section 94/94A Contributions Plan 2014 and that offer would need to be accepted by Council."

And

"In relation to the imposition of a Section 94 contribution for the 9 affordable housing units the following points are made. The proposed dwellings would generate an additional demand for public services and facilities. Council is not aware of any Ministerial Direction that would exempt the 9 dwellings to be dedicated to Council and used as affordable housing from incurring a Section 94 contribution.

Notwithstanding the above, the Inner West Council does not support the proponent's contention that the 9 affordable housing units are *"being constructed and delivered to Council, at no cost to Council"*. The provision of the 9 affordable housing units was part of the proponent's Delivery Agreement with Council and those units are not *"free of cost"* but rather are part of a commercial arrangement with Council.

Marrickville Section 94/94A Contributions Plan 2014 lists a number of community facilities for which contributions are sought to pay towards the capital costs of those works. Those community facilities are listed in the Works Program: Community Facilities (Schedule 1.8.4 of the Plan).

Conditions imposed on development consents relating to the payment of Section 94 contributions specify the required contribution under the Plan based on the broad facility category (i.e. recreational facilities, community facilities and/or traffic facilities) rather than the individual items identified in the Works Program for that respective facility. Consequently, money collected under the Plan for those facilities could be spent on any one or more items identified in the respective work program for that facility.

Notwithstanding the above, Section 94E (2) of the Act permits *"money paid under this Division (other than Subdivision 4) for different purposes in accordance with the conditions of development consents may be pooled and applied progressively for those purposes, subject to the requirements of any relevant contributions plan or ministerial direction under this Division (other than Subdivision 4)"*.

It is noted that the Section 94 Contributions have been calculated in accordance with the Contributions Rates for the June 2017 Quarter. It is also noted that given the historical public ownership of the site and buildings, no rates have been levied on the property which could be used for such purposes as *“the provision of additional expenditure in areas likely to include land acquisition, new public amenities and public services or embellishment of existing facilities”*.

Notwithstanding, the Section 94 Contributions calculations provided by Council’s Strategic Planning Projects Coordinator include a total credit of \$1,875,263.61 for the former hospital and nurse’s quarters buildings and associated uses.

The advice from Council’s Strategic Planning Projects Coordinator is provided at Attachment D to this report.

10. Any planning (or draft planning) agreement under Section 94F of the Act

The application does not include, and is not subject to, any Voluntary Planning Agreement (VPA) or draft agreement under Section 94F of the Act.

11. Conclusion

Despite the non-compliance to the development standard relating to height of buildings, the proposal generally complies with the aims, objectives and design parameters contained in the relevant State Environmental Planning Policies (SEPPs), Marrickville Local Environmental Plan (MLEP) 2011 and Marrickville Development Control Plan (MDCP) 2011.

The development will result in the construction of buildings that are significantly greater in scale than adjacent low density residential development in Lilydale Street and Livingstone Road. The proposed buildings however, are generally consistent with the siting, density and height of development envisaged for the site under the applicable statutory controls and strategic planning documents.

The proposal will result in significant public benefit through the provision of a new library, public open space and community facilities as well as the restoration of heritage items and the provision of affordable housing.

The application is considered suitable for the issue development consent subject to the imposition of appropriate conditions.

12. Recommendation

That Council, as the consent authority pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979*, grant consent to Development Application No: 2016000434 for the redevelopment of the former Marrickville Hospital site, including the adaptive reuse of the former ‘Main Ward Block’ to accommodate a new Community Hub incorporating a public library and pavilion, construction of three (3) new residential flat buildings with nine (9) affordable and 212 private dwellings, alterations and the adaptive reuse of the two (2) storey former “Old Nurses’ Quarters” building, also formally known as Lilydale House (Building C),

to include four (4) new apartments and construction of two (2) separate basements for onsite car parking, subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

GENERAL

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

Architectural

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared By	Date Submitted
Detail Survey Ref No.: 078-12G T01 [8] Sheets 1 to 4 inclusive	Detail Survey Over Lot 2 D.P. 872693, Lot 36 & 37 D.P.3164, Lot 2 D.P. 103507	02/05/2016	Craig and Rhodes	19/09/2016
Sheet 01 of 23 to Sheet 23 of 23 Revision 5	Gross Floor Area	04/05/2017	Linker Surveying	
DA-R01 REV 4	Site Plan & Site Analysis	07/04/2017	Mirvac Design, TZG	
DA-R02 REV 4	Landscape Plan	07/04/2017	Mirvac Design, TZG	
DA-R03 REV 4	Landscaped Open Space Analysis	07/04/2017	Mirvac Design, TZG	
DA-R07 REV 4	Basement 02	07/04/2017	Mirvac Design, TZG	
DA-R08 REV 4	Basement 01	07/04/2017	Mirvac Design, TZG	
DA-R09 REV 5	Level 00 Plan	10/07/2017	Mirvac Design, TZG	
DA-R010 REV 5	Level 01 Plan	10/07/2017	Mirvac Design, TZG	
DA-R11 REV 5	Level 02 Plan	10/07/2017	Mirvac Design, TZG	
DA-R12 REV 5	Level 03 Plan	10/07/2017	Mirvac Design, TZG	
DA-R13 REV 5	Level 04 Plan	10/07/2017	Mirvac Design, TZG	
DA-R14 REV 5	Level 05 Plan	10/07/2017	Mirvac Design, TZG	
DA-R15 REV 5	Level 06 Plan	10/07/2017	Mirvac Design, TZG	
DA-R16 REV 5	Level 07 Plan	10/07/2017	Mirvac Design, TZG	
DA-R17 REV 5	Level 08 Plan	10/07/2017	Mirvac Design, TZG	
DA-R18 REV 5	Level 9 Plan	10/07/2017	Mirvac Design, TZG	

DA-R19 REV 4	Level 10 Plan	07/04/2017	Mirvac Design, TZG	
DA-R20 REV 4	Roof Plan	07/04/2017	Mirvac Design, TZG	
DA-R21 REV 4	Sections 1	11/04/2017	Mirvac Design, TZG	
DA-R22 REV 4	Sections 2	11/04/2017	Mirvac Design, TZG	
DA-R23 REV 4	Sections 3	11/04/2017	Mirvac Design, TZG	
DA-R24 REV 5	Sections 4	10/07/2017	Mirvac Design, TZG	
DA-R25 REV 5	North & South Elevations	10/07/2017	Mirvac Design, TZG	
DA-R26 REV 4	East & West Elevations	11/04/2017	Mirvac Design, TZG	
DA-R27 REV 4	Detail Elevations and Finishes Schedule	07/04/2017	Mirvac Design, TZG	
DA-R29 REV 4	Boundary Sections	07/04/2017	Mirvac Design, TZG	
DA-R30 REV 3	Building B Context Section with Lilydale Street Neighbours	10/07/2017	Mirvac Design, TZG	
A1880 Revision 1	Building B Privacy Screens	7/4/2017	Mirvac Design, TZG	
A1974 Revision A	Building B Landscape Sections	30/03/2017	Mirvac Design, TZG	
SK0022 Revision 1	Building A Internal Corners Screening	22/12/2016	Mirvac Design, TZG	
SK0027 Revision B	Public Domain Levels	10/10/2016	Mirvac Design, TZG	
00 Annexure 1u Revision A	Entry Lobby Plan		Aspect Studios	
Lighting Plan	Lighting Plan			
AR-DA-C07 ISSUE 3	Community Hub Basement	23/12/2016	BVN	13/01/17
AR-DA-C08 ISSUE 3	Community Hub L00 PLAN	23/12/2016	BVN	13/01/17
AR-DA-C09 ISSUE 3	Community Hub L01 PLAN	23/12/2016	BVN	13/01/17
AR-DA-C10 ISSUE 3	Community Hub L02	23/12/2016	BVN	13/01/17
AR-DA-C11 ISSUE 3	Community Hub Roof Plan	23/12/2016	BVN	13/01/17
AR-DA-C12 ISSUE 3	Community Hub Sections	23/12/2016	BVN	13/01/17
AR-DA-C13 ISSUE 3	Community Hub Elevations	23/12/2016	BVN	13/01/17

Landscape

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared By	Date Submitted
DA0000 REV G	Landscape Coversheet	06/07/2017	Site Image	
DA0001 REV F	Landscape Masterplan	21/04/2017	Site Image	
DA1011 REV G	Landscape Plan – Ground Floor	06/07/2017	Site Image	
DA1012 REV G	Landscape Plan – Ground Floor	06/07/2017	Site Image	
DA1013 REV G	Landscape Plan – Ground Floor	06/07/2017	Site Image	
DA1014 REV G	Landscape Plan – Ground Floor	06/07/2017	Site Image	
DA1091 REV F	Landscape Plan – Level 9	21/04/2017	Site Image	
DA1092 REV F	Landscape Plan – Rooftop	21/04/2017	Site Image	
DA0501 REV E	Landscape Details	06/07/2017	Site Image	
DA0601 REV D	Landscape Sections	21/04/2017	Site Image	
DA0901 REV B	Landscape Plan – Building B	09/01/2017	Site Image	
DA0902 REV B	Landscape Sections – Building B North and East Boundary	09/01/2017	Site Image	
DA00 Revision 08	Contents	19/08/2016	Aspect Studios	
DA01 Revision 08	Site Plan	19/08/2016	Aspect Studios	
DA02 Revision 08	Landscape Master Plan	19/08/2016	Aspect Studios	
DA03 Revision 08	Park & Library Lawn Plan	19/08/2016	Aspect Studios	
DA04 Revision 08	Park & Library Lawn Sections	19/08/2016	Aspect Studios	
DA05 Revision 08	Children's Garden	19/08/2016	Aspect Studios	
DA06 Revision 08	Park & Library Lawn Indicative Planting Strategy	19/08/2016	Aspect Studios	
DA07 Revision 08	Children's Garden Indicative Planting Strategy	19/08/2016	Aspect Studios	
	Community Hub – Planting Palette		Aspect Studios	10/01/2017

00 Annexure 1b	Arbour Perspective 2	16/12/2016	Aspect Studios	
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Document Name / Title	Revision/Ref No.	Date Issued	Prepared by	Date Submitted
Vertical Transportation Design Statement – Marrickville Community Hub Development		11/04/2017	ARUP	
Letter from AJ Whipps Consulting Group (Re: Community Hub Roof Design)		30/11/2016	AJ Whipps Consulting Group	
Public Art Locations – Marrickville Community Hub				
Letter from McKenzie Group (Re: Marrickville Residential Building – Fire Separation to Car Parking Compartment)		1/12/2016	McKenzie Group	
Arboricultural Impact Assessment		April 2016	Urban Forestry Australia	
Arboricultural Impact Assessment		November 2016	Urban Forestry Australia	
SEPP 65 Design Verification Statement		August 2016	Tim Greer (TZG) & Kim Bazeley (Mirvac Design)	
Marrickville Community Hub Development – Integrated Water Cycle Management Report - 313-319 Marrickville Road, Marrickville, NSW		August 2016	Taylor Thomson Whitting	
Geotechnical Certificate for Proposed Mixed Use Development	Ref No 26279Vlet	9/05/2016	JK Geotechnics	
Geotechnical Investigation for Proposed Mixed Use Development at Marrickville Hospital Site, Corner of Marrickville and Livingston Roads, and Lilydale Street, Marrickville, NSW	Ref: 26279VTrp t Marrickville Rev 1	12/06/2013	JK Geotechnics	
Marrickville Community Hub Development, Traffic and Parking Assessment	Issue 6	22/08/2016	Parking & Traffic Consultants	
Thermal Comfort & BASIX Assessment Report	Issue C File ref: 9952	22/08/2016	Efficient Living	
BASIX Certificate	Certificate number: 720665M	22/08/2016	Efficient Living	

BASIX Certificate	Certificate number: A257097	19/08/2016	Efficient Living	
Marrickville Community Hub Acoustic Survey and Criteria	Issue F	18/08/2016	ARUP	
Marrickville Hospital Site Redevelopment, Acoustic Assessment for Development Application	TH812-01F02 Acoustic Report for DA (r1).docx	01/03/2016	Renzo Tonin & Associates	
Building Code of Australia 2016 Final Draft Capability Statement for DA Submission Marrickville Community Hub and Library	Revision R06 16-206403_Marrickville Library&Hub_FinalDraftBCACapStatReportR06_18082016.docx	18/08/2016	Philip Chun Building Compliance	
Building Code of Australia 2016 Final Draft Capability Statement for DA Submission Old Marrickville Hospital - Proposed Residential Development	Revision R04 16-206403_MarrickvilleHospitalResidentialDevelopment_FinalDraftCapStatReport_R04_19082016	19/08/2016	Philip Chun Building Compliance	
Access Review	FINAL v4	19/08/2016	Morris Goding Accessibility Consulting	
Letter Re: Marrickville Hospital Site Redevelopment, Sydney Fire Engineering approach in support of the Development Application submission	Ref: 249346-00	10/08/2016	ARUP	
Waste Management Plan – Community Hub	Revision E	18/08/2016	Elephants Foot	
Waste Management Plan – Residential	Revision F	19/08/2016	Elephants Foot	
Marrickville Community Hub Development Flood Risk Assessment	Ref: BGE-FS-RPT-C-820 REV / 1 DATE / 18/08/2016	18/08/2016	BG&E	
Natural Cross Ventilation Memo	Ref: WD634-01F01(rev3	04/05/2017	Windtech	

)- NV Memo			
Aster Services Response - Marrickville proposed garbage collection strategy		29/03/2017	Aster Services	

and details submitted on 19 September 2016, 13 January 2017, 11 April 2017, 10 July 2017 and 11 July 2017 with the application for development consent and as amended by the following conditions.

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

2. Where any plans and/or information forming part of a construction certificate issued in relation to this consent are inconsistent with:
 - (a) The plans and/or information approved under this consent; or
 - (b) Any relevant requirements of this consent,

The plans, information and/or requirements of this consent (as the case may be) shall prevail to the extent of the inconsistency.

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

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

3. In order to ensure the architectural and urban design excellence of the development is retained:
 - (a) The design architects are to have direct involvement in the design documentation, contract documentation and construction strategies of the project;
 - (b) The design architects are to have full access to the site and are to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of design issues throughout the life of the project;
 - (c) Evidence of the design architect's commission is to be provided to the Council prior to the release of the relevant construction certificate.

The design architects of the project are not to be changed without prior notice and approval of the Council's Group Manager Development Assessment and Regulatory Services.

Reason: To ensure design excellence is maintained.

4. The materials and finishes of the building constructed pursuant to this consent must be strictly in accordance with the materials and finishes identified on Drawing AR-DA-C13 Issue 3 prepared by BVN (for the Community Hub) dated 23 December 2016 and Drawing DA-R27, Issue Rev 4, dated 7 April 2017, prepared by TZG and Mirvac Design. No changes may be made to these drawings except by way of an application under Section 96 of the *Environmental Planning and Assessment Act 1979*.

Reason: To ensure the final built development has an appearance that accords with the approved materials and finishes.

5. Site remediation works approved in accordance with DA201600430 are to be completed, and a validation report is to be submitted to Council, prepared in accordance with the requirements of the NSW EPA's Guidelines for Consultants Reporting on Contaminated Sites to Council's satisfaction prior to the issue of any Construction Certificate.

Reason: To ensure that the site is suitable for the intended use.

6. Where units or dwellings are provided with separate individual hot water systems, these must be located within the internal area of the unit/dwelling, and not on any balcony or terrace.

Reason: To ensure the aesthetics of the building and architecture are maintained.

7. Separate Development Consent or Complying Development Certificate must be obtained for the use of the commercial premises identified as the "Lease Area RM10" on the ground floor at the northern end of the Community Hub precinct (refer to Drawing AR-DA-C08, Community Hub L00 Plan, prepared by BVN, dated 23 December 2016) prior to the occupation of that part of the premises.

Reason: To advise the applicant of the necessity of obtaining Council approval for the use of the shops/commercial suites prior to their occupation.

8. The ongoing use of the café and the commercial premises identified as "Lease Area RM10" within the Community Hub is to comply with the following requirements at all times:
 - (a) The hours of operation are restricted to between the hours of 7:00am to 7:00pm Monday to Sundays, and not at any time on public holidays;
 - (b) All loading and unloading in connection with the use must be carried out wholly within the property from the dedicated loading space in the basement car park, during the approved hours of operation, and in such a manner so as to not cause an inconvenience to the public;
 - (c) No storage of goods or equipment external to any building on the site is permitted; and
 - (d) No signs or goods must be displayed for sale or stored on the footpath in front of the premises at any time without the prior approval of Council.

Reason: To ensure that the commercial uses are confined to the ground floor shop areas, to preserve the streetscape and character of the area, and to ensure that the operation of the premises does not interfere with the amenity of the locality.

9. Each dwelling must be used exclusively as a single dwelling and not be adapted for use as backpackers' accommodation, serviced apartments, or a boarding house, and not be used for any industrial or commercial purpose.

Reason: To ensure that the proposed dwellings are used exclusively as single dwellings.

10. A minimum of 45 adaptable dwellings must be provided in accordance with Part 2.5 of Marrickville Development Control Plan 2011 - Equity of Access and Mobility.

Reason: To make reasonable provision in the development to provide residential accommodation suitable for people with a disability.

11. 255 bicycle parking spaces, including a mix of residential storage cages suitable to accommodate bicycles as well as separate racks must be provided for the residential component of the development. Eight (8) additional bicycle spaces for visitors are to be provided outside the secure entry point to the residential car park, and a further 15 visitor spaces are to be provided at ground level along the residential portion of Hospital Lane.

A secure commercial cage suitable to accommodate eight (8) bicycles must be provided for staff of the Community Hub and 20 racks, to accommodate up to 40 bicycles, are to be provided s proposed at ground level for visitors to the Community Hub.

Reason: To ensure practical on-site bicycle parking is available for the use of the Community Hub and the residential development.

12. 297 off-street car parking spaces must be provided and maintained at all times in accordance with the standards contained within Part 2.10 of Marrickville Development Control Plan 2011- Parking. The parking must be allocated as follows:
- (a) A minimum of 60 spaces to be provided within the Community Hub basement car park (including six (6) accessible);
 - (b) A minimum of 237 spaces to be provided with the residential basement carpark. With 214 to be allocated to the residential dwellings (including 45 accessible – being, one (1) space per adaptable dwellings) and 23 allocated as visitor spaces (including five (5) accessible).

All accessible car spaces must be provided and marked as disabled car parking spaces.

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

13. 12 off-street motorcycle spaces in the residential car park, and three (3) motorcycle spaces in the Community Hub car park must be provided, paved, linemarked, and maintained at all times in accordance with the standards contained within Part 2.10 of Marrickville Development Control Plan 2011 - Parking.

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

14. 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 must be 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.

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

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

16. The use of the premises, including any plant and equipment, must not give rise to:
- (a) Transmission of unacceptable vibration to any place of different occupancy;
 - (b) A sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(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).

Reason: To prevent loss of amenity to the area.

17. Noise and vibration from the use and operation of any plant and equipment and/or building services associated with the premises must not give rise to "offensive noise" as defined by The *Protection of the Environment Operations Act 1997* (NSW).

Reason: To protect the amenity of the surrounding neighbourhood.

18. Amended architectural plans and an amended waste management plan must be submitted to the satisfaction of the Council's Group Manager Development Assessment and Regulatory Services, demonstrating a suitable sized area to store the residential waste and recycling bins within the boundary on the Livingstone Road frontage of the site, ready for Council pickup. The bins holding area is to be of a size and capacity to accommodate the required number of bins and is not to be on the footpath or road reserve. The bin holding area should be provided generally in front of apartments 10103, 10105, 10106 and 10107.

Additionally, the waste management arrangements for Building C are required to be amended so that they can accommodate bins of minimum of 240L in size (can be 660L) as opposed to the proposed 120L bins. The amended waste management arrangements for Building C are also to include details of protection methods to be put in place within the Lobby of Building B during the transfer of receptacles through that Lobby.

19. The proposed awning/roof structure over the Marrickville Road footpath shall be of cantilever type, and must be set back at least 600mm from the kerb line. The awning/roof shall include pedestrian Category P3 lighting in accordance with AS1158.3.1:2005.

Reason: To ensure the awning complies with Council requirements.

20. Owners and occupants of the proposed buildings shall not be eligible to obtain parking permits under any existing or future resident parking scheme for the area. The person acting on this consent shall advise any purchaser or prospective tenant of this condition. In addition the by-laws of any future residential strata plans created for the property shall reflect this restriction.

Reason: To ensure the development does not reduce the amount of "on street" parking currently available.

21. All stormwater drainage being designed in accordance with the provisions of the 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.

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

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

23. Dry-weather flows of any seepage water including seepage from landscaped areas will not be permitted through kerb outlets and must be connected directly to a Council stormwater system. Alternatively the water may be stored separately on site and reused for the watering of landscaped areas.

Reason: To ensure that there are no dry-weather flows of any seepage water directed to the kerb.

24. The existing heritage post box on the Marrickville Road footpath shall be protected and maintained in place.

Reason: To ensure the existing heritage post box is maintained.

25. Should any relics as defined by the *Heritage Act 1977* be discovered during excavation, the requirements of the Act are to be complied with.
26. The species of trees, planting stock size, and planting method shall be as detailed in the approved landscape plans (refer to Condition 1).
- (a) The planting stock shall comply with Australian Standard Tree stock for landscape use AS 2303—2015.
 - (b) The new trees shall be planted by a qualified horticulturist or arborist, with a minimum qualification of Certificate 3.
 - (c) The replacement tree shall be maintained in a healthy and vigorous condition during a minimum establishment period of 12 months.
 - (d) If any tree dies or is removed during this period it shall be replaced with the same species tree in accordance with these conditions at the expense of the applicant.

Reason: To compensate for the tree being removed to maintain a sustainable urban forest canopy.

27. Tree removal for trees approved to be removed shall be removed by a practicing arborist who has a minimum qualification of Certificate 3 in Arboriculture, in compliance with WorkCover NSW Code of Practice: Amenity Tree Industry 1998.

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

28. Separate Development Consent or Complying Development Certificate must be obtained prior to the erection of any advertisements or advertising structures. The café windows must not be painted with advertisements and no flashing lights are to be installed on the premises.

Reason: To confirm the terms of Council's approval.

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

Reason: To ensure that the development is adequately serviced.

30. All trade waste must be stored within the site boundaries and contained in such a manner so as not to cause a nuisance.

Reason: To provide for correct storage of wastes.

31. All building work must be carried out in accordance with the provisions of the National Construction Code (Building Code of Australia).

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

32. All roof-top plant and associated equipment must be located within the approved building envelope as detailed in the plans listed in Condition 1.

Reason: To confirm the terms of this consent.

33. Compliance with the following General Terms of Approval of Water NSW is required and in the event that the construction of the development is staged with more than one (1) Construction Certificate, then the General Terms of Approval will apply to all stages:

General:

- (a) An access licence is required for the take of groundwater by the below-ground structure proposed as part of the development application and it is to be obtained by the applicant and a copy of the certificate provided to Council and the relevant approval body within six (6) months of the commencement of excavation at the subject property.
- (b) A copy of the written permission from the relevant controlling authority for the disposal of any pumped groundwater is to be obtained by the applicant and a copy of the certificate provided to Council and the relevant approval body before excavation commences at the subject property.

- (c) Unless authorised by an access licence purchased by the applicant for the long-term take of groundwater from the appropriate water source(s) identified in the relevant water sharing plan, the substructure of the building must be made fully watertight across its entire subsurface extent for the anticipated occupational life of the development.
- (d) The access licence purchased by the applicant for the long-term take of groundwater from the appropriate water source(s) identified in the relevant water sharing plan must:
 - i. Identify sufficient entitlement to account for the maximum possible annual extraction volume to ensure compliance with water management legislation; and
 - ii. Be retained by the applicant and attached to the completed building to account for the ongoing take of groundwater for its occupational life.
- (e) Sufficient permanent drainage shall be provided beneath and around the outside of the watertight structure where an access licence has not been obtained to ensure that natural groundwater flow is not impeded and:
 - i. Any groundwater mounding at the edge of the structure shall be at a level not greater than 10 % above the level to which the water table might naturally rise in the location immediately prior to the construction of the structure; and
 - ii. Any elevated water table is more than 1.0 m below the natural ground surface existent at the location immediately prior to the construction of the structure; and
 - iii. Where the habitable part of the structure (not being footings or foundations) is founded in bedrock or impermeable natural soil then the requirement to maintain groundwater flows beneath the structure is not applicable.
- (f) Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater, and shall not themselves cause pollution of the groundwater.
- (g) Documentation (referred to as a 'report') comprising measurements, maps, bore logs, calculations, results, discussion and justification for various matters related to the dewatering process must be provided. Information will be required at several stages: prior to construction commencing (initial report - which will accompany the application for the authorisation), at any time when a significant change in activities occurs (intermediate report); and at the completion of construction (completion report). Reports need to be submitted in a format consistent with electronic retrieval without editing restrictions; raw data should be presented in Excel spreadsheets without editing restrictions.

Prior to excavation:

- (h) The following shall be included in the initial report:
 - i. Measurements of groundwater levels beneath the site from a minimum of three relevant monitoring bores, together with details of the bores used in the assessment including bore logs and three-dimensional identification information.

- ii. A map of the site and its immediate environs depicting the water table (baseline conditions) shown relative to the topography and approved construction footprint from the surface level and below. An assessment of the potential variation in the water table during the life of the proposed building together with a discussion of the methodology and information on which this assessment is based.
 - iii. Details of the present and potential groundwater flow paths and hydraulic gradients in and around the site; the latter in response to the final volumetric emplacement of the construction.
 - iv. A schedule for the ongoing water level monitoring and description of the methodology to be used, from the date of consent until at least two months after the cessation of pumping. [Note that groundwater level measurements should be undertaken on a continuous basis using automatic loggers in monitoring bores.]
- (i) The applicant shall assess the likely impacts of the dewatering activities on other groundwater users or structures or public infrastructure; this assessment will include an appropriate bore, spring or groundwater seep census and considerations relevant to potential subsidence or excessive settlement induced in nearby buildings and property, and be documented together with all calculations and information to support the basis of these in the initial report.
 - (j) Groundwater quality testing of samples taken from outside the footprint of the proposed construction, with the intent of ensuring that as far as possible the natural and contaminant hydrochemistry of the potential dewatered groundwater is understood, shall be conducted on a suitable number of samples and tested by a NATA-certified laboratory. Details of the sampling locations and the protocol used, together with the test results accompanied by laboratory test certificates shall be included in the initial report. An assessment of results must be done by suitably qualified persons with the intent of identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria for the intended dewatering purpose. In the event of adverse quality findings, the applicant must develop a plan to mitigate the impacts of the hydrochemistry on the dewatered groundwater and present the details of all assessments and plans in the initial report.
 - (k) Groundwater quality testing generally in accordance with the above clause, shall be undertaken on any anniversary or other renewal or alteration of any dewatering authorisation.
 - (l) A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and included in the initial report; together with details and calculation methods for the parameters and supporting information to confirm their development or measurement (e.g. permeability determined by slug-testing, pump-testing or other means).
 - (m) A copy of a valid consent for the development shall be provided in the initial report.
 - (n) The method of disposal of pumped water shall be nominated (i.e. reinjection, drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be included in the initial report. The disposal of any contaminated pumped groundwater (sometimes called "tailwater") must comply with the provisions of the *Protection of the Environment Operations Act 1997* and any requirements of the relevant controlling authority.

- (o) Contaminated groundwater (i.e. above appropriate NEPM 2013 thresholds) shall not be reinjected into any aquifer. The reinjection system design and treatment methods to remove contaminants shall be nominated and included in the initial report and any subsequent intermediate report as necessary. The quality of any pumped water that is to be reinjected must be demonstrated to be compatible with, or improve, the intrinsic or ambient groundwater in the vicinity of the reinjection site.

During excavation

- (p) Engineering measures designed to transfer groundwater around and beneath the basement shall be incorporated into the basement construction to prevent the completed infrastructure from restricting pre-existing groundwater flows.
- (q) Piping, piling or other structures used in the management of pumped groundwater shall not create a flooding hazard or induce mounding of groundwater. Control of pumped groundwater is to be maintained at all times during dewatering to prevent unregulated off-site discharge.
- (r) Measurement and monitoring arrangements to the satisfaction of the approval body are to be implemented. Weekly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a completion report provided after dewatering has ceased. Records of groundwater levels are to be kept and a summary showing daily or weekly levels in all monitoring bores provided in the completion report.
- (s) Pumped groundwater shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc.) without the controlling authority's approval and/or owner's consent/s. The pH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater shall be complied with.
- (t) Dewatering shall be undertaken in accordance with groundwater-related management plans applicable to the excavation site. The requirements of any management plan (such as acid sulfate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.
- (u) The location and construction of groundwater extraction works that are decommissioned are to be recorded in the completion report. The method of decommissioning is to be identified in the documentation.
- (v) Access to groundwater management works used in the activity is to be provided to permit inspection when required by the approval body under appropriate safety procedures.

Following excavation:

- (w) Following cessation of the dewatering operations, the applicant shall submit the completion report which shall include:
 - i. Detail of the volume of water taken, the precise periods and location of water taken, the details of water level monitoring in all of the relevant bores; and
 - ii. A water table map depicting the aquifer's settled groundwater condition and a comparison to the baseline conditions; and

- iii. A detailed interpreted hydrogeological report identifying all actual resource and third party impacts, including an assessment of altered groundwater flows and an assessment of any subsidence or excessive settlement induced in nearby buildings and property and infrastructure.
- iv. Details of the ongoing monitoring program to be implemented by the applicant, for the purposes of demonstrating compliance with the requirements of the authorisation and the NSW Aquifer Interference Policy.
- (x) The completion report is to be assessed by the approval body prior to any certifying agency's approval for occupation or use of the completed construction.
- (y) Monitoring (measurement and recording) of discharge volumes arising from ongoing dewatering groundwater take must be carried out on a monthly basis for the life of the building using a method compliant with the NSW Water Extraction Monitoring Policy (e.g. pumping diary, pump revolution meter, operating hour meter, electricity meter or flow meter). The design of the drainage system to isolate groundwater inflows from other sources of water is the responsibility of the applicant.
- (z) All monitoring records are to be maintained by the applicant for the life of the development to demonstrate the actual take of groundwater is consistent with the volumes anticipated during the design of the project. Where sump pumps have not been operated during the calendar month this must nevertheless be identified in the monitoring record (e.g. as a 'nil' entry).
- (aa) Reports (including all monitoring data and interpretations of the groundwater-related impacts of the ongoing take) shall be prepared by a suitably qualified and experienced hydrogeological consultant on behalf of the applicant when required by Council or the relevant approval body.

Reason: To comply with the requirements of Water NSW.

34. Section 94 Contributions

- (a) This condition is imposed in accordance with Section 94 of the Environmental Planning and Assessment Act 1979.
- (b) Before the issue of any Construction Certificate the Council must be paid a monetary contribution of \$2,612,923.01 indexed in accordance with Marrickville Section 94/94A Contributions Plan 2014 ("CP").

The above contribution is the contribution applicable as at 07 August 2017.

*NB Contribution rates under Marrickville Section 94/94A Contributions Plan 2014 are indexed quarterly (for the method of indexation refer to Section 2.15 of the Plan). The indexation of the contribution rates occurs in the first week of the months of February, May, August and November each year, following the release of data from the Australian Bureau of Statistics.

(CONTRIBUTION PAYMENT REFERENCE NO. DC001984)

- (c) The contribution payable has been calculated in accordance with the CP Plan and relates to the following public amenities and/or services and in the following amounts:

Recreation Facilities	\$2,252,353.87
Community Facilities	\$331,563.79
Traffic Facilities	-\$22,228.76
Plan Administration	\$51,234.10

- (d) A copy of the CP can be inspected at Council's offices at 2-14 Fisher Street, Petersham or online at <http://www.marrickville.nsw.gov.au>.
- (e) The contribution must be paid either in cash, by unendorsed bank cheque (from an Australian Bank only), via EFTPOS (Debit only) or credit card*.

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

Reason: To ensure provision is made for the increase in demand for public amenities and services required as a consequence of the development being carried out.

BEFORE COMMENCING DEMOLITION, EXCAVATION AND/OR BUILDING WORK

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

- 35. 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.

- 36. 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.

- 37. 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

- 38. A detailed Construction Traffic Management Plan to cater for construction traffic shall be submitted to and approved by Council before commencement of works relating to any Construction Certificate issued. Details shall include proposed truck parking areas, construction zones, crane usage, truck routes etc. In addition The Construction Traffic Management Plan shall include the following measures/information:

- (f) No access must be permitted for construction vehicles into Lilydale Street without prior approval from Council;
- (g) Access to Hospital Lane shall be restricted to light vehicles only and the route shall be restricted to Stanley Street and Livingstone Road only;
- (h) Submission of detailed construction access plans (scale 1 to 100) for each proposed construction entry detailing all utilities (poles and service pits), trees and landscaping that will be affected by the proposed entries. The construction entries shall not to be installed until such time as a S138 approval has been issued for each entry; and
- (i) No lane closures directly at the intersection of Marrickville and Livingstone Road shall be undertaken during morning and afternoon peak periods without prior approval.

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

39. 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 relating to any Construction Certificate issued.

Reason: To ensure the existing condition of Council's infrastructure is clearly documented.

40. No work must commence until:

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

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

41. 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*.

42. Sanitary facilities must be provided at or in the vicinity of the work site in accordance with the WorkCover Authority of NSW, Code of Practice 'Amenities for Construction'. Each toilet must be connected to the sewer, septic or portable chemical toilet before work commences. Facilities must be located so that they will not cause a nuisance.

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

43. All demolition work must:

- (a) Be carried out in accordance with the requirements of Australian Standard AS 2601 'The demolition of structures' and the *Occupational 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.

44. Where any loading, unloading or construction is to occur from a public place, Council's Roads and Stormwater, Assets and Environment Group 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.

45. 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.

46. 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.

47. 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 Roads and Stormwater, Assets and Environment Group.

Reason: To secure the area of the site works maintaining public safety.

48. 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.

49. A Soil and Water Management Plan must be prepared in accordance with Landcom Soils and Construction, Volume 1, Managing Urban Stormwater (Particular reference is made to Chapter 9, "Urban Construction Sites") and submitted to and accepted by the PCA. A copy of this document must be submitted to and accepted by PCA before work commences. The plan must indicate:
- (a) Where the builder's materials and waste are to be stored;
 - (b) Where the sediment fences are to be installed on the site;
 - (c) What facilities are to be provided to clean the wheels and bodies of all vehicles leaving the site to prevent the tracking of debris and soil onto the public way; and
 - (d) How access to the site will be provided.
 - (e) 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.

50. The person acting on this consent is responsible for arranging and meeting the cost of dilapidation reports prepared by a suitably qualified person. The reports are to include colour photographs and must be submitted to the Certifying Authority's satisfaction, with a colour copy being provided to Council and the respective property owner(s) of the identified properties, before work commences, on the buildings on the adjoining properties at 28 Lilydale Street and 172 Livingstone Road, Marrickville if the consent of the adjoining property owner(s) can be obtained. In the event that the consent of the adjoining property owner(s) cannot be obtained copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the PCA before work commences.

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

51. 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. If more than one Construction Certificate is issued, then a contact number for a designated person for each stage of the construction is to be provided and be available during demolition and construction for that stage.

Reason: To provide a person that residents can contact.

52. The community hub component of the development shall be known as 313-319 Marrickville Road, Marrickville. The residential component of the development shall comply with the Marrickville Apartment Numbering Schedule Rev 2 and associated plan emailed to Mirvac's Development Manager, Residential Development on 19 October 2016. If a new street number or a change to the street number is required, a separate application must be made to and approved by Council prior to that street number being displayed.

Reason: To ensure that the building is easily identifiable.

53. A project arborist with a minimum AQF level 5 qualification in arboriculture and who does not remove or prune trees in the Inner West local government area shall be engaged before work commences at any part of the site for the duration of site preparation, demolition, construction and landscaping.

Reason: The project arborist shall provide guidance and oversight of tree protection and management to ensure that the stability and ongoing viability of trees being retained are not compromised.

54. The contact details of the project arborist shall be advised to Council before work commences and maintained up to date for the duration of works. If a new project arborist is appointed details of the new project arborist shall be notified to council within 7 days.

Reason: Council requires details of the project arborist to facilitate communication if required.

55. The tree protection measures detailed in the Council approved Arboricultural Impact Assessment April 2016 (prepared by Urban Forestry Australia) shall be established before work commences.

Reason: To ensure that the stability and ongoing viability of trees being retained are not compromised.

56. The project arborist shall inspect tree protection measures, including the location of tree protection fencing and signage, and certify in writing to the Principal Certifying Authority the measures comply with the council-approved tree protection plan before work commences.

Reason: The project arborist shall provide guidance and oversight of tree protection and management to ensure that the stability and ongoing viability of trees being retained are not compromised.

57. Tree protection measures detailed in the council-approved tree protection plan and in Section 4 of Australian Standard Protection of Trees on Development Sites AS 4970—2009 shall be implemented and complied with for the duration of works including site preparation, demolition, construction and landscaping.

Reason: To ensure trees being retained are effectively protected and managed and their stability and ongoing viability are not compromised.

BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

Prior to the Issue of any Construction Certificate

58. A statement of the method to be used for protecting the Old Nurses' Home and the Main Ward Block during excavation and construction is to be submitted to and approved by Council's Heritage Officer prior to the issue of a Construction Certificate, in order to ensure that significant fabric is not damaged. The work is to be executed in accordance with the approved method to the satisfaction of the Principal Certifying Authority before the issue of the relevant Occupation Certificate.
59. A suitably qualified conservation architect is to be engaged to advise the person acting on this consent on any heritage issues arising during construction. Evidence that this person has been appointed is to be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate. The conservation architect's recommendations are to be implemented to the satisfaction of the Principal Certifying Authority prior to the issue of a relevant Occupation Certificate
60. An interpretation plan for the site is to be prepared by a suitably qualified heritage consultant. The plan is to set out recommendations for introduced material and presentation of the fabric which will help to convey the heritage [historical / aesthetic / etc.] significance of the item to users and visitors. The introduced material may comprise written and graphic historical displays, signage, public art, audio material, moving images, and interactive features. Presentation of the fabric may involve lighting, barriers and protective devices. The interpretation plan is to be submitted to and approved by Council's Heritage Officer prior to the issue of any Construction Certificate and implemented to the satisfaction of the Principal Certifying Authority prior to the issue of an Occupation Certificate for the Community Hub and an Occupation Certificate for the residential development involving the Old Nurses Home building.
61. A photographic archival record of the subject property is to be prepared in accordance with "Photographic Recording of Heritage Items using Film or Digital Capture," (former) Heritage Office, 2006. The record is to be submitted to and approved by Council's Heritage Officer prior to the issue of a Construction Certificate.
62. The person acting on this consent shall pay Section 138 (*Roads Act*) inspection fees in the amount of \$824.00 (GST inclusive) to Council before the issue of a Construction Certificate to allow for inspections by Council of the footpath, vehicular crossing and/or other public domain works required as a result of this development.

Reason: To allow for inspections by Council.

63. Before the issue of each Construction Certificate the relevant owner or builder shall sign a written undertaking that they shall be responsible for the full cost of repairs to footpath, kerb and gutter, or other Council property damaged as a result of construction of the proposed development. Council may utilise part or all of any Building Security Deposit (B.S.D.) or recover in any court of competent jurisdiction, any costs to Council for such repairs.

Reason: To ensure that all damages arising from the building works are repaired at no cost to Council.

64. In order to provide satisfactory vehicular and pedestrian access, drainage, landscaping and aesthetic improvements to the public domain adjacent to the site, the following works shall be undertaken at no cost to Council:
- (a) The public domain along all frontages of the site inclusive of footpath paving, kerb, street trees, landscaping, street furniture, street lighting etc shall be reconstructed and upgraded in accordance with the Street Tree Masterplan and the Marrickville Public Domain Design Guide;
 - (b) The construction of heavy duty vehicular crossings to all vehicular access locations and removal of all redundant vehicular crossings to the site;
 - (c) New kerb and gutter along the frontage of the site as required by Council. The kerb type (concrete or stone) shall be consistent with the majority of kerb type at this location. Council may be able to assist with the supply of stone if required. Please contact Council's Roads and Stormwater, Assets and Environment Group on 9335 2000; and
 - (d) Alignment levels to be provided at the boundary at a minimum distance of every 5m and at all pedestrian and vehicular access locations. Note, the cross fall of the footpath shall be set at 2.5%.

Full detailed construction plans and specifications shall be submitted to Council for approval under Section 138 of the *Roads Act 1993* before the issue of a Construction Certificate with all works completed prior to the issue of an Occupation Certificate.

Reason: To provide for essential improvement works to the public domain consistent with Council's desired future character for the area.

65. Prior to issue of a Construction Certificate the existing substation/substation vents on Livingstone road shall be removed from the Livingstone Road footpath.

Reason: To ensure the existing substation/substation vents on Livingstone have been removed.

66. Evidence of payment of the building and construction industry Long Service Leave Scheme, must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate. (The required payment can be made at the Council Offices). Where construction is staged, the payment of the building and construction industry Long Service Leave Scheme is to reflect the stage of construction that the Construction Certificate relates to. Details of the cost of building and construction work is to be prepared by a qualified Quantity Surveyor and provided to the Certifying Authority for each Construction Certificate.

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

Note: The required payment is based on the estimated cost of building and construction works and the long service levy rate, set by the Long Service Payments Corporation. The rate set by the Long Service Payments Corporation is currently of 0.35% of the cost of the building and construction work. For more information on how to calculate the amount payable and where payments can be made contact the Long Services Payments Corporation. <http://www.lspc.nsw.gov.au>.

67. The approved plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easement, and if any requirements need to be met. Plans will be appropriately stamped.

Please refer to the web site www.sydneywater.com.au for:

- Quick Check agents details - see Plumbing, building and developing then Quick Check agents and
- Guidelines for Building Over/Adjacent to Sydney Water Assets – see Plumbing, building and developing then Plan submissions or telephone 13 20 92.
- The stamped plans must be submitted to the Certifying Authority's satisfaction before the issue of the relevant Construction Certificate.

Reason: To ensure compliance with Sydney Water requirements.

Prior to the Issue of any Construction Certificate for the Community Hub

In addition to the conditions of consent that must be satisfied prior to the issue of any Construction Certificate, the following conditions must be satisfied prior to the issue of a Construction Certificate relating to the construction and building works for the Community Hub.

68. Payment of a Bond, in the sum of \$142,000.00 for the proper performance of the Public Domain works before the issue of any Construction Certificate for the Community Hub. The security may be provided in one of the following methods:
- (a) In full in the form of a cash bond; or
 - (b) By provision of a Bank Guarantee by an Australian Bank with no termination date in the following terms:
 - i. The bank must unconditionally pay the guaranteed sum to the Council if the Council so demands in writing.
 - ii. The bank must pay the guaranteed sum within seven (7) days of demand without reference to the applicant or landowner or other person who provided the guarantee, and without regard to any dispute, controversy, issue or other matter relating to consent or the carrying out of development in accordance with the consent;
 - iii. The bank's obligations are discharged when payment to the Council is made in accordance with this guarantee or when the Council notifies the bank in writing that the guarantee is no longer required.

Reason: To ensure all Public Domain works are completed within a reasonable time.

69. In order to protect the site from flooding during a 1 in 100 year storm event the Flood Planning Levels recommended in the Flood Risk Assessment prepared by BG&E Pty Ltd shall be adopted to protect floor levels for the Community Hub development. Before the issue of a Construction Certificate for the Community Hub confirmation shall be provided by BG&E Pty Ltd that the flood protection measures have been incorporated into the design of the Community Hub.

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

70. Before the issue of a Construction Certificate for the Community Hub, an amended plan must be submitted to the Certifying Authority's satisfaction indicating compliance with the recommendations of the Access Review, prepared by Morris Goding Accessibility Consulting, dated 19 August 2016.

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

Prior to the Issue of a Construction Certificate for Excavation for the Community Hub

In addition to the conditions of consent that must be satisfied prior to the issue of any Construction Certificate and prior to the issue of a Construction Certificate for the Community Hub, the following conditions must be satisfied prior to the issue of a Construction Certificate prior to excavation for the Community Hub

71. Detailed excavation plans fully reflecting the commitments listed in the Community Hub architectural plans prepared by BVN referred to in Condition 1 submitted with the application for development consent must be submitted to the PCA's satisfaction before the issue of a Construction Certificate for the excavation works for the Community Hub.

Reason: To ensure that excavation is carried out in accordance with the approved architectural plans.

Prior to the Issue of a Construction Certificate for the Construction of the Basement (including structure, services/finishes to ground level) for the Community Hub

In addition to the conditions of consent that must be satisfied prior to the issue of any Construction Certificate and prior to the issue of any Construction Certificate for the Community Hub, the following conditions must be satisfied prior to the issue of a Construction Certificate prior to for the construction of the basement for the Community Hub.

72. Detailed construction plans and calculations of the proposed stormwater drainage, treatment and re-use system, generally in accordance with the Integrated Water Cycle Management Report and stormwater concept plans SKC100-P6 and SKC101-P5 by Taylor Thomson Whitting P/L must be submitted to and accepted by Council before the issue of a Construction Certificate for the Community Hub. The details and plans to be submitted must include:
- (a) Replacement of the filter cartridges with a soft landscaped water treatment system such as a raingarden;
 - (b) Details and procedures for the maintenance of the stormwater treatment system including maintenance schedules and recording procedures;

- (c) Details of the proposed water re-use system including a detailed schematic of connection of the rainwater tank to all toilets and external taps for irrigation; and
- (d) A detailed surface drainage design and construction plans including details of the 1 in 100 year overflow routes in case of failure\blockage of the drainage system.

Reason: To ensure the development does not increase the stormwater runoff from the site, the site use of potable water is minimised and that the quality of stormwater discharged off site is improved.

73. The recommendations in the acoustic report titled “Marrickville Community Hub, Acoustic Survey and Criteria” prepared by ARUP and dated 18 August 2016 must be incorporated into the Community Hub development and a further acoustic report, together with certification by a suitably qualified acoustical engineer, are to be provided to the Certifying Authority’s satisfaction before the issue of a Construction Certificate for the Community Hub which lists the sound insulation measures to be included in the construction of the Community Hub and confirm that it will satisfy the acoustic criteria set out in the ARUP report.

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

Prior to the Issue of a Construction Certificate for the Construction of above ground structure (i.e. slabs, columns, cores, risers, walls, wall linings, services, finishes, façade etc).

In addition to the conditions of consent that must be satisfied prior to the issue of any Construction Certificate and prior to the issue of a Construction Certificate for the Community Hub, the following conditions must be satisfied prior to the issue of a Construction Certificate for the construction of above ground structure for the Community Hub.

74. Lighting details of the public open spaces, pedestrian areas, parking areas and all entrances to the Community Hub and the Residential buildings must be submitted to the Certifying Authority’s satisfaction before the issue of a relevant Construction Certificate. The lighting details for the Community Hub should be generally in accordance with the Lighting Plan, prepared by Aspect Studios and submitted to Council on 13 January 2017.

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

75. Details of an anti graffiti treatment to the elevations of the development must be submitted to and approved by Council before the issue of a relevant Construction Certificate.

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

Prior to the Issue of a Construction Certificate for the Fitout of the Community Hub

In addition to the conditions of consent that must be satisfied prior to the issue of any Construction Certificate, the following conditions must be satisfied prior to the issue of a Construction Certificate relating to the construction and building works for the fit out of the Community Hub.

76. Detailed internal fitout plans fully reflecting the commitments listed in the Community Hub Landscape architectural plans prepared by BVN and referred to in Condition 1 (i.e. AR-DA-C07, AR-DA-C08, AR-DA-C09, AR-DA-C10, AR-DA-C12, and AR-DA-C13 all prepared by BVN) submitted with the application for development consent must be submitted to the satisfaction of Council's Group Manager Development Assessment and Regulatory Services before the issue of a Construction Certificate for the internal fitout of all Community Hub buildings.

Reason: To ensure the fit out of the Community Hub buildings are consistent with the submitted plans and DCP requirements.

Prior to the Issue of a Construction Certificate for the Landscaping Works for the Community Hub

In addition to the conditions of consent that must be satisfied prior to the issue of any Construction Certificate and prior to the issue of any Construction Certificate for the Community Hub, the following conditions must be satisfied prior to the issue of a Construction Certificate for the landscaping works of the Community Hub.

77. Detailed landscape construction plans fully reflecting the commitments listed in the Community Hub Landscape Plans prepared by Aspect Studios and referred to in Condition 1 (i.e. DA00, DA01, DA02, DA03, DA05, DA06, DA08 and the Community Hub Planting Palette all prepared by Aspect Studios) submitted with the application for development consent must be submitted to the Council's Landscape Officer's satisfaction before the issue of a Construction Certificate for the landscaping works for the Community Hub.

Reason: To ensure the Public Domain landscaping works are consistent with the submitted landscape plans and DCP requirements.

Prior to the Issue of any Construction Certificate for the Residential Buildings

In addition to the conditions of consent that must be satisfied prior to the issue of any Construction Certificate, the following conditions must be satisfied prior to the issue of a Construction Certificate relating to the construction and building works for the residential buildings.

78. Payment of a Bond, in the sum of \$105,000.00 for the proper performance of the Public Domain works before the issue of a Construction Certificate for the Residential Development. The security may be provided in one of the following methods:-
- (a) In full in the form of a cash bond; or
 - (b) By provision of a Bank Guarantee by an Australian Bank with no termination date in the following terms:
 - i. The bank must unconditionally pay the guaranteed sum to the Council if the Council so demands in writing.
 - ii. The bank must pay the guaranteed sum within seven (7) days of demand without reference to the applicant or landowner or other person who provided the guarantee, and without regard to any dispute, controversy, issue or other matter relating to consent or the carrying out of development in accordance with the consent;

- iii. The bank's obligations are discharged when payment to the Council is made in accordance with this guarantee or when the Council notifies the bank in writing that the guarantee is no longer required.

Reason: To ensure all Public Domain works are completed within a reasonable time.

79. In order to protect the site from flooding during a 1 in 100 year storm event the Flood Planning Levels recommended in the Flood Risk Assessment, Plan No. C-0210 (Rev B), colour mark –ups of Plans A1005 (Rev H) and A1004 (Rev L) prepared by BG&E Pty Ltd and as reflected in Plans DA-R09 and DA-R10 (Rev) shall be adopted to protect habitable floor levels and the underground carpark of the development. In addition the following additional information shall be submitted to and accepted by Council before the issue of a Construction Certificate for the Residential Development;
- (a) A structural engineer's certificate shall be submitted stating that the proposed building/walls has been designed to withstand the forces of flood water, debris and buoyancy up to the 1 in 100 year flood level; and
 - (b) The landscaped area/land between the northern boundary and the proposed buildings of the residential development shall be designed to act as an overland flow path. All fencing within this overland flow path shall be of open type so as to allow for the free flow of water throughout the site.

Plans detailing the above requirements must be submitted to and approved by Council before the issue of the Construction Certificate.

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

80. In order to reduce flooding at the adjacent low points in Livingstone Road and Hospital Lane, and to ensure that the risk of flooding to the site and 172 Livingstone Road is reduced the following drainage works shall be undertaken to Council's stormwater system adjacent to the site:
- (a) The installation of 2 additional kerb inlet pits (2.4m in length) either side the Council's existing pit in Livingstone Road adjacent to 172 Livingstone Road;
 - (b) The 2 existing grated pits in Hospital Lane shall be replaced by 2 kerb inlet pits;
 - (c) Stormwater pit details (including structural details), layout and dimensions including connection, bedding and benching details;
 - (d) Details of road restoration and road pavement adjustment works required as a result of the stormwater works;
 - (e) Details of all adjustments to public utilities required by these works.

Detailed construction plans shall be submitted for the approval of Council before to issue of the Construction Certificate for the Residential Development; No road or drainage works shall commence until approved plans and specifications have been issued for construction by Council under Section 138 of the Roads Act.

Reason: To the reduce flooding at the adjacent low points in Livingstone Road and Hospital Lane and to ensure that the risk of flooding to the site and 172 Livingstone Road is reduced.

81. All footings adjacent to Council's stormwater pipe shall be taken to a depth 500mm below a line of influence measured at 45o from a point 1m from the invert of the stormwater pipe in the direction of the footing. Plans, and supportive documents, detailing the proposed foundations adjacent to Council's drainage system, shall be submitted to and accepted by Council before the issue of a Construction Certificate for the Residential Development;

Reason: To protect Council's drainage system.

82. Council's stormwater drainage line adjacent to the northern boundary of the site being inspected by Closed Circuit Television (CCTV) and a CD copy provided to Council before the issue of a Construction Certificate for the Residential Development to determine the condition of the pipe before commencement of works. The stormwater line shall be reinspected upon completion of the works and a copy provided to Council before the issue of an Occupation Certificate.

Reason: To ensure the pipeline is not damaged during construction.

83. A statement from a qualified Architect, verifying that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design principles set out in Schedule 1 of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate for the Residential Development.

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

84. Plans fully reflecting the selected commitments listed in BASIX Certificate submitted with the application for development consent must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate for the Residential Development.

Reason: To ensure that the BASIX commitments are incorporated into the development.

Note: The application for the Construction Certificate for the Residential Development must be accompanied by either the BASIX Certificate upon which development consent was granted or a revised BASIX Certificate (Refer to Clause 6A of Schedule 1 to the Regulation).

85. Before the issue of a Construction Certificate for the Residential Development, an amended plan must be submitted to the Certifying Authority's satisfaction indicating compliance with:

- AS 1428.1- 2009 'Design for access and mobility' Part 1: General requirements for access – New Building Work
- *The Disability Discrimination Act* – Access to Premises Standard
- AS4299-1995: Adaptable Housing
- AS1735.12 -1999: Lifts, escalators and moving walks - Facilities for persons with disabilities-
- AS2890.6:2009: Parking Facilities Part 6: Off-street parking for people with disabilities

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

Prior to Excavation for the Residential Development

In addition to the conditions of consent that must be satisfied prior to the issue of any Construction Certificate and prior to the issue of a Construction Certificate for the residential buildings, the following conditions must be satisfied prior to the issue of a Construction Certificate prior to excavation for the residential buildings.

86. Detailed excavation plans fully reflecting the commitments listed in the architectural plans for the residential buildings prepared by Mirvac Design and TZG referred to in Condition 1 submitted with the application for development consent must be submitted to the PCA's satisfaction before the issue of a Construction Certificate for the excavation works for the residential buildings.

Reason: To ensure that excavation is carried out in accordance with the approved architectural plans.

Prior to the Issue of a Construction Certificate for the Construction of the Basement (including structure, services/finishes to ground level) for the Residential Development

In addition to the conditions of consent that must be satisfied prior to the issue of any Construction Certificate and prior to the issue of any Construction Certificate for the residential buildings, the following conditions must be satisfied prior to the issue of a Construction Certificate for the basement of the residential buildings.

87. Detailed construction plans and calculations of the proposed stormwater drainage, treatment and re-use system, generally in accordance with by DA-H-5030/3, DA-H-5102/4, DA-H-5103/4 and DA-H-5201/3 and the Integrated Water Cycle Management Report by AJ Whipps Consulting Group must be submitted to and accepted by Council before the issue of a Construction Certificate for the Residential Development. The details and plans to be submitted shall include:

- (a) Detailed calculations for sizing of the OSD system to be provided for assessment;
- (b) A detailed surface drainage design and construction plans including details of the 1 in 100 year overflow route in case of failure\blockage of the drainage system;

- (c) Details of the proposed water re-use system including a detailed schematic of connection of the rainwater tank to all toilets and external taps for irrigation;
- (d) Detailed construction plans and specification for the construction of the water treatment facilities; and
- (e) Details and procedures for the maintenance of the stormwater treatment system including maintenance schedules and recording procedures.

Reason: To ensure the development does not increase the stormwater runoff from the site, the site use of potable water is minimised and that the quality of stormwater discharged off site is improved.

Prior to the Issue of a Construction Certificate for the Construction of above ground structure (i.e. slabs, columns, cores, risers, walls, wall linings, services, finishes, façade etc) for the Residential Development

In addition to the conditions of consent that must be satisfied prior to the issue of any Construction Certificate and prior to the issue of any Construction Certificate for the residential buildings, the following conditions must be satisfied prior to the issue of a Construction Certificate for the above ground structures of the residential buildings.

- 88. All plumbing and ductwork including stormwater downpipes must be concealed within the outer walls of the building so they are not visible. Plans and elevations detailing the method of concealment must be submitted to and approved by Council before the issue of a Construction Certificate for the above ground structure. Any variation to this requirement requires Council approval.

Reason: To ensure the aesthetics of the building and architecture are maintained.

- 89. Letterboxes and mail collection facilities must be provided and adequately protected in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a relevant Construction Certificate.

Reason: To ensure adequate mail collection facilities are provided.

- 90. Adequate clothes drying facilities must be provided for the development in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate for the Residential development. Where such facilities are provided on street facing balconies, the areas/facilities must be appropriately screened from view from the street.

Reason: To ensure adequate clothes drying facilities are provided.

- 91. Reticulated gas infrastructure must be provided to each dwelling in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate for the Residential Development.

Reason: To provide the potential to reduce greenhouse emissions.

- 92. A hot water system with a minimum 3.5 energy star Greenhouse rating must be provided for each dwelling in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate for the Residential Development.

Reason: To ensure that the dwellings incorporate energy and water efficient measures.

93. Details of an anti graffiti treatment to the elevations of the development must be submitted to and approved by Council before the issue of a relevant Construction Certificate.

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

94. All the recommendations and noise attenuation measures outlined in Section 5, "Recommendations" of the Acoustic Assessment prepared by Renzo Tonin and Associate, dated 1 March 2016 must be incorporated into the Residential Development. Details are to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate for the Residential Development together with certification by a suitably qualified acoustical engineer that the proposed noise attenuation measures satisfy the requirements of Australian Standard AS2107 & AS2021 and EPA Industrial Noise Policy.

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

Prior to the Issue of a Construction Certificate for the Landscaping Works for the Residential Development

In addition to the conditions of consent that must be satisfied prior to the issue of any Construction Certificate and prior to the issue of any Construction Certificate for the Community Hub, the following conditions must be satisfied prior to the issue of a Construction Certificate for the landscaping works for the residential buildings.

95. Detailed landscape construction plans fully reflecting the commitments listed in the residential Landscape Plans prepared by Site Image and referred to in Condition 1 (i.e. DA0000, DA0001, DA1011 DA1012 DA1013 DA1014 DA1091 DA1092 DA0501 DA0601 DA0901 DA0902 all prepared by Site Image) submitted with the application for development consent must be submitted to Council's satisfaction before the issue of a Construction Certificate for the landscaping works for the residential buildings.

Reason: To ensure the landscape works are consistent with the submitted landscape plans and DCP requirements.

SITE WORKS

96. All roof and surface stormwater from the site and 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.

97. The applicant shall, within fourteen (14) days of notification by Council execute any and all maintenance works required by Council in relation to the Public Domain Works. In the event that the applicant fails to undertake such work, Council may undertake the required maintenance works, utilising part or all of the maintenance security and Council may recover any costs in excess of the security from the applicant.

Reason: To ensure all Public Domain are maintained within a reasonable time limit during a 12 month maintenance period.

98. All demolition, construction and associated work necessary for the carrying out of the development must be restricted to between the hours of 7.00am to 5.30pm Mondays to Saturdays, excluding Public Holidays. Notwithstanding the above, no work is to be carried out on any Saturday that falls adjacent to a Public Holiday. All trucks and vehicles associated with the construction, including those delivering to or removing material from the site, only having access to the site during the hours referred to in this

condition. No waste collection skips, spoil, excavation or demolition material from the site or building materials associated with the construction of the development being deposited on the public road, footpath, public place or Council owned property without Council's approval, having first been obtained. The developer must ensure that all contractors associated with the development are fully aware of these requirements.

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

99. Notwithstanding the above condition, all remediation works must be 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 of Marrickville Development Control Plan 2011 – Contaminated Land.

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

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

101. The area surrounding the building work for each stage of construction must be reinstated to Council's satisfaction upon completion of the work for that stage.

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

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

Reason: To ensure the public ways are not obstructed and the placement of waste storage containers in a public place are not dangerous to the public.

103. 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 subcontractors 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.

104. The works are required to be inspected at critical stages of construction, by the PCA or if the PCA agrees, by another certifying authority. The last inspection can only be carried out by the PCA. The critical stages of construction relevant to each Construction Certificate are:

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

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

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

105. If it is necessary to excavate below the level of the base of the footings of a building on the adjoining allotments, including a public place such as footways and roadways, the person acting on this consent must ensure:

- (a) At least 7 days' notice is given to the owners of the adjoining land of the intention to excavate below the base of the footings. The notice is to include complete details of the work; and
- (b) That any building is preserved and protected from damage.

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.

106. 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.

107. Satisfactory methods and/or devices must be employed on the site to prevent the tracking of mud/dirt onto the surrounding streets from vehicles leaving the site.

Reason: To prevent soil particles from being tracked and deposited onto the streets surrounding the site.

108. 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 for the basements for the residential buildings and the basement for the Community Hub stages of the construction 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.

109. Fixtures for bathroom and kitchen taps, showerheads, dishwashers, toilet cisterns and urinals must have a minimum 3 Star WELS rating.

Reason: To conserve water.

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.

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

Reason: To conserve water.

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.

111. No activities, storage or disposal of materials must take place beneath the canopy of any tree protected under Part 2.20 of Marrickville Development Control Plan 2011 – Tree Management at any time.

Reason: To protect existing trees.

112. All builders' refuse, spoil and/or material unsuitable for use in landscape areas must be removed from the site on completion of the building works for each stage of the construction.

Reason: To protect the environment.

113. If tree roots are required to be severed for the purposes of constructing the approved works, they must be cut cleanly by hand, by an experienced Arborist/Horticulturist with a minimum qualification of Horticulture Certificate or Tree Surgery Certificate.

Reason: To protect existing trees.

BEFORE OCCUPATION OF THE BUILDING

Prior to the Issue of any Occupation Certificate

114. The project arborist shall certify in writing to the Principal Certifying Authority (PCA) before the issue of an Occupation Certificate that the conditions of consent relating to tree removal, tree protection and tree planting have been complied with and that the protected trees have not been damaged or, if the recommendations have not been complied with, detail the extent and nature of the departure from the conditions. The Principal Certifying Authority shall report breaches of the conditions to Inner West Council.

Reason: To ensure that conditions that aim to ensure the sustainability of Inner West urban forest are complied with.

115. You are advised that Council has not undertaken a search of existing or proposed utility services adjacent to the site in determining this application. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development shall be at no cost to Council and undertaken before the issue of an Occupation Certificate.

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

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

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

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

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

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

119. All redundant vehicular crossings to the site shall be removed and replaced by kerb and gutter and footpath paving in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" before the issue of an Occupation Certificate and at no cost to Council. Where the kerb in the vicinity of the redundant crossing is predominately stone (as determined by Council's Development Engineer) the replacement kerb shall also be in stone.

Reason: To eliminate redundant crossings and to reinstate the footpath to its normal condition.

120. The existing stone kerb adjacent to the site is of local heritage value and is to be preserved at no cost to Council. Any damage to the stone kerb will require the replacement of the damaged individual stone units before the issue of the relevant Occupation Certificate. Any sandstone kerbs and gutters that are approved for removal shall be removed carefully and stored on site. An inventory of the removed sandstone shall be provided to Council with any excess being delivered to Council's storage depot at St Peters. Any repairs or resetting of sandstone kerbs shall be undertaken using a reputable stonemason.

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

121. A Flood Emergency Response Plan for the site in accordance with Part 2.22 of Marrickville Development Control Plan 2011 – Flood Management must be submitted to Council's satisfaction before the issue of the Occupation Certificate.

Reason: To protect the occupants of the site during extreme flood events.

122. All works required to be undertaken on public roads shall be designed and constructed in accordance with Council's Standard Plans, AUS-SPEC#2-"Roadworks Specifications" and Council's Stormwater and On Site Detention Code. The works shall be supervised and certified by a qualified civil engineer who is listed under the Institution of Engineers, Australia "National Professional Engineers Register" (NPER) and shall state that the works have been constructed in accordance with the above requirements before the issue of the Occupation Certificate. In addition, full works-as-executed plans in PDF or CAD format (dwg or dxf files), prepared and signed by a registered surveyor, shall be submitted to Council upon completion of the works. Where the works include the installation of stormwater drainage pipes, a CCTV inspection of the completed new pipework shall be undertaken and a CD copy provided to Council.

Reason: To ensure that works are carried out to a satisfactory standard.

123. The existing overhead power cables adjacent to the site frontages must be relocated underground with appropriate street lighting and new steel poles being installed at no cost to Council and before the issue of any Occupation Certificate. The street lighting shall be designed in accordance with Australian Standard AS1158-Road Lighting and the Network Standards of Ausgrid. Plans shall be submitted to and approved by Council before submission to Ausgrid for implementation.

Reason: To ensure appropriate lighting is provided to create a safe environment and to protect the amenity of the surrounding neighbourhood from the emission of light.

124. All instruments under Section 88B of the Conveyancing Act used to create positive covenant easements or right-of-ways shall include the condition that such easements or right-of-ways may not be varied, modified or released without the prior approval of the Inner West Council.

Reason: To ensure Council's interests are protected.

125. The applicant shall provide security, in a manner satisfactory to Council, for the proper maintenance of the Public Domain works in an amount of \$25,000.00 for a period of twelve (12) months from the date of completion of the Public Domain works as surety for the proper maintenance of these works.

Reason: To provide security for the maintenance of Public Domain works for a 12 month maintenance period.

126. The existing unsatisfactory road pavement in Lilydale Street (full road width) shall be repaired before the issue of an Occupation Certificate using a 40mm Mill and Fill treatment for the full frontage of the site in Lilydale Street. All failed section of the road pavement shall be boxed out and replaced with deep lift asphalt before the Mill and Fill treatment.

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

127. Before the issue of any Occupation Certificate the applicant shall submit an application to Council's Traffic Committee to extend the existing "No Parking" restriction on Livingstone to improve sight lines at the driveway as recommended in the Road Traffic and Parking Assessment Report. Any approved changes by the Traffic Committee shall be implemented before the issue of the Occupation Certificate.

Reason: To provide for improved site lines at the driveway.

128. Before the issue of any Occupation Certificate all stormwater works approved by previous DA201600430 and by plans C11 (Rev D), C12 (Rev D) and C13 (Rev E) submitted by TTW P/L shall be completed to Council's satisfaction.

Reason: To ensure provide for satisfactory stormwater drainage to the site.

129. Before the issue of any Occupation Certificate the subdivision of the land as approved by DA201600533 must be registered at the Land and Property Information Office. Evidence of registration shall be submitted to Council.

Reason: To ensure the approved subdivision has been undertaken.

130. A 3m x 3m splay corner shall be created at the intersection of Marrickville Road and Livingstone Road and dedicated to the public for road widening purposes before the issue of any Occupation Certificate.

Reason: To improve the amenity of pedestrians at the intersection and to provide for suitable sight-distance for vehicles and pedestrians.

131. You must obtain a relevant Occupation Certificate from your PCA before you occupy or use a building. The PCA must notify the Council of the determination of the Occupation Certificate and forward the following documents to Council within 2 days of the date of the Certificate being determined:
- (a) A copy of the determination;
 - (b) Copies of any documents that were lodged with the Occupation Certificate application;
 - (c) A copy of Occupation Certificate, if it was issued;
 - (d) A copy of the record of all critical stage inspections and any other inspection required by the PCA;
 - (e) A copy of any missed inspections; and
 - (f) A copy of any compliance certificate and any other documentary evidence relied upon in issuing the Occupation Certificate.

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

132. The Section 73 Certificate must be submitted to the Principal Certifying Authority before the issue of an Occupation Certificate.
- (a) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Make early application for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.
 - (b) Application must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing > Providers > Lists or telephone 13 20 92.

Reason: To ensure compliance with Sydney Water requirements.

133. Before the issue of an Occupation Certificate, the project arborist shall certify in writing to the Principal Certifying Authority that the conditions of consent relating to tree protection and new tree planting for that stage of construction have been complied with or, if the conditions have been contravened, detail the extent and nature of the departure from the conditions. The Principal Certifying Authority shall report breaches of the conditions to Inner West Council.

Reason: To ensure compliance with conditions and thereby protect the trees being retained and ensure new trees are properly planted.

134. The landscaping of the site must be carried out prior to the relevant 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.

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

136. You are advised that Council has not undertaken a search of existing or proposed utility services adjacent to the site in determining this application. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development shall be at no cost to Council and undertaken before the issue of an Occupation Certificate.

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

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

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

Prior to the Issue of an Occupation Certificate for the Community Hub

138. Prior to the issue of an occupation certificate, council shall be notified in writing that all new trees for the Community Hub and associated Public Domain landscaping works (including all public parks, children's playground and the footpath areas in front of all sides of the Community Hub) have been planted in accordance with these conditions and an inspection of the new trees shall be facilitated at any future date thereafter if council wishes to inspect the new trees.

Reason: To ensure that new trees are properly planted and that they comply with the conditions of consent.

139. Before the issue of the Occupation Certificate for the Community Hub written verification from a suitably qualified competent person, stating that all stormwater drainage, re-use and quality measures have been constructed in accordance with the approved plans and the Integrated Water Cycle Management Report by Taylor Thomson Whitting P/L 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.

140. With the regard to the Stormwater Treatment Facilities for the Community Hub a Positive Covenant shall be placed on the Title in favour of Council before issue of the Occupation Certificate for the Community Hub. 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 plans and the Integrated Water Cycle Management Report by Taylor Thomson Whitting P/L;
 - (b) The Proprietor shall have the stormwater quality treatment facilities inspected annually by a competent person and must provide the WSUD maintenance plan approved under this Consent to 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.

141. With the regard to the On Site Detention System (OSD) for the Community Hub and overland flow paths through the site, "restrictions as to user" and Positive Covenants in accordance with supplement 7 of Marrickville Council Stormwater and On Site Detention Code must be placed on the Title in favour of Council before the issue of an Occupation Certificate for the Community Hub.

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

142. Prior to issue of an Occupation Certificate the person acting on this consent shall obtain from Council a compliance Certificate(s) stating that all Road, Footpath and Civil Works on Council property required to be undertaken as a result of this development have been completed satisfactorily and in accordance with Council approved plans and specifications.

Reason: To ensure that all Road, Footpath and Civil Works required to be undertaken as a result of this development have been completed satisfactorily.

143. Before the issue of an Occupation Certificate, a street number and identifier of separate occupancies must be clearly displayed in a readily visible location (building numbers having a height of not less than 75mm).

Reason: To ensure that the building is easily identifiable

144. Before the issue of an Occupation Certificate (interim or final) the person acting on this consent must contact Council's Coordinator, Resource Recovery to arrange the following number of bins in relation to the Community Hub component of the approved development:

- 10 x 240 litre (or equivalent 660 litre) bins for general waste streams; and
- 3 x 240 litre (or equivalent 660 litre) for recycling waste streams.

Reason: To confirm the operation and servicing of the site meets Council's requirements prior to occupation or use of the building.

Prior to the Issue of an Occupation Certificate for the Residential Buildings

145. Prior to the issue of an occupation certificate, council shall be notified in writing that all new trees for the landscaping works associated with the Residential Development have been planted in accordance with these conditions and an inspection of the new trees shall be facilitated at any future date thereafter if council wishes to inspect the new trees.

Reason: To ensure that new trees are properly planted and that they comply with the conditions of consent.

146. Before the issue of the Occupation Certificate for the Residential Development, written verification from a suitably qualified competent person, stating that all stormwater drainage, re-use and quality measures have been constructed in accordance with the approved plans and the Integrated Water Cycle Management Report by AJ Whipps Consulting Group 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.

147. With the regard to the Stormwater Treatment Facilities for the Residential Development a Positive Covenant shall be placed on the Title in favour of Council before issue of the Occupation Certificate for the Residential Development. 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 plans and the Integrated Water Cycle Management Report by AJ Whipps Consulting Group;
 - (b) The Proprietor shall have the stormwater quality treatment facilities inspected annually by a competent person and must provide the WSUD maintenance plan approved under this Consent to 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.

148. With the regard to the On Site Detention System (OSD) for the Residential Development and overland flow paths through the site, "restrictions as to user" and Positive Covenants in accordance with supplement 7 of Inner West (formerly Marrickville) Council Stormwater and On Site Detention Code must be placed on the Title in favour of Council before the issue of an Occupation Certificate for the Residential Development.

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

149. The use and operation of the car share spaces must be managed by the owner or contracted by the owner to a car share operator to the satisfaction of Council. The use and operation of the car share space must be accommodated in the titling and management of the Residential Development, including covenants, building or strata management statement, by laws and other instruments before the issue of an Occupation Certificate, and must provide for:
- (a) Free use of the car share space;
 - (b) The car share vehicle shall be a small car as defined by AS2890.1:2004;
 - (c) Public access at all times to the car share vehicle; and
 - (d) Insurances, including public liability.

Reason: To ensure the provision of and legal access to the designated off-street car parking space for car share use.

150. Prior to issue of an Occupation Certificate the person acting on this consent shall obtain from Council a compliance Certificate(s) stating that all Road, Footpath and Civil Works on Council property relating to the Residential Development 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.

151. Before the issue of an Occupation Certificate, a street number and identifier of separate occupancies must be clearly displayed in a readily visible location (building numbers having a height of not less than 75mm).

Reason: To ensure that the building is easily identifiable

152. A statement from a qualified Architect, verifying that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design principles set out in Schedule 1 of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development must be submitted to the Certifying Authority's satisfaction before the issue of an Occupation Certificate for the Residential Development.

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

153. The Certifying Authority must be satisfied that each of the commitments listed in BASIX Certificate referred to in this Determination have been fulfilled before the issue of an Occupation Certificate (whether an interim or final Occupation Certificate) for the Residential Development.

Reason: To ensure that all of the BASIX commitments have been fulfilled and to comply with the requirements under Section 154B of the Environmental Planning and Assessment Regulations 2000.

154. The Certifying Authority must apply to the Director-General for a BASIX Completion Receipt within 2 days of the issue of a final Occupation Certificate. Completion Receipts can be applied for at www.basix.nsw.gov.au.

Reason: To ensure compliance with the requirements under Section 154C of the Environmental Planning and Assessment Regulations 2000.

155. Before the issue of an Occupation Certificate (interim or final) the person acting on this consent must contact Council's Coordinator, Resource Recovery to arrange the following number of bins in relation to the residential component of the approved development:

- 27 x 660 litre bins for general waste streams;
- 51 x 660 litre for recycling waste streams; and
- 1 x 240 litre for green waste.

Reason: To confirm the operation and servicing of the site meets Council's requirements prior to occupation or use of the building.

156. Before the issue of an Occupation Certificate for the Residential Development, the applicant is to provide written evidence to the satisfaction of Council's Group Manager Development Assessment and Regulatory Services that the nine (9) affordable housing apartments have been dedicated to the Inner West Council.

Reason: To provide affordable housing apartments as outlined in the Development Application.

ADVISORY NOTES

- The vehicular crossing and/or footpath works are required to be constructed by your own contractor. You or your contractor **must** complete an application for 'Construction of a Vehicular Crossing & Civil Works' form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, before commencement of works.

Reason: To ensure the civil works are constructed to Council's specifications.

- *The Disability Discrimination Act 1992* (Commonwealth) and the *Anti-Discrimination Act 1977* (NSW) impose obligations on persons relating to disability discrimination. Council's determination of the application does not relieve persons who have obligations under those Acts of the necessity to comply with those Acts.
- A complete assessment of the application under the provisions of the National Construction Code (Building Code of Australia) has not been carried out.
- 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.
- Any natural light or ventilation gained by windows within 900mm of the boundary will not be taken into consideration in the event that the adjoining property owner makes application to Council to carry out building works on their property. The window has been consented to on the basis that alternative sources of light and ventilation are available to the room.
- Buildings built or painted before the 1970's may have surfaces coated with lead-based paints. Recent evidence indicates that lead is harmful to people at levels previously thought safe. Children particularly have been found to be susceptible to lead poisoning and cases of acute child lead poisonings in Sydney have been attributed to home renovation activities involving the removal of lead based paints. Precautions should therefore be taken if painted surfaces are to be removed or sanded as part of the proposed building alterations, particularly where children or pregnant women may be

exposed, and work areas should be thoroughly cleaned before occupation of the room or building.

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

- Contact “Dial Before You Dig” before commencing any building activity on the site.
- Useful Contacts

BASIX Information
1300 650 908 weekdays 2:00pm - 5:00pm
www.basix.nsw.gov.au

Department of Fair Trading
13 32 20
www.fairtrading.nsw.gov.au

Enquiries relating to Owner Builder Permits and Home Warranty Insurance.

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

Landcom
9841 8660

To purchase copies of Volume One of “Soils and Construction”

Long Service Payments Corporation
131441
www.lspc.nsw.gov.au

Marrickville Council
9335 2222
www.marrickville.nsw.gov.au

Copies of all Council documents and application forms can be found on the web site.

NSW Food Authority
1300 552 406
www.foodnotify.nsw.gov.au

NSW Government
www.nsw.gov.au/fibro
www.diysafe.nsw.gov.au

Information on asbestos and safe work practices.

NSW Office of Environment and Heritage
131 555
www.environment.nsw.gov.au

Sydney Water
13 20 92
www.sydneywater.com.au

Waste Service – SITA Environmental Solutions

1300 651 116
www.wasteservice.nsw.gov.au

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

WorkCover Authority of NSW
13 10 50
www.workcover.nsw.gov.au

Enquiries relating to work safety and asbestos removal and disposal.

- All conditions imposed by the Sydney Central Planning Panel must be observed. Breach of a condition is a breach of the Act and may also constitute an offence.

Attachment B – WaterNSW General Terms of Approval

Attachment C – Plans of Proposed Development

Attachment D – Copy of Council’s Strategic Planning Projects Coordinator Advice