

SUMMARY

This report concerns the amended plans and additional information submitted to Council on 30 January 2018 for an application to demolish the existing improvements and construct a mixed use development consisting of a 6 storey building (Building A) with roof terrace fronting McGill Street and a 8 storey building (Building B) fronting the light rail line containing a total of 88 dwellings and 1 commercial tenancy within Building A for use as art gallery and café space with 2 basement car parking levels and associated landscape works. The amended plans and additional information were submitted in response to the resolution of the Sydney Eastern City Planning Panel (SECPP) at its meeting on 7 December 2017.

The application is referred to the SECPP for determination.

1. Background

A report on an application to demolish the existing improvements and construct a mixed use development consisting of a 6 storey building (Building A) with roof terrace fronting McGill Street and a 8 storey building (Building B) fronting the light rail line containing a total of 88 dwellings and 1 commercial tenancy within Building A for use as art gallery and café space with 2 basement car parking levels and associated landscape works was considered by the SECPP at its meeting on 7 December 2017.

The Panel resolved unanimously to defer the determination of the application to allow the provision of the following:

- a) *Physical access and easement for light and air to be provided for 2 McGill Street (the remaining site to the north). Such access shall be allowed for on amended plans and easement documentation.*
- b) *Private open space to all units shall comply with the minimum ADG requirements.*
- c) *Any 'embedded' studies which do not have a window or solar access shall be removed.*
- d) *The clause 4.6 variation request to floor space ratio shall be amended to deal with any changes to compliance and shall address the issue of the abandonment of Council's floor space ratio control relative to the maximum height limit in the LEP, the storey heights anticipated in the DCP and the actual built form both approved and built in the precinct.*

2. Amended Plans

On 30 January 2018 the applicant submitted amended plans and additional information that responded to the above resolution of the SECPP.

The amended plans are reproduced below:



Image 1: Amended Ground Floor Plan

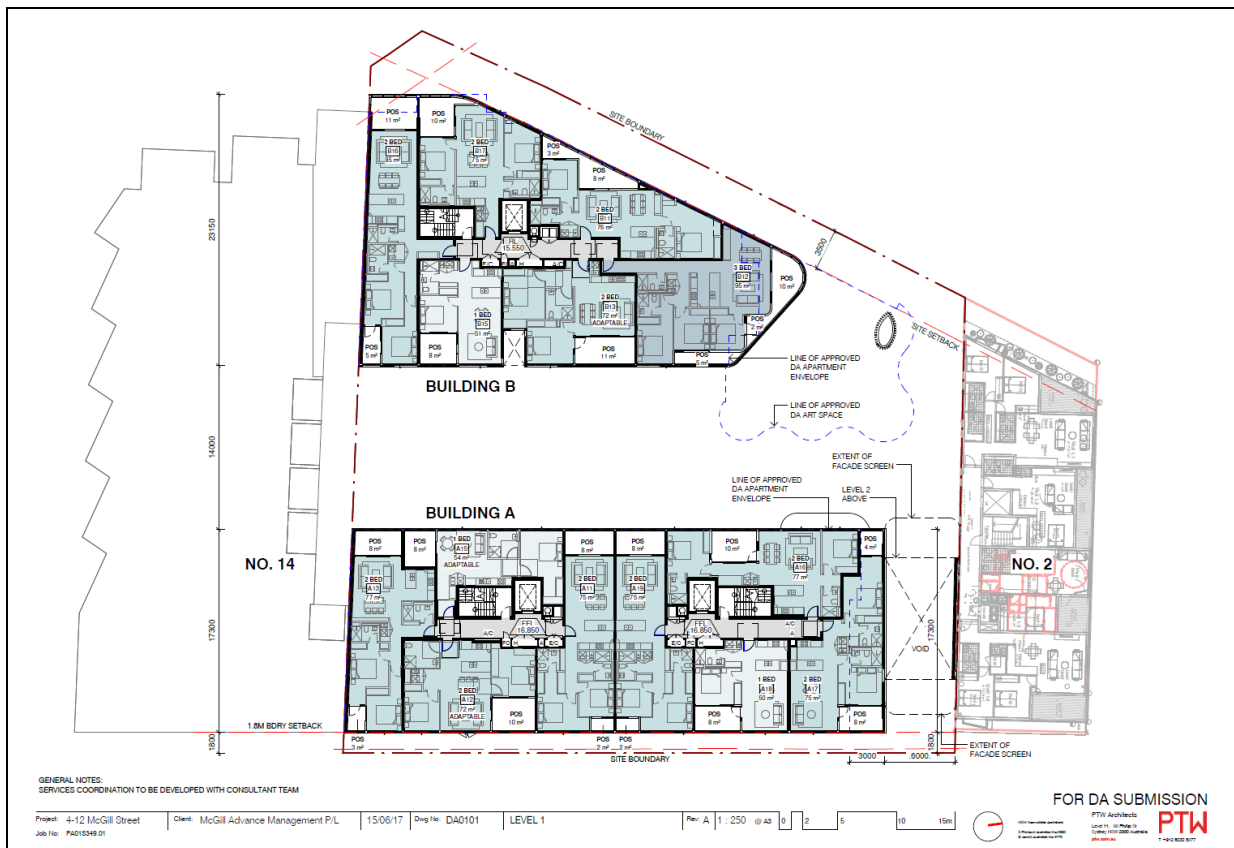


Image 2: Amended First Floor Plan

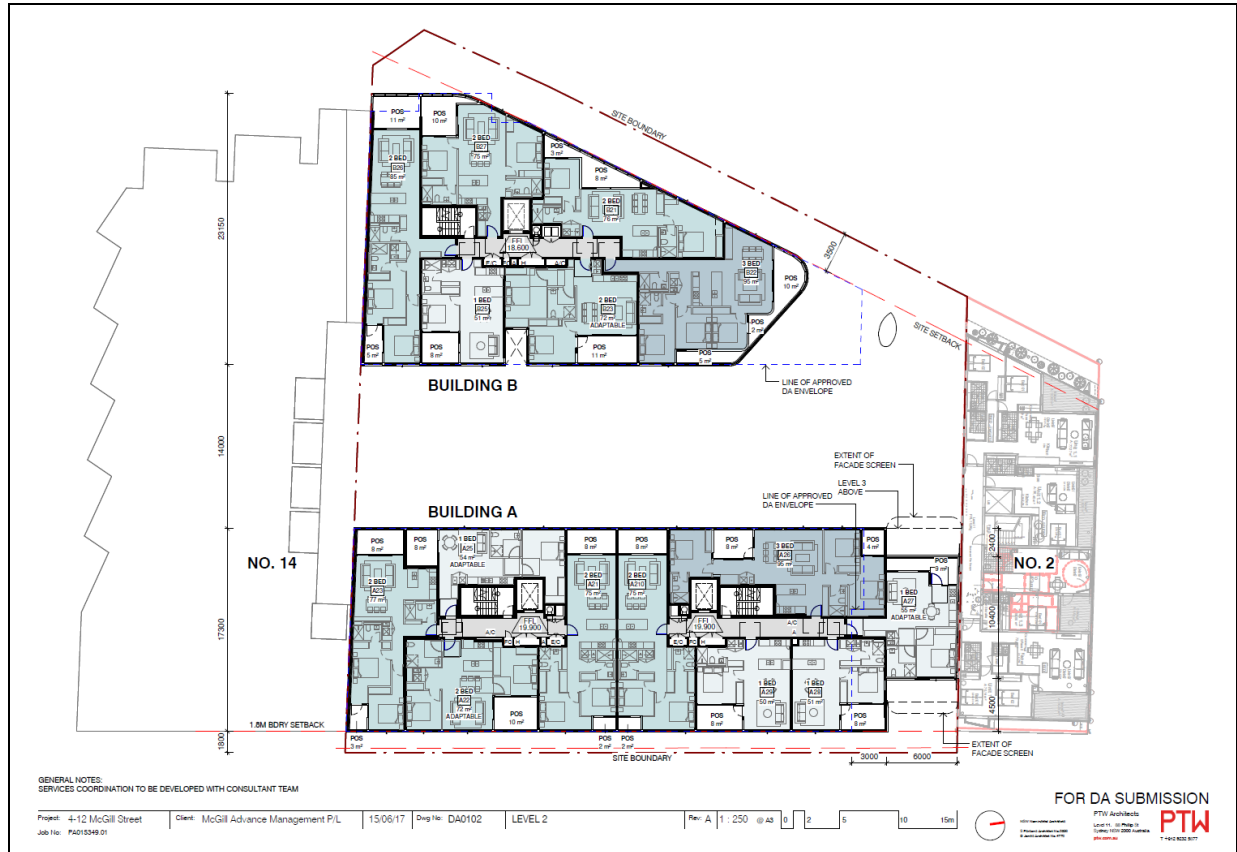


Image 3: Amended Second Floor Plan

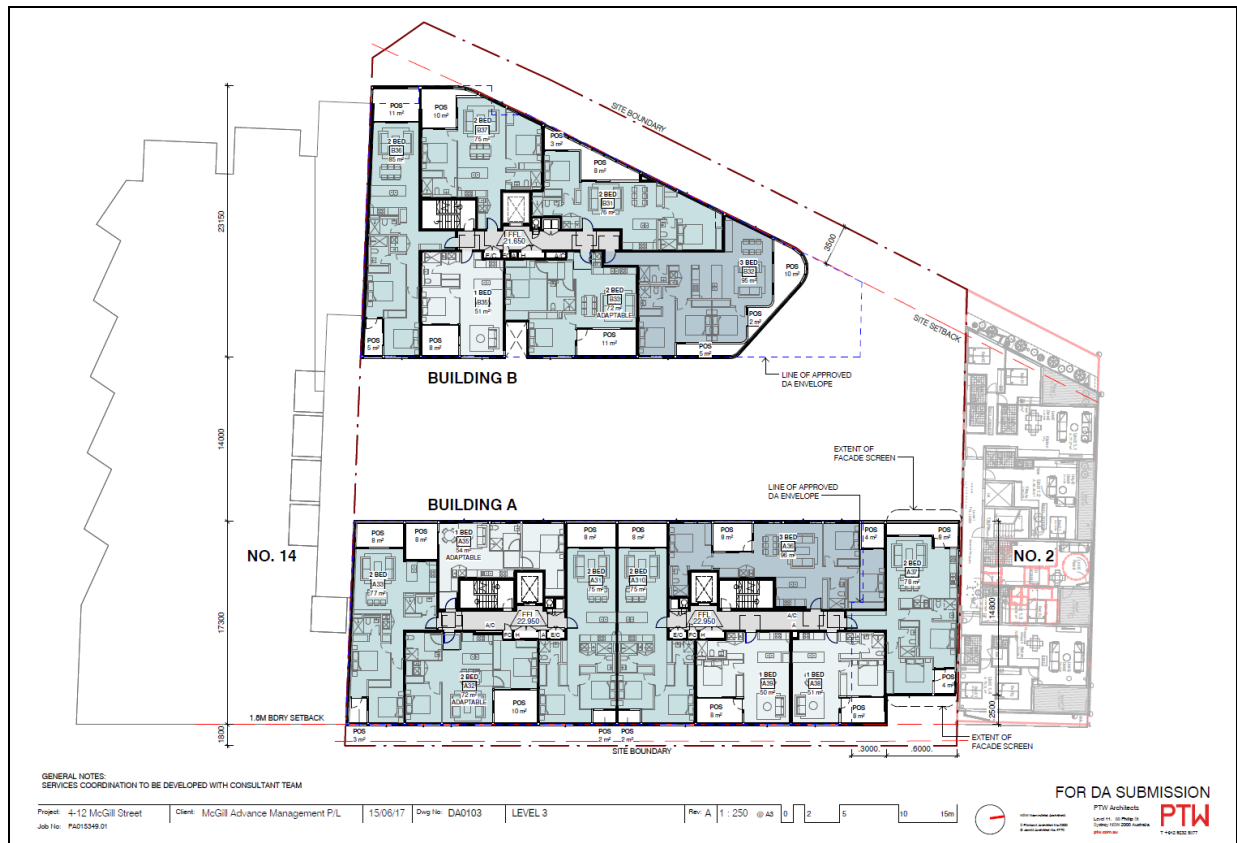


Image 4: Amended Third Floor Plan

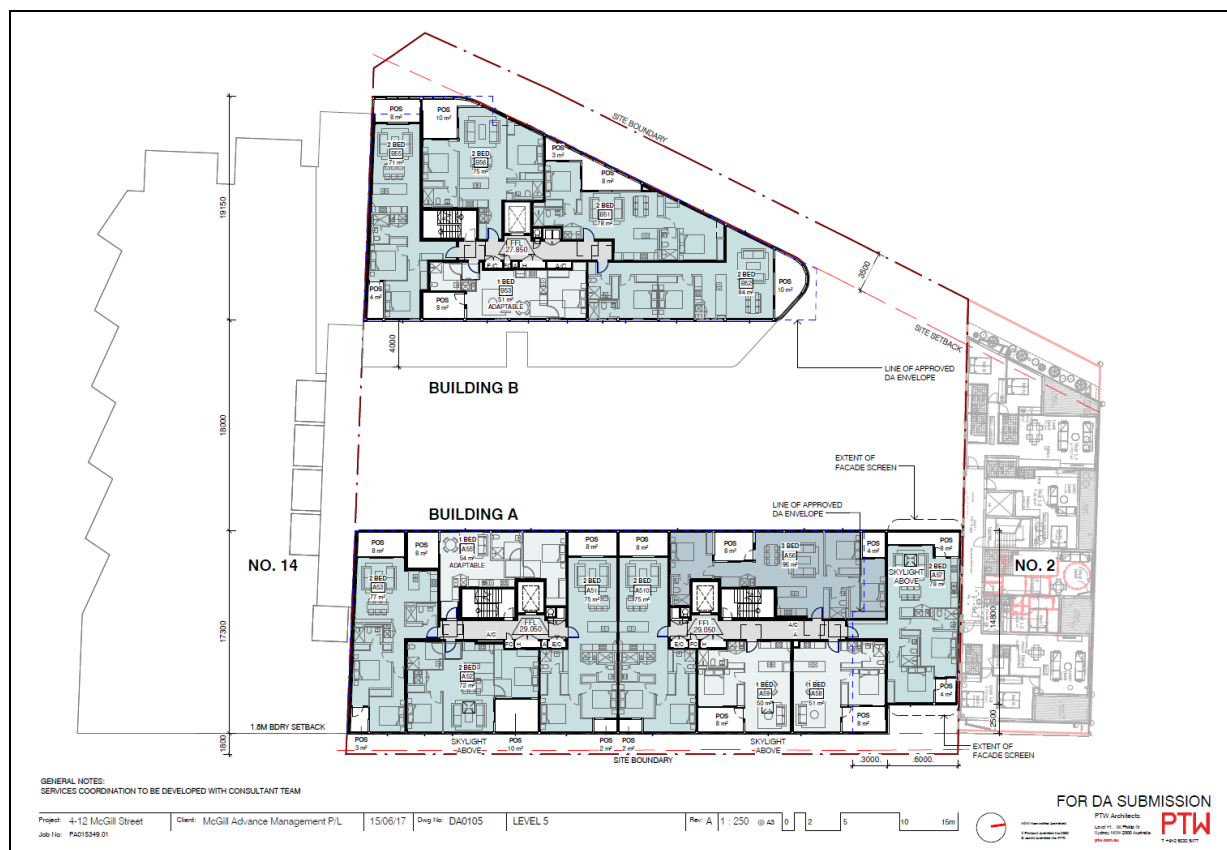


Image 5: Amended Fourth Floor Plan

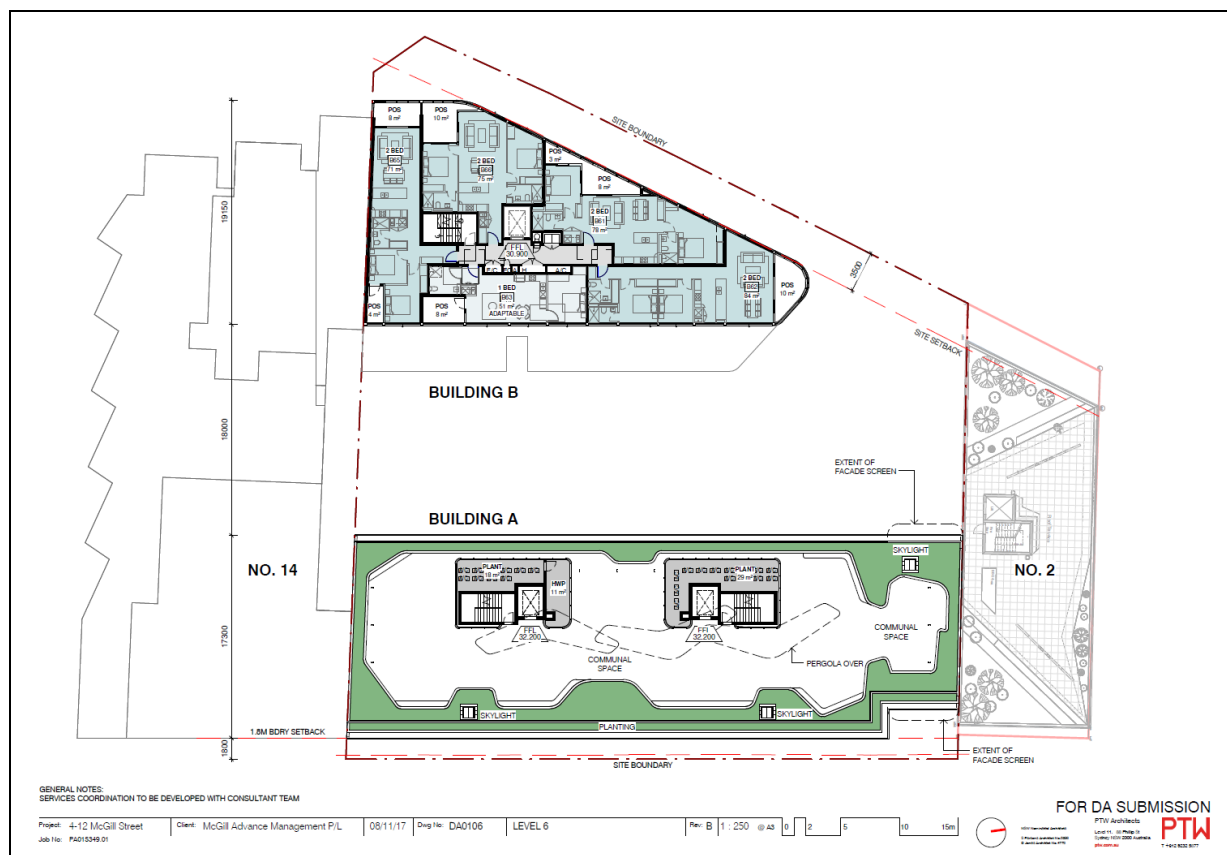


Image 6: Amended Fifth Floor Plan

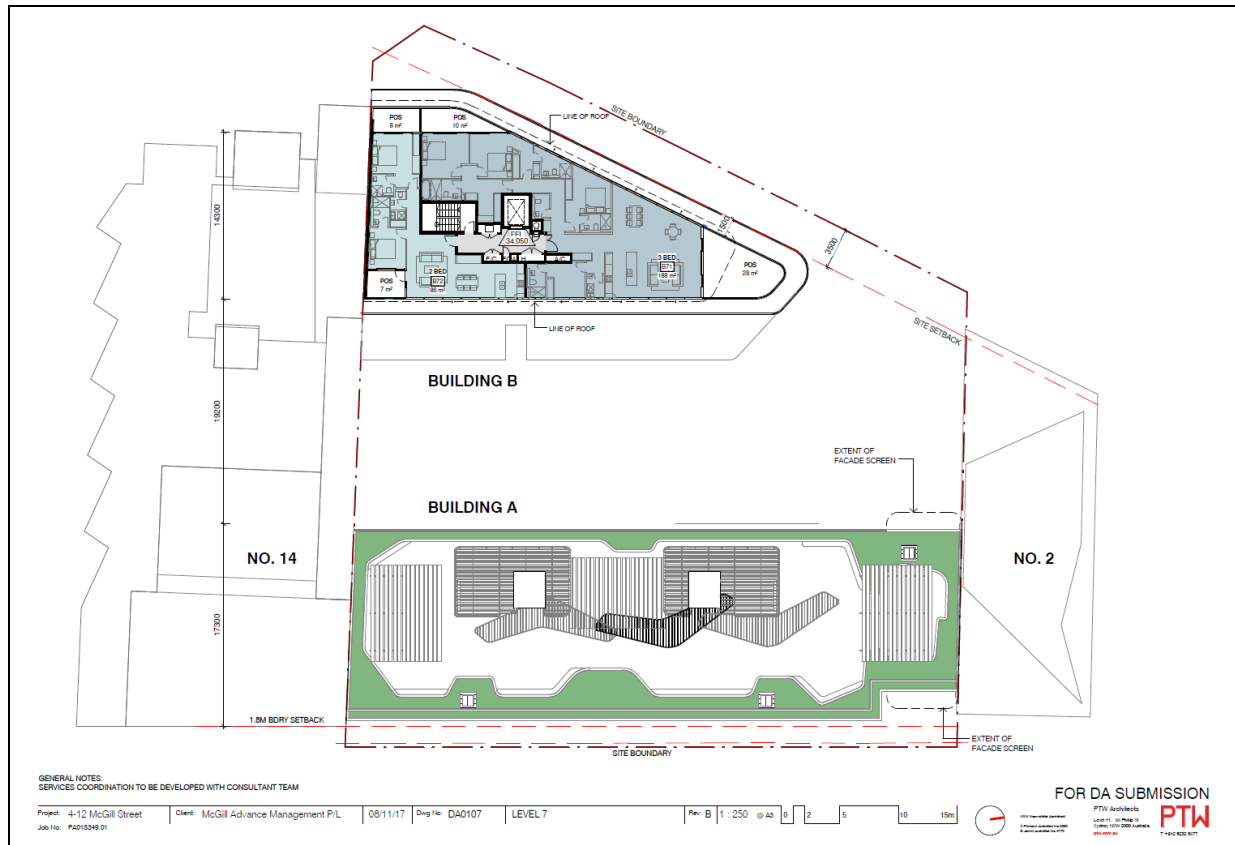


Image 7: Amended Sixth Floor Plan

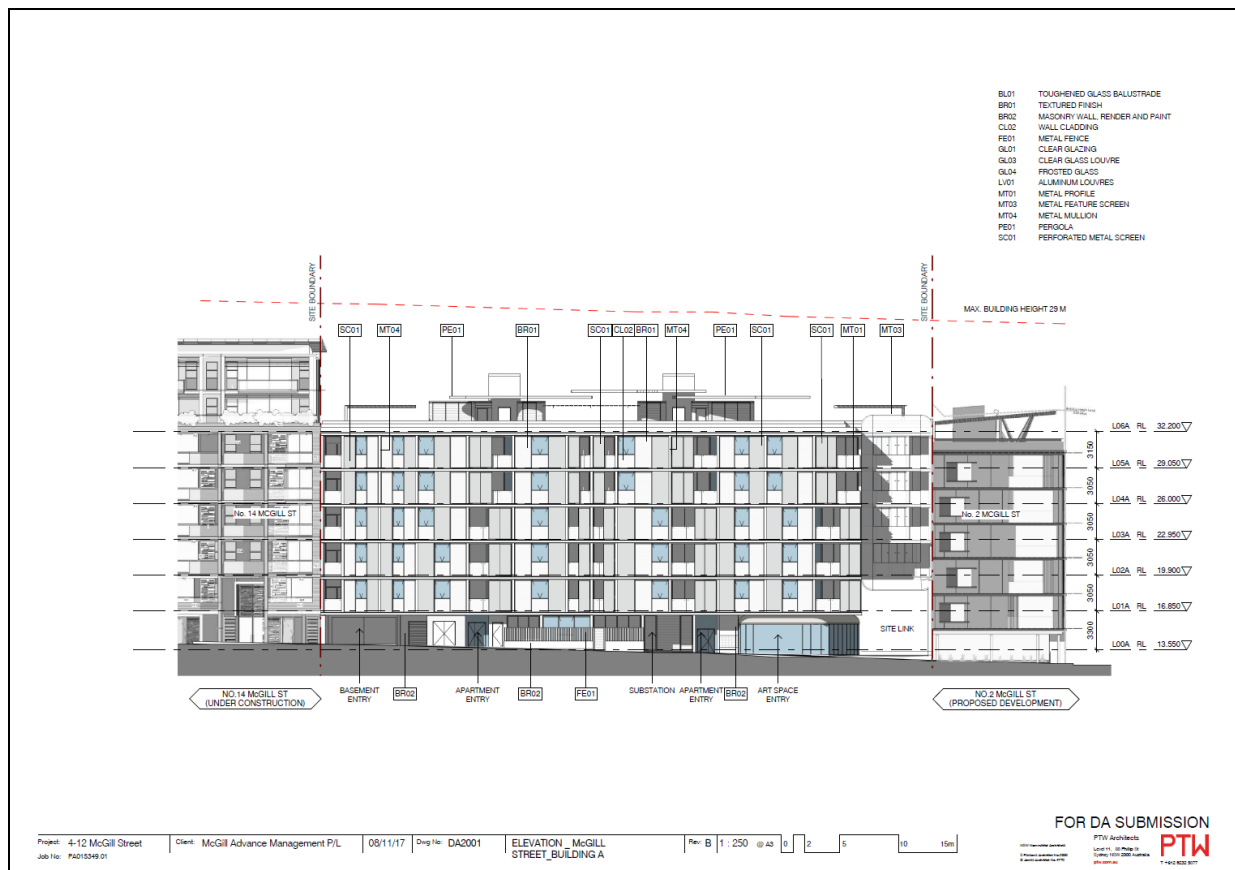


Image 8: Amended McGill Street Elevation

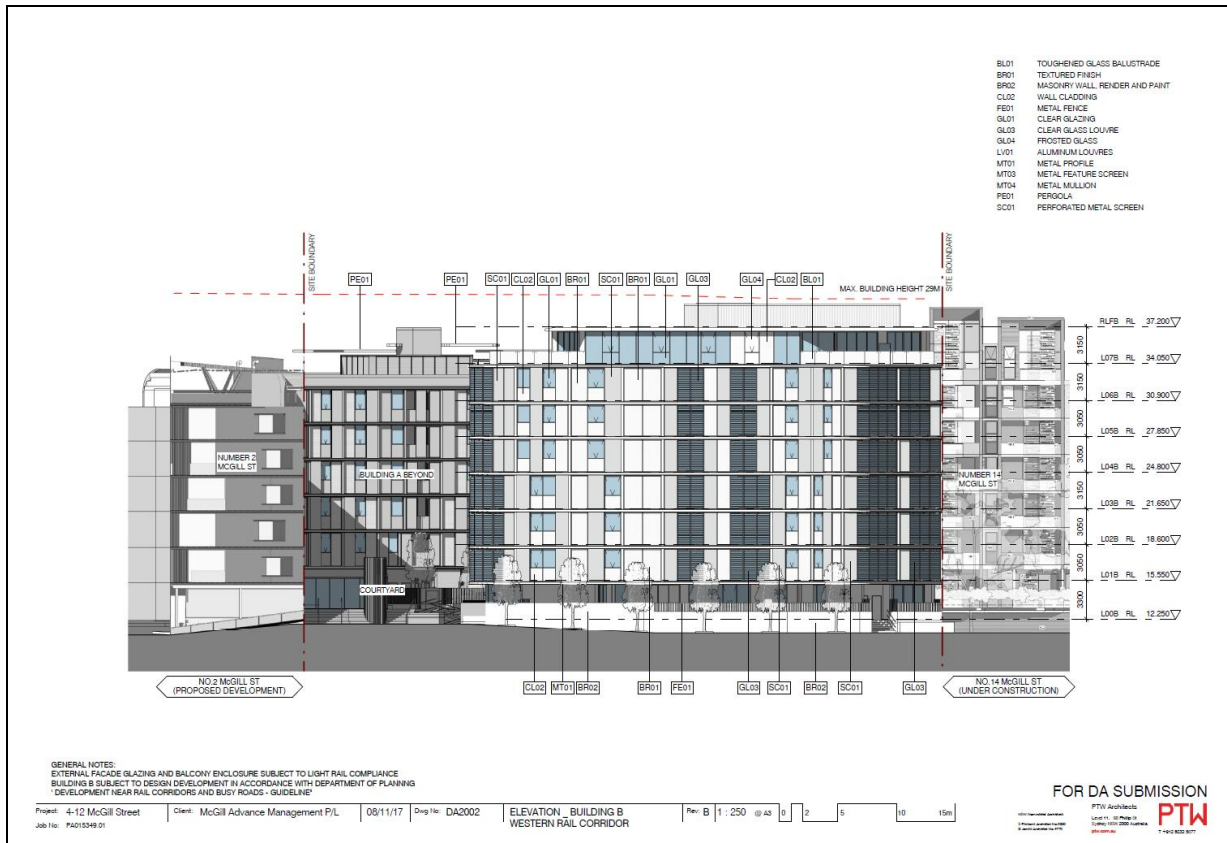


Image 9: Amended Western Elevation

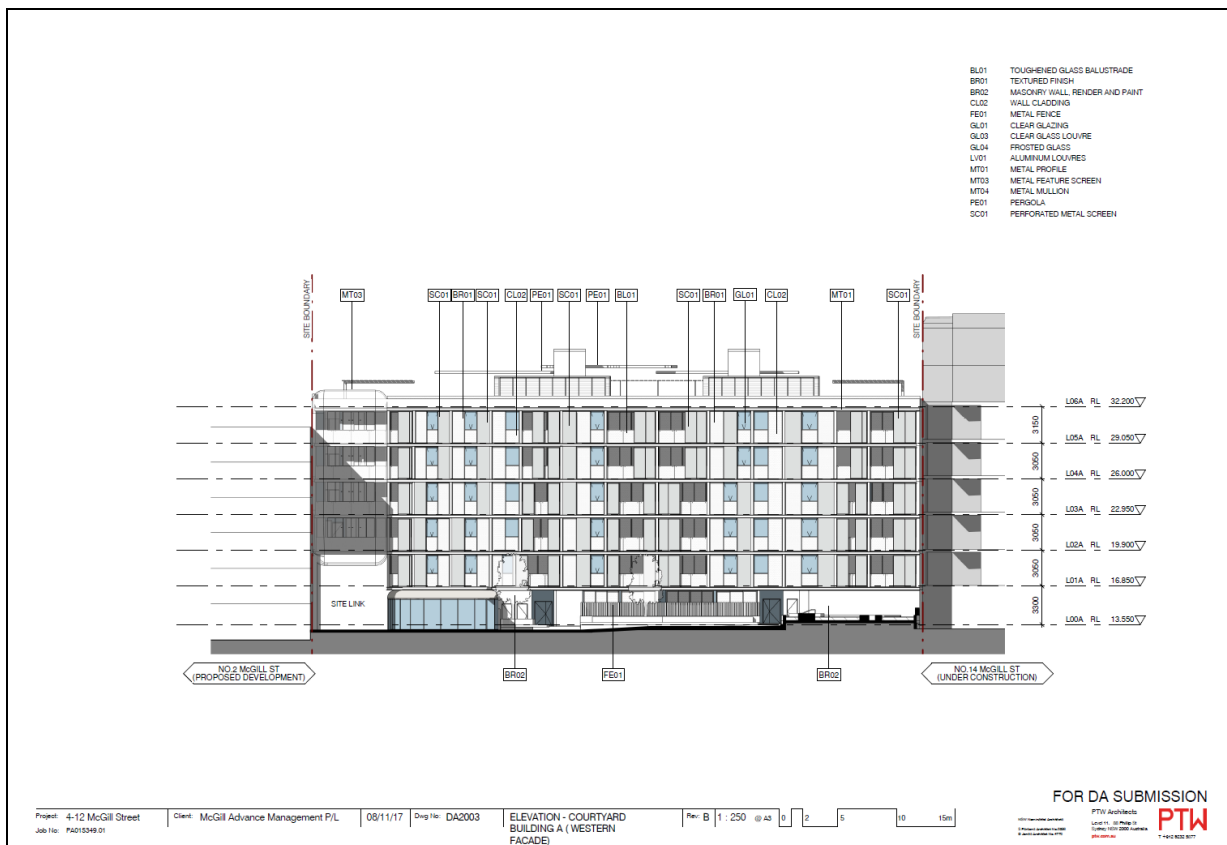


Image 10: Amended Eastern Courtyard Elevation

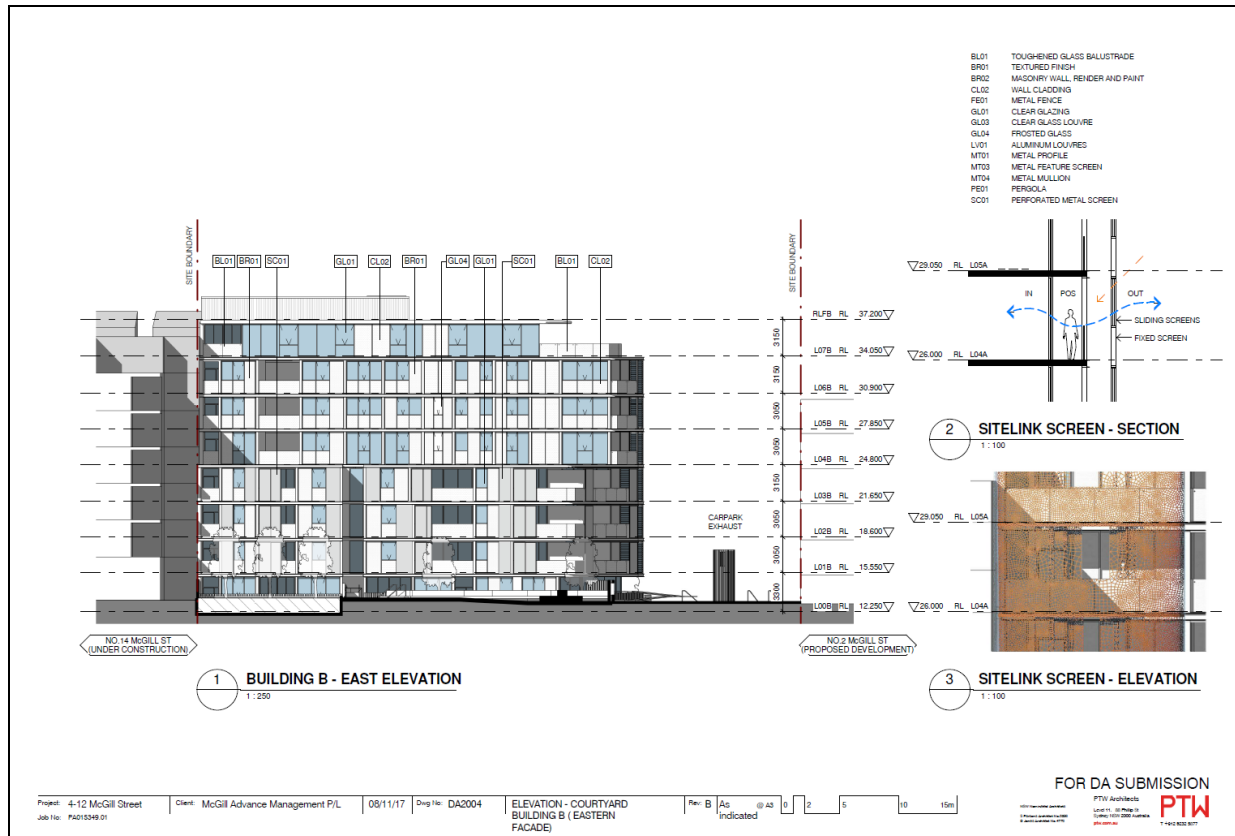


Image 11: Amended Western Courtyard Elevation

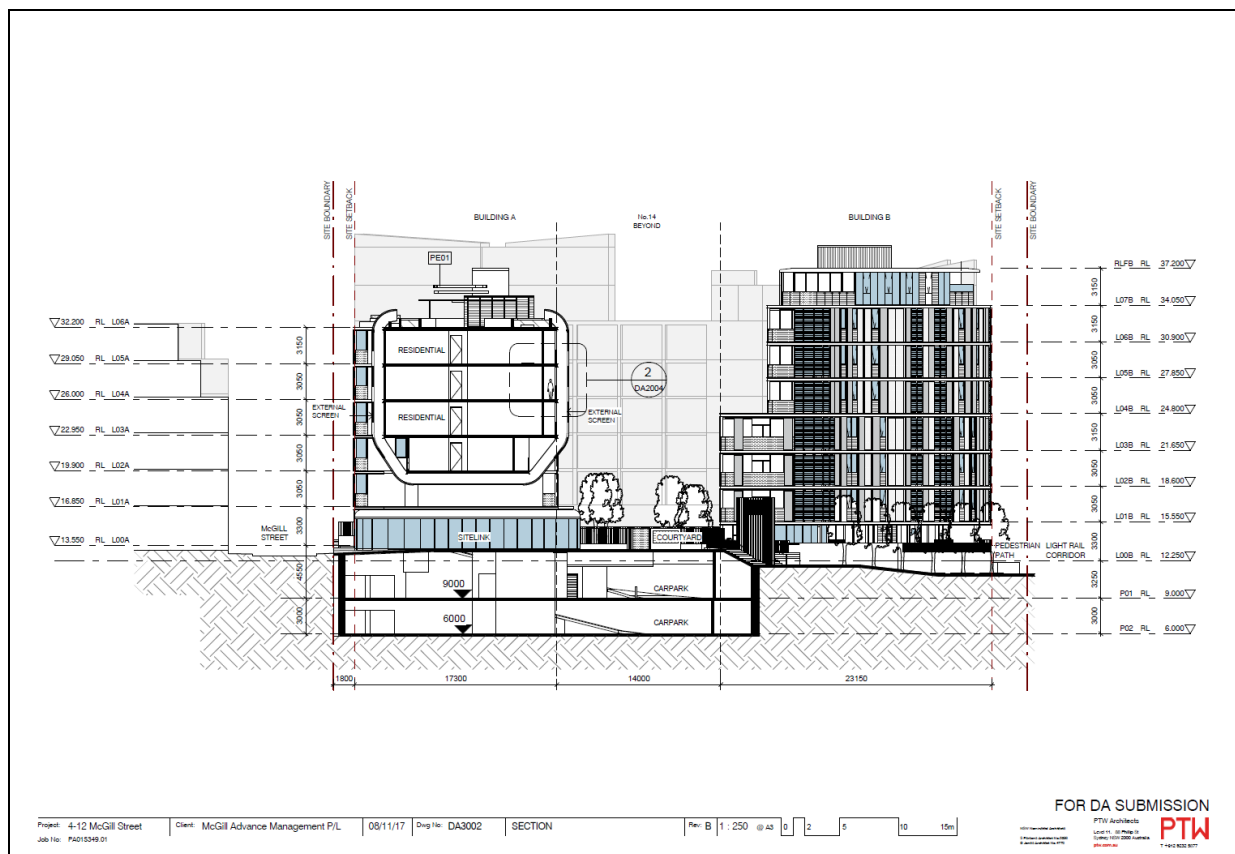


Image 12: Amended Section

3. Planning Assessment

Below is an assessment of the amended plans and additional information submitted in response to the resolution of the SECPP at its meeting on 7 December 2017:

- a) *Physical access and easement for light and air to be provided for 2 McGill Street (the remaining site to the north). Such access shall be allowed for on amended plans and easement documentation.*

Comment:

The amended plans detail a number of changes to the pedestrian through site link to facilitate an easement for physical access and light & air benefitting the future development of No. 2 McGill Street including:

- a. Re-grading of the through site link to provide ramped access from McGill Street up to a raised link at a height of RL 12.950 AHD, with stairs and a ramped access to a publicly accessible walkway at the rear of the site fronting the Greenway.
- b. Three dimensional plans indicating an easement for pedestrian access and light & air along a portion of the northern boundary of the site up to a level 29 metres above the ground floor level;
- c. A pedestrian access point being available to the ground floor commercial tenancy of No. 2 McGill Street (fronting McGill and Hudson Streets) known as Commercial Tenancy 2, albeit located 700mm above the finished floor level of that tenancy;
- d. An access point for the fire stair and services cupboard for the development at No. 2 McGill Street, albeit located 675mm above the floor level indicated on the indicative plans for No. 2 McGill Street; and
- e. Removal of a large structural wall supporting the 'bridge' structure above the through site link and replacement with structural columns.

Whilst access to Commercial Tenancy 2 has been provided, it is considered that level pedestrian access into both of the ground floor commercial tenancies of the proposed development at 2 McGill Street would achieve a superior urban design outcome. Notwithstanding, it is recognised that any re-grading of the link has implications for the floor levels throughout the subject site.

The preferred outcome would be for the through site link to follow the natural grade of the site sloping down from McGill Street towards the rear of the site, negating the need for a large level change at the western end of the site, whilst providing level access to the café/art space on the subject site as well as both commercial tenancies on No. 2 McGill Street.

Council received an alternative design proposal by the applicant/architect of the development application currently being assessed for No. 2 McGill Street. The alternative design provides a through site link that follows the natural slope of the site and provides a continuous flow across the site at the plaza lower level linking the pedestrian site link and the proposed commercial spaces. The plan also removes all visual / physical barriers that are created by the excessive change in level between the two sites along the common boundary, resulting in better activation of the public plaza.

It is Council's understanding that negotiations between the two property owners stalled before mutual agreement on a design could be reached. Notwithstanding, it is acknowledged that the solution put forward by No. 2 McGill Street has its own shortcomings, including resulting in a poor connection between the through site link and the common open space of the subject site. On balance, it is assessed that the solution put forward by No. 2 McGill Street results in a better urban design outcome, subject to addressing the significant level change between the link and the common open space provided for the subject development.

It is not clear from the SECPP resolution whether the panel sought for access to be provided to both commercial tenancies of No. 2 McGill Street, however the plans only indicate physical access being achieved to Commercial Tenancy 2 with the opportunity for windows to be provided for Commercial Tenancy 1. The easement will also allow windows to be provided for the residential floors above, with the exception of the area covered by the 'bridge'.

b) Private open space to all units shall comply with the minimum ADG requirements.

Comment:

A number of the units in the original scheme were serviced by multiple balconies which collectively complied with the minimum size prescribed by the ADG.

The amended plans submitted to Council make changes to those units provided with undersized primary balconies such that all balconies in the development now comply with the ADG minimum size requirements.

Notwithstanding, there are a number of units provided with balconies that do not meet the minimum depth requirements prescribed by the AGD, including the balconies servicing Units B11, B21, B31, B41, B51, B61, A27, A37, A47 and A57. It has not been demonstrated that these balconies can provide outdoor dining tables and thus provide a reasonable level of amenity for future occupants.

Furthermore, there a number of units provided with balconies designed so that the narrow side of the balconies faces outward, as discouraged by the ADG.

It is therefore considered that the amended plans do not satisfy the resolution of the SECPP.

c) Any 'embedded' studies which do not have a window or solar access shall be removed.

Comment:

Amended plans were submitted to Council deleting the previously proposed embedded studies.

It is considered that the amended plans satisfy the resolution of the SECPP.

d) The clause 4.6 variation request to floor space ratio shall be amended to deal with any changes to compliance and shall address the issue of the abandonment of Council's floor space ratio control relative to the maximum height limit in the LEP, the storey heights anticipated in the DCP and the actual built form both approved and built in the precinct.

Comment:

It is noted that the original Clause 4.6 request invoked 'way one' of the five part discussed in Land and Environment Court decision *Wehbe v Pittwater Council* [2007] NSWLEC 827 to argue that compliance with the FSR development standard is unreasonable or unnecessary in the circumstances of the case as the objectives of the standard are achieved notwithstanding non-compliance with the standard.

An updated written request in accordance with Clause 4.6 (Exception to Development Standards) of MLEP 2011 was submitted justifying the proposed variation from the FSR development standard referencing the original 'way one' while also invoking 'way four' of the

five part Wehbe test, namely that the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard.

The development has a FSR of 2.7:1, representing a variation of 1,065.23sqm or 17% from the development standard of 2.3:1 as contained in MLEP 2011.

Under Clause 4.6, development consent must not be granted for a development that contravenes a development standard unless the consent authority has considered a written request from the applicant that demonstrates that:

- Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and
- There are sufficient environmental planning grounds to justify contravening the development standard.

The consent authority must also be satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

The amended written request submitted to Council on 30 January 2018 contends that the development standard has been abandoned or destroyed for the following reasons:

- *Council have consistently permitted variations to the floor space ratio development standard throughout the McGill Street Precinct.*
- *In total, the FSR development standard has been abandoned on six (6) separate occasions on land within the immediate vicinity of the subject site. These variations have ranged from 17% all the way up to an 80% variation, with the latter being determined by the Land & Environment Court. It is therefore clearly evident that the FSR control has been consistently abandoned by approved development within the McGill Street Precinct. The proposed development seeks consent for a variation of 17% to the FSR standard, being the equal lowest within the precinct.*
- *It is considered that the abandonment of this development standard is the direct result of a clear discrepancy between the controls listed within the Marrickville DCP 2011 and the height and FSR development standards contained in the Marrickville LEP 2011.*

The written request suggests that Council has abandoned the FSR development standard given there have been 6 occasions where the standard has been varied in the McGill Street Precinct.

Council's records indicate that of the 8 developments currently approved, under construction or completed, 3 of those developments comply with the FSR development standard applying to the site. It is correct that the remainder of those developments, which will be discussed in more detail below, resulted in variations of between 17% and 80%.

The development at No. 22 Hudson Street "Luna" achieved an amalgamation pattern consistent with Council's controls and was approved with an FSR compliant with the Part 3A approval issued for that site. That development was 1 storey higher in parts than the number of storeys control contained in MDCP 2011.

The development at No. 8 William Street was approved with a compliant FSR. That development was 1 storey higher than the number of storeys control.

The development at No. 120A & 120B Old Canterbury Road achieved an amalgamation pattern consistent with Council's controls and was approved with a compliant FSR. That development was part of a storey higher than the number of storeys control.

The largest departure from the FSR development standard, being the development approved by the Land & Environment Court at No. 14-18 McGill Street (directly to the south of the site) results in a departure of 80%. Notwithstanding this development was fully compliant with the number of storeys control.

On the opposite side of McGill Street to the subject site, the remaining 4 approved developments at Nos. 118-112 Old Canterbury Road, 1-3 & 5 McGill Street, 7-15 McGill Street and 17-21 McGill Street resulted in variations from the FSR development standard of 42%, 26%, 28% and 35% respectively. Each of those decisions is discussed below.

- The development at No. 118-112 Old Canterbury Road was approved with a variation of 42%, equating to 867sqm. That development was 1 storey above the number of storeys control (albeit a reduced floor plate).
- The development at No. 1-3 & 5 McGill Street was approved with a variation of 26%, equating to 1,024sqm. That development was 1 storey above the number of storeys control.
- The development at Nos. 7-15 McGill Street was recommended for refusal by Council staff with a variation of 28%, equating to 626.57sqm. The application was subsequently approved by Council. That development was 1 part 2 storeys above the number of storeys control.
- The development at Nos. 17-21 McGill Street was approved with a variation of 18.6%, equating to 494.12sqm. That development was 1 storey above the number of storeys control.

The discussion above indicates that whilst some developments varied from the FSR development standard, those developments were assessed to achieve the objectives of the standard given they generally met with desired future character of the area (with the exception of 7-15 McGill Street which was recommended for refusal for amongst other things non-compliance with the number of storeys control contained in Part 9.45).

Accordingly, whilst FSR variations have been supported in the precinct, it is assessed that Council has not destroyed or abandoned the development standard.

The former JRPP has already approved a development on the subject site that varied from the FSR development standard. The subject application seeks a further variation to the development standard above and beyond that previously supported, and Council's assessment finds the extent of variation excessive and unwarranted.

Furthermore, while variations may have been supported on certain sites, it does not follow that the same or similar variations should be supported on other sites. The proposed development is inconsistent with the desired future character for the subject site and for this reason an FSR departure (to the extent proposed) is not supported.

It is also worthy to note that there are a number of sites in the precinct which are yet to be developed. These include No. 2 McGill Street directly adjoining the site, Nos. 60 to 70 and 108 to 112 Old Canterbury Road, and Nos. 2 to 8 William Street, as illustrated in Figure 1 below. The approval of this application, with such significant variations from the desired future character controls contained in Part 9.45 of MDCP 2011 is likely to set a poor precedent for other sites in the precinct.



Figure 1: Sites in the McGill Street Precinct yet to be redeveloped indicated in blue

The written request also contends that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case as the objectives of the development standard are achieved notwithstanding non-compliance with the standard.

The objectives as set out by clause 4.4(1) of the MLEP 2011 are as follows

- (a) *to establish the maximum floor space ratio*
- (b) *to control building density and bulk in relation to the site area in order to achieve the desired future character for different area*
- (c) *to minimise adverse environmental impacts on adjoining properties and the public domain*

The proponent contends that the objectives of the standard are achieved for the following reasons:

- *Objective (a) - Considering the sites context and location it is considered that the maximum FSR is inadequate in providing for development that meets the land use zone objectives and the permissible height limit on site. This has been reflected in the level of flexibility applied to the FSR development standard on all sites throughout the precinct.*
- *Objective (b) - The proposed development is considered to meet the desired future character of the area as:*
 - *It provides for a diversity of land uses, through the provision of residential apartments, an art space to be used as a gallery, education and performance space as well as a café;*
 - *Areas of additional bulk and scale have been proposed in locations identified for building mass and potentially additional floor space, whilst ensuring this density has minimal adverse amenity impacts on surrounding sites;*
 - *The proposed density can be comfortably accommodated within the height limit which is the predominant development control that has been used to inform the emerging character of adjoin sites and the McGill Street precinct;*
 - *The proposed bulk and FSR are below the precinct wide average and are therefore considered to provide for an acceptable level of density;*

- *The predominant six storey streetscape that has emerged in adjacent sites has been included in Building A facing McGill Street;*
- *The design of a built form of high quality that will complement adjoining properties whilst being distinct in its own right;*
- *It provides for an optimal pedestrian link and public domain that forms an extension of the art space on site and will be a valuable addition to the cultural landscape of the precinct. The building form atop this space serves to shelter it and is architecturally distinguished from the remainder of the built form so that the thoroughfare is readily identifiable in the streetscape.*
- *Therefore, despite the variation to the numerical FSR standard, the proposed development will deliver a building bulk and density that can be accommodated on site in a manner that is consistent with the emerging character of the McGill Street precinct.*
- *Objective (c) - The proposal ensures an overall development outcome for the site that is of a high quality and which accords with the majority of LEP and DCP controls as well as the precinct masterplan. Throughout the design there was a focus on building an appropriate mixed-use development that takes into account the sites constraints and potential impacts on adjoining properties and public domain. The design of the proposed development ensures that there are no unacceptable impacts on neighbouring development, particularly regarding overshadowing, overlooking and privacy.*

The request contends that there are sufficient environmental planning grounds to justify contravening the development standard as:

- *The development is the result of a thorough site analysis that sought to determine the extent of built form that can be accommodated on site whilst minimising impacts on the surrounding area.*
- *The proposed FSR variation will result in a bulk and scale that is consistent with the emerging character of the area, with the building designed to provide a transition in height and bulk down from 14 McGill Street.*
- *Full compliance with the development standard would provide a similar level of amenity to surrounding sites whilst failing to meet the objectives of the zone in providing for the housing needs of the community within a high density residential environment.*
- *The McGill Street Precinct Masterplan contains no requirement for a through site link, and the built form could otherwise be built for the length of the McGill Street frontage. The provision of a through site link opening up into high quality public domain and commercial premises is considered to be an improved outcome.*
- *The proposal will not result in any significant adverse impacts in terms of visual impact, overshadowing, acoustic or visual privacy or any other built form-related impacts, whereas a compliant built form would potentially limit the ability of the site to meet the desired future character through the provision of a smaller commercial space and a less engaging built form.*
- *The proposed design does not result in any non-compliance with other development standards.*
- *The proposed FSR variation does not result in a built form that exceeds or even meets the permissible height limit on site.*
- *The proposal provides a through site link which is a public benefit not required by any planning instrument.*
- *The residential bridge has been determined, by a public art consultant, to be a distinctive architectural feature that will serve as a landmark to the entry of a public facility and the precinct. Compliance with the floor space ratio control would result in the removal of this unique structure that will enhance the experience of those using the area.*

- *The development will allow for significant public domain improvements through the development of an art space that creates an opportunity to bring significant, interesting and international works of art to the neighbourhood, enhancing the experience of those passing or visiting the site. The incorporation of art installations into the public domain will encourage the use of the site and be a valuable addition to the cultural landscape of the Inner West.*
- *The development's traffic and parking impacts are acceptable and in line with Council's expectations under the DCP.*
- *The proposed development is consistent with the objectives of the FSR control as highlighted above.*

Having regard to the applicant's discussion presented for objective (a), the argument that the maximum FSR is inadequate to provide for a development which meets the objectives of the zone is disputed. The objectives can be met with a compliant (or more compliant) development as has been achieved on a number of sites throughout the precinct. The flexibility shown in approving developments with variations resulted in good urban design outcomes and built forms that were generally in accordance with the desired future character controls contained in Part 9 of MDCP 2011.

Having regard to objective (b) of the standard, Part 9.45 of MDCP 2011 prescribes controls and outlines the desired future character for the McGill Street masterplan area. Two of the key controls contained in that part include the preferred amalgamation pattern and the number of storeys control.

The FSR and height development standards for the precinct were developed in a manner that was consistent with the preferred built form as expressed by amalgamation pattern and number of storeys contained in the MDCP 2011. As discussed earlier in this report, a number of developments have been approved with variations to the FSR development standard, however (with the exception of the development at 7-15 McGill Street) those developments were found to be generally consistent with the desired future character of the precinct.

Part 9.45.9 of MDCP 2011 outlines the preferred amalgamation pattern for the precinct and separates the precinct into five sites. It is noted that the two sites which have been amalgamated in accordance with the controls contained in Part 9.45.9 of MDCP 2011, being Site 1 and Site 3 as indicated in Figure 1 below, provide developments that comply with the maximum FSR development standards applying to their respective sites. These developments also present built forms that are generally consistent with the number of storeys envisioned by Part 9.45.10 of MDCP 2011.



Figure 2: Site Amalgamation Diagram contained in Part 9.45.9 of MDCP 2011.

The applicant seeks to justify the additional GFA provided on this site on the basis that the development complies with the maximum height of buildings development standard which permits a maximum height of 29 metres on the site. The contention that compliance with the height development standard provides justification for varying the FSR development standard is disputed as such a view would infer that the FSR standard has little / no effect.

Furthermore, the maximum height of building development standard for the site is based on the amalgamated site, being Site 2 in Figure 1 above. One of the key features of the number of storeys control for this site is to provide taller and denser development situated adjacent to the new park on Hudson Street to the north of the site and the light rail station and Greenway to the west of the site. Taller and denser development is also envisioned at No. 14-18 McGill Street, which is located along the southern portion of the site to the south of the internal park area. This is depicted in Figure 2 below which prescribes 8 storeys at the southern end, 6 storeys at the northern end closer to the park and light rail entrance, and lower 2 to 4 storey buildings in the centre of the site to achieve a good urban design outcome.

The development at No. 14-18 McGill Street was approved with a significant FSR departure, however as discussed earlier, the built form was consistent with the desired future character of the area as expressed as an 8 storey building illustrated in Figure 2 below. The numerical departure was caused by the failure to achieve the amalgamation pattern required under the DCP and in that instance, despite the significant numerical variation, the qualitative assessment found that the objectives of the standard were achieved given the proposal achieved the objectives of the standard, namely the desired future character for the site.



Figure 3: Height of Buildings Diagram contained in Part 9.45.10 of MDCP 2011

The proposition that the development presents an FSR departure that is below the 'precinct average' is not supported as this is not an appropriate method in which to consider FSR departures. As the written request aims to demonstrate that the objectives of the standard are achieved notwithstanding the numerical non-compliance, it follows that the test is qualitative and not quantitative in nature.

Furthermore, given the variations supported on other sites have been on the basis that these sites achieved the desired future character of the area; it is not appropriate for a site with less development potential (under the building envelopes identified for the subject site in the masterplan controls) to achieve the same level of departure.

The proposed 6 and 8 storey form presented in this proposal represents a significant departure (between 2 and 6 storeys) from the built form envisioned for the precinct in the master plan contained in Part 9.45 of MDCP 2011.

Having regard to objective (c) of the standard, it is considered that a development that complied (or resulted in a lesser breach) with the development standard would present a better urban design outcome than the currently proposed development. For example, the removal of the 'bridge' structure to present an open through site link and the removal of additional storeys (over and above what is currently approved) at the Greenway frontage of the site would result in a better public domain outcome (as recommended by Council's Architectural Excellence Panel).

Furthermore, the development originally approved on the site resulted in improved internal amenity with a higher percentage of apartments achieving direct solar access (75%) compared with 71.6% for the subject proposal.

Considering the above, Council does not support the written request on the grounds that the objectives of the standard are achieved notwithstanding non-compliance with the standard. The contravention of the development standard is not in the public interest and there are insufficient environmental planning grounds to justify the contravention.

4. Conclusion

Regarding resolution a) concerning the through site link, Council cannot confirm whether this resolution has been satisfied.

Regarding resolution b) concerning areas of private open space, Council is of the opinion that this resolution has not been satisfied.

Regarding resolution c) concerning the embedded studies, Council is of the opinion that this resolution has been satisfied.

Regarding resolution d) concerning the Clause 4.6 request, Council is of the opinion that this resolution has been satisfied. Notwithstanding satisfaction with the SECPP resolution involving the written Clause 4.6 request, Council confirms its previous objection to the application and considers that, for the matters discussed in Part 3.d) of this report, that the application should be refused for the reasons discussed in part 5 of this report.

5. Recommendation

It is recommended that the application be refused for the reasons outlined in the original assessment report considered by the SECPP at its meeting on 7 December 2017.

6. Conditions of Consent

The following conditions have been prepared should be SECPP be of the mind to approve the application.

PART A - DEFERRED COMMENCEMENT CONSENT

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

1. The Applicant shall prepare and provide to Sydney Trains for approval/certification the following items:
 - a) Detailed Rail specific Geotechnical Engineering Report and Civil and Structural design plans that meet Sydney Trains requirements. The Geotechnical Report must be based on actual borehole testing conducting on the site closest to the rail corridor. The report shall demonstrate that the development has no negative impact on the rail corridor or the integrity of the infrastructure through its loading and ground deformation and shall contain structural design details/analysis for review by Sydney Trains. The report shall include the potential impact of demolition and excavation, and demolition- and excavation-induced vibration in rail facilities, and loadings imposed on Sydney Trains facilities by the development.
 - b) Construction methodology with construction details pertaining to structural support during excavation. The Applicant is to be aware that Sydney Trains will not permit any rock anchors/bolts (whether temporary or permanent) within its land or easements.
 - c) Cross sectional drawings showing the rail corridor, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the rail corridor. All measurements are to be verified by a Registered Surveyor.
 - d) Detailed Survey Plan showing the relationship of the proposed development with respect to Sydney Trains easement and rail corridor land.

- e) If required by Sydney Trains, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.

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

PART B - CONDITIONS OF CONSENT

Once operative the consent is subject to the following conditions:

GENERAL

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

Plan No. and Revision No.	Plan/ Certificate Type	Date Issued	Prepared by	Date Submitted
DA0098 C	Basement 02	29 January 2018	PTW Architects	30 January 2018
DA0099 C	Basement 01	21 February 2018	PTW Architects	23 February 2018
DA0100 D	Level Ground	29 January 2018	PTW Architects	30 January 2018
DA0101 B	Level 1	29 January 2018	PTW Architects	30 January 2018
DA0102 B	Level 2	29 January 2018	PTW Architects	30 January 2018
DA0103 B	Level 3	29 January 2018	PTW Architects	30 January 2018
DA0104 B	Level 4	29 January 2018	PTW Architects	30 January 2018
DA0105 B	Level 5	29 January 2018	PTW Architects	30 January 2018
DA0106 C	Level 6	29 January 2018	PTW Architects	30 January 2018
DA0107 C	Level 7	29 January 2018	PTW Architects	30 January 2018
DA0108 C	Roof Plan	29 January 2018	PTW Architects	30 January 2018
DA2001 B	Elevation – McGill Street	29 January 2018	PTW Architects	30 January 2018
DA2002 B	Elevation – Western Rail Corridor	29 January 2018	PTW Architects	30 January 2018
DA2003 B	Elevation – Courtyard Building A	29 January 2018	PTW Architects	30 January 2018
DA2004 B	Elevation – Courtyard Building B	29 January 2018	PTW Architects	30 January 2018
DA3001 C	Section	29 January 2018	PTW Architects	30 January 2018

Plan No. and Revision No.	Plan/ Certificate Type	Date Issued	Prepared by	Date Submitted
DA3002 C	Section	29 January 2018	PTW Architects	30 January 2018
DA4100 B	Finishes Schedule	8 November 2017	PTW Architects	17 November 2017
DA9005 A	Easement – Physical Access	29 January 2018	PTW Architects	30 January 2018
DA9006 A	Easement – Light and Air	29 January 2018	PTW Architects	30 January 2018
DA9600	Art Café Kitchen Details	21 February 2018	PTW Architects	23 February 2018
574381M_02	BASIX Certificate	12 November 2017	Planning & Environment	17 November 2017
LPDA 16-202 Pg. 1 Rev. F	Landscape Plan (Ground)	7 November 2017	Conzept	17 November 2017
LPDA 16-202 Pg. 2 Rev. F	Landscape Plan (Building A Roof)	7 November 2017	Conzept	17 November 2017
LPDA 16-202 Pg. 4 Rev. D	Specification & Detail	10 March 2017	Conzept	17 November 2017
LPDA 16-202 Pg. 5 Rev. D	Detail 2	10 March 2017	Conzept	17 November 2017
SW02 Rev. C	Stormwater – Basement 2 Plan	13 November 2017	SGC	17 November 2017
SW03 Rev. C	Stormwater – Ground Floor Plan	13 November 2017	SGC	17 November 2017
SW04 Rev. C	Stormwater – Roof Plan	13 November 2017	SGC	17 November 2017
SW05 Rev. C	Sediment & Erosion Control – Plan and Details	13 November 2017	SGC	17 November 2017
SW06 Rev. C	Stormwater – Details Sheet	13 November 2017	SGC	17 November 2017
SW07 Rev. C	Stormwater – Music Catchment Plan	13 November 2017	SGC	17 November 2017
SW08 Rev. C	Stormwater Technical	13 November 2017	SGC	17 November 2017
E22830 AA Rev 0	Detailed Site Investigation	26 April 2016	EI Australia	23 June 2017
E22830 AB Rev 0	Remediation Action Plan	6 May 2016	EI Australia	23 June 2017
SYD2015-1064-R001D	Acoustic Report	2 June 2017	Acouras Consultancy	23 June 2017
2015.0297-L02	Flood Impact Assessment	27 October 2015	SG Consultants Pty Ltd	23 June 2017
E22830 AA, Rev 0	Detailed Site Investigation	26 April 2016	EI Australia	23 June 2017
E22830 AB,	Remediation Action	6 May 2016	EI Australia	23 June 2017

Plan No. and Revision No.	Plan/ Certificate Type	Date Issued	Prepared by	Date Submitted
Rev 0	Plan			
E22830 GA	Geotechnical Assessment Report	20 April 2016	El Australia	23 June 2017
~	Plan of Management	June 2017	Australian Fujian Association Incperate Inc	23 June 2017
16SUT-4156	Long Nosed Bandicoot Assessment of Significance Report	16 February 2017	Ecological Australia	23 June 2017

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

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

2. 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.

3. Where any plans and/or information forming part of a construction certificate issued in relation to this consent are inconsistent with:

- a) the plans and/or information approved under this consent; or
- b) any relevant requirements of this consent,

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

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

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

4. The materials and finishes of the building constructed pursuant to this consent must be strictly in accordance with the materials and finishes documentation as referenced in Condition 1 of this Determination, No changes may be made to these drawings except by way of an application under section 96 of the *Environmental Planning and Assessment Act 1979*. The simplification or diminution of the quality of the architectural resolution, architectural expression and external finishes is not permitted.

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

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

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

6. At all times, the person acting on this consent must incorporate the listed management procedures contained in Part 4 Recommendations and Conclusion of the *Long-nosed Bandicoot Assessment of Significance* prepared by Ecological Australia, dated 17 February 2017.

Reason: To ensure the development incorporates the measures contained in the submitted Statement of Significance.

7. Throughout all phases of the development including excavation, demolition or construction work, all holes (e.g. created for footings etc.), machinery and construction material stockpiles must be inspected daily prior to commencing work to ensure no Long-nosed Bandicoots are sheltering in those areas. The following steps must be taken if a Bandicoot is found on site:

- a) 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.
- b) Immediately contact WIRES or Sydney Wildlife to arrange for a trained wildlife carer to safely remove the Bandicoot from the site.
- c) Council's Team Leader – Biodiversity must also be contacted to report that a Bandicoot has been found on site.
- d) No work must 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.

8. A minimum of 18 adaptable dwellings must be provided in accordance with Part 2.5 of Marrickville Development Control Plan 2011 - Equity of Access and Mobility.

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

9. A total of 97 off-street car parking spaces must be provided and maintained at all times in accordance with the standards contained within Part 2.10 of Marrickville Development Control Plan 2011 - Parking. The parking must be allocated as follows:

- a) 70 spaces being allocated to the residential dwellings;
- b) 18 accessible car parking spaces, 1 accessible car space per adaptable dwelling;
- c) 12 visitor car parking spaces, 5 of which is designed as an accessible space;
- d) 3 car parking spaces allocated to the ground floor retail/commercial tenancy;
- e) 1 loading dock for use by the commercial tenancy; and
- f) 1 car wash/loading dock for use by residents when a delivery area is required.

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

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

10. A minimum of 5 motorcycle parking spaces must be provided and maintained for each of the approved Buildings. The design of require motorcycle parking spaces must be in accordance with the relevant provision of Part 2.10 of Marrickville Development Control Plan 2011 – Parking and be for the exclusive use of residents.

Reason: To confirm the number of motorcycle parking spaces and the terms of Council's approval.

11. 57 off-street bicycle parking spaces must be provided, paved, line marked and maintained at all times in accordance with the standards contained within Part 2.10 of Marrickville Development Control Plan 2011 - Parking.

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

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

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

13. The resident car parking spaces for the non-adaptable dwellings must be allocated based on unit type in accordance with the rates specified in Table 1: On site car parking requirements for Parking Area 2 under Part 2.10 of Marrickville Development Control Plan 2011 – Parking.

Reason: To ensure the equitable distribution of the required car parking spaces.

14. A sign must be permanently displayed near the point of entry to the site to indicate that visitor parking is available on site.

Reason: To ensure that visitors are advised and directed to the visitor parking.

15. The visitor parking spaces must be accessible to visitors by the location of an intercom (or card controller system) at the car park entry and wired to all units (prior to an Occupation Certificate being issued or the use commencing, whichever is earlier). The intercom must comply with the relevant Australian Standard.

Reason: To ensure that visitor car parking spaces are accessible.

16. A total of 88 storage cages must be maintained in accordance with the plans approved under Part B Condition 1. The distribution of storage cages must ensure that all units are provided with a storage cage consistent with the unit size in accordance with the provisions of the Residential Flat Design Code.

Reason: To ensure the allocation of suitable storage to each unit.

17. The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations.

In this regard, the operation of the premises and plant and equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background $L_{A90, 15min}$ noise level, measured in the absence of the noise source/s under consideration by 5dB(A). The source noise level shall be assessed as an $L_{Aeq, 15min}$ and adjusted in accordance with the NSW Environment Protection Authority's Industrial Noise Policy and Environmental Noise Control Manual (sleep disturbance).

Reason: To prevent loss of amenity to the area.

18. The use of the premises shall not give rise to an environmental health nuisance to the adjoining or nearby premises and environment. There are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 and Regulations. The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance or damage other premises.

Reason: To prevent loss of amenity to the area.

19. This approval is for a restaurant/café only and does not authorise live musical or other forms of entertainment, separate Development Consent would be required for such activities/events. Background pre-recorded music may be played subject to ensuring that it does not have adverse impacts on surrounding properties or tenancies.

Reason: To prevent loss of amenity to the area.

20. The ongoing use of the ground floor commercial tenancies complying with the following requirements at all times:

- a) The areas to be used as a café/gallery must be restricted to the ground floor commercial tenancies;
- b) The shop window display areas must be maintained at all times with no roller shutters being installed across the shopfronts;
- c) The hours of operation are restricted to between the hours of 7.00am to 5:30pm Monday to Saturday and 8:00am to 4:00pm on Sundays;
- d) All loading and unloading in connection with the use must be carried out wholly within the property from the dedicated loading space, during the approved hours of operation and in such a manner so as to not cause an inconvenience to the public;
- e) No storage of goods or equipment external to any building on the site is permitted; and
- f) No signs or goods must be displayed for sale or stored on the footpath in front of the premises at any time without the prior approval of Council.

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

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

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

22. The following is a waste condition:

- a) The owners of the property appointing a designated person(s) responsible for moving waste bins from their usual storage space in the basement to the place to the collection point for the storage of domestic bins being in accordance with details to be submitted to Council's satisfaction;
- b) Tenants (commercial and residential) shall be advised to anticipate heightened noise levels during garbage collection;
- c) Council is to be provided with key access to the ground floor waste storage room to facilitate on-site garbage collection.
- d) Should the waste conditions not be met, Council reserves the right to reconsider servicing the site for garbage collection, in accordance with Council's Fees and Charges.
- e) No compaction of waste is permitted within the development in accordance Part 2.21 of Marrickville Development Control Plan 2011 – Site Facilities and Waste Management.
- f) The person acting on this consent shall advise any purchaser or prospective tenant of this condition.
- g) To ensure minimal impacts on surrounding properties commercial waste and recyclable material generated by the premises must not be collected between the hours 9pm and 8am

Reason: To ensure the appropriate collection and disposal of waste generated on the site and to ensure that the use does not interfere with the amenity of the surrounding neighbourhood and does not affect the commercial operation of the building.

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

Reason: To ensure that the development is adequately serviced.

24. The following condition is imposed at the request of Roads and Maritime Services:

- a) The layout of the proposed basement car park area associated with the subject development should be in accordance with AS 2890.1 -2004 and A52890.6 2009;
- b) All vehicles are to enter and exit the site in a forward direction.
- c) All vehicles are to wholly contained on site before being required to stop;
- d) Bicycle parking associated with the subject development should be in accordance with AS 2890.3 (Bicycle Parking Facilities).
- e) A Construction Pedestrian Traffic Management Plan (CPTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate;
- f) Construction works zone will not be permitted on Old Canterbury Road;
- g) A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Old Canterbury Road during construction activity

Reason: To confirm the terms of RMS approval.

25. Owners and occupants of the proposed building shall not be eligible to obtain parking permits under any existing or future resident parking scheme for the area. The person acting on this consent shall advise any purchaser or prospective tenant of this condition. In addition the by-laws of any future residential strata plans created for the property shall reflect this restriction.
26. 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.
27. Should the proposed development require the provision of an electrical substation, such associated infrastructure shall be incorporated wholly within the development site. Before proceeding with your development further, you are directed to contact Ausgrid directly with regard to the possible provision of such an installation on the property.
28. 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 basement or any below ground structure shall be design to be "tanked" preventing the ingress of seepage or groundwater.

BEFORE COMMENCING DEMOLITION, EXCAVATION AND/OR BUILDING WORK

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

29. Final Remediation Action Plan of the proposed works must be submitted for approval by Inner West Council prior to the commencement of work.

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

30. The site must be remediated in accordance with the approved Remedial Action Plan and to the appropriate criteria and validated by a suitably qualified consultant.

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

31. 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.

32. 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.

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

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

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

34. 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.

35. 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.

36. A Soil and Water Management Plan must be prepared in accordance with Landcom Soils and Construction, Volume 1, Managing Urban Stormwater (Particular reference is made to Chapter 9, "Urban Construction Sites") and submitted to and accepted by the PCA. A copy of this document must be submitted to and accepted by PCA before work commences. The plan must indicate:

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

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.

37. The person acting on this consent is responsible for arranging and meeting the cost of dilapidation reports prepared by a suitably qualified person. The reports are to include colour photographs and must be submitted to the Certifying Authority's satisfaction, with a colour copy being provided to Council and the respective property owner(s) of the identified properties, before work commences, on the buildings on the adjoining properties at 2 and 14 McGill Street, if the consent of the adjoining property owner(s) can be obtained. In the event that the consent of the adjoining property owner(s) cannot be obtained copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the PCA before work commences.

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

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

Reason: To provide a person that residents can contact.

39. If required by Sydney Trains, prior to the commencement of works, prior to the issue of the Occupation Certificate, or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.

Reason: To confirm the terms of Sydney Trains' concurrence.

40. Prior to the commencement of works appropriate fencing is to be in place along the rail corridor to prevent unauthorised access to the rail corridor during construction. Details of the type of fencing and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.

Reason: To confirm the terms of Sydney Trains' concurrence.

41. Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent shall obtain all applicable Permits from Council in accordance with Section 68 (Approvals) of the Local Government Act 1993 and/or Section 138 of the Roads Act 1993. Permits are required for the following activities:
- a) Work zone (designated parking for construction vehicles). Note that a minimum of 2 months should be allowed for the processing of a Work Zone application.
 - b) A concrete pump across the roadway/footpath
 - c) Mobile crane or any standing plant
 - d) Skip bins
 - e) Scaffolding/Hoardings (fencing on public land)
 - f) Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.
 - g) Awning or street verandah over footpath
 - h) Partial or full road closure
 - i) Installation or replacement of private stormwater drain, utility service or water supply

Contact Council's Road Access team to ensure the correct Permit applications are made for the various activities.

Applications for such Permits shall be submitted and approved by Council prior to the commencement of the works associated with such activity or issue of the Construction Certificate (whichever occurs first). Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

42. The person acting on this consent shall submit to the Principal Certifying Authority a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site before the issue of a Construction Certificate.
43. The person acting on this consent shall ensure the site is secured with temporary fencing prior to any works commencing.

If the work involves the erection or demolition of a building and is likely to cause pedestrian or vehicular traffic on public roads or Council controlled lands to be obstructed or rendered inconvenient, or building involves the enclosure of public property, a hoarding or fence must be erected between the work site and the public property. Additionally an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling onto public property, where necessary.

Separate approval is required from Council under the Roads Act 1993 to erect a hoarding or temporary fence or awning on public property. Approvals for hoardings, scaffolding on public land must be obtained and clearly displayed on site for the duration of the works.

Any hoarding, fence or awning is to be removed when the work is completed and must be maintained clear of any advertising.

44. A detailed Traffic Management Plan to cater for construction traffic shall be submitted to and approved by Council before commencement of works. Details shall include haulage routes, estimated number of vehicle movements, truck parking areas, work zones, crane usage, etc., related to demolition/construction activities.

45. Any person acting on this consent or any contractors carrying out works on public roads or Council controlled lands shall take out Public Liability Insurance with a minimum cover of twenty (20) million dollars in relation to the occupation of, and approved works within those lands. The Policy is to note, and provide protection for Inner West Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public property.

BEFORE THE LODGEMENT OF ANY CONSTRUCTION CERTIFICATE

46. The following information shall be submitted to and approved by Council's Development Assessment Manager before the lodgment of any Construction Certificate.
- a) Construction drawings of the infill connection between Building A and a future building at 2 McGill Street (the 'residential bridge'), including the complete specification of all external materials and structural engineering drawings. The architectural resolution of the residential bridge shall be in accordance with the Site Link Screen Section and Elevation in drawing DA2004 and the 3D perspectives in drawings DA4001, DA4002 and DA4004 submitted to Council;
 - b) An updated schedule of finishes with complete specification, colours and images of all external finishes;
 - c) Metal mullions or steel beams shall be provided to the expressed slabs and vertical bays on the East and West Elevations of Buildings A and B in accordance with the 3D perspectives in drawings DA4001, DA4002, DA4003 and DA4004. Amended elevations must be submitted clearly showing the metal mullions or steel beams on all elevations;
 - d) Additional drawings showing typical elevations and wall sections of balcony, window, steel beam/metal mullions and wall junctions shall be provided at 1:50 or 1:20 at A3 in order to establish in greater detail the specific design intent of the facade types;
 - e) An updated landscape plan indicating sitting spaces and landscaping being provided to the publicly accessible open space located between the art space and Building B;
 - f) Additional plans indicating detailed design of the art work facing the Green Way; and
 - g) Amended plans indicating any proposed front fencing to McGill Street being no higher than 1.5m measured from the finished level of the footpath and shall be a minimum of 70 per cent transparent.

Reason: To ensure the architectural quality of the approved development is maintained to Council's standards.

47. Given the possible likelihood of objects being dropped, thrown or blown onto the rail corridor from balconies, windows and other external features (e.g. roof terraces and external fire escapes) that face the rail corridor, the Applicant is required to install measures (e.g. awning windows, louvres, enclosed balconies etc.) which prevent the throwing of objects onto the rail corridor. The Principal Certifying Authority shall not issue the Construction Certificate until it has confirmed that these measures are to be installed and have been indicated on the Construction Drawings.

The amended plans must be submitted to and approved by Council before the lodgment of any Construction Certificate. Any changes to the approved balconies must not add to the gross floor area / floor space ratio of the approved development.

Reason: To ensure compliance with Sydney Trains concurrence terms.

BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

48. a) This condition is imposed in accordance with Section 94 of the Environmental Planning and Assessment Act 1979.
- b) Before the issue of a Construction Certificate, the Council must be paid a monetary contribution of \$1,643,273.39 indexed in accordance with Marrickville Section 94/94A Contributions Plan 2014 ("CP").

The above contribution is the contribution applicable as at 28 February 2018.

***NB** Contribution rates under Marrickville Section 94/94A Contributions Plan 2014 are indexed quarterly (for the method of indexation refer to Section 2.15 of the Plan).

The indexation of the contribution rates occurs in the first week of the months of February, May, August and November each year, following the release of data from the Australian Bureau of Statistics.

(CONTRIBUTION PAYMENT REFERENCE NO. DC002192)

- c) The contribution payable has been calculated in accordance with the CP and relates to the following public amenities and/or services and in the following amounts:
- | | |
|-----------------------|----------------|
| Community Facilities | \$173,226.21 |
| Plan Administration | \$32,220.64 |
| Recreation Facilities | \$1,412,968.13 |
| Traffic Facilities | \$24,858.40 |
- d) A copy of the CP can be inspected at Council's offices at 2-14 Fisher Street, Petersham or online at <http://www.marrickville.nsw.gov.au>.
- e) The contribution must be paid either in **cash, by unendorsed bank cheque (from an Australian Bank only), via EFTPOS (Debit only) or credit card***.

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

- f) Detail of existing GFA has not been provided by the applicant and therefore no credit has been provided.

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

49. 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).

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

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

<http://www.lspc.nsw.gov.au>.

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

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

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

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

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

52. Before the issue of a Construction Certificate, amended plans shall be submitted to Council's Coordinator Waste Services Operations satisfaction that indicates:

- a) All waste and recycling storage or interim rooms must be in accordance with Figure 1 of Part 2.21 of MDCP 2011 and incorporate an appropriate tap with hose fitting, drain to Sydney Water approved drainage connection, signage showing appropriate content for general, recycling and green waste bins, smooth concrete floor graded to drain, roller door that is durable; self-closing; able to be opened from inside; wide enough for easy passage of bins;
- b) Angle of footpath between the garbage holding area and the McGill Street footpath shall be a flat smooth surface with a maximum gradient of 1:50.
- c) Doorways that are wide enough to allow a 660L bin to access all waste rooms in the building and appropriate recycling collection points on each residential level.
- d) Designated areas or separate garbage rooms constructed in accordance with Council's Policy for Waste Minimisation in Part 2.21 of Marrickville Development Control Plan 2011 - Site Facilities and Waste Management, to facilitate the separation of commercial waste and recycling from residential waste and recycling.

Reason: To ensure compliance with Part 2.21 of Marrickville Development Control Plan 2011 – Site Facilities and Waste Management of MDCP 2011.

53. Before the issue of a Construction Certificate, amended plans shall be submitted to Council's satisfaction that indicates a rolling curb for an appropriate portion of the McGill Street frontage as deemed appropriate by Council's Coordinator Waste Services Operations and Development Engineer.

Reason: To comply with Part 2.21 of Marrickville Development Control Plan 2011.

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

Reason: To ensure adequate mail collection facilities are provided.

55. Adequate outdoor clothes drying areas/facilities must be provided for the development in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate. Where such areas/facilities are provided on street facing balconies, the areas/facilities must be appropriately screened from view from the street.
Reason: To ensure adequate outdoor clothes drying facilities are provided.
56. Lighting details of the pedestrian areas, parking areas and all entrances must be 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.
57. Details shall be submitted to the Council's Coordinator of Tree Management's satisfaction before the issue of a Construction Certificate that shows the proposed street trees comply with the requirements contained within Council's Street Tree Masterplan.
Reason: To ensure consistency with Council's Street Tree Masterplan.
58. Plans fully reflecting the selected commitments listed in BASIX Certificate submitted with the application for development consent must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.
- NOTE: The application for the Construction Certificate must be accompanied by either the BASIX Certificate upon which development consent was granted or a revised BASIX Certificate (Refer to Clause 6A of Schedule 1 to the Regulation).**
- Reason: To ensure that the BASIX commitments are incorporated into the development.
59. Noise attenuation measures must be incorporated into the development complying with Australian Standard 2021:2000, State Environmental Planning Policy (Infrastructure) 2007 and with the Department of Planning and Infrastructure's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines" in relation to interior design sound levels and in accordance with details being submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate together with certification by a suitably qualified acoustical engineer that the proposed noise attenuation measures satisfy the requirements of Australian Standard 2021:2000, State Environmental Planning Policy (Infrastructure) 2007 and with the Department of Planning and Infrastructure's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines".
Reason: To reduce noise levels within the development from aircraft and rail noise.
60. Before the issue of a Construction Certificate an amended plan must be submitted to the Certifying Authority's satisfaction addressing the requirements of The Disability (Access to Premises – buildings) Standards 2010 (the Premises Standards).
Reason: To ensure that the premises are accessible to all persons.
61. Public access to the 'through site pedestrian walkway' must be maintained at all times.
Reason: To ensure appropriate access to the site is maintained.
62. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. **Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's website at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92.**

Following application a “Notice of Requirements” will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

Sydney Water written advice that you have obtained the Notice of Requirements must be submitted to Council’s satisfaction before the issue of a Construction Certificate.

Reason: To comply with the requirements of that Act.

63. Before the issue of a Construction Certificate an amended landscape plan must be submitted to and approved by Council incorporating a diverse mix of local native plant species comprising small shrubs, grasses, ferns and groundcovers and local native canopy tree species representative of species from the Sydney Turpentine-Ironbark Forest (STIF).

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

Reason: A local native vegetated buffer would help mitigate impacts to the Long-nosed Bandicoot (*Perameles nasuta*) population in inner western Sydney listed as an endangered population under the NSW Threatened Species Conservation Act 1995 by providing habitat and allowing movement through the area and to the light rail corridor.

64. Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.

Reason: To confirm the terms of Sydney Trains’ concurrence.

65. The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of Sydney Trains.

The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

Reason: To confirm the terms of Sydney Trains’ concurrence.

66. If required by Sydney Trains, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

Reason: To confirm the terms of Sydney Trains’ concurrence.

67. Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.

Reason: To confirm the terms of Sydney Trains’ concurrence.

68. If required by Sydney Trains, a track monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases) is to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate. The Principal Certifying Authority is not to issue a Construction Certificate until written confirmation has been received from Sydney Trains advising of the need to undertake the track monitoring plan, and if required, that it has been endorsed.
Reason: To confirm the terms of Sydney Trains' concurrence.
69. Prior to the issue of a Construction Certificate, the Applicant shall undertake a services search to establish the existence and location of any rail services. Persons performing the service search shall use equipment that will not have any impact on rail services and signalling. Should rail services be identified within the subject development site, the Applicant must discuss with Sydney Trains as to whether these services are to be relocated or incorporated within the development site.
Reason: To confirm the terms of Sydney Trains' concurrence.
70. Copies of any certificates, drawings, approvals/certification or documents endorsed by, given to or issued by Sydney Trains must be submitted to Council for its records prior to the issuing of a Construction Certificate.
Reason: To confirm the terms of Sydney Trains' concurrence.
71. If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Engineering Management Interfaces to determine the need for public liability insurance cover. If insurance cover is deemed necessary this insurance be for sum as determined by Sydney Trains and shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The Applicant is to contact Sydney Trains Engineering Management Interfaces to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.
Reason: To confirm the terms of Sydney Trains' concurrence.
72. If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Engineering Management Interfaces to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.
Reason: To confirm the terms of Sydney Trains' concurrence.
73. A risk analysis, which shall determine the required level of derailment protection (if any), shall be carried out in consultation with Sydney Trains. This risk analysis will determine the redundancy requirements or the minimum collision loads specified in Australian Standard AS5100 that needs to be complied with. The risk assessment is to be prepared in accordance with the Sydney Trains Safety Management System.
Reason: To confirm the terms of Sydney Trains' concurrence.
74. The Principal Certifying Authority shall not issue the Construction Certificate until it has received written confirmation from RailCorp that the risk analysis has been prepared and the Principal Certifying Authority has also confirmed that the measures recommended in this risk analysis have been indicated on the Construction Drawings.
Reason: To confirm the terms of Sydney Trains' concurrence.
75. The premises are to be designed, constructed and operated in accordance with the:
- Food Act 2003

- Food Regulation 2010
- Australia and New Zealand Food Standards Code
- Australian Standard AS 4674 – 2004 (Design, construction and fit-out of food premises)
- Australian Standard AS 1668 Part 1 – 1998
- Australian Standard AS 1668 Part 2 – 2012; and
- Building Code of Australia

Details demonstrating compliance with the requirements of this condition are to be submitted to the Principal Certifying Authority prior to the issue of any Construction Certificate.

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

76. To ensure that adequate provision is made for ventilation of the building, mechanical and/or natural ventilation shall be provided.

The ventilation systems are to be designed, constructed and operated in accordance with the:

- The Building Code of Australia,
- Australian Standard AS 1668 Part 1 – 1998,
- Australian Standard AS 1668 Part 2 – 2012,
- Australian Standard 3666.1 – 2011,
- Australian Standard 3666.2 – 2011; and
- Australian Standard 3666.3 - 2011.

Details demonstrating compliance with the requirements of this condition are to be submitted to the Principal Certifying Authority prior to the release of a Construction Certificate. The system must be located in accordance with the approved plans and/or within the building envelope, design and form of the approved building. Any modifications to the approved plans required to house the system must be the subject of further approval from Council (the consent authority).

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate.

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

77. There are to be no emissions or discharges from the premises which will give rise to an offence under the *Protection of the Environment Operations Act 1997* and *Regulations*.

Emission control equipment shall be provided in the mechanical exhaust system serving the appliances, to effectively minimise the emission of odours, vapours and oils. Details of the proposed emission control equipment must be provided in the relevant plans and specifications for the Construction Certificate for the subject works.

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

78. All plant and associated equipment must be located within the approved building envelope and is not be located on the roof. Details on the location of all plant and equipment must be consistent with the approved plans and submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate.

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

79. Waste water arising from the use must be directed to the sewers of the Sydney Water under a Trade Waste License Agreement. The pre-treatment of wastewater may be a requirement of Sydney Water prior to discharge to the sewer. Details of the requirements of the Trade Waste Agreement must be obtained prior to the issue of a Construction

Certificate. Plans detailing how compliance will be achieved must be prepared and submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

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

80. Prior to the commencement of demolition works or a Construction Certificate being issued for works approved by this development consent (whichever occurs first), a security deposit and inspection fee must be paid to Council to cover the cost of making good any damage caused to any Council property or the physical environment as a consequence of carrying out the works and as surety for the proper completion of any road, footpath and drainage works required by this consent.

Security Deposit (FOOT)	\$55,000.00
Inspection fee (FOOTI)	\$225.00

Payment will be accepted in the form of cash, bank cheque, EFTPOS/credit card (to a maximum of \$10,000) or bank guarantee. Bank Guarantees must not have an expiry date.

The inspection fee is required for Council to determine the condition of the adjacent road reserve and footpath prior to and on completion of the works being carried out.

Should any of Council's property and/or the physical environment sustain damage during the course of the demolition or construction works, or if the works put Council's assets or the environment at risk, or if any road, footpath or drainage works required by this consent are not completed satisfactorily, Council may carry out any works necessary to repair the damage, remove the risk or complete the works. Council may utilise part or all of the security deposit to restore any damages, and Council may recover, in any court of competent jurisdiction, any costs to Council for such restorations.

A request for release of the security may be made to the Council after all construction work has been completed and a final Occupation Certificate issued.

The amount nominated is only current for the financial year in which the consent was issued and is revised each financial year. The amount payable must be consistent with Council's Fees and Charges in force at the date of payment.

Requirements of this condition are to be met prior to works commencing or prior to release of a Construction Certificate (whichever occurs first). Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

81. The stormwater drainage plans SW01-D, SW02-C, SW03-C, SW04-C, SW05-B, SW06-C, SW07-C and SW08-B submitted by SGC Consultants P/L shall be amended or additional information provided before the issue of a Construction Certificate as follows;
- Detailed calculations for sizing of the OSD system to be provided for assessment (this shall include the DRAINS files);
 - Details of the 1 in 100 year overflow route in case of failure/blockage of the drainage system shall be provided;
 - The proposed stormwater being discharged to the Hawthorne Canal in accordance with Sydney Water requirements;

- iv. Compliance with all of the requirements of Sydney Water in relation to construction works adjacent to the Hawthorne Canal. A Copy of Sydney Water approvals must be submitted to Council for its information;
- v. All plumbing and ductwork including stormwater downpipes must be concealed within the outer walls of the building so they are not visible. Plans and elevations detailing the method of concealment must be submitted to and approved by Council.

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

82. In order to provide satisfactory vehicular and pedestrian access, drainage, landscaping and aesthetic improvements to the public domain adjacent to the site, the following works shall be undertaken at no cost to Council:
- a) The public domain along all frontages of the site inclusive of footpath paving, kerb, street trees, landscaping, street furniture, etc. shall be reconstructed and upgraded in accordance with the Street Tree Masterplan and the Marrickville Public Domain Design Guide;
 - b) The construction of heavy duty vehicular crossings to all vehicular access locations and removal of all redundant vehicular crossings to the site;
 - c) New kerb and gutter along the frontage of the site. The kerb type (concrete or stone) shall be consistent with the majority of kerb type at this location. Council may be able to assist with the supply of stone if required. Please contact Council's Infrastructure Services Division on 9335 2000; and
 - d) Cross sections are to be provided at the boundary at a minimum distance of every 5m and at all pedestrian and vehicular access locations. Note, the cross fall of the footpath shall be set at 2.5%. These sections will set the alignment levels at the boundary.
 - e) As specified
- 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 before to the issue of an Occupation Certificate.
83. A strip of land along the McGill Street frontage of sufficient width to allow for the construction of a 1.8m wide footpath shall be dedicated to Council as public road before the issue of a Construction Certificate. In addition amended plans incorporating the above requirements and deleting all encroachments above and below the land proposed for dedication shall also be submitted to Council before the issue of a Construction Certificate.
84. The vehicular crossing and driveway ramp to the site shall be designed to satisfy the ground clearance template (Figure C1) from Australian Standard AS/NZS 2890.1-2004 Parking Facilities: Off-street car parking. A long section, along both sides of the proposed vehicular crossing and ramp, drawn at a 1:20 natural scale, shall be submitted to and approved by Council before the issue of a Construction Certificate. The long section shall begin from the centreline of the adjacent road to 3 metres past the bottom of the ramp.
85. As identified in the Hawthorne Canal Flood Study the site is subject to flooding during a 1 in 100 year storm event. The Flood Planning Level for the site has been determined to be of RL 12.25m AHD. The following additional information/flood protection measures shall be undertaken as follows:
- a) All structures below RL 12.25m AHD shall be constructed from flood compatible materials;

- b) The applicant shall also demonstrate that the building will be able to withstand the forces of flood water, debris and buoyancy to the 1 in 100 year flood level; and
- c) All electrical equipment and wiring shall be waterproofed or installed above RL 12.25m AHD.

Detailed plans and specification of the above requirements shall be submitted to and approved by Council before the issue of a Construction Certificate.

Reason: To protect the site and occupants from rising flood waters during a 1 in 100 year storm event.

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

SITE WORKS

87. All excavation, demolition, construction, and deliveries to the site necessary for the carrying out of the development, must be restricted to between 7.00am to 5.30pm Mondays to Saturdays, excluding Public Holidays. Notwithstanding the above no work being 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.

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

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

89. 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.

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

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.

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

- a) compliance with the requirements of Australian Standard AS 2601 'The demolition of structures' with specific reference to health and safety of the public, health and safety of the site personnel, protection of adjoining buildings and protection of the immediate environment;
- b) all works involving the demolition, removal, transport and disposal of asbestos cement must be carried out in accordance with the 'Worksafe Code of Practice for Removal of Asbestos' and the requirements of the WorkCover Authority of NSW and the Department of Environment, Climate Change and Water;

- c) all building materials arising from the demolition must be disposed of in an approved manner in accordance with Part 2.21 of Marrickville Development Control Plan 2011 – Site Facilities and Waste Management and any applicable requirements of the Department of Environment, Climate Change and Water;
- d) sanitary drainage, stormwater drainage, water, electricity and telecommunications must be disconnected in accordance with the requirements of the responsible authorities;
- e) the generation of dust and noise on the site must be controlled;
- f) the site must be secured to prohibit unauthorised entry;
- g) suitable provision must be made to clean the wheels and bodies of all vehicles leaving the site to prevent the tracking of debris and soil onto the public way;
- h) all trucks and vehicles associated with the demolition, including those delivering to or removing material from the site, must only have access to the site during work hours nominated by Council and all loads must be covered;
- i) all vehicles taking materials from the site must be loaded wholly within the property unless otherwise permitted by Council;
- j) no waste collection skips, spoil, excavation or demolition material from the site must be deposited on the public road, footpath, public place or Council owned property without the approval of Council; and
- k) the person acting on this consent must ensure that all contractors and sub-contractors associated with the demolition are fully aware of these requirements.

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

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

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

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

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

Where a dilapidation report has not been prepared on any building adjacent to the excavation, the person acting on this consent is responsible for arranging and meeting

the cost of a dilapidation report prepared by a suitably qualified person. The report is to be submitted to and accepted by the PCA before works continue on site, if the consent of the adjoining property owner can be obtained. Copies of all letter/s that have been sent via registered mail to the adjoining property owner and copies of any responses received must be forwarded to the PCA before work commences.

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

94. 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.

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

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

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

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

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

Reason: To protect the environment.

98. During construction, all holes (eg created for footings etc.), machinery and construction material stockpiles must be inspected daily prior to commencing work to ensure no Long-nosed Bandicoots are sheltering in those areas. In the event that a bandicoot is found, no work must proceed until the bandicoot has been safely vacated from the works area.

Reason: To protect Long-nosed Bandicoots.

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

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

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

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

100. If during site works there are significant unexpected occurrences, site works shall immediately cease. A suitably qualified environmental consultant shall be engaged to assess the site and determine if remediation is required in accordance with the NSW

Environmental Protection Authority's *Guidelines for Consultants Reporting on Contaminated Sites 2011*. Any unexpected occurrences and management plans to address these occurrences shall be reported to and approved by Council. Note that Council may request that a NSW EPA Accredited Site Auditor review any proposed remedial or management plans.

Reason: To ensure compliance with SEPP 55.

101. Within 30 days of completion of any remediation works undertaken, including the decommissioning of underground storage infrastructure; the person acting on this consent shall submit to Council a Validation and Monitoring Report demonstrating evidence that the site has been remediated and is suitable for the proposed development (HIL-B - residential with minimal access to soil). Should any undertaken remediation strategy result in residual contamination to remain on the site, an Environmental Management Plan, must be provided to the satisfaction of Council that outlines measures to ensure residual contamination issues are managed. All reports are to be prepared in accordance with the NSW Environment Protection Authority's *Guidelines for Consultants Reporting on Contaminated Sites 2011*. Note that Council may request the applicant to engage a NSW EPA Accredited Site Auditor to provide a Site Audit Statement to certify site suitability.

Reason: To ensure any contamination risks are managed.

102. Any water (including water from excavations) shall be discharged to sewer, with the appropriate licence to be obtained; or disposed off-site to a suitably licensed facility. Alternatively, any water to be discharged to Council's stormwater system shall comply with the ANZECC Guidelines for Marine and Freshwater Quality for Protection of Aquatic Ecosystems (95% protection level for marine ecosystems).

Reason: To ensure the protection of the environment from contaminated groundwater.

103. No scaffolding or hoarding is to be used facing the rail corridor unless prior written approval has been obtained from Sydney Trains. To obtain approval the proponent will be required to submit details of the scaffolding and hoarding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor. Unless agreed to by Sydney Trains in writing, scaffolding shall not be erected without isolation and protection panels.

Reason: To confirm the terms of Sydney Trains' concurrence.

104. No rock anchors/bolts are to be installed into Sydney Trains property or easements.

Reason: To confirm the terms of Sydney Trains' concurrence.

105. Unless advised by Sydney Trains in writing, all excavation, shoring and piling works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects.

Reason: To confirm the terms of Sydney Trains' concurrence.

106. Sydney Trains and Transport for NSW, and persons authorised by them for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought.

Reason: To confirm the terms of Sydney Trains' concurrence.

107. Any new information revealed during development works that has the potential to alter previous conclusions about site contamination or hazardous materials shall be immediately notified to the Council and the Principal Certifying Authority.

108. Vibration caused by excavation and construction at any residence or structure outside the site must be limited to:
- a) for structural damage vibration, German Standard DIN 4150 Part 3 Structural Vibration in Buildings. Effects on Structures; and
 - b) for human exposure to vibration, the evaluation criteria set out in the Environmental Noise Management Assessing Vibration: a Technical Guideline (Department of Environment and Conservation, 2006).
- Vibratory compactors must not be used in the vicinity of residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above.
109. The applicant shall, within fourteen (14) days of notification by Council, execute any and all maintenance works required by Council. In the event that the applicant fails to undertake such work, Council may undertake the required maintenance works, utilising part or all of the maintenance security bond and Council may recover any costs in excess of the security from the applicant.
110. To provide for adequate site drainage 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 stormwater drainage system in accordance with the requirements of Marrickville Council Stormwater and On Site Detention Code. Please note any stormwater outlets through sandstone kerbs must be carefully core drilled.

BEFORE OCCUPATION OF THE BUILDING

111. You must 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 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.
112. Occupation of the building must not be permitted until such time as:
- a) All preconditions to the issue of an Occupation Certificate specified in this development consent have been met;
 - b) The building owner obtains a Final Fire Safety Certificate certifying that the fire safety measures have been installed in the building and perform to the performance standards listed in the Fire Safety Schedule; and
 - c) An Occupation Certificate has been issued.

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

113. 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 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 shall be forwarded to the Commissioner and the Council and displayed in a prominent position in the building.

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

114. The separate lots comprising the development must be consolidated into one lot and under one title and registered at the NSW Department of Lands before the issue of a Occupation Certificate.

Reason: To prevent future dealing in separately titled land, the subject of one consolidated site development.

115. The Section 73 Certificate must be submitted to the Principal Certifying Authority before the issue of an Occupation Certificate.

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

Reason: To ensure compliance with Sydney Water requirements.

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

Reason: To ensure adequate landscaping is maintained.

117. Upon completion of the development, a statement from a qualified Architect, verifying that the development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design principles set out in Schedule 1 of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development must be submitted to the Certifying Authority's satisfaction before the issue of an Occupation Certificate.

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

118. The Certifying Authority must be satisfied that each of the commitments listed in BASIX Certificate referred to in this Determination have been fulfilled before the issue of an Occupation Certificate (whether an interim or final Occupation Certificate).

Reason: To ensure that all of the BASIX commitments have been fulfilled and to comply with the requirements under Section 154B of the Environmental Planning and Assessment Regulations 2000.

119. The Certifying Authority must apply to the Director-General for a BASIX Completion Receipt within 2 days of the issue of a final Occupation Certificate. Completion Receipts can be applied for at www.basix.nsw.gov.au.

Reason: To ensure compliance with the requirements under Section 154C of the Environmental Planning and Assessment Regulations 2000.

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

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

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

121. Before the issue of an Occupation Certificate, a street number and identifier of separate occupancies (if applicable) must be clearly displayed in a readily visible location (numbers having a height of not less than 75mm). If any new street numbers or change to street numbers (this includes unit and shop numbers) are required they must have the prior approval of council before being displayed.

Reason: To ensure that the building is easily identifiable.

122. Before the issue of an Occupation Certificate (interim or final) the person acting on this consent must contact Council's Coordinator, Resource Recovery to arrange the following number of bins in relation to the residential component of the approved development:

- 10 x 660Lbins for general waste streams;
- 20 x 660L for recycling waste streams; and
- UP to 10 x 660L green waste bins.

Reason: To confirm the operation and servicing of the site meets Council's requirements prior to occupation or use of the building.

123. Before the issue of an Occupation Certificate (interim or final) the person acting on this consent must contact Council's Coordinator, Resource Recovery and confirm the key lock system to be installed on the residential interim waste storage areas accessible from McGill Street.

Reason: To confirm the operation and servicing of the site meets Council's requirements prior to occupation or use of the building.

124. The terms of the right of carriageway (under sections 88B and E of the Conveyancing Act 1919) shall be made upon the site in the following manner:

- a) Full and free right for the Authority Benefited, its employees, contractors and every person authorised by it, to, at all times:
 - i. Go, pass, repass and stand upon the Lot Burdened for the purpose of the removal of recyclable products, general waste and green waste products with or without vehicles; and
 - ii. Enter upon the Lot Burdened and remain there for a reasonable time for the purpose of the removal of recyclable products, general waste and green waste products.
- b) The owner of the Lot Burdened cannot make any claim against the Authority Benefited, its employees, contractors and every persons authorised by it, for any repair, damage, loss or nuisance caused to the Lot Burdened as a result of the Authority Benefited, its employees, contractors or every persons authorised by it, exercising their right as set out in Clause 1.
- c) The owner of the Lot Burdened indemnifies the Authority Benefited, its employees, contractors and persons authorised by it, against any future claim for repair, damage, loss or nuisance as a result of the Authority Benefited removing recyclable products, general waste and green waste products from the Lot burdened, except to the extent that such damage or loss is a result of the negligence of the Authority Benefited, its employees, contractors or persons authorised by it.
- d) Where a building has secured access, the Authority Benefited, it's employees, contractors and persons authorised by it, must be supplied an unlocking device to enable access to bins containing recyclable products, general waste and green waste products, to be emptied at the time of collection.

Reason: To allow appropriate access to the interim waste storage areas on site. .

125. Prior to the issuing of an Occupation Certificate the Applicant is to submit as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into Sydney Trains property or easements, unless agreed to be these authorities. The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

Reason: To confirm the terms of Sydney Trains' concurrence.

126. The development shall have appropriate fencing fit for the future usage of the development site to prevent unauthorised access to the rail corridor by future occupants of the development. Prior to the issuing of an Occupation Certificate the Applicant shall liaise with Sydney Trains regarding the adequacy of any existing fencing along the rail corridor boundary. Details of the type of new fencing to be installed and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.

Reason: To confirm the terms of Sydney Trains' concurrence.

127. Any soil proposed to be disposed off site must be classified, removed and disposed of in accordance with the *EPA Environmental Guidelines; Assessment, Classification and Management of Liquid and Non-Liquid Wastes 1999* and the *Protection of the Environmental Operations Act 1997*.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Occupation Certificate.

128. At the completion of the installation of the mechanical exhaust system, a certificate from the installer shall be submitted to Council or the Principal Certifying Authority indicating the following:

- a) inspection, testing and commissioning details,
- b) date of inspection testing and commissioning,
- c) the name and address of the individual who carried out the test, and
- d) a statement that the service has been designed, installed and is capable of operating to their accordance with AS 1668.2-1991/2012 – Mechanical ventilation for acceptable indoor-air quality above standard.

Any discharge to the atmosphere from the subject development shall not result in any odour or other air impurity being detected outside the boundaries of the property. The system must be in accordance with the approved plans. Any requirement for the system to be visible from the public domain or adjoining properties and is not consistent with the approved plans will require further consent from Council.

Noise and vibration from the use of the mechanical exhaust and/or ventilation system shall not exceed the background noise level by more than 5dB(A) and shall not be audible in any premises of a neighbouring occupancy.

129. Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issuing of any Occupation Certificate. The premise must be registered with Council's Environment Health Section in accordance with the following relevant legislation:

Food Shop -	Food Act 2003
Hairdresser -	Public Health Act 2010 and the Local Government (General) Regulation 2005
Skin Penetration -	Public Health Regulation 2012.
Cooling Towers -	Public Health Act 2010 and Public Health Regulation 2012
Boarding House -	Boarding Houses Act 2012.

Details demonstrating compliance with the requirements of this condition is to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any interim / final occupation certificate.

130. To ensure that adequate provision is made for the treatment of waste water from the premises, floor plans accompanying the Occupation Certificate application shall include provision for a Sydney Water approved grease trap.

The grease trap installation shall service all commercial sections of the development and be designed, constructed and operated in accordance with:

- Australian Standard AS 3500; and

- National Plumbing & Drainage Code

Details demonstrating compliance with the requirements of this condition are to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

131. Liquid trade waste materials are to be disposed of in accordance with the requirements of Sydney Water under a Trade Waste License Agreement.

A copy of a trade waste agreement demonstrating compliance with the requirements of this condition is to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Occupation Certificate.

132. All works required to be carried out in connection with drainage, crossings, alterations to kerb and guttering, footpaths and roads resulting from the development shall be completed before the issue of an Occupation Certificate. Works shall be in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications".
133. Heavy duty concrete vehicle crossings, in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" must be constructed at the vehicular access locations before the issue of the Occupation Certificate and at no cost to Council.
134. 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.
135. 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.
136. You are advised that Council has not undertaken a search of existing or proposed utility services adjacent to the site in determining this application. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development shall be at no cost to Council and undertaken before the issue of an Occupation Certificate.
137. 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. Please note any stormwater outlets through sandstone kerbs must be carefully core drilled. Non-compliance with this condition will result in loss of your security deposit.
138. The existing damaged or otherwise defective kerb and gutter, footpath and/or road pavement adjacent to the site shall be restored in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications", at no cost to Council and before the issue of the Occupation Certificate.

139. The McGill Street road pavement (half road width) for the full frontage of the site shall be re-surfaced with a 40mm Mill & Fill treatment at no cost to Council and before the issue of the Occupation Certificate. This shall include heavy patching where the road pavement has failed.
Reason: To provide for suitable means of vehicle access to the development and to ensure that the amenity of the area is in keeping with the standard of the development.
140. 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.
141. 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 in accordance with the approved plans;
 - b) The Proprietor shall have the stormwater quality treatment facilities inspected annually (minimum) 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.
142. 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.
143. 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.
144. 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.
145. A public right-of-way must be created over the whole length and width of the shared access path along the western boundary of the site. The right of way must be provided

and registered on the Certificate of Title before the issue of any Occupation Certificate (interim or final) so as to allow access through the site for the general public.

146. Before the issue of the Occupation Certificate a right of way shall be provided on the property to allow for vehicular access to future basement carpark at 2 McGill Street, Petersham upon redevelopment of that site.
147. The applicant shall provide security, in a manner satisfactory to Council for the proper maintenance of the public domain works in an amount of \$5,500.00 for a period of twelve (12) months from the date of completion of the public domain works as surety for the proper maintenance of these works.
148. A second Dilapidation Report addressing the public infrastructure identified initial report, including a photographic survey and structural condition, must be submitted after the completion of works. A copy of this Dilapidation Report must be lodged with Council and the Principal Certifying Authority before to the issue of an Occupation Certificate. Any damage identified in the Dilapidation Report must be fully rectified by the applicant or owner at no cost to Council before to the issue of an Occupation Certificate.
149. Prior to issue of the Occupation Certificate the person acting on this consent shall obtain from Council a compliance Certificate(s) stating that all Road, Footpath and 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.

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.
- The enclosed Fact Sheet on Long-nosed Bandicoots should be read before commencing any works on site, including site preparation works.
- Useful Contacts

BASIX Information	☎ 1300 650 908 weekdays 2:00pm - 5:00pm www.basix.nsw.gov.au
Department of Fair Trading	☎ 13 32 20 www.fairtrading.nsw.gov.au Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Before You Dig	☎ 1100 www.dialbeforeyoudig.com.au
Landcom	☎ 9841 8660 To purchase copies of Volume One of "Soils and Construction"
Long Service Payments Corporation	☎ 131441 www.lspc.nsw.gov.au
Marrickville Council	☎ 9335 2222 www.marrickville.nsw.gov.au Copies of all Council documents and application forms can be found on the web site.
NSW Food Authority	☎ 1300 552 406 www.foodnotify.nsw.gov.au
NSW Government	www.nsw.gov.au/fibro www.diysafe.nsw.gov.au Information on asbestos and safe work practices.
NSW Office of Environment and Heritage	☎ 131 555 www.environment.nsw.gov.au
Sydney Water	☎ 13 20 92 www.sydneywater.com.au
Waste Service - SITA Environmental Solutions	☎ 1300 651 116 www.wasteservice.nsw.gov.au
Water Efficiency Labelling and Standards (WELS)	www.waterrating.gov.au
WorkCover Authority of NSW	☎ 13 10 50 www.workcover.nsw.gov.au Enquiries relating to work safety and asbestos removal and disposal.

- B. THAT** those persons and the head petitioner who lodged submissions in respect to the proposal be advised of the Council's determination of the application.
- C. THAT** the Department of Planning and Environment be advised, as part of the quarterly review of the monitoring of Clause 4.6 of Marrickville Local Environmental Plan 2011 –

Exceptions to Development Standards, that the Sydney East Joint Regional Planning Panel has agreed to the variation of the following development standard:

<u>Premises:</u>	4-12McGill Street, Lewisham
<u>Applicant:</u>	McGill Advance Management Pty Ltd
<u>Proposal:</u>	To demolish the existing improvements and construct a mixed use development consisting of a 6 storey building (Building A) with roof terrace fronting McGill Street and a 8 storey building (Building B) fronting the light rail line containing a total of 88 dwellings and 1 commercial tenancy within Building A for use as art gallery and café space with 2 basement car parking levels and associated landscape works
<u>Determination:</u>	Deferred Commencement Consent
<u>DA No:</u>	201700310
<u>Lot and DP:</u>	Lot 2 in DP 533963; Lot B in DP 161098; Lot E in DP 419611; Lot F in DP 101532
<u>Category of Development:</u>	9. Mixed
<u>Environmental Planning Instrument:</u>	Marrickville Local Environmental Plan 2011
<u>Zoning of Land:</u>	B4 Mixed Use
<u>Development Standard(s) varied:</u>	Clause 4.4 – Floor space ratio
<u>Justification of variation:</u>	
<u>Extent of variation:</u>	17.4%
<u>Concurring Authority:</u>	Sydney Central East Planning Panel
<u>Date of Determination:</u>	