

## COUNCIL ASSESSMENT REPORT

Panel Reference	2017SCL034
DA Number	DA201700287
LGA	Inner West Council
Proposed Development	To demolish part of the existing buildings and carry out alterations and additions to Buildings B, C, D, E and J to include an Early Intervention Centre, a new primary school for students in Kindergarten to Year 6 and expansion of the high school operation to include Years 11 and 12, provision of new vehicle access and parking arrangements, carry out tree removal and associated landscaping and fencing work and erect associated signage.
Street Address	3 Thomas Street, Lewisham
Applicant/Owner	Quinn O'Hanlon Architects Pty Ltd/The Trustees of the Roman Catholic Church for the Archdiocese of Sydney
Date of DA lodgement	8 June 2017
Number of Submissions	1
Recommendation	Approval
Regional Development Criteria (Schedule 4A of the EP&A Act)	Educational Establishment with investment over \$5 million
List of all relevant s79C(1)(a) matters	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy (State and Regional Development 2011) (SEPP SRD);</li> <li>• State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure);</li> <li>• State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017;</li> <li>• State Environmental Planning Policy No.55 - Remediation of Land;</li> <li>• State Environmental Planning Policy No.64 - Advertising and Signage;</li> <li>• State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017;</li> <li>• Marrickville Local Environmental Plan 2011 (MLEP 2011);</li> <li>• Marrickville Development Control Plan 2011 (MDCP 2011); and</li> <li>• Marrickville Section 94/94A Contributions Plan 2014.</li> </ul>
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> <li>• Assessment Report;</li> <li>• Architectural Plans 13.11.17;</li> <li>• Materials and Finishes Boards 13.11.17;</li> <li>• Landscape Plans 13.11.17;</li> <li>• Arboricultural Assessment Report 23.8.17;</li> <li>• Signage Plan;</li> <li>• Plan of Management – Security Procedures 13.11.17.</li> </ul>
Report prepared by	Kaitlin Zieme
Report date	14 November 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?	<b>Not Applicable</b>
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**Special Infrastructure Contributions**

Does the DA require Special Infrastructure Contributions conditions (S94EF)?

**Not Applicable**

*Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*

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**Conditions**

Have draft conditions been provided to the applicant for comment?

**Yes**

*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*

File Ref: DA201700287

## **Synopsis**

This report concerns an application to demolish part of the existing buildings and carry out alterations and additions to Buildings B, C, D, E and J to include an Early Intervention Centre (child care), a new primary school for students in Kindergarten to Year 6 and expansion of the high school operation to include Years 11 and 12, provision of new vehicle access and parking arrangements, carry out tree removal and associated landscaping and fencing work and erect associated signage.

The development has a capital investment value (CIV) of \$15,464,000. Applications for educational establishments with a CIV of more than \$5 million must be referred to the Sydney Central Planning Panel to exercise its consent authority functions under Schedule 4A of Environmental Planning and Assessment Act 1979.

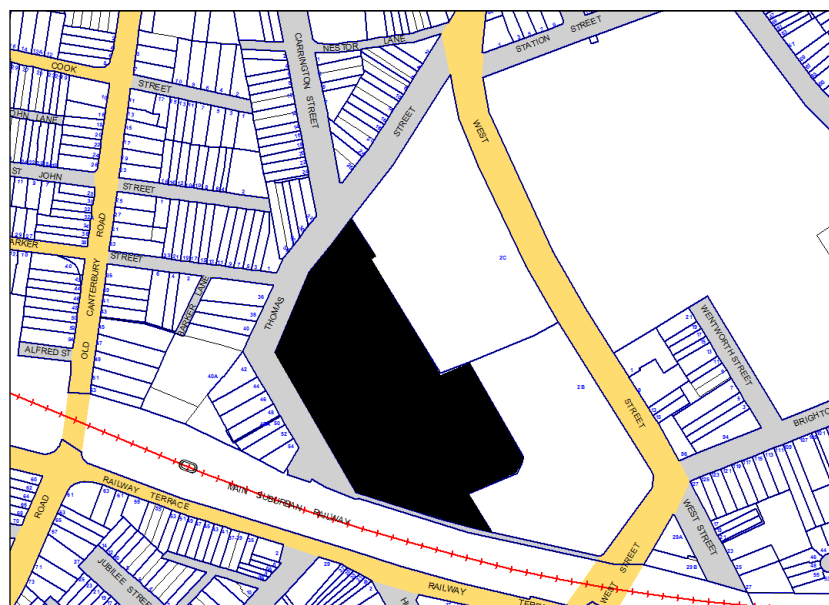
The application was notified in accordance with Council's Notification Policy and 1 submission was received. During the assessment of the application, there were multiple requests for amendments to address concerns regarding tree removal as well as heritage and urban design. The amendments resulted in equal or lesser impacts and as a result re-notification of the application was not required.

The proposal generally complies with the objectives and controls contained in State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017; Marrickville Local Environmental Plan 2011 (MLEP 2011); and Marrickville Development Control Plan 2011 (MLEP 2011).

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

## **PART A - PARTICULARS**

**Location:** Eastern side of Thomas Street, between Thomas Street and West Street.



*Image 1: Site Plan*

**D/A No:** 201700287

**Application Date:** 8 June 2017 (additional information submitted on 23 & 31 August, 5 September, 17, 18 & 23 & 13 October 2017 and 13 November 2017)

**Proposal:** To demolish part of the existing buildings and carry out alterations and additions to Buildings B, C, D, E and J to include an Early Intervention Centre, a new primary school for students in Kindergarten to Year 6 and expansion of the high school operation to include Years 11 and 12, provision of new vehicle access and parking arrangements, carry out tree removal and associated landscaping and fencing work and erect associated signage.

**Applicant:** Quinn O'Hanlon Architects Pty Ltd

**Estimated Cost:** \$15,464,000

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

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

**Improvements:** Educational establishment containing 12 buildings, including St Thomas Becket's Catholic Church.



*Image 2: The Site (Thomas Street)*

**Current Use:** Eileen O'Connor Catholic College, John Berne School & Thomas Becket Catholic Church

**Prior Determinations:** Determination No. 201400663, dated 30 March 2015, approved an application to carry out landscaping and accessibility alterations and additions to the existing 2 part 3 storey high school buildings including internal verandah extensions. The Determination was subsequently modified on 23 November 2015.

Determination No. 201600091, dated 28 April 2016, approved an application to carry out alterations and additions to the existing school buildings.

Determination No. 201700184, dated 16 August 2017, approved an application to demolish part of the premises and carry out ground and first floor alterations to a building and to use the premises for office purposes in association with an educational facility relating to property.

**Environment:** Educational/religious campus surrounded by community uses (west) and low density residential development.

### **PART C - REQUIREMENTS**

- 1 Zoning**  
*Is the proposal permissible under zoning provisions?* Yes
- 2 Development Standards (Statutory Requirements):**  
None applicable
- 3 Departures from Development Control Plan:**  
Nil
- 4 Community Consultation:**  
Required: Yes (newspaper advertisement, on-site notice and letter notification)  
Submissions: 1
- 5 Other Requirements:**  
ANEF 2033 Affectation: 20-25 ANEF  
Marrickville Section 94/94A Contributions Plan 2014 - \$154,640.00

### **PART D - ASSESSMENT**

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

The site is located on the south-eastern side of Thomas Street, Lewisham, to the north of the railway line and directly south from Carrington Street. The site is known as 3 Thomas Street and the irregular shaped allotment is legally described as Lot 22 in Deposited Plan 827632 and has a total site area of 17,420sqm. The property has a frontage to Thomas Street which is a cul-de-sac and to an internal private road known as Charles O'Neill Way along the eastern boundary of the site. The site falls from south to north by approximately 8 metres.

Currently occupying the site are 9 blocks of buildings associated with the educational services provided on the site, being Eileen O'Connor Catholic College (EOCC), John Berne School and those relating to the St Thomas Becket Catholic Church on the site. The existing school population is 75 students and 32 staff spread between the 2 schools.

The site is listed as a heritage item under Marrickville Local Environment Plan 2011 (MLEP 2011), namely St Thomas's Catholic Church, School and Presbytery, including interiors (Item I64). Also the site adjoins heritage items at:

- 2C and 2B West Street, namely Part of Former Lewisham Hospital, convent and grounds (Item I63); and
- 36 Thomas Street, namely Victorian filigree style villa (Item I65).

There are a number of significant protected trees located on the property. The site is identified as having a "Biodiversity" affectation on the Natural Resource - Biodiversity Map that accompanies MLEP 2011.

The Sisters of Mercy Institute National Centre which is located directly to the north of the site known as 1B Thomas Street, does not form part of the property. To the east of the site are a number of religious and community support uses including Maternal Heart of Mary Catholic Parish Church, Catholic Healthcare Lewisham Nursing Home, Catholic Healthcare Lewisham Retirement Hostel, Catholic Care Sydney Administration Building and St Vincent de Paul Society administration building.

To the south of the site is the railway line, including Lewisham Station which is accessed from Thomas Street.

The surrounding streetscape to the north and west of Thomas Street consists mainly of single and two storey dwelling houses in a low density residential setting.

## **2. The Proposal**

On 8 June 2017, the development application was submitted to the Council. The development application seeks approval to demolish part of the existing buildings and carry out alterations and additions to Buildings B, C, D, E and J to include an Early Intervention Centre, a new primary school for students in Kindergarten to Year 6 and expansion of the high school operation to include Years 11 and 12, provision of new vehicle access and parking arrangements, carry out tree removal and associated landscaping and fencing work and erect associated signage.

The works would see the expansion of the Eileen O'Connor Catholic College (EOCC) on the site which caters for children with intellectual disabilities and complex learning needs to accommodate students from 7-12 (previously catered from grades 7-10).

A new primary school from K-Year 6 also to be known as EOCC will cater for children with intellectual disabilities and complex learning needs.

A new early intervention childcare centre will cater for 20 children aged 3-5 years who also show signs of early learning difficulties.

Overall, the development would result in an increase in number of children attending the site from 75 to 188 and staff from 32 to 88.

The work will include alterations and additions to Buildings B, C, D, E & J as follows:

### *Building B – Restoration and Refurbishment of Existing Building – EOCC Administration*

- Ground floor Reception, foyer, sick bay, printing room, meeting and office rooms
- First floor Staff room, with sanitary facilities and a kitchenette

### *Building C – Refurbishment - EOCC EIC (Childcare)*

- Ground floor reception, foyer, meeting, office and staff rooms, laundry, kitchen and children play space area

### *Building D – SCS Multi-Purpose Space (new addition)*

- Ground floor demolition of part of the building, and demolition of the existing single storey structures to the rear to make way for new multi-purpose function space with kitchenette and sanitary facilities, joined to the main building by a series of awnings.

#### *Building E – Refurbishment - EOCC Primary School*

- Ground floor 2 General Learning Areas (GLA) and 1 Alternate Play Space (APS) and two accessible sanitary facilities
- First floor 3 GLAs, two withdrawal spaces and two accessible sanitary facilities

#### *Building J – Restoration and Refurbishment - Multipurpose Hall (Parish Building)*

- Ground floor Reception, meeting and office rooms, hall, sanitary facilities, kitchenette and storage
- Mezzanine storage.

#### *Trees/Landscaping*

- Removal of 16 semi-mature protected trees as part of the proposal and new landscaping throughout the site. New infill fencing is proposed along the northern end of Thomas Street, and internal safety fencing within the site.

#### *Vehicular Access and Parking*

- New vehicle crossing to Thomas street adjacent to block C (Early Intervention Centre (EIC))
- 28 new parking spaces, 3 of which would be accessible within the site, 17 at grade in 2 locations and a basement under proposed Play space 3 containing 11 spaces.

#### *Signage*

- 4 new building identification signs on buildings B & C
- 1 new sign viewed from the street including way finding for car parking
- Heritage interpretive signage

#### *Operation*

- EOCC (Primary and High School): 120 students and 64 staff
- EOCC EIC: 20 students and 5 staff
- John Berne School: 48 students and 19 staff
- All facilities would operate during standard school hours.



Element	Existing	Proposal (at completion)
Site area	1.742ha	1.742ha
<b>Student population</b>		
▪ EOCC and EIC	40	140
▪ John Berne School	35	48
Total	75	188
<b>Staff population</b>		
▪ EOCC and EIC	16	69
▪ John Berne School	16	19
Total	32	88
Car parking	22(including 1 accessible	50 (including 4 accessible)
Bicycle parking	0	7
Building footprint/site coverage	5,027m <sup>2</sup> (29%)	5,535m <sup>2</sup> (32%)
Playground (accessible to students)	6,412m <sup>2</sup> (37%)	6,590m <sup>2</sup> (38%)
Internal areas renovated	1,815m <sup>2</sup>	1,815m <sup>2</sup>
Deep soil (including artificial turf)	2,023m <sup>2</sup> (12% of site area)	2,540m <sup>2</sup> (15% site area)
Maximum height (storeys)	Two storeys	Two storeys

Image 3: Table of overall DA proposal figures Source: SEE – Robison Planning

### 3. State Environmental Planning Policy No. 55 - Remediation of Land

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) contains planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated.

Clause 7 (1) (a), (b) and (c) of the SEPP states:

- “7. Contamination and remediation to be considered in determining development application
- (1) A consent authority must not consent to the carrying out of any development on land unless:
- (a) it has considered whether the land is contaminated, and
  - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
  - (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.”

The principles in SEPP 55 guidelines controls and procedure for remediation of contaminated lands are generally covered by Part 2.24 of Marrickville Development Control Plan 2011 - Contaminated Lands and are considered as part of the assessment of the application.

The application was accompanied by a Preliminary Site Investigation (PSI) and Hazardous Materials Risk Assessment Report (HMRA). The history of the site has been limited to education and church facilities since the late 1800's with the use as a former cemetery prior to this time. Historical land uses on the adjoining sites include residential and hospital/aged area facilities. The site has not been issued with any notices for contamination land in the past and is not listed as a contaminated site in NSW or under MLEP 2011.

The PSI outlines that the main concern of potential contamination is from asbestos in existing buildings, exposed painted surfaces, and potential for fill from past construction and waste



disposal, the report recommends a Detailed Site Investigation (DSI) be prepared. The HMRA outlines recommendations for mitigation building by building and recommends the development of a Hazardous Materials Management Plan (HMMP). Given the site history limiting the contamination concerns to asbestos and paint, Council considers potential for deep soil contamination to be limited to surface and structures only.

Nonetheless as the report recommends a DSI be carried out, conditions of consent requiring the preparation and submission of a DSI and if required a Remedial Action Plan (RAP) for the development works is included in the recommendation of this report.

The proposal is considered acceptable with regard to the principles and guidelines under SEPP 55 and Part 2.24 of MDCP 2011 subject to the recommended conditions of consent.

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

State Environmental Planning Policy No. 64 - Advertising and Signage (SEPP 64) specifies aims and objectives and assessment criteria for signage as addressed below.

The development includes the following signage:

- Identification sign fixed on the upper Western Façade of Building B fronting Thomas Street in 3 dimensional lettering “Eileen O’Connor Catholic College”;
- Identification sign fixed to the western end of the new awning on Building B “Eileen O’Connor Catholic College & School Insignia” (3.3metres x 1.8 metres) in translucent coloured glass/acrylic panels in dimensional text;
- 2 x identification signs fixed to the western elevation of Building C one at each end of the building (2.6 metres x 1.8 metres & 1.8 metres x 1.8 metres);
- Free-standing identification sign on Thomas Street, near entry to new parking area (0.9metres x 2.1 metres above retaining wall) in metal with acrylic dimensional text; and
- Heritage interpretive signage (more details to be submitted for CC).

Pursuant to the definitions contained in Clause 4 of SEPP 64, the proposed signs would constitute “*business identification sign*” which is defined as follows:

**“business identification sign means a sign:**

- (a) *that indicates:*
  - (i) *the name of the person, and*
  - (ii) *the business carried on by the person,*  
*at the premises or place at which the sign is displayed, and*
- (b) *that may include the address of the premises or place and a logo or other symbol that identifies the business,*

*but that does not include any advertising relating to a person who does not carry on business at the premises or place.”*

Clause 3 of SEPP 64 specifies aims and objectives of the policy which are required to be considered for all applications involving the erection of signage. The relevant aims and objectives of the policy include the following:

- “(a) *to ensure that signage (including advertising):*
  - (i) *is compatible with the desired amenity and visual character of an area, and*
  - (ii) *provides effective communication in suitable locations, and*
  - (iii) *is of high quality design and finish, and...”*

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

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

### **(i) Educational Establishments (Clauses 28 and 32)**

Part 3, Division 3 (Educational Establishments) Clause 28(1) of the Infrastructure SEPP was repealed during the assessment of the application, however Schedule 5 contains saving provisions for applications lodged prior to the amendments to the policy. Development for the purpose of educational establishments may be carried out by any person with consent on land in a prescribed zone. The site is zoned SP2 – Infrastructure (Educational Establishment), which is a prescribed zone under the Infrastructure SEPP and therefore can be carried out with consent.

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

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

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

### **(ii) Railways (Clauses 85 and 87)**

#### **Clause 85**

The application seeks consent to carry out alterations and additions to the existing school buildings and landscaping works and does not involve any development listed in Clause 85 (1) and as such the alterations and additions will not have an adverse impact on the safety of the rail corridor.

#### **Clause 86**

There is no excavation to a depth of 2 metres below ground level within 25 metres of the rail corridor proposed as part of the application.

#### **Clause 87**

The proposed development is for alterations and additions to existing buildings currently used for educational purposes. The application seeks to increase the number of students and staff at the premises and is therefore likely to be adversely affected by rail noise and vibration. An acoustic report was submitted with the application which makes recommendations for acoustic treatment such as glazing requirements in relation to the rail noise outlined in Clause 87 of the Infrastructure SEPP. Appropriate conditions are included in the recommendation to ensure the recommended acoustic measures are incorporated into the design and construction of the building as prescribed by the acoustic report.

#### **Clause 104**

At the time of lodgement of this application, the proposal was required under Clause 104 as a traffic generating development to be referred to Roads and Maritime Services (RMS). The application was referred to RMS who raised no objection to the proposal.

## **6. State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (SEPPEECF)**

The policy came into force on 1 September 2017, after the application was lodged. Schedule 5 allows savings provisions for applications lodged and not yet determined and as a result this policy would not apply to the subject application, however as it was a draft policy it is still a matter for consideration in the assessment of the proposal.

### Education Establishment

The work as proposed cannot not be determined as part of exempt or complying development as it involves an increase in student and staff numbers, therefore approval is required via a development application. Notwithstanding this, it is considered that the proposed development would meet the design principles set out in Schedule 4 of the SEPP.

### Centre-Based Child Care Centre

Part 3 of the SEPP requires consideration be given to the how the proposal meets the requirements of the Children (Education and Care Services) National Law (NSW) and the Child Care Planning Guideline. In this case the applicant has demonstrated in the SEE submitted that the proposal is considered acceptable in this regard. The development is also required to provide adequate unencumbered indoor and outdoor spaces in line with the the Education and Care Services National Regulations which is indicated in the table extracted from the SEE submitted with the application. It should be noted that the SEPP also removes the right of Council to apply some standards contained within Part 7.1 of MDCP 2011. Overall the development complies with the controls contained within the SEPP EECCF and is considered acceptable.

Element	Required	Proposed
Unencumbered indoor space	65m <sup>2</sup>	113.68m <sup>2</sup>
Unencumbered outdoor space	140m <sup>2</sup>	503m <sup>2</sup>
Sanitary facilities toilets/hand basins	2/2	3/2
Parking	5	7

*Image 4: Indoor and Outdoor Area Calculations      Source: SEE – Robison Planning*

## **7. State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017**

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 concerns the protection/removal of vegetation identified under the SEPP.

The application seeks consent for the removal of a number of trees from the site. The application was referred to Council's Tree Management Officer (TMO) multiple times throughout the assessment of the application who conferred with Council's assessment officer and applicant regarding the initial number of trees proposed to be removed. The final amended landscape plans and supporting documentation was submitted to Council on 23 August 2017 and includes removal of a total of 43 trees, 16 of which are semi-mature protected trees and the following comments were provided by Council's TMO:

*“The Arboricultural Development Assessment Report (Moore Trees Arboricultural Services, updated August 2017) and the Landscape Drawings (OHD Landscape Architects Issue B, 22/8/17) have been amended to address concerns raised by council with respect to the removal of some high retention value trees, adequacy of compensatory tree planting and detail of work methods around and within Tree Protection Zones (TPZ).*

*Whilst some concerns remain, particularly about the adequacy of the compensatory tree planting, the updated proposal is considered to be acceptable.*

*The updated plans incorporate the retention of trees 73 and 74, two tallowwoods, and tree 82, a plane tree.*

*The arboricultural report provides additional details with regards to the protection of retained trees during works.*

*Table 1 in the arboricultural report provides a summary of canopy cover for removal and compensatory tree planting. The crown spreads of some of the trees in table 1 is less than that listed in the tree assessment schedule (appendix 2). Just this alone results in an underestimation of the lost canopy by nearly 20 percent. As noted in the previous tree referral report (8/8/17) the crown spread of many of the trees had been under-stated, significantly in some instances, and this has not been amended for the updated report and calculation of lost canopy.*

*Whilst the extent of compensatory tree planting is not great, given the retention in the amended plans of three larger trees, the compensatory planting is considered acceptable.”*

The proposal is considered acceptable with regard to the vegetation SEPP and Part 2.20 of Marrickville Development Control Plan 2011 (MDCP) subject to the imposition of conditions which have been included in the recommendation of this report.

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

An assessment of the development having regard to the relevant provisions of Marrickville Local Environmental Plan 2011 (MLEP 2011) is provided below.

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

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

The objectives of the SP2 zone are as follows:

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*
- *To protect and provide for land used for community purposes.*

The development is for an educational establishment and associated child care centre, which is considered consistent with the zoning applicable to the site. The development is considered acceptable having regard to the objectives of the SP2 zone.

### **(ii) Demolition (Clause 2.7)**

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

(iii) Heritage Conservation (Clause 5.10)

The site is listed as a heritage item under MLEP 2011, namely St Thomas's Catholic Church, School and Presbytery, including interiors (Item I64). Also the site adjoins heritage items at:

- 2C and 2B West Street, namely Part of Former Lewisham Hospital, convent and grounds (Item I63); and
- 36 Thomas Street, namely Victorian filigree style villa (Item I65).

The significance level of the buildings and elements of the site are as follows:

*High significance*

- 1901 Block J
- 1887 (altered 1933) St Thomas Beckett Church (Block A) – excluded from the current DA proposal
- 1907 Block B
- Fenced Priests' and brother's burial/memorial area (at rear of Block C)-
- Former Rectory (Block D) built in stages 1876, 1899, 1909 and circa 1940s-1950s
- Thomas Street front fence of former rectory (Block D)

*Moderate significance*

- 1939 Block C
- Sandstone fencing (circa 1930s) along Thomas Street

*Low significance*

- All remaining buildings on the site 1960s, 1980s and 2000s (Blocks E, G, H, I)
- Play spaces
- Fencing along the railway line boundary of the site.

The applicant submitted an Archaeological Assessment Report and a Heritage Impact Assessment Report with the application which satisfactorily addresses the relevant heritage conservation provisions contained in Clause 5.10 of MLEP 2011. The application was referred to Council's Heritage Advisor who provided comments regarding the proposal, and requested a number of specific design amendments to ensure that the impacts on the heritage listed buildings would be reduced or eliminated. The applicant submitted amended plans which incorporated the majority of the heritage advisors requests including the removal of the mezzanine level to Building B. The amendments were referred back to the Heritage Advisor who provided the following comment:

*"The proposal is considered to be acceptable in relation to heritage impacts on significant elements of the site and approval of the DA with the following conditions of consent is acceptable in relation to heritage controls of the LEP and DCP....."*

The conditions recommended by Council's Heritage Advisor have been included in the recommendation.

Overall, the development is considered not to have any significant impacts on the heritage item or the nearby items and would include substantial restoration of a number of the contributory buildings on the site. The development satisfies Clause 5.10 of MLEP 2011 and Part 8 of MDCP 2011.

(iv) Earthworks (Clause 6.2)

The proposed earthworks would be of a minor nature and excavation would be minimal with no more than one metre depth for the construction of the car parking, with other excavation for footings only. The works would not result in any detrimental impacts on environmental functions, processes, neighbouring uses, cultural or heritage items or features of the surrounding land. The proposal is considered acceptable with regard to Clause 6.2 of MLEP 2011.

(v) Terrestrial Biodiversity (Clause 6.4)

Clause 6.4 of MLEP 2011 requires consideration be given to conservation of biodiversity as is of relevance to the application and applies to land identified as “Biodiversity” on the Natural Resource - Biodiversity Map that accompanies MLEP 2011.

The property is identified as “Biodiversity” on the MLEP 2011 Natural Resource - Biodiversity Map.

The application was referred to Council’s Environmental Services Officer who raised no objection to the development subject to Council’s standard conditions relating to wildlife corridors and bandicoots which have been recommended to be imposed on any consent issued. The proposal is considered acceptable with regard to Clause 6.4 of MLEP 2011 and Part 2.13 of MDCP 2011.

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

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

The property is located within the 20-25 Australian Noise Exposure Forecast (2033) Contour.

The development is likely to be affected by aircraft noise.

Clause 6.5(3) of MLEP 2011 reads as follows:

- “(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 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.”*

The carrying out of the development would result in an increase in the number of people affected by aircraft noise.

The development would need to be noise attenuated in accordance with AS2021:2015. An Acoustic Report was submitted with the application which includes details demonstrating that the development could be noise attenuated from aircraft noise to meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021—2015. It is recommended that the report be referenced as part of the approved plans and documents listed in condition 1 of any consent granted for the proposal.

## 9. Marrickville Development Control Plan 2011



An assessment of the development having regard to the relevant provisions of Marrickville Development Control Plan 2011 (MDCP 2011) is provided below.

## **PART 2 - GENERIC PROVISIONS**

### **(i) Equity of Access and Mobility (Part 2.5)**

Part 2.5 of MDCP 2011 requires consideration to be given to accessibility before granting development consent.

The application was accompanied by a statement outlining that the development is capable of complying with AS1428 at construction certificate stage. The Statement of Environmental Effects submitted with the application indicates that the proposal complies with the Disability Discrimination Act 1992, Premise Standards 2010, BCA and MDCP 2011.

All of the buildings to be altered would be made accessible as this is a vital part of the brief of the school operator. Building B would be fitted with a lift to both levels. The existing lift for Building E would be relocated and would allow access to the building and the play space/car park. The proposed works would allow students and staff to move through all areas of the school/site in an equitable manner. 3 accessible parking spaces are proposed, one in each of the 3 new car parking areas and multiple accessible toilets are to be provided on the site.

Despite the above, the requirements of MDCP 2011 are effectively superseded by the introduction of the new Premises Standards. An assessment of whether or not these aspects of the proposal fully comply with the requirements of relevant Australian Standards and the new Premises Standards has not been undertaken as part of this assessment. That assessment would form part of the assessment under the Premises Standards at the Construction Certificate stage of the proposal and a condition is included in the recommendation accordingly.

### **(ii) Visual and Acoustic Privacy (Part 2.6)**

Part 2.6 of MDCP 2011 contains objectives and controls relating to acoustic and visual privacy. The application was supported by an Acoustic Assessment which has regard to aircraft noise, general acoustic privacy, air-conditioning units, rail noise and vibration, road noise and vibration and concludes that the development is capable of complying with the relevant requirements of MDCP 2011, NSW Industrial Noise Policy, Australian Standards and SEPP Infrastructure.

The layout and design of the development ensures that the visual and acoustic privacy currently enjoyed by residents of adjoining residential properties are protected. The development is considered to maintain a high level of acoustic and visual privacy for the surrounding residential properties.

### **(iii) Solar Access and Overshadowing (Part 2.7)**

The shadow diagrams submitted with the application illustrate the extent of overshadowing on adjacent properties and demonstrate that the development complies with Council's overshadowing controls, the development is contained mostly to existing buildings so the extent of increased overshadowing is minimal and relates mainly to the new car park/play space and the function room attached to Building D. All shadows fall within the site or on the roadway of Thomas Street and would not result in any detrimental impacts on the subject site or adjoining properties. It is considered that all play areas within the site would receive adequate solar access and as a result the proposal is considered acceptable with regard to Part 2.7 of MDCP 2011.

### **(iv) Social Impact Assessment (Part 2.8)**

A Social Impact Comment within the Statement of Environmental Effects was submitted with the application, which outlined the following positive impacts as a result of the development:

- Continued and improved educational use of the site;
- Improved accessibility throughout the site for all users;
- Increase in number of student places to 188 students;
- 20 specialist child care centre places on site;
- Improved teaching and learning facilities;
- Construction and operational employment opportunities;
- Works generally located within existing buildings;
- High quality architectural design integrating heritage buildings with new additions;
- Preservation of sites heritage and archaeological significance;
- Improved landscaping and increased amenity of outdoor spaces; and
- Increased parking on site and additional on-site pick up/drop off area.

It also indicates that a potential negative impact would be student and staff amenity may be disrupted during the construction period. The statement concludes that the proposal would not have any adverse amenity impacts for the site or adjoining residents. Overall the proposal is assessed as providing a social benefit to the community as it would be improving a service to the community for students with complex learning difficulties and those facing other adverse situations.

(v) Community Safety (Part 2.9)

Part 2.9 of MDCP 2011 contains objectives and controls relating to community safety.

A Plan of Management is required for the application under Part 2.9 of MDCP 2011 and was submitted by the applicant during the assessment of the application.

Being a high risk school for children with complex physical and learning difficulties, the security of the development is of the paramount importance. The school and childcare centre have been designed to be secure for all students, and the new works will allow students and staff to move between buildings on the site in a secure manner, with access to the public limited to the site-through link to the church and Thomas Street, which can be locked where required.

(vi) Parking (Part 2.10)

*Car, Bicycle and Motorcycle Parking Spaces*

The property is located in Parking Area 2 under Part 2.10 of MDCP 2011. The following car, bicycle and motor cycle parking requirements apply to the development:

Component	Control	Required	Proposed	Complies?
<b>Car Parking</b>				
Educational Establishment	1 space per 4 staff plus drop off and pick up facility	64 staff = 16 + existing on-street pick/up and drop off area available		
Childcare Centre	1 per 40sqm of GFA	GFA = 341sqm =8.5 spaces + new on-site pick/up drop off area		
		<b>TOTAL = 25</b>	28	Yes
<b>Bicycle Parking</b>				
Educational Establishment	1 bicycle parking space per 20 staff for staff	3 spaces		
	1 bicycle parking space per 10 students for students	11 spaces (113 new students)		

Component	Control	Required	Proposed	Complies?
Childcare	1 bicycle parking space per 20 staff for staff and 2 for customers	2 spaces		
		<b>TOTAL = 16</b>	<b>7</b>	<b>No</b>
<b>Motorcycle Parking</b>				
Motorcycle Parking	5% of the total car parking requirement	23 car parking spaces required = 2 space		No

The development requires a total of 25 car parking spaces. In addition a total of 16 bicycle parking spaces (4 for staff, 11 for students and 2 for customers/visitors) and 2 motorcycle parking spaces would be required to be provided.

The application proposes a total of 28 new car parking spaces, 3 of which would be accessible. 10 spaces would be provided in the north-western car park as shown in Image 4 below, 11 in the basement car park and 7 in the south-western car park. A new drop/off and pick-up area is also located on site within the south-western car park with separate entry and exit from Thomas Street, which is in addition to the existing drop/off pick up facility located on street at the end of Thomas Street, outside Building B and the Church. The proposed parking layout provides an additional 3 parking spaces than what is required and is considered acceptable with regard to Part 2.10 of MDCP 2011.

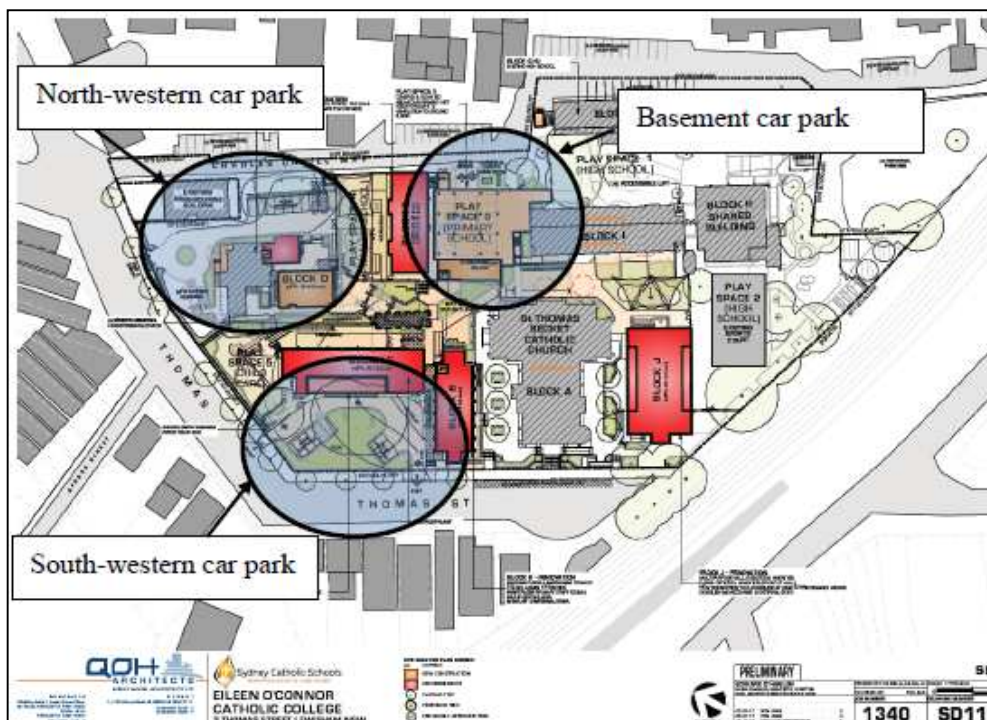


Image 5: Car Parking Locations Source: Traffic Report – Thompson Stanbury Associates

The development requires 16 bicycle spaces and 2 motorcycle spaces, the application proposes 7 bicycle spaces, currently there are none provided on the site. It is considered that there is adequate space within the site to provide additional bicycle parking on the site above the 7 spaces proposed if required. Similarly there are 3 car parking spaces in excess of the requirement of Part 2.10 of MDCP 2011 and therefore more than 2 motorcycles could park within these spaces if required. Council's Development Engineer raised no objection to the proposal.

(vii) Fencing (Part 2.11)

Part 2.11.3 of MDCP 2011 contains objectives and controls relating to heritage fencing. The proposed development would maintain the existing contributory fencing to the site, with all additional fencing to be consistent with the period style of the buildings, with the exception of the fencing near the basement and play space which would consist mainly of glass balustrade fencing to the through site link.

(viii) Signage and Advertising Structures (Part 2.12)

Part 2.12.4.9 of MDCP 2011 specifies Council's objectives and requirements for the erection and display of signs on heritage items. Those provisions are intended to protect the significance of the item and surrounding neighbourhoods, buildings, streetscapes, vistas and the skyline.

The development includes the following signage:

- Identification sign fixed on the upper Western Façade of Building B fronting Thomas Street in 3 dimensional lettering "Eileen O'Connor Catholic College"
- Identification sign fixed to the western end of the new awning on Building B "Eileen O'Connor Catholic College & School Insignia" (3.3 metres x 1.8 metres) in translucent coloured glass/acrylic panels in dimensional text
- 2 x identification signs fixed to the western elevation of Building C one at each end of the building (2.6 metres x 1.8 metres & 1.8 metres x 1.8 metres)
- Free-standing identification sign on Thomas Street, near entry to new parking area (0.9 metres x 2.1 metres above retaining wall) in metal with acrylic dimensional text
- Heritage interpretive signage (more details to be submitted for CC).

All signs proposed relate to building identification which would be sympathetic to the buildings and of a high quality material. Council's Heritage Officer raises no objections to the proposed signage. Additional way finding and heritage interpretive signage is proposed with exact details of contents and location required to be approved submitted to and approved by Council prior to the issue of a Construction Certificate.

(ix) Energy Efficiency (Part 2.16)

Part 2.16.3 of MDCP 2011 specifies the requirements for development to improve energy efficiency. The SEE submitted with the DA provided the following comment:

*"Retention and reuse of the existing building reduces demand for resources. Energy efficiency measures such as optimum orientation, glazing, sun control, cross ventilation and natural light have been incorporated into the design. Appropriate building materials will be selected to increase energy efficiency."*

Council considers the development to adhere to the objectives of Part 2.16 of MDCP 2011 and conditions are included in the recommendation requiring the provision of energy and water efficient fixtures and fittings for the development.

(x) Water Sensitive Urban Design (Part 2.17)

Part 2.17 of MDCP 2011 contains objectives and controls relating to Water Sensitive Urban Design (WSUD) including requirements for developments which involve the construction or designation of 10 or more additional uncovered car parking spaces.

Table 1 in Part 2.17 of MDCP 2011 details what WSUD requirements apply to the proposal and includes the following:

Development type	Control	Control
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	<b>Water conservation targets s2.17.4</b>	<b>Stormwater quality targets s2.17.5</b>
Any development which involves the construction of 10 or more additional uncovered car parking spaces.	C2 and C3	C4 and C5

Table 1: WSUD controls and information to be submitted for different development types

The application was referred to Council's Development Engineer who included conditions regarding water sensitive urban design.

(xi) Landscaping and Open Spaces (Part 2.18)

Part 2.18.11.11 of MDCP 2011 contains the following control for landscaping in car parks:

**“C32** *All outdoor parking areas must incorporate landscaped areas in accordance with the following requirements:*

- i. Any outdoor ground level car park containing five or more parking spaces must provide one shade tree for every five car spaces, with foliage or canopy with a clean trunk to 2 metres. Tree root barriers must be installed around the edge of planter beds to reduce future maintenance and damage to under ground services.*
- ii. Parking and circulation areas must be delineated by planter beds at the ends of parking bays. Planter beds must be a minimum width of 1.5 metres, surrounded by a 150mm concrete kerb and must contain both trees and shrubs.*
- iii. Trees in parking bays must be located in areas no less than the size of one car space or, preferably, in a continuous planter bed at least 1.5m wide separating the bays.*
- iv. Car parks must be paved with unit pavers using permeable pavers where possible.*
- v. A fully automatic irrigation system is required in all car park planter beds.”*

A landscape plan and maintenance schedule was submitted with the application. The application was referred to Council's Tree Management Officer who raised no objection to the proposed development, which includes a large number of replacement and new tree planting. The 10 car parking spaces located adjacent to Building D and Charles O'Neill Way would be permeable paving due to the protection of a large tree in the vicinity of the parking area. Similarly the car park located adjacent to Building C (Childcare centre) containing 7 spaces would maintain a number of large canopy trees, however would not be permeable. Whilst new shade trees are not proposed amongst the spaces, the existing trees are considered to provide more than adequate shade protection. Whilst the landscaping of the open car parking areas do not fully comply with the controls contained within Part 2.18.11.11 the do still meet the objectives of the control by maintaining existing significant trees, minimising the extent of hard paving and providing an integrated landscape design through the entire site.

The conditions recommended by Council's Tree Management Officer are included in the recommendation.

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

*2.21.2.1 Recycling and Waste Management Plan*



A Recycling and Waste Management Plan (RWMP) in accordance with Council's requirements was submitted with the application and is considered to be adequate. The existing waste removal arrangements for the site would be maintained which includes waste being disposed of by private cleaning contractors in 3 existing separate bin storage areas along Charles O'Neill Way, these are then serviced by a private contractor on a weekly basis.

(vii) Stormwater Management (Part 2.25)

A concept drainage plan was submitted with the application and is considered acceptable with regard to the objectives and controls relating to stormwater management under Part 2.25 of MDCP 2011.

## **PART 7 – MISCELLANEOUS DEVELOPMENT**

### **Part 7.1 – Child Care Centres**

Part 7 of MDCP 2011 is effectively superseded by the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 which came into effect during the assessment of this application. Notwithstanding this, the proposed development complies with the objectives of Part 7.1 of MDCP 2011 in that it is compatible with the context of the site having regard to being within an existing built form, maintains adequate amenity for nearby residential properties and other uses on the site and has adequate, convenient and safe parking.

Part 7 prescribes controls having regard to amenity considerations for neighbouring residences which relate to noise and traffic impacts as well as aircraft noise impacts on users of the site which have already been dealt with in the body of this report.

An Air Quality Assessment Report was submitted with the application which undertook testing on site, with results being satisfactory for the continued use as an educational establishment and future use of the site as a childcare centre in accordance with the National Environmental Protection Measures. Similarly the site is located in ANEF 20-25 which is considered suitable for use as a child care centre.

The development meets the objectives and controls of Part 7.1 of MDCP 2011 and is considered acceptable.

## **PART 9 – STRATEGIC CONTEXT**

The property is located in the Lewisham North Planning Precinct (Precinct 1) under Marrickville Development Control Plan 2011. The development would protect the identified heritage items on the site which would be consistent with the desired future character of the precinct.

### **10. Architectural Excellence**

The application was referred to Council's Architectural Excellence Panel at the request of Council's Heritage and Urban Design Advisor. The panel raised concerns regarding the development which is summarised as follows:

1. Architectural merit of the addition to Block D, in particular the roof forms and planes, linking passageway and the colour palette of the addition;
2. Architectural and urban design merit of Block E, play space 3 and car parking building adjoining Block I. It is recommended that Block E be demolished and 90 degree parking be provided along Charles O'Neill Way. The panel suggested a new building of high architectural and urban design quality be proposed that runs parallel to Block I and that a greater separation between Building I and new Building E be provided.



3. Concern was also raised regarding the height and width of the covered walkways on the site and roof form of these structures; and
4. It was also noted that confirmation should be sought with the applicant that the new lift in Building B can be achieved within the existing form in accordance with BCA and AS without modifying the existing roof form or structure.

Council sought response from the applicant regarding the issues outlined above and a formal response and associated design changes were submitted to Council on 13 November 2017. The information submitted by the applicant demonstrates that the proposal has been amended to address points 1, 3 and 4 in accordance with the AEP recommendations.

The proposal has not fully addressed point 2 in that the development would retain existing Block E as originally submitted as part of the proposal. Modifications have been made to the width of the separation between blocks I and E being increased to 7 metres, the width of walkway between the 2 buildings has been reduced from 8 to 5 metres and height reduced by 1.5 metres and the incorporation of a number of improved materials and finishes including glazing to the play space 3 area to allow improved views through to the church behind.

The decision to retain and reuse Block E and resulting design changes submitted are considered acceptable for the following reasons:

- Building E is structurally sound;
- Re-use of the existing building is cost-effective;
- Results in a reduction of waste;
- The proposed modifications satisfy relevant planning controls;
- Impact on operation of school and sensitivity surrounding this would be increased if demolition of building E was required;
- Development provides a critical service to the community; and
- The building fronts a rear private laneway.

Overall it is considered that the proposal strikes an appropriate balance between the needs of the school from an operational perspective and the requirement of Council to ensure that the proposal achieves a high standard of design in the private and public domain.

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

A Section 94A levy of \$154,640.00 would be required for the development under Marrickville Section 94/94A Contributions Plan 2014.

A condition requiring that levy to be paid is included in the recommendation.

#### **12. Community Consultation**

The application was advertised, an on-site notice displayed on the property and residents/property owners in the vicinity of the property were notified of the development in accordance with Council's policy. 1 submission was received raising concerns with traffic and car parking which has already been discussed throughout the main body of this report.

#### **13. Conclusion**

The heads of consideration under Section 79C of the Environmental Planning and Assessment Act, 1979, as are of relevance to the application, have been taken into consideration in the assessment of this application. The application is considered suitable for approval subject to the imposition of appropriate conditions.

**PART E - RECOMMENDATION**

- A. THAT** the development application to demolish part of the existing buildings and carry out alterations and additions to a Buildings B, C, D, E and J to include an Early Intervention Centre, a new primary school for students in Kindergarten to Year 6 and expansion of the high school operation to include Years 11 and 12, provision of new vehicle access and parking arrangements, carry out tree removal and associated landscaping and fencing work and erect associated signage be **APPROVED** subject to the following conditions:

**GENERAL**

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

Plan No. and Issue	Plan/ Certificate Type	Date Issued	Prepared by	Date Submitted
DA1100, Issue 3	Site Plan	13 November 2017	Quinn O'Hanlon Architects	13 November 2017
DA1101, Issue 1	Site Roof Plan	13 November 2017	Quinn O'Hanlon Architects	13 November 2017
DA1300, Issue 4	Street Elevations	13 November 2017	Quinn O'Hanlon Architects	13 November 2017
DA1350, Issue 3	Site Section 01 & 02	13 November 2017	Quinn O'Hanlon Architects	13 November 2017
DA1351, Issue 3	Site Section 03 & 04	13 November 2017	Quinn O'Hanlon Architects	13 November 2017
DA2210, Issue 0	Block B & C Demolition Plan Ground Floor	13 October 2017	Quinn O'Hanlon Architects	13 November 2017
DA2211, Issue 0	Block B & C Demolition Plan First Floor	13 October 2017	Quinn O'Hanlon Architects	13 November 2017
DA2220, Issue 4	Block B & C Ground Floor Plan	13 November 2017	Quinn O'Hanlon Architects	13 November 2017
DA2222, Issue 2	Block B & Block C First Floor Plan	13 November 2017	Quinn O'Hanlon Architects	13 November 2017
DA2300, Issue 4	Block B Elevations	13 November 2017	Quinn O'Hanlon Architects	13 November 2017
DA2301, Issue 3	Block B Section	13 November 2017	Quinn O'Hanlon Architects	13 November 2017
DA2302, Issue 1	Block C Elevations & Sections	13 October 2017	Quinn O'Hanlon Architects	13 November 2017

DA3210, Issue 0	Block E Demolition Plans	13 October 2017	Quinn O'Hanlon Architects	13 November 2017
DA3220, Issue 4	Block E Ground Floor Plan	13 November 2017	Quinn O'Hanlon Architects	13 November 2017
DA3221, Issue 4	Block E First Floor Plan	13 November 2017	Quinn O'Hanlon Architects	13 November 2017
DA3222, Issue 4	Block E Roof Plan	13 November 2017	Quinn O'Hanlon Architects	13 November 2017
DA3300, Issue 4	Block E Elevations	13 November 2017	Quinn O'Hanlon Architects	13 November 2017
DA3301, Issue 3	Block E Section	13 November 2017	Quinn O'Hanlon Architects	13 November 2017
DA4210, Issue 0	Block J Demolition Plans	13 October 2017	Quinn O'Hanlon Architects	13 November 2017
DA4220, Issue 2	Block J Floor Plans	13 October 2017	Quinn O'Hanlon Architects	13 November 2017
DA4300, Issue 2	Block J Elevations and Sections	13 October 2017	Quinn O'Hanlon Architects	13 November 2017
DA5210, Issue 0	Block D Demolition Plans	13 October 2017	Quinn O'Hanlon Architects	13 November 2017
DA5220, Issue 2	Block D Ground Floor Plan	13 November 2017	Quinn O'Hanlon Architects	13 November 2017
DA5221, Issue 2	Block D First Floor Plan	13 November 2017	Quinn O'Hanlon Architects	13 November 2017
DA5222, Issue 1	Block D Roof Plan	13 November 2017	Quinn O'Hanlon Architects	13 November 2017
DA5300, Issue 1	Block D Elevations	13 November 2017	Quinn O'Hanlon Architects	13 November 2017
DA5301, Issue 2	Block D Sections	13 November 2017	Quinn O'Hanlon Architects	13 November 2017
DA9950, Issue 0	Perspective 1	11 May 2017	Quinn O'Hanlon Architects	13 November 2017
DA9951, Issue 3	Perspective 2	13 November 2017	Quinn O'Hanlon Architects	13 November 2017
DA Issue Revision 2	Schedule of Finishes – Block B	-	Quinn O'Hanlon Architects	13 November 2017
DA Issue Revision	Schedule of	-	Quinn O'Hanlon	13

1	Finishes – Block C		Architects	November 2017
DA Issue Revision 2	Schedule of Finishes – Block D	-	Quinn O'Hanlon Architects	13 November 2017
DA Issue Revision 3	Schedule of Finishes – Block E/Play Space 3	-	Quinn O'Hanlon Architects	13 November 2017
DA Issue Revision 1	Schedule of Finishes – Block J	-	Quinn O'Hanlon Architects	13 November 2017
DA1800, 1810-1814, 1830-1831, Revision D	Landscape Plans & Details	13 November 2017	O'Hanlon Design	23 August 2017
SK04, Issue 1	Signage Locations	20 October 2017	Quinn O'Hanlon Architects	23 October 2017
Revision C	Acoustic Report	24 May 2017	JHA	8 June 2017
C12066:J149589	Hazardous Materials Risk Assessment	5 April 2017	Greencap	8 June 2017
E23340 AA PSI Rev 1	Preliminary Site Investigation	25 May 2017	Ei Australia	8 June 2017
	Arboricultural Development Assessment Report	23 August 2017	Moore Trees	23 August 2017
	Bandicoot Assessment Report	1 May 2017	Cumberland Ecology	8 June 2017
	Plan of Management	13 November 2017	-	13 November 2017
216089-H00-H07, Revision B	Hydraulic Services Plans	21 April 2017	Niven Donnelly & Partners Pty Ltd	8 June 2017

and details submitted to Council on 8 June and 23 & 31 August, 5 September, 17, 18 & 23 & 13 October 2017 and 13 November 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. A Detailed Site Investigation Report prepared in accordance with the Preliminary Site Investigation, Reference No. E23340 AA, Revision 1, prepared by Ei Australia, dated 25/5/2017 and the requirements of the NSW EPA's Guidelines for Consultants Reporting on Contaminated Sites must be submitted to and approved by Council. If the DSI report findings require a Remediation Action Plan, this must also be prepared and submitted to Council for approval before lodging any Construction Certificate for the project.

Reason: To ensure the site is made suitable for the intensified operation on the site.

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

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

4. The materials and finishes of the building being constructed pursuant to this consent must be strictly in accordance with the material and finishes identified in DA Issue, Revision 2 – Block B, D, DA Issue Revision 1 – Block C & J and DA Issue Revision 3, Issue 3 – Block E & Play Space 3 received 13 November 2017 prepared by Quinn O’Hanlon Architects. No changes may be made to these materials and finishes and their use shown on the approved architectural plans except by way of an application under section 96 of the Environmental Planning and Assessment Act.

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

5. 28 off-street car parking spaces, 3 of which are required to be accessible being provided for the development, paved, line marked and maintained at all times in accordance with the standards contained within Part 2.10 of Marrickville Development Control Plan 2011 - Parking.

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

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

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

7. The use of the premises not giving rise to:

- a) transmission of unacceptable vibration to any place of different occupancy;
- b) a sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 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.

8. The signage must be erected substantially in accordance with the Plan No. SK04 Issue A dated 20.10.17, & DA2300 & DA1300 Issue 4, dated 13.11.17 and 2302 Issue 1, dated 10.3.17 and details submitted to Council on 8.6.17 with the application for development consent as amended by the following conditions.

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

9. A separate application must be submitted to, and approved by, Council prior to the erection of any advertisements or advertising structures other than the signage approved in this consent.

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

10. The advertising structure(s) and associated advertisement(s) must be properly and safely maintained at all times.

Reason: To ensure that the signage does not have any detrimental effect upon the amenity of the area or endanger the safety of the public.

11. Any advertisement to be displayed must be only to identify the premises, the occupier of the site, the activity conducted thereon or the goods and services available on the premises associated with the use approved in this development consent.

Reason: To ensure that all signage on the premises relates to the approved use.

12. The signage must:

- a) not flash, move, be animated, or be decorated with rotating or flashing lights at any time;
- b) not have any apparatus attached to it which will provide sound of any description whether associated with the sign or other object or activity;
- c) be neatly affixed to the building and any damage to the building caused to the exterior of the building by the erection of the advertising structure must be promptly repaired with materials to match those of the existing building;
- d) comply with the Advertising Code of Ethics; and
- e) comply with the requirements of the Roads and Maritime Services Authority.

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

13. The required fee under Council adopted fees and charges for "Signs and Advertising Structures Projecting onto or Over Public Space" must be paid to Council. The advertisement/advertising structures must only remain in place when the annual licensing fee for that year has been paid.

Note: The fee needs to be paid annually.

Reason: To confirm the terms of Council's approval and to ensure that the advertising only remains in place when the annual licensing fee has been paid.

14. Certification by a Structural Engineer as to the adequacy of the method of affixing the signs must be submitted to Council prior to the erection of the sign.

Reason: To ensure public safety.

15. The hours of illumination of the projecting wall sign must be restricted to between the hours of 7.00am and 10.00pm 7 days a week.

Reason: To protect the amenity of the area.

16. No signs or goods must be displayed for sale or stored on the footpath in front of the premises at any time without the prior approval of Council.

Reason: To prevent the public footpath from being obstructed.

17. All loading and unloading in connection with the other uses approved in this consent being carried out wholly within the property and in such a manner as not to cause inconvenience to the public.

Reason: To prevent use and obstruction of the adjacent public thoroughfare.

18. a) Not more than 20 children being at the child care centre premises identified as Early Intervention Centre (Building C) at any one time without the prior approval of Council.  
b) Not more than 120 children being enrolled at the Eileen O'Connor Catholic College spread over primary and secondary levels at any one time without the prior approval of Council.  
c) Not more than 48 children being enrolled at the John Berne School at any one time without the prior approval of Council.

Reason: To ensure that the number of children at the premises at any one time is not increased without a further review of the off-street car parking facilities available for the development.

19. a) Not more than 5 persons being employed in connection with Child Care Centre on the



premises at any one time without the prior approval of Council.

- b) Not more than 56 persons being employed in connection with the Eileen O'Connor Catholic College on the premises at any one time without the prior approval of Council.
- c) Not more than 19 persons being employed in connection with the John Berne School on the premises at any one time without the prior approval of Council

Reason: To ensure that the number of employees of the child care centre and educational establishment at any one time is not increased without a further review of the off-street car parking facilities available for the development.

20. a) The hours of operation of the child care centre being restricted to between the hours of 7.00am to 4.00pm Mondays to Fridays (excluding Public Holidays) with no work being carried out on Saturdays and Sundays.
- b) The hours of operation of the Eileen O'Connor Catholic College primary and secondary schools and John Berne School being restricted to 8.00am to 5.00pm Mondays to Fridays (excluding Public Holidays) with no work being carried out on Saturdays and Sundays.

Reason: To confirm the hours of operation as requested for the child care centre and educational establishment.

21. The developer liaising 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.

22. All prescribed trees shall be retained and protected in accordance with these conditions and with the Australian Standard *Protection of Trees on Development Sites* AS 4970—2009 unless their removal, pruning or other works is explicitly approved under the terms of this consent. Trees 27, 28, 60-72 and 75 (as numbered in the Arboricultural Development Assessment Report, Moore Trees Arboricultural Services, updated August 2017) may be removed.

Reason: To clarify that prescribed trees must be retained unless explicit approval is given for their removal.

23. All reasonable directions in writing by the project arborist in relation to tree management and tree protection shall be complied with.

Reason: To ensure that tree protection is able to be reactive to unforeseen risks and impacts.

24. During construction the project arborist shall undertake periodic inspections of trees and tree protection measures, as detailed in the Arboricultural Development Assessment Report (Moore Trees Arboricultural Services, updated August 2017).

Reason: To ensure that conditions relating to tree removal, tree protection and tree planting are complied with.

25. Amended Plans are to be submitted to the Council prior to the issue of a Construction Certificate demonstrating the following:

- a) The office and meeting room fit-out to the front rooms of Block J are to retain the existing timber ceilings and be undertaken in a manner allowing the existing timber ceilings to be appreciated;
- b) The memorials associated with the Priest's and brother's burial area are to be retained as is and not relocated.

Reason: To ensure that the development meets the requirements specified by the heritage provisions of Clause 5.10 of Marrickville Local Environmental Plan 2011.

26. Prior to the issue of a Construction Certificate plans and/or associated details demonstrating the location, size, style, form, materials and contents of the draft heritage interpretive signage for the buildings on the site being submitted to Council's Heritage and Urban Design Officer's satisfaction.

Reason: To ensure that signage is sensitive to the Heritage Items on the site.

27. An Archaeological assessment and impact statement is to be prepared once service details (Depth and location) are known, to be submitted to Council's satisfaction prior to the issue of a Construction Certificate. This assessment should identify whether relics may be harmed by this activity and whether appropriate mitigation measures or alteration of the design should occur based on the significance of the relics which may be present.

*Note: if the archaeological assessment indicates no impacts on archaeological resources, then an Exemption under Section 139(4) of the Heritage Act should be sought. Council will require evidence that such an exemption has been granted prior to the issue of the Construction Certificate approval.*

Reason: To ensure the development is in accordance with the requirements of the Heritage Act.

28. A Conservation Management Plan is required to be prepared by a qualified heritage consultant and submitted to the satisfaction of Council's Heritage Advisor prior the issue of a Construction Certificate.

Reason: To ensure that a plan is in place to manage the heritage item and it's conservation.

29. Landscaping of the site is required to consist of 90% local native plants, including a dense grassy understorey with shrub layer and associated canopy that utilises a diverse and representative range of species. Prior to the issue of a Construction Certificate a final Landscape Plan must be reviewed and approved by Council's Urban Ecology team.

*Note: Further information on relevant species can be found in the GreenWay Revegetation Plan 2011 (attached) and Council's DCP 2.18 – Landscaping and open spaces p11).*

Reason: To ensure that provision of foraging opportunities and habitat for the endangered Long-nosed Bandicoot population has been considered.

30. 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.

31. 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.

32. 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.

33. No food is permitted to be prepared or sold other than pre-packed food being re-heated within the Early Intervention Centre kitchen located in Building C.

Reason: To ensure the use of the kitchen is in keeping with the terms of the approval as it is not fit-out for commercial use in accordance with the Food Act 2003.

#### **BEFORE COMMENCING DEMOLITION, EXCAVATION AND/OR BUILDING WORK**

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

34. No work must commence until:

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

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

35. 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.

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

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

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

37. All demolition work must:

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

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

38. Where any loading, unloading or construction is to occur from a public place, Council 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.
39. 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.  
Reason: To secure the area of the site works maintaining public safety.
40. 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.
41. A Soil and Water Management Plan must be prepared in accordance with Landcom Soils and Construction, Volume 1, Managing Urban Stormwater (Particular reference is made to Chapter 9, "Urban Construction Sites") and submitted to and accepted by the PCA. A copy of this document must be submitted to and accepted by PCA before work commences. The plan shall indicate:
- a) Where the builder's materials and waste are to be stored;
  - b) Where the sediment fences are to be installed on the site;
  - c) What facilities are to be provided to clean the wheels and bodies of all vehicles leaving the site to prevent the tracking of debris and soil onto the public way; and
  - d) How access to the site will be provided.
- All devices must be constructed and maintained on site while work is carried out.
- Reason: To prevent soil erosion and sedimentation of the stormwater network.
42. 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.
43. The person acting on this consent shall apply as required for all necessary permits including crane permits, road opening permits, hoarding permits, footpath occupation permits and/or any other approvals under Section 68 (Approvals) of the Local Government Act, 1993 or Section 138 of the Roads Act, 1993.  
Reason: To ensure all necessary approvals have been applied for.
44. The tree planting detail in the landscape drawings (OHD Landscape Architects Issue B, 22/8/17) shall be amended before work commences to reflect the tree planting details contained in the Marrickville Street Tree Master Plan 2014. In particular planting holes shall be dug no deeper than the potted rootball which shall be placed on undisturbed site soil to

prevent settlement. Stakes shall be installed to provide protection to the new trees but the new trees shall not be tied to stakes.

Reason: a) Cultivating subgrade is rejected by current best practice in tree planting and reduces the likelihood of successful establishment.  
b) Trees that comply with Australian Standard *Tree Stock for Landscape Use* AS 2303-2015 should be self-supporting and not require staking. Staking will inhibit trunk thickening due to the reduction in movement.

45. 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 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.

46. 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.

47. The tree protection measures detailed in the Arboricultural Development Assessment Report (Moore Trees Arboricultural Services, updated August 2017) and any additional tree protection measures deemed necessary by the project arborist shall be established before work commences.

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

48. 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 before work commences that the measures comply with the Arboricultural Development Assessment Report (Moore Trees Arboricultural Services, updated August 2017) and any additional directions by the project arborist in relation to tree protection.

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.

49. Prior to commencement of any excavation, demolition or construction work, all workers on the work site are to be made aware of the potential presence of Long-nosed Bandicoots as part of the site induction (including what they look like).

Reason: To avoid direct physical harm to Long-nosed Bandicoot, it is important that workers are aware of the potential for their presence on site and their responsibilities to the endangered threatened population through legislation (NSW Threatened Species Conservation Act 1995).

50. 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.

51. 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.

52. 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

53. A detailed Traffic Management Plan to cater for construction traffic must be submitted to and approved by Council before commencement of works. Details must include proposed truck parking areas, construction zones, crane usage, truck routes etc. All construction traffic must comply at all times with the approved Traffic Management Plan. The developer must ensure that all construction workers and contractors are fully aware of the approved Traffic Management Plan.

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

54. The person acting on this consent shall submit a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site before commencement of works.

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

#### **BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE**

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

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

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

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

**[http://www.lspc.nsw.gov.au/levy\\_information/?levy\\_information/levy\\_calculator.stm](http://www.lspc.nsw.gov.au/levy_information/?levy_information/levy_calculator.stm)**

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

56. A levy of \$154,640.00 has been assessed as the contribution for the development under Section 94A of the Environmental Planning and Assessment Act 1979 and Marrickville Section 94/94A Contributions Plan 2014 (a copy of which may be inspected at the offices of the Council).

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



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

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

**(LEVY PAYMENT REFERENCE NO. DC002086)**

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

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

57. Noise attenuation measures in accordance with the recommendations contained in the Acoustic Report prepared by JHA dated 24 May 2017 being incorporated into the development complying with Australian Standard 2021:2000 in relation to interior design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction), in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate together with certification by a suitably qualified acoustical engineer that the proposed noise attenuation measures satisfy the requirements of Australian Standard 2021:2017 and Clause 87 of State Environmental Planning Policy (Infrastructure) 2007.

Reason: To reduce noise levels within the proposed child care centre from aircraft.

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

59. Lighting details of the pedestrian areas, parking areas and all entrances being submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.

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

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

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

61. The person acting on this consent must provide to Council a bond in the amount of \$32,100.00 and pay the related Administration Fee of \$277.50 (includes 2 inspections) before the issue of a Construction Certificate to ensure the proper completion of the footpath and/or vehicular crossing works required as a result of this development.

Reason: To provide security for the proper completion of the footpath and/or vehicular crossing works.

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

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

63. In order to provide satisfactory vehicular and pedestrian access the following works shall be undertaken at no cost to Council:

- i. The footpath along the Thomas Street frontage of the site shall be reconstructed in accordance with the Marrickville Public Domain Design Guide;
- ii. The construction of heavy duty vehicular crossings to all vehicular access locations and removal of all redundant vehicular crossings to the site; and
- iii. The repair/reinstatement of missing or damaged stone kerb sections adjacent to the site.

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 so as to provide satisfactory vehicular and pedestrian access to the site

64. The stormwater drainage plans 216089-H00, 216089-H01, 216089-H02, 216089-H03, 216089-H04, 216089-H05, 216089-H06 and 216089-H07 (Rev B) submitted by Niven Donnelly and Partners P/L shall be amended and/or additional information provided before the issue of a Construction Certificate as follows;

- a) A detailed WSUD maintenance plan outlining how all elements of the water quality treatment facility will be maintained and to record annual inspections/maintenance works to be undertaken;
- b) A WSUD Strategy Report and a MUSIC file shall be provided for review to ensure the treatment measures proposed meet Council's water quality targets;
- c) Detailed calculations for sizing of the OSD system to be provided for assessment (this shall any DRAINS files used in the calculations). Please note that sites greater than 1000sqm the allowable discharge must be limited to the equivalent fully pervious discharges for the site. Reason: To comply with Council's Stormwater Management and WSUD DCP's.

## **SITE WORKS**

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

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

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

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

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

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

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

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

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

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

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

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.

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

- a) protect and support the adjoining premises from possible damage from the excavation, and
- b) where necessary, underpin the adjoining premises to prevent any such damage. Where the proposed underpinning works are not "exempt development", all required consents must be obtained prior to the required works commencing; and
- c) give the owners of the adjoining land at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

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

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

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

71. 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.

72. A certificate of survey from a registered land surveyor must be submitted to the PCA upon excavation of the footings and before the pouring of the concrete to verify that the structure will not encroach on the allotment boundaries.

Reason: To ensure all works are contained within the boundaries of the allotment.

73. All roof and surface stormwater from the site any catchment external to the site that presently drains to it, must 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. The maximum discharge allowable to Council's street gutter is 25 litres/second.

Reason: To provide for adequate site drainage.

74. All stormwater drainage must be designed in accordance with the provisions of the 1987 Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3.2-1998 'Stormwater Drainage-Acceptable Solutions' and Marrickville Council Stormwater and On Site Detention Code. Pipe and channel drainage systems must 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 must be designed to cater for the one hundred (100) year A.R.I. storm.

Reason: To provide for adequate site drainage.

75. All demolition work being 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 is to 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 are to be disposed of in an approved manner in accordance with Part 2.21 of Marrickville Development Control Plan 2011 - Recycling 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 are to 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, only having 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 being 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 is responsible for ensuring that all contractors and sub-contractors associated with the demolition are fully aware of these requirements.

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

76. The disposal of any contaminated soil being carried out in accordance with the requirements of the New South Wales Department of Environment, Climate Change and Water.

Reason: To provide for correct disposal of wastes.

77. A clear unobstructed path of travel of not less than 1,000mm is to be provided to all exits and paths of travel to exits.

Reason: To provide safe egress in case of fire or other emergency.

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

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

Reason: To conserve water.

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

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

Reason: To conserve water.

80. Tree protection measures detailed in the Arboricultural Development Assessment Report (Moore Trees Arboricultural Services, updated August 2017) 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 (except where these conditions permit otherwise). Any reasonable directions in writing by the Project Arborist relating to tree protection shall be complied with.

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

81. Trees to be removed shall be removed by a practicing arborist who has a minimum qualification of Certificate 3 in Arboriculture, in compliance with the Safe Work Australia *Guide to Managing Risks of Tree Trimming and Removal Work*, July 2016.

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

82. Trees to be removed (trees 27, 28, 60-72 and 75) shall be identified with flagging tape no earlier than 24 hours before the start of the removal of trees. Flagging tape shall not be placed on any other trees.

Reason: To indicate clearly which trees may be removed.



83. Before the start of the removal of trees, the project arborist shall confirm in writing and in the presence of the arborist responsible for the trees' removal that the trees to be removed, and only the trees to be removed, have been indicated with flagging tape. The arborist responsible for the trees' removal shall ensure that only trees approved and thus indicated will be removed.

Reason: To ensure that only trees approved for removal are removed and that no additional trees are inadvertently removed.

84. Trees to be pruned shall be pruned by a practicing arborist who has a minimum qualification of Certificate 3 in arboriculture, in accordance with
- a pruning specification prepared by the project arborist and submitted to and approved by council, and
  - the Australian Standard *Pruning of Amenity Trees* AS 4373—2007.

Reason: To ensure that pruning complies with the Australian Standard and current best practice.

85. Landscaping of the site must be carried out prior to occupation or use of the premises in accordance with the approved plan, and must be maintained at all times to Council's satisfaction. Specified tree protection measures shall be complied with for all landscaping works, except where these conditions permit otherwise.

Reason: To ensure adequate landscaping is maintained.

86. Following completion of construction and prior to the issue of the Occupation Certificate, a minimum of 45 new trees shall be planted.

Reason: To sustain the urban forest canopy across the LGA.

87. The new trees shall be planted in accordance with the following criteria:

- The new trees shall be located in accordance with the submitted Landscape Drawings (OHD Landscape Architects Issue B, 22/8/17)
- The species of the new trees shall be as detailed in the Landscape Drawings (OHD Landscape Architects Issue B, 22/8/17).
- The planting stock size shall be no less than that detailed in the Proposed Planting Schedule accompanying the Landscape Drawings (OHD Landscape Architects Issue B, 22/8/17).
- The planting stock shall comply with the Australian Standard *Tree Stock for Landscape Use* AS 2303-2015.
- The new trees shall be planted in accordance with the tree planting detail included in the Marrickville Street Tree Master Plan 2014.  
Please note that planting holes for trees shall not be excavated deeper than the root ball and that new trees shall not be staked.
- The new trees shall be planted by a qualified horticulturist or arborist, with a minimum qualification of Certificate 3.
- Each new tree shall be maintained in a healthy and vigorous condition until it attains a height of 5 metres, from which time it is protected by Council's Development Control Plan (DCP).
- If any tree dies or needs to be removed before that time it shall be replaced with a similar tree in accordance with these conditions at the expense of the applicant.

Reason: To ensure that the new trees provide adequate and appropriate compensation, are planted in a suitable location and maintained properly.

88. The following steps should be taken if a Bandicoot is found on site:

- All work on site must stop.** There must be no attempt to harm or remove the Bandicoot. Removal of the bandicoot from the site can only be undertaken by a trained wildlife carer.



2. Immediately contact WIRES (1300 094 737) or Sydney Wildlife (9413 4300) to arrange for a trained wildlife carer to safely remove the Bandicoot from the site.
3. Council's Team Leader – Biodiversity (9335 2254) must also be contacted to report that a Bandicoot has been found on site.
4. **No work shall proceed until the Bandicoot has been safely removed from the work site by a trained wildlife carer.**

Reason: To ensure the safety and protection of the endangered Long-nosed Bandicoot population (NSW Threatened Species Conservation Act 1995) during excavation, demolition or construction work.

89. During excavation, demolition or construction work, all holes (eg created for footings etc.), machinery and construction material stockpiles are to be inspected daily prior to commencing work to ensure no Long-nosed Bandicoots are sheltering in these areas. In case one is found, no work shall proceed until the bandicoot has been safely vacated from the works area.

Reason: To ensure the safety and protection of the endangered Long-nosed Bandicoot population (NSW Threatened Species Conservation Act 1995) during excavation, demolition or construction work.

90. Alignment levels for the site at all pedestrian and vehicular access locations shall match the existing back of footpath levels at the boundary. **Note:** This may require the internal site levels to be adjusted locally at the boundary to ensure that they match the issued alignment levels. Failure to comply with this condition will result in vehicular access being denied.

Reason: In accordance with Council's powers under the Roads Act, 1993, alignment levels at the property boundary will be required to accord with Council's design or existing road and footpath levels.

91. 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.

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

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

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

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

93. Occupation of the building is not permitted until such time as:

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

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

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

- a) Forward a copy of the Final Safety Certificate and the current Fire Safety Schedule to the Commissioner of Fire and Rescue New South Wales and the Council; and
- b) Display a copy of the Final Safety Certificate and Fire Safety Schedule in a prominent position in the building (i.e. adjacent the entry or any fire indicator panel).

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

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

95. All works required to be carried out in connection with drainage, crossings, alterations to kerb and guttering, footpaths and roads resulting from the development must be completed before occupation of the site. Works must be in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications".

Reason: To ensure that the person acting on this consent completes all required work.

96. Upon the completion of any remediation works stated in the RAP the person acting on this consent shall submit to Council a Validation and Monitoring Report. The report is to be conducted in accordance with the NSW Environment Protection Authority's "Guidelines for Consultants Reporting on Contaminated Sites 1998".

Reason: To ensure that the remediated site complies with the objectives of the RAP.

97. a) Upon completion of the required noise attenuation measures referred to in the "Before the Issue of a Construction Certificate" Section of this Determination, and prior to the occupation of the child care centre a report being prepared and submitted to the Certifying Authority's satisfaction by an accredited Acoustics Consultant certifying that the final construction meets AS2021-2015 and Clause 87 of SEPP Infrastructure 2007 as set down in the subject condition of this consent. Such report shall include external and internal noise levels to ensure that the external noise levels during the test are representative of the typical maximum levels that may occur at this development; and
- b) Where it is found that internal noise levels are greater than the required dB(A) rating due to faulty workmanship or the like, necessary corrective measures shall be carried out and a further certificate being prepared and submitted to Council in accordance with the requirements as set down in Part a) of this condition.

Reason: To reduce noise levels within the proposed child care centre from aircraft and to ensure that the proposed noise attenuation measures incorporated into the child

care centre satisfactorily comply with the relevant sections of Australian Standard 2021-2015 and Clause 87 of the Infrastructure SEPP.

98. The landscaping of the site being carried out prior to occupation or use of the premises in accordance with the approved details and being maintained at all times to Council's satisfaction.  
Reason: To ensure adequate landscaping is maintained.
99. The project arborist shall certify in writing to the Principal Certifying Authority (PCA) before the issue of the Occupation Certificate that the conditions of consent relating to tree removal, tree pruning, 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.
100. All works required to be carried out in connection with drainage, crossings, alterations to kerb and guttering, footpaths and roads resulting from the development shall be completed before the issue of the Occupation Certificate. Works shall be in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications".  
Reason: To ensure person acting on this consent completes all required work.
101. 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
102. 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.
103. 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 Occupation Certificate.  
Reason: To ensure that items of local heritage value are preserved.
104. Heavy duty concrete vehicle crossings, in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" shall be constructed at the vehicular access locations before the issue of the Occupation Certificate and at no cost to Council.  
Reason: To allow vehicular access across the footpath and/or improve the existing vehicular access.
105. 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 the 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 Engineer) the replacement kerb shall also be in stone.

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

106. All works required to be undertaken on public roads shall be designed and constructed in accordance with Council's standard plans and specifications. 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 approved plans and specifications 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.

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

107. Before the issue of the Occupation Certificate 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 shall be submitted to and accepted by Council. The Certificate shall also state that no dry-weather flows of seepage or groundwater have been connected to any kerb outlets. 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.

108. Before the issue of the Occupation Certificate 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 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.

109. With the regard to the Stormwater Treatment Facilities a Positive Covenant shall be placed on the Title in favour of Council before issue of the Occupation Certificate. The Positive Covenant shall include the following:

- a) The proprietor of the property shall be responsible for maintaining the stormwater treatment facility as outlined in the WSUD Strategy Report;
- 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.

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

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

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

Reason: To ensure Council's interests are protected.

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

### **ADVISORY NOTES**

- The Disability Discrimination Act 1992 (Commonwealth) and the Anti-Discrimination Act 1977 (NSW) impose obligations on persons relating to disability discrimination. Council's determination of the application does not relieve persons who have obligations under those Acts of the necessity to comply with those Acts.
- A complete assessment of the application under the provisions of the Building Code of Australia has not been carried out.
- The approved plans must be submitted to the Customer Centre of any office of Sydney Water before the commencement of any work to ensure that the proposed work meets the requirements of Sydney Water. Failure to submit these plans before commencing work may result in the demolition of the structure if found not to comply with the requirements of Sydney Water.
- The vehicular crossing and/or footpath works are required to be constructed by your own contractor. You or your contractor **must** complete an application for 'Construction of a Vehicular Crossing & Civil Works' form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, before commencement of works.
- 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](http://www.basix.nsw.gov.au)

Department of Fair Trading

☎ 13 32 20  
[www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au)  
Enquiries relating to Owner Builder Permits and Home Warranty Insurance.

Dial Before You Dig

☎ 1100  
[www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au)

Landcom

☎ 9841 8660  
To purchase copies of Volume One of "Soils and Construction"

Long Service Payments

☎ 131441

Corporation	<a href="http://www.lspc.nsw.gov.au">www.lspc.nsw.gov.au</a>
NSW Food Authority	 1300 552 406 <a href="http://www.foodnotify.nsw.gov.au">www.foodnotify.nsw.gov.au</a>
NSW Government	<a href="http://www.nsw.gov.au/fibro">www.nsw.gov.au/fibro</a> <a href="http://www.diysafe.nsw.gov.au">www.diysafe.nsw.gov.au</a> Information on asbestos and safe work practices.
NSW Office of Environment and Heritage	 131 555 <a href="http://www.environment.nsw.gov.au">www.environment.nsw.gov.au</a>
Sydney Water	 13 20 92 <a href="http://www.sydneywater.com.au">www.sydneywater.com.au</a>
Waste Service - SITA Environmental Solutions	 1300 651 116 <a href="http://www.wasteservice.nsw.gov.au">www.wasteservice.nsw.gov.au</a>
Water Efficiency Labelling and Standards (WELS)	<a href="http://www.waterrating.gov.au">www.waterrating.gov.au</a>
WorkCover Authority of NSW	 13 10 50 <a href="http://www.workcover.nsw.gov.au">www.workcover.nsw.gov.au</a> Enquiries relating to work safety and asbestos removal and disposal.

- B. THAT** those person who lodged a submission in respect to the proposal be advised of the Council's determination of the application.