

INNER WEST COUNCIL

ATTACHMENTS

for

BUSINESS PAPER

6.30PM, TUESDAY, 28 MAY, 2019

Page

Item 3 Sydney Eastern City Planning Panel Report: DA201800173: 3-7 & 13-17 Regent Street, 287-309 Trafalgar Street & 16-20 Fisher Street, Petersham

Attachment 1**:** Council Officer SECPP Assessment Report - 3-7 & 13-17 Regent Street, 287-309 Trafalgar Street & 16-20 Fisher Street, Petersham **3**

Attachment 3**:** Supplementary Report for SECPP - 3-7 & 13-17 Regent Street, 287-309 Trafalgar Street & 16-20 Fisher Street Petersham **134**

INNER WEST COUNCIL

Delegated Authority Report
297-299 TRAFALGAR STREET PETERSHAM

Panel Reference	2018SCL035
DA Number	DA201800173
LGA	Inner West
Proposed Development	Demolish existing structures and construct 'staged' development over three (3) sites. The proposal includes 357 apartments, a registered club with ancillary uses and a food and drink premises. A new through-site link connecting Regent Street to Fozzard Lane is also proposed.
Street Address	3-7 & 13-17 Regent Street. 287-309 Trafalgar Street & 16-20 Fisher Street Petersham
Applicant/Owner	DEICORP PROJECTS PETERSHAM PTY LTD
Date of DA lodgement	16 April 2018
Number of Submissions	179 total
Recommendation	Deferred Commencement
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	Capital investment value of $132,564,080
List of all relevant s4.15(1)(a) matters	State Environmental Planning Policy No. 55 – Remediation of Land State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy No 65 —Design Quality of Residential Apartment Development State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 Commonwealth Airports (Protection of Airspace) Regulations 1996 Civil Aviation Regulations 1988 Roads Act 1993 Marrickville Local Environmental Plan 2011 Marrickville Development Control Plan 2011 Marrickville Section 94/94A Contributions Plan 2014.
List all documents submitted with this report for the Panel's consideration	Architectural Plans Landscape Plans Public Domain Plans Draft Strata Subdivision Plans Statement of Environmental Effects Clause 4.6 variation request
Report prepared by	Tom Irons
Report date	18 April 2019

Summary of s4.15 matters Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	**Yes**
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?	**Yes**
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	**Yes**

INNER WEST COUNCIL

Delegated Authority Report
297-299 TRAFALGAR STREET PETERSHAM

Special Infrastructure Contributions
Does the DA require Special Infrastructure Contributions conditions (S7.24)? **No**

File Ref: DA201800173

Synopsis

Development consent is sought to demolish existing structures and construct 'staged' development over three (3) sites.

The proposal includes 357 apartments, a registered club with ancillary uses and a food and drink premises. A new through-site link connecting Regent Street to Fozzard Lane is also proposed.

The site has been subject to a Planning Proposal and a Voluntary Planning Agreement.

The application was notified in accordance with Council's notification policy. 179 submissions were received, 173 of which were in support. Primary concerns raised during the notification period relate height, bulk and scale, privacy, overshadowing and traffic generation.

The proposal generally complies with the applicable planning controls and site specific DCP. Departures from the controls include building height, floor space ratio, car parking and setbacks. The non-compliances are considered acceptable and are addressed within this report.

The application is recommended for deferred commencement consent subject to the imposition of appropriate terms and conditions.

PART A - PARTICULARS

Location: Site 1 is located at 3-7 Regent Street, Site 2 is located at 13-17 Regent Street and Site 3 is located at 287-309 Trafalgar Street and 16-20 Fisher Street.



Figure 1: Aerial view of subject sites.

D/A No:	DA201800173
Application Date:	16 April 2018 (additional information submitted on 2 November 2018, 4 April 2019 and 10 April 2019)
Proposal:	To demolish existing improvements for the staged construction of 357 apartments over 3 sites with associated basement parking. 3-7 Regent Street (Site 1) is to be comprised of a residential flat building ranging from 5 to 8 storeys containing 108 apartments with basement parking. 13-17 Regent Street (Site 2) is to be comprised of 3 residential buildings ranging from 6 to 7 storeys with 50 apartments and basement parking. 287-309 Trafalgar Street and 16-20 Fisher Street (Site 3) is to be comprised of a mixed use building ranging from 2 to 11 storeys in height containing a new registered club premises for the Petersham RSL Club fronting Trafalgar Street, café and 3 residential buildings containing 196 apartments and 3 x 2 storey Soho apartments fronting Fozzard Lane with associated basement parking and public domain works linking Regent Street to Fozzard Lane. Approval is also sought for the subdivision of land to accommodate widening of Fozzard Lane as well as the stratum subdivision of lots in the development.
Applicant:	DEICORP PROJECTS PETERSHAM PTY LTD

Estimated Cost: $132,564,080

Zoning: R4 - High Density Residential

PART B - THE SITE AND ITS CONTEXT

Improvements:



Figure 2: Site 1 viewed from the corner of Fisher Street and Regent Street (looking north) including the existing RSL club.



Figure 3: Site 2 viewed from the corner of Fisher Street and Regent Street (looking south-east).



Figure 4: Site 3 viewed from the corner of Fisher Street and Regent Street (looking north-west).

Current Use: Petersham RSL club and associated car parking as well as three (3) vacant lots which were formally three (3) attached dwelling houses.

Prior Determinations: Nil.

PART C - REQUIREMENTS

1 Zoning

Is the proposal permissible under zoning provisions? Yes

Zone R4 – High Density Residential

'Residential flat buildings' and 'food and drink premises' permissible with consent.

'Registered clubs' on 287-309 Trafalgar Street permissible in accordance with Clause 6.19 of the MLEP 2011.

2 Development Standards (Statutory Requirements):

Type	*Required*	*Proposed*
Height of Building (max)		
Site 1	26m	27.6m
Site 2	20m	20m
Site 3	20m, 29m, 35m	25.2m-36m
Floor Space Ratio (max)		
Site 1	2.8:1	3.04:1
Site 2	2.1:1	2.2:1
Site 3	3.4:1	3.48:1

3 Community Consultation:
Required: Yes (newspaper advertisement, on-site notice and letter notification)
Submissions: 179 submissions (171 in support)

4 Other Requirements:
ANEF 2033 Affectation: 20-25 ANEF
Marrickville Section 94/94A Contributions Plan 2014

PART D - ASSESSMENT

1. The Site and Surrounds

The development relates to three 'sites' - 3-7 Regent Street (Site 1), 13-17 Regent Street (Site 2), and 287-309 Trafalgar Street and 16-20 Fisher Street (Site 3), Petersham.

Site 1 is currently occupied by the existing Petersham RSL Club and has a site area of approximately 3,028sqm. It is adjoined by a three (3) storey residential flat building to the north, Inner West Council Petersham Service Centre to the east, and is bounded by Fisher Street to the south and Regent Street to the west.

Site 2 is currently occupied by an open-air carpark associated with the Petersham RSL Club containing a number of significant mature trees and has a site area of approximately 1,960sqm. It is adjoined by a two (2) storey residential flat building and community/scout hall to the east, and is bounded by Fisher Street to the north, New Canterbury Road to the south and Regent Street to the west.

Site 3 is currently partly vacant and partly occupied by an open-air carpark associated with the Petersham RSL Club containing a number of significant mature trees, and has a combined site area of approximately 5,424sqm. It is adjoined by a vacant lot and a commercial building to the west, and is bounded by Trafalgar Street to the north, Regent Street to the east and Fisher Street to the south. Fozzard Lane runs through the centre of the site which provides access from Trafalgar Street to Fisher Street. To the north of Trafalgar Street is Petersham train station and a rail corridor.

The immediate area is largely characterised by two (2) to three (3) storey mid-20th century walk-up flat buildings and single storey detached dwelling houses.

The sites are not located in a heritage conservation area and are not identified as containing any Heritage Items. It is noted that Petersham Train Station to the north of Trafalgar Street is identified as a Heritage Item (I1226) known as 'Petersham Railway Station group, including interiors'.

2. The Proposal

The development application seeks consent for the following:

Site 1

A 5 to 8-storey residential flat building containing:
- 108 apartments (1 x studio, 67 x 1 beds, 40 x 2 beds) of which 22 are adaptable apartments;
- A rooftop communal area; and
- A two (2) level basement accessed via Regent Street with 91 off-street car parking spaces, 15 motorcycle spaces and 92 bicycle spaces all associated with the apartments and 24 off-street car parking spaces the ownership of which is to be transferred to Council.

Site 2

A 6 to 7-storey residential flat building containing:

- 50 apartments (18 x 1 beds, 30 x 2 beds and 2 x 3 beds) of which 10 are adaptable apartments;
- A rooftop communal area; and
- A three (3) level basement accessed via Fisher Street with 50 off-street car parking spaces, 5 motorcycle spaces and 30 bicycle spaces all in association with the apartments.

Site 3

A mixed-use development containing three (3) buildings known as Building A, Building B and Building C comprising of a total of 199 apartments (100 x 1 beds, 95 x 2 beds, 1 x 3 beds, 3 x 1 bed 'SOHO' units) of which 43 are adaptable apartments, the new Petersham RSL Club and a café.

Buildings B and C are both located above a single storey (plus mezzanine level) podium which is to be used for the new Petersham RSL Club, a café, vehicle access and loading/unloading facilities.

Building A contains an 8-storey residential flat building containing:

- 54 apartments;
- A rooftop communal area.

Building B contains a 9-storey residential flat building containing:

- 89 apartments;

Building C contains a 7-storey residential flat building containing:

- 56 apartments;
- A rooftop communal area.

Site 3 includes a 5-level basement which contains 151 car spaces, 12 motorcycle spaces and 21 bicycle spaces associated with the RSL Club and cafe, and 169 car spaces, 11 motorcycle and 138 bicycle spaces associated with the residential components. The basement also contains waste storage areas, residential storage areas and plant equipment. The basement is accessed from Trafalgar Street.

The development also includes an east-west through-site link connecting Fozzard Lane and Regent Street. The link will be open to the public only during daylight hours.

Subdivision

- The subdivision of Site 3 to accommodate the widening of Fozzard Lane.
- The stratum subdivision of Site 1 into the following 2 lots:
    - Lot 1 containing the apartments and the residential car park; and
    - Lot 2 containing the 24 car parking spaces to be transferred to Council for public use.
- The stratum subdivision of Site 3 into the following 4 lots:
    - Lot 1 containing the new Petersham RSL Club
    - Lot 2 containing the proposed café and 1 car parking spaces associated with it;
    - Lot 3 containing the apartments, the SOHO's and the residential car park; and
    - Lot 4 containing the 150 car parking spaces associated with the RSL Club.

Landscaping

Significant landscaping, tree removal and tree plantings across all three sites.

3. Voluntary Planning Agreement

A public benefit offer was drafted during the Planning Proposal. The public benefit offer was formally lodged with Council and was exhibited for 28 days from 8th May to 5 June 2018 and 15 submissions were received, of which 10 were in support.

The Voluntary Planning Agreement (VPA) was executed in November 2018 which included the following:

- Transfer of 24 ground level car spaces on Site 1 to Council.
- A monetary contribution of $3,500,000.
- 6 x affordable housing units located on Site 1 (3 x 2 bedroom units and 3 x 1 bedroom units) which are to be transferred to Council.

The VPA does not form part of the subject development application. Nevertheless the items in the VPA are relevant to the subject proposal and as such it is a recommended condition of consent that the VPA be complied with.

4. Planning Proposal

On 10 June 2016, Council received a planning proposal ("PP") for 3-7 Regent Street (Site 1), 13-17 Regent Street (site 2), and 287-309 Trafalgar Street and 16-20 Fisher Street (Site 3), Petersham. The planning proposal sought to amend the Marrickville LEP 2011 to:

- Amend the Height of Buildings Map as follows;
    - Site 1 – from 23 metres to 32 metres
    - Site 2 - 17 metres to 20 metres
    - Site 3 – from 20 and 26 metres to 29 metres and 32 metres (Building A), from 26 metres to 32 metres (Building B) and from 23 metres to 32 metres (Building C)
- Amend the Floor Space Ratio Map as follows:
    - Site 1 – from 2.80:1 to 3.40:1.
    - Site 2 – from 1.80:1 to 1.90:1.
    - Site 3 – from 2.00:1, 2.20:1, and 2.50:1 to 3.40:1.

- Amend Item 14 in Schedule 1 of the LEP to include the properties at 297-309 Trafalgar Street so as to make development for the purposes of a "registered club" permissible, with Council's consent, and exclude any parking associated Club or any public parking provided on the land from consideration as "gross floor area".

On 27 June 2017, Council resolved to support a revised version of the PP. On 11 October 2017, the Department of Planning and Environment issued a Gateway Determination. The PP was publicly exhibited between 21 November 2017 and 30 January 2018.

On 10 April 2018, following consideration of the submissions as a result of the exhibition, Council resolved to proceed with the making of the PP subject to amendments. The amended PP included the following:

- Amend the Height of Buildings Map and the Floor Space Ratio Map as follows:
    - Site 1 – from 23 metres to 26 metres.
    - Site 2 – from 17 metres to 20 metres, and
    - Site 3 – from 20 and 26 metres to 29 metres (Building A), from 26 metres to 35 metres (Building B) and from 23 metres to 29 metres (Building C), and

- Amend the Floor Space Ratio Map as follows:
  - Site 1 – no change to the existing FSR of 2.80:1.
  - Site 2 – from 1.80:1 to 2.10:1.
  - Site 3 – from 2.00:1, 2.20:1, and 2.50:1 to 3.40:1.

- Amend Item 14 in Schedule 1 of the LEP to include the properties at 297-309 Trafalgar Street so as to make development for the purposes of a "registered club" permissible with Council's consent and to exclude any parking associated with the registered club or any public parking provided on the land from consideration as "gross floor area".

- Amend Part 9.6 Petersham South (Precinct 6) of the Marrickville DCP 2011 to update the planning controls and objectives of the precinct and site-specific areas. Specific planning controls including (but not limited to) building envelopes, setbacks and height in storeys were prescribed for each of the three subject sites.

- Draft a Voluntary Planning Agreement (VPA) which includes a monetary contribution, provision of affordable housing and 24 car spaces designated to Council.

Figure 5 shows the building envelopes and heights prepared by the applicant as a response to the amended PP.

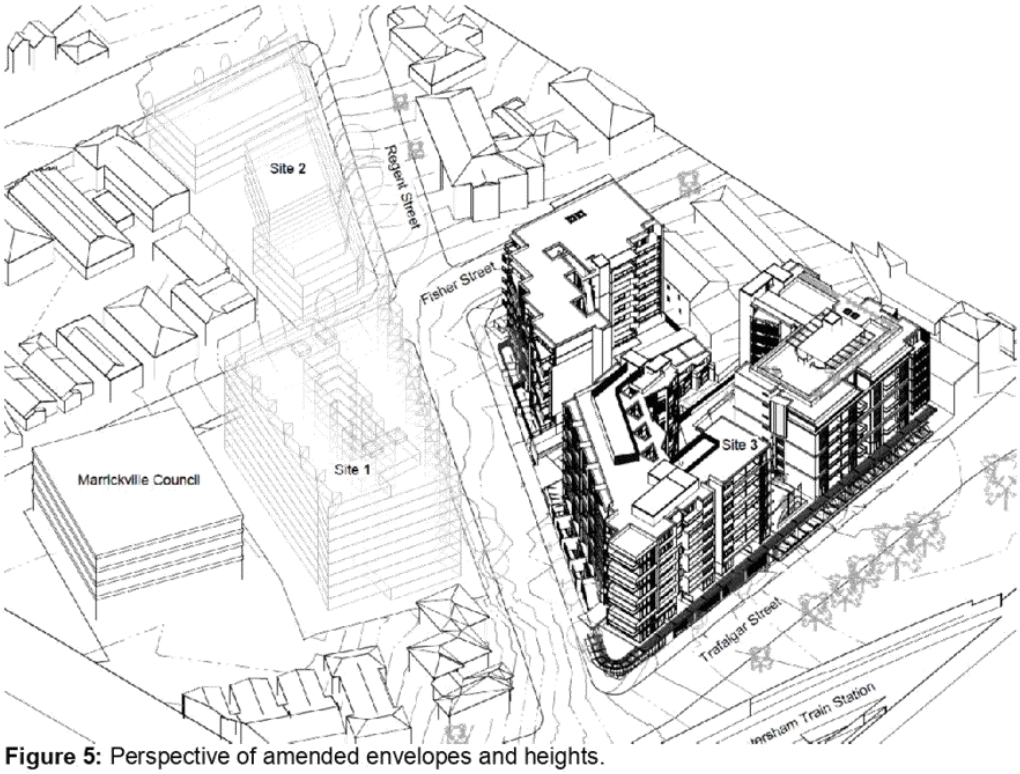

Figure 5: Perspective of amended envelopes and heights.

It is noted that the final set of architectural drawings (Figure 5 inclusive) reviewed by Council during the PP were largely the same as those submitted with the subject development application when it was lodged on 10 June 2018.

5. History

On 14 September 2018, Council planners sent a letter to the applicant raising a number of concerns with the proposal. The main issues can be summarised as follows:

- Incorrect calculation of gross floor area
  - A number of areas were incorrectly excluded from the gross floor area calculations, most notably corridors and car parking in excess of Council's requirements.
- Waste transfer, storage and collection
  - Concerns were raised with the proposed transfer distances, waste storage area locations and collection methods on all three sites.
  - Concerns were raised with the proposed mechanical turning circle and waste collection area of Site 3.
- Internal amenity of apartments
  - Insufficient information was provided to demonstrate that the apartments will receive adequate solar access in accordance with the Apartment Design Guide (ADG).
  - A number of units were incorrectly included as being cross ventilated contrary to the definition/requirements in the ADG.
  - Concerns with the interface between the proposed registered club and apartments.
- Design
  - As requested by Council's Architectural Excellence Panel (AEP), further details/justification were required to clarify a number of proposed design elements
- Deep soil planting
  - Insufficient deep soil planting on Sites 1 and 3.
- Traffic and car parking
  - Concerns with vehicle access and on-site circulation.
  - Insufficient provision of car parking on Site 2 contrary to the requirements of the DCP.
  - Concerns raised with the data used in the supplied Traffic and Parking Impact Assessment Report.
- Tree preservation and plantings
  - Concerns raised over the methods for achieving canopy replacement proposed in the supplied Arboricultural Impact Assessments (AIA).
- RMS concerns with the supplied documentation largely regarding the Construction Traffic Management Plan (CTMP).

A number of subsequent meetings were held with the applicant to discuss the issues raised by Council.

On 5 November 2018, the applicant formally submitted amended plans and additional information in response to the issues raised by Council. Most of the issues raised by Council were adequately addressed in the revised package. It is noted that it was accepted that on-site waste collection on Sites 1 and 2 would be difficult to achieve without a significant redesign. The revised proposal still exceeded the floor space ratio and building height development standards.

On 19 March 2019, Council planners contacted the applicant requesting the proposed variations to the floor space ratio development standards be further addressed and reduced where possible.

On 29 March 2019, the applicant provided amended drawings in response to Councils request. The reduction in floor space largely involved removing the corridors from the calculations.

On 1 April 2019, Council planners contacted the applicant stating that the corridor areas must not be excluded from the gross floor area calculations. It was also noted that the additional car parking on Site 3 was now also incorrectly excluded from the calculations.

On 4 April 2019, the applicant provided a further set of amended drawings. The drawings reintroduced the additional car parking to the calculations and removed screening from some of the corridors so as to exclude them from the gross floor area calculations.

6. State Environmental Planning Policy No. 55 - Remediation of Land

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) contains planning controls for the remediation of contaminated land. The policy states that the consent authority must be satisfied that the land is, or will be made, suitable for the proposed use prior to the granting of consent.

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

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

The principles in SEPP 55 guidelines controls and procedure for remediation of contaminated lands are generally covered by Part 2.24 of Marrickville Development Control Plan 2011 - Contaminated Lands and are considered as part of the assessment of the application presented in Section 9 of this report under the heading "Marrickville Development Control Plan 2011".

The proposal complies with the requirements of the policy.

7. State Environmental Planning Policy No.64 – Advertising and Signage

The applicant has stated that no signage is proposed as part of this application, however 'signage zones' are shown on the submitted drawings.

Insufficient detail has been provided to support these zones, as such no signage or zones will be approved as part of the subject application and separate approvals will be required. Appropriate conditions of consent have been recommended.

8. State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

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

9. State Environmental Planning Policy (Infrastructure) 2007

Development immediately adjacent to rail corridors

The site is located immediately adjacent to a rail corridor. Clauses 85 and 86 of State Environmental Planning Policy (Infrastructure) 2007 provide guidelines for development immediately adjacent to rail corridors including excavation in, above or adjacent to rail corridors. Clause 87 of the SEPP relates to the impact of rail noise or vibration on non-rail development, and for a development for the purpose of a building for residential use, requires appropriate measures are incorporated into such developments to ensure that certain noise levels are not exceeded. In this regard those measures are to ensure that the following LAeq levels are not exceeded:

"(a) in any bedroom in the building—35 dB(A) at any time between 10.00pm and 7.00am,
(b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time."

On 14 November 2018, Sydney Trains provided concurrence in accordance with Clause 86 of the SEPP subject to the imposition of a deferred commencement condition and standard conditions of consent.

The application is supported by an Acoustic Report which states that subject to the recommendations, the proposal is capable of achieving adequate internal acoustic amenity. Appropriate conditions of consent have been recommended.

Development with a frontage to a classified road

Site 2 has a frontage to New Canterbury Road which is a classified road. Under Clause 101 (2) of State Environmental Planning Policy (Infrastructure) 2007:

"2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:

(a) where practicable, vehicular access to the land is provided by a road other than the classified road, and
(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:
(i) the design of the vehicular access to the land, or
(ii) the emission of smoke or dust from the development, or
(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and
(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road."

Vehicular access to the property is provided from Fisher Street and as such *"is provided by a road other than the classified road."* The development would not affect *"the safety, efficiency and on going operation of the classified road."*

The development is a type of development that is sensitive to traffic noise or vehicle emissions. Subject to the recommendations in the supplied Acoustic Report and recommended conditions of consent, the development has been appropriately designed and incorporated appropriate measures to ameliorate potential traffic noise or vehicle emissions.

10. State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development

The development is subject to the requirements of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65). SEPP 65 prescribes 9 design quality principles to guide the design of residential apartment development and to assist in assessing such developments. The principles relate to key design issues including context and neighbourhood character, built form and scale, density, sustainability, landscape, amenity, safety, housing diversity and social interaction and aesthetics.

Sites 1 and 2 have been designed by the same architect. Site 3 was design by a different architect. A statement from a qualified architect for each site was submitted with the application verifying that they designed, or directed the design of, the development. The statement also provides an explanation that verifies how the design quality principles are achieved within the development and demonstrates, in terms of the Apartment Design Guide (ADG), how the objectives in Parts 3 and 4 of the guide have been achieved.

In accordance with Clause 30 of the SEPP if the development satisfies the following design criteria, the consent authority must not refuse the application on the following matters:

- if the car parking for the building will be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the ADG,
- if the internal area for each apartment will be equal to, or greater than, the recommended minimum internal area for the relevant apartment type specified in Part 4D of the ADG,
- if the ceiling heights for the building will be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the ADG.

The development is generally acceptable having regard to the 9 design quality principles.

Apartment Design Guide

The ADG contains objectives, design criteria and design guidelines for residential apartment development. In accordance with Clause 6A of the SEPP the requirements contained within MDCP 2011 in relation to visual privacy, solar and daylight access, common circulation and spaces, apartment sizes and layout, ceiling heights, private open space and balconies, natural ventilation and storage have no effect. In this regard objectives design criteria and design guidelines set out in Parts 3 and 4 of the ADG prevail.

The development has been assessed against the relevant design criteria within Part 3 and 4 of the ADG as follows:

Communal and Open Space

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

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

Comment
All three sites have communal open spaces equal to at least 25% of the respective site areas. The principal useable parts of the communal open spaces achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter).

Deep Soil Zones

The ADG prescribes the following minimum requirements for deep soil zones:

Site Area	Minimum Dimensions	Deep Soil Zone (% of site area)
Less then 650m^2	-	7%
650m^2 - 1,500m^2	3m	
Greater than 1,500m^2	6m	
Greater than 1,500m^2 with significant existing tree cover	6m	

Comment
Site 1 has 5% of the site as deep soil zones with a minimum dimension of 1m. A further 7% of the site contains soil of at least 1m in depth.

Site 2 has 13% of the site as deep soil zones with a minimum dimension of 3m.

Site 3 has 1% of the site as deep soil zone with minimum dimension of 10m. A further 4.2% of the site contains soil of at least 3m in depth.

Although the deep soil zones on Sites 1 and 3 do not achieve the minimum required dimension or site coverage, the site is in a dense inner urban area and it is noted that the extensive areas of landscaping and areas with soil depths of over 3m in conjunction with the deep soil zones will adequately support healthy planting and tree growth, improve the residential amenity and promote management of water and air quality. Furthermore, significant on-site and street tree plantings have been proposed as part of this application, supporting healthy plant and tree growth. It is also noted that the proposal will increase deep soil zones on all three sites.

Visual Privacy/Building Separation

The ADG prescribes the following minimum required separation distances from buildings to the side and rear boundaries:

Building Height	Habitable rooms and balconies	Non-habitable rooms
Up to 12 metres (4 storeys)	6 metres	3 metres
Up to 25 metres (5-8 storeys)	9 metres	4.5 metres
Over 25 metres (9+ storeys)	12 metres	6 metres

The ADG prescribes the following minimum required separation distances from buildings within the same site:

Up to four storeys/12 metres

Room Types	Minimum Separation
Habitable Rooms/Balconies to Habitable Rooms/Balconies	12 metres
Habitable Rooms to Non-Habitable Rooms	9 metres
Non-Habitable Rooms to Non-Habitable Rooms	6 metres

Five to eight storeys/up to 25 metres

Room Types	Minimum Separation
Habitable Rooms/Balconies to Habitable Rooms/Balconies	18 metres
Habitable Rooms to Non-Habitable Rooms	12 metres
Non-Habitable Rooms to Non-Habitable Rooms	9 metres

Nine storeys and above/over 25 metres

Room Types	Minimum Separation
Habitable Rooms/Balconies to Habitable Rooms/Balconies	24 metres
Habitable Rooms to Non-Habitable Rooms	18 metres
Non-Habitable Rooms to Non-Habitable Rooms	12 metres

Comment
It is noted that the developments on all three sites do not comply with the recommended building separation distances in Part 3F of the ADG but do comply with the setbacks prescribed in the site specific controls in Part 9.6 of the MDCP 2011 (with the exception of a small portion of Site 2 which is discussed elsewhere in this report).

Site 1
The development has a 7.5m setback to the eastern (rear) boundary on all levels. Although this does not comply with the recommended 9m – 12m, it is noted that the adjoining property to the east is the Inner West Council Petersham Service Centre which is unlikely to be redeveloped in the future.

The development has a 9m setback to the northern (side) boundary on all levels. Levels 5 and above therefore do not comply with the required 12m setback.

The neighbouring site to the north at No. 279 Trafalgar Street contains two 3-storey walk-up flat buildings. One of the buildings is setback approximately 11m from the common boundary, and the other building has a varying setback of approximately 4m – 15m from the common boundary. The elevation of the building that is 4m from the common boundary only contains two small windows associated with habitable rooms on the ground and first floors. Given the lower levels comply with the required 9m setback, and that the neighbouring development is only 3 storeys in height (and restricted to a maximum 5-storeys under Council's current controls), adequate neighbouring amenity will be maintained and the proposed setback is considered acceptable.

The development fronts Fisher Street to the south and Regent Street to the west and as such the privacy impacts from these elevations will be acceptable.

Site 2
The development has a varying setback of 3m, 4m and 6m from the eastern (rear) boundary.

The site is adjoined by two properties to the east; No. 19 Fisher Street which contains a two-storey flat building, and No. 13 New Canterbury Road which contains a two-storey community hall/scout hall.

The flat building contains a number of openings and balconies facing the subject site which are setback approximately 7m from the common boundary. The portion of the proposal adjacent to these openings and balconies only contains (on each level) one small window and an elevated common corridor which effectively services only 2 apartments. The proposed building separation in conjunction with the small number openings on this part of the eastern elevation will ensure adequate visual privacy or amenity of the neighbouring property is maintained.

The scout hall contains a number of ground and first floor openings facing the subject site with a nil setback to the common boundary. The portion of the proposed building adjacent to these openings only contains windows angled at 45 degrees from the common boundary. The southern-most

portion of the scout hall only contains one first floor window which will be roughly adjacent to the proposed balconies. The

It is noted that the setbacks are generally consistent with the site specific controls in Part 9.6 of the MDCP 2011 with the exception of the north-most angular portion of the building. This breach is discussed in more detail elsewhere in the report and is considered acceptable given its minimal impact on neighbouring amenity.

The development fronts Fisher Street to the north, New Canterbury Road to the south and Regent Street to the west and as such the privacy impacts from these elevations will be acceptable.

Site 3
Building A has a nil setback to the western (side) boundary. It is noted that a 7-storey boarding house is currently being built on the adjoining site (22 Fisher Street) which also has a nil setback to the common boundary and no openings facing the subject site. As such no significant privacy concerns are raised.

Building B fronts Trafalgar Street to the north, Regent Street to the east and Fisher Street to the south and as such the privacy impacts from these elevations are considered minimal.

Building C has a varying setback of 3m and 6m setback to the western (side) boundary at all levels. This elevation fronts Fozzard Lane which after the proposed widening will be 6m wide. Building C therefore has a 9m – 12m setback from the side boundary of the neighbouring site (No. 311 Trafalgar Street). The portion of the building that is setback 9m contains no openings facing the common boundary and privacy screening along western edges of the balconies fronting Trafalgar Street. As such the visual privacy impacts from the proposal will be acceptable.

Solar and Daylight Access

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

- Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9.00am and 3.00pm at mid-winter.
- A maximum of 15% of apartments in a building receive no direct sunlight between 9.00am and 3.00pm at mid-winter.

Comment
The supplied solar access diagrams demonstrate that all three sites comply with the solar access requirements of Part 4A of the ADG.

73% of units in Site 1, 76% of units in Site 2 and 72% of units in Site 3 receive a minimum of 2 hours direct sunlight between 9.00am and 3.00pm at mid-winter.

Natural Ventilation

The ADG prescribes the following requirements for natural ventilation:

- At least 60% of apartments are naturally cross ventilated in the first 9 storeys of the building. Apartments at 10 storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.
- Overall depth of a cross-over or cross-through apartment does not exceed 18 metres, measured glass line to glass line.

Comment
The supplied natural cross ventilation diagrams demonstrate that all three sites comply with the natural cross ventilation provisions of Part 4B of the ADG.

62% of units in Site 1, 90% of units in Site 2 and 69% of units in Site 3 are naturally cross ventilated.

Ceiling Heights

Comment
All three sites contain only single storey apartments, are not located in mixed-used zones and achieve at least 2.7m ceiling heights for habitable rooms and 2.4m for non-habitable rooms in accordance with Part 4C of the ADG.

Apartment Size

The ADG prescribes the following minimum apartment sizes:

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

Note: The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m^2 each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m^2 each.

Comment
All units achieve the minimum required internal areas in this part of the plan.

Apartment Layout

The ADG prescribes the following requirements for apartment layout requirements:

- Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.
- Habitable room depths are limited to a maximum of 2.5 x the ceiling height.
- In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8 metres from a window.
- Master bedrooms have a minimum area of 10m^2 and other bedrooms 9m^2 (excluding wardrobe space).
- Bedrooms have a minimum dimension of 3 metres (excluding wardrobe space).
- Living rooms or combined living/dining rooms have a minimum width of:
  - 3.6 metres for studio and 1 bedroom apartments.
  - 4 metres for 2 and 3 bedroom apartments.
- The width of cross-over or cross-through apartments are at least 4 metres internally to avoid deep narrow apartment layouts.

Comment
The apartment layouts of all three buildings comply with the requirements in 4D of the ADG and will ensure adequate internal amenity for future residents.

Private Open Space and Balconies

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

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

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

The ADG also prescribes for apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of $15m^2$ and a minimum depth of 3 metres.

Comment
All balconies and private open spaces comply with the minimum area and depth in Part 4E of the ADG.

Common Circulation and Spaces

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

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

Comment
Sites 1 and 2 and Buildings A and C of Site 3 have a maximum of 8 apartments off a circulation core.

Building B of Site 3 has 10 apartments off a circulation core on each level. It is noted that in accordance with Part 4F of the ADG up to 12 apartments off a circulation core can be considered acceptable. Given the circulation core is articulated and serviced by 2 lifts, it is considered acceptable in this instance.

Storage

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

Apartment Type	Minimum Internal Area
Studio apartments	$4m^3$
1 Bedroom apartments	$6m^3$
2 Bedroom apartments	$8m^3$
3+ Bedroom apartments	$10m^3$

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

Comment
Adequate storage within and outside of the apartments is provided in all buildings.

Ground floor apartments

The ADG requires a balance between street activation and privacy/safety for ground floor apartments. The proposed SOHO units on Site 3 have floor to ceiling glazing at ground level fronting Fozzard Lane, providing inadequate internal privacy for future residents. It is a recommended condition of consent that privacy treatment such as fixed planter boxes, landscaping, fences and/or gates be included at the front setbacks of the SOHO units to provide adequate separation and privacy while retaining the pedestrian access from Fozzard Lane.

11. Marrickville Local Environmental Plan 2011

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

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

The subject sites are all zoned R4 – High Density Residential under the provisions of MLEP 2011. The Residential Flat Building components of the proposal are permissible with consent under the zoning provisions applying to the land. The proposed café on Site 3 is defined as 'Food and drink premises' which is permissible with consent in the zone.

It is noted that 'Registered clubs' are ordinarily prohibited in the zone, however Clause 6.19 of Part 6 (Additional local provisions) of the MLEP 2011 permits 'Registered clubs' at 287-309 Trafalgar Street, Petersham. The clause reads as follows:

6.19 Development at 287–309 Trafalgar Street, Petersham
(1) This clause applies to land at 287–309 Trafalgar Street, Petersham, being Lot 1, DP 1208130 and Lot 10, DP 1004198.
(2) Despite any other provision of this Plan, development consent may be granted for development for the purposes of a registered club on land to which this clause applies.
(3) For the purposes of calculating the floor space ratio of development on land to which this clause applies, car parking (including access to that parking) that is provided on the land for use in association with a registered club, up to a maximum of 150 car parking spaces, is not to be included in the gross floor area.

The objectives of the R4 – High Density Residential zone are as follows:

- *To provide for the housing needs of the community within a high density residential environment.*
- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for office premises but only as part of the conversion of existing industrial and warehouse buildings or in existing buildings designed and constructed for commercial purposes.*
- *To provide for retail premises in existing buildings designed and constructed for commercial purposes.*
- *To provide for well connected neighbourhoods that support the use of public transport, walking and cycling.*

The development is considered acceptable having regard to the objectives of the R4 – High Density Residential zone for the following reasons:

- The proposal provides for the housing needs of the community,
- The proposal provides a variety of housing types,

- The proposal provides other permissible land uses that meet the day to day needs of residents,
- The proposal promotes a well connected neighbourhood by creating new linkages, upgrading the public domain and facilitating the use of a number of modes of transport including public transport, cycling and walking.

(ii) Subdivision (Clause 2.6)

Clause 2.6 of MLEP 2011 states that land to which the Plan applies may be subdivided, but only with development consent. The application seeks approval for the strata subdivision of the land. The issue of subdivision is discussed later in this report under the heading "Marrickville Development Control Plan 2011 - Part 3 - Subdivision, Amalgamation and Movement Networks".

The application was referred to Council's Engineers who have provided appropriate conditions of consent.

(iii) Demolition (Clause 2.7)

Clause 2.7 of MLEP 2011 states that the demolition of a building or work may be carried out only with development consent. The application seeks consent for demolition works. It is noted that some of the buildings on Site 3 have already been demolished during the assessment of this application. Conditions relating to demolition works are included in the recommendation.

(iv) Height (Clause 4.3)

Site 1
A maximum building height of 26 metres applies to Site 1 as indicated on the Height of Buildings Map that accompanies MLEP 2011.

The development has a maximum building height of 27.6 which represents a variation of 6% (1.6m).

Site 2
A maximum building height of 20 metres applies to Site 2 as indicated on the Height of Buildings Map that accompanies MLEP 2011.

The development has a maximum building height of 20 metres which complies with the height development standard.

Site 3
A maximum building height of 20 metres and 29 metres applies to Buildings A as indicated on the Height of Buildings Map that accompanies MLEP 2011. The portion of the building that has a 20m height control is confined to a 9m deep area fronting Fisher Street. The development has a maximum building height of 27.3 metres for Building A which complies with the 29 metre height control however the portion of Building A with a 20 metre height control has a maximum building height of 25.9m which represents a variation of 25.5% (5.9m).

A maximum building height of 35 metres applies to Building B as indicated on the Height of Buildings Map that accompanies MLEP 2011. Building B has a maximum building height of 35m which complies with the development standard.

A maximum building height of 29 metres applies to Building C as indicated on the Height of Buildings Map that accompanies MLEP 2011. Building C has a maximum building height of 32.5 metres which represents a variation of 11.4% (3.5m).

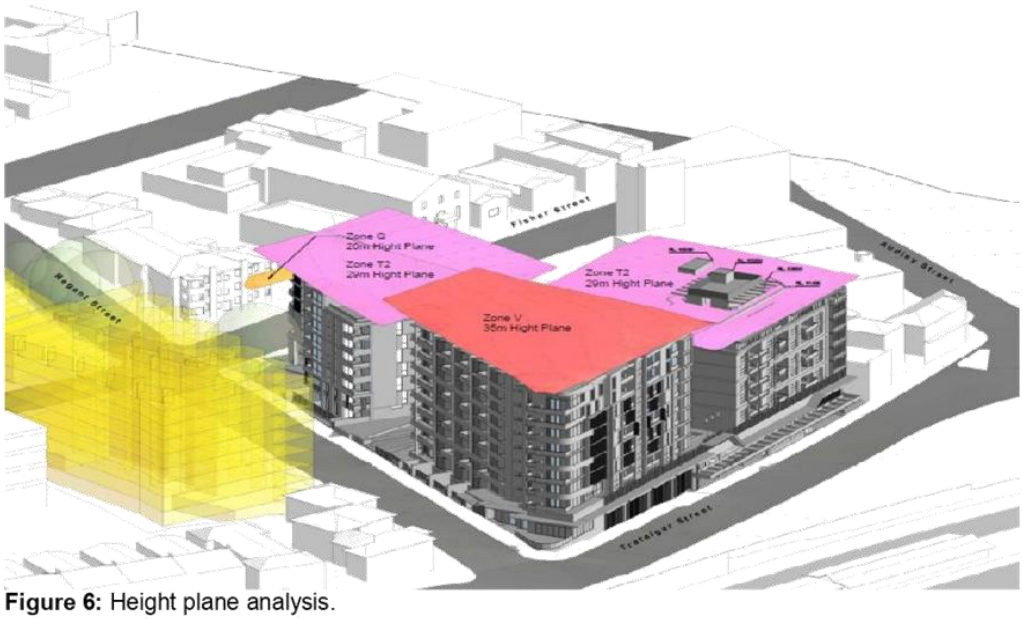

Figure 6: Height plane analysis.

The application was accompanied by a written submission in relation to the development's non compliances with the building height development standard in accordance with Clause 4.6 (Exception to Development Standards) of MLEP 2011. The submission is discussed later in this report under the heading *"Exceptions to Development Standards (Clause 4.6)"*.

(v) Floor Space Ratio (Clause 4.4)

Site 1
A maximum floor space ratio (FSR) of 2.8:1 (8,478.4sqm) applies to Site 1 as indicated on the Floor Space Ratio Map that accompanies MLEP 2011.

The development on Site 1 has a gross floor area (GFA) of 9,216sqm which equates to a FSR of 3.04:1 representing a 8.3% (737.6sqm) variation from the development standard.

Site 2
A maximum FSR of 2.1:1 (4,116sqm) applies to Site 2 as indicated on the Floor Space Ratio Map that accompanies MLEP 2011.

The development on Site 2 has a GFA of 4,311sqm which equates to a FSR of 2.2:1 (4,311sqm) representing a 4.6% (195sqm) variation from the development standard.

Site 3
A maximum FSR of 3.4:1 (18,441sqm) applies to Site 3 as indicated on the Floor Space Ratio Map that accompanies MLEP 2011.

The development on Site 3 has a GFA of 18,889sqm which equates to a FSR of 3.48:1 representing a 2.4% (448sqm) variation from the development standard.

The total additional gross floor area across all three sites is 1,769sqm which represents a 5.7% variation.

It is noted that the drawings and supporting documentation provided at lodgement suggested that all three buildings complied with the relevant floor space ratio development standards. It was Council's opinion that a number of areas were incorrectly omitted from the gross floor area calculations most notably; all car parking in excess of Council's requirements, some common corridors, as well as storage areas not located in basement levels. The applicant subsequently revised the gross floor area calculation plans and relevant documentation to include these areas. As mentioned elsewhere in this report, the proposal was further amended to reduce the proposed variations.

The application was accompanied by a written submission in relation to the development's non compliance with the floor space ratio development standard in accordance with Clause 4.6 (Exception to Development Standards) of MLEP 2011 which is discussed below.

(vi) Exceptions to Development Standards (Clause 4.6)

Building height

The applicant seeks a variation to the building height development standard under Clause 4.3 of the MLEP 2011 on sites 1 and 3.

Clause 4.6 of the MLEP 2011 allows the consent authority to vary development standards in certain circumstances and provides an appropriate degree of flexibility to achieve better design outcomes.

Clause 4.6(4) of the MLEP 2011 specifies that:

> *(4) Development consent must not be granted for development that contravenes a development standard unless:*
> *(a) the consent authority is satisfied that:*
> *(i) the applicant's* written *request has adequately addressed the matters required to be demonstrated by subclause (3), and*
> *(ii) 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, and*
> *(b) the concurrence of the Secretary has been obtained.*

Clause 4.6(3) of the MLEP 2011 specifies that:

> *3. Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
> *(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
> *(b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

A written request has been submitted by the applicant that addresses both Clauses 3(a) and (b) as follows:

Site 1

- *The lift overruns, stairways to the rooftop, roof tanks for the fire services and mechanical plant areas associated with the building are to partially extend above the 26m building height standard up to a height up to 27.6m.*

- *The potential for roof top facilities to exceed the building height standard on Site 1 was acknowledged in the amendment to MDCP 2011 approved by Council on 10 April 2018.*
- *The parts of the building that exceed 26m in height are minor and located in a position where they will not be readily discernible from view from public domain areas and surrounding properties.*
- *The proposed building:*
    - *is consistent with the desired future character of development in this locality; and*
    - *represents an appropriate and satisfactory design response to the opportunities and constraints offered by the site and its setting.*
- *In these circumstances, there is little, if any, utility in applying the height standard to the building proposed on Site 1 and the building height standard is both unreasonable and unnecessary in terms of the proposed development.*

- *The proposed building is consistent with the development concept plans that were revised following the exhibition of the PP and the proposed amendment of MDCP 2011 relating to the site-specific master plan for this significant landholding in the Petersham South Precinct.*
- *The proposed variation from the height standard will not be readily discernible from view from public domain areas or surrounding properties and does not have any adverse environmental effects.*

Site 3
Building A

- *A review of the development concept plans associated with the PP with Council's officers on 31 January and 7 February 2018 following its exhibition resulted in an agreement to increase the maximum building height of development in this area to 29m to achieve desirable urban design outcomes. These outcomes involve:*
    - *the retention of 2 large trees located adjacent to the Fisher Street/Regent Street corner; and*
    - *Improvements of the publicly accessible open space area proposed between Buildings A and B.*
- *The part of Building A, which is located in this area, is to vary between 25.2m and 26m in height. The horizontal and vertical modulation of Building A will achieve a desirable urban design outcome for development on this land. The proposed Building A:*
    - *Is consistent with the desired future character of development in this locality; and*
    - *represents an appropriate and satisfactory design response to the opportunities and constraints offered by the site and its setting.*
- *The proposed building is consistent with the development concept plans on which the PP and the amendment of MDCP 2011 were based for the site-specific master plan for this significant landholding in the Petersham South Precinct.*
- *The horizontal and vertical modulation of Building A will facilitate a desirable urban design outcome for development on this land.*

Building C

- *One of the commonly held ways to demonstrate that a development standard is unnecessary is to show that the objectives of the control are achieved notwithstanding the non-compliance with the development standard (Wehbe v Pittwater Council [2007] NSWLEC 827). The objectives of the height of buildings development standard are discussed as follows in the context of the proposal.*
    - *(a) to establish the maximum height of buildings*
      It should be noted that the building mass (i.e. the habitable levels of the building) all sit below the 29m maximum building height and that variation relates to the lift and fire stairs providing access to rooftop communal open space, as well as amenities, a plant room and a pergola. These building elements are located centrally within the

floorplate and do not increase the wall height of the building, which as already noted is below the height control.

- *(b) to ensure building height is consistent with the desired future character of an area The desired future character is reflected in the building height and density controls that apply to the site under the LEP. The controls envisage more intense development on the corner of Regent and Trafalgar Street tapering down towards Audley Street in the west. Building C is at a lower height than the building on the corner of Regent and Trafalgar and mediates the difference in height provided in the LEP from east to west. As noted above, the building mass conforms with the building height standard and in this regard is consistent with the desired future character of the area. The desired future character is also expressed in Section 9.6.2 of the Marrickville Development Control Plan 2011 (DCP) where relevantly it states: "The desired future character of the area is … To facilitate urban renewal in appropriate locations (predominantly on masterplan sites), allowing substantial change to the streetscape character while resulting in a high quality public domain … To allow and encourage a greater scale of development and increased residential density on masterplan sites that provides new dwellings near local shops …" At the transition on Fozzard Lane, Figure (6.1m) in the DCP provides a section showing an 8 storey elevation with a lift overrun/plat room towards the centre of the building. The proposal comprises an 8 storey elevation on Fozzard Lane with a lift overrun and plant room in the centre of the building and in this regard is consistent with the desired future character expressed in the DCP.*
- *(c) to ensure buildings and public areas continue to receive satisfactory exposure to the sky and sunlight. As demonstrated in the shadow diagrams submitted with the development application, the shadows from the rooftop elements which exceed the maximum building height fall mostly on the building itself and cause no discernible additional overshadowing.*
- *(d) to nominate heights that will provide an appropriate transition in built form and land use intensity As discussed in relation to objective (b), the mass of building C conforms with the height control and provides an appropriate transition from east to west as envisaged by the LEP.*
- *The overall height and form of Building C is consistent with the DCP where at Section 9.6.5.1 (Masterplan Area (MA 6.1)) it states:*

  "C5 The height of proposed buildings on the land shaded in Figure (6.1a) must conform to the control diagram(s) in Figures (6.1b) to (6.1m). The height is expressed in number of storeys. C6 Small breaches in the MLEP 2011 height (in metres) can be considered to accommodate lift overruns and architectural roof features."
- *The relevant control diagram (6.1m) shows a section through Building C illustrating 8 storeys and lift over run/plant room. Even though the lift over run/plant room contributes to the overall height of the building when measured in accordance with the LEP definition of building height, as indicated in C6, small breaches in the LEP height control were contemplated for lift overruns. While the lift overrun in this instance includes lift access to the rooftop communal open space, the variation is considered consistent with the intentions of the DCP.*
- *Because the elements of building C which exceed the building height standard are located centrally within the building footprint (as indicated in the DCP) and are confined to a plant room and facilities required to serve the rooftop communal open space, they cause no environmental harm as demonstrated in the shadow diagrams and the earlier discussion regarding the objectives of the building height control.*
- *Moreover, the provision of rooftop communal open space is consistent with the objects of the Environmental Planning & Assessment Act and in particular object (g) 'to promote good design and amenity of the built environment'.*

The written request also sets out the environmental planning grounds the applicant relies on to justify contravention.

Site 1

- *The proposed building is consistent with the development concept plans that were revised in consultation with Council following the exhibition of the PP and the proposed amendment of MDCP 2011 relating to the site-specific master plan for this significant landholding in the Petersham South Precinct*
- *The proposed building is consistent with the development concept plans that were revised in consultation with Council following the exhibition of the PP and the proposed amendment of MDCP 2011 relating to the site-specific master plan for this significant landholding in the Petersham South Precinct and is, therefore, consistent with the desired future character of an area.*
- *The parts of the building in excess of 26m in height are minor and located in a position where they will not be readily discernible from view from public domain areas and surrounding properties and will not affect the exposure to the sky and sunlight enjoyed in surrounding buildings or public areas.*
- *The parts of the building in excess of 26m in height are minor and located in a position where they will not have any perceptible effect on the transition in built form or land use intensity in this locality.*

Site 3

- *The proposed building is consistent with the development concept plans that were revised in consultation with Council following the exhibition of the PP and the proposed amendment of MDCP 2011 relating to the site-specific master plan for this significant landholding in the Petersham South Precinct.*
- *The proposed building is consistent with the development concept plans that were revised in consultation with Council following the exhibition of the PP and the proposed amendment of MDCP 2011 relating to the site-specific master plan for this significant landholding in the Petersham South Precinct and is, therefore, consistent with the desired future character of an area.*
- *The parts of Buildings A and C in excess of the building height standard are relatively minor and will not have any undue or unreasonable effect on the exposure to the sky and sunlight enjoyed in surrounding buildings or public areas.*
- *The part of Building A in excess of 20m in height is relatively minor and will contribute to an appropriate transition in built form and land use intensity in this locality. As noted already, the parts of Building C which exceed the 29m height control are also relatively minor and will not prejudice the creation of an appropriate transition in built form and land use intensity in this locality.*

Comment
It is noted that the proposed variations to the development standard on Site 1 and Building C of Site 3 are wholly confined to lift and staircase over-runs, and rooftop services and equipment, all of which are significantly setback from the building elevations, and thus not readily visible from the public domain.

Compliance with the development standard would likely require the deletion of the top floors of the relevant buildings in order to accommodate the overruns and equipment on the roofs.

It is also noted that at the planning proposal, Council agreed to a 6 instead of 8-storey street wall height of the Fisher Street frontage of Building A on Site 3 in order to facilitate the preservation of two significant trees on the corner of Regent Street and Fisher Street. It was the opinion of Council's Architectural Excellence Panel (AEP) that this would also achieve a simpler built form at the corner and respond well to existing and future nearby buildings along Fisher Street west of the subject site. During the planning proposal, the Department of Planning stated that the 20m building

height development standard in the MLEP 2011 and 6-storey street wall height control in the site specific controls of the MDCP 2011 could not be amended to reflect this change as it would have contradicted the proposal as it was publicly exhibited.

The proposed variations to the development standard do not prevent the proposals ability to achieve the site specific building height in storeys controls established for Sites 1 and 3 in Part 9.6 of the MLEP 2011 established during the Planning Proposal for the subject sites.

In regards to Clause 4.6 (4) of the MLEP2011, if it can be demonstrated that the proposal complies with the objectives of the relevant development standard and applicable land use zone, the proposal is considered to be in the public interest.

The objectives of the building height development standard in Clause 4.3 of the MLEP 2011 are as follows:

(a) to establish the maximum height of buildings,
(b) to ensure building height is consistent with the desired future character of an area,
(c) to ensure buildings and public areas continue to receive satisfactory exposure to the sky and sunlight,
(d) to nominate heights that will provide an appropriate transition in built form and land use intensity.

Comment
It is considered the development is in the public interest because it is consistent with the objectives of the building height development standard, in accordance with Clause 4.6(4)(a)(ii) of the MLEP 2011 for the following reasons:

- The proposal is generally in accordance with the site specific building height in storeys controls established for Sites 1 and 3 in Part 9.6 of the MLEP 2011 established during the Planning Proposal for the subject sites. The only exception to this is the 8 instead of 6-storey street wall height of Building A on Site 3 which is supported by Council for the reasons discussed elsewhere in this report.
- The proposed variations to the development standard are wholly confined to lift and staircase over-runs, and rooftop services and equipment, all of which are significantly setback from the building elevations, and thus not readily visible from the public domain.
- The proposed variations will not prevent buildings and public areas retaining satisfactory exposure to the sky and sunlight when compared to a compliant scheme.
- The location and nature of the variations will not affect the ability of the proposal to achieve the prescribed desired transition in built form and land use intensity which was established through the relevant LEP amendments and DCP controls during the Planning Proposal for the subject sites.

The objectives of the R4 – High Denstiy Residential zone in the Land Use Table of the MLEP 2011 are as follows:

• To provide for the housing needs of the community within a high density residential environment.
• To provide a variety of housing types within a high density residential environment.
• To enable other land uses that provide facilities or services to meet the day to day needs of residents.
• To provide for office premises but only as part of the conversion of existing industrial and warehouse buildings or in existing buildings designed and constructed for commercial purposes.
• To provide for retail premises in existing buildings designed and constructed for commercial purposes.

• *To provide for well connected neighbourhoods that support the use of public transport, walking and cycling.*

Comment
It is considered the development is in the public interest because it is consistent with the objectives of the R4 – High Density Residential zone, in accordance with Clause 4.6(4)(a)(ii) of the M LEP 2011 for the following reasons:

- The proposal provides for the housing needs of the community,
- The proposal provides a variety of housing types,
- The proposal provides other permissible land uses that meet the day to day needs of residents,
- The proposal promotes a well connected neighbourhood by creating new linkages, upgrading the public domain and facilitating the use of a number of modes of transport including public transport, cycling and walking.

As such, the proposal will not result in a detrimental impact on the public interest and can satisfy the objectives of the building height development standard and R4 - High Density Residential Zone and therefore Clause 4.6(4)(a)(i) and (ii) have been satisfied.

Floor space ratio

The applicant seeks a variation to the floor space ratio development standard under Clause 4.4 of the MLEP 2011 on all three sites. As for building height, the applicant has submitted a request under Clause 4.6 to vary the floor space ratio development standard.

A written request has been submitted by the applicant that addresses both Clauses 3(a) and (b) as follows:

- *The proposal provides a satisfactory and appropriate balance between providing sufficient on-site parking, the potential adverse effects of on-street parking and the need to constrain parking to foster and promote the use of public transport.*
- *Minor and inconsequential;*
- *Will facilitate development that is consistent with the desired urban design and streetscape context for the development of the land and the desired future character of development in this locality; and*
- *will not have any effect on the amenity of this area in terms of:*
    - *the perceived bulk and scale of the development; or*
    - *privacy, overshadowing, view loss or visual impact of surrounding properties.*

- *The proposal also provides a satisfactory and appropriate balance between the provision of off-street parking associated with the residential components of the development and the potential adverse effects of on-street parking on the surrounding road network, should insufficient parking be provided.*
- *The variations from the FSR standards will not have any adverse environmental impacts on adjoining properties or the public domain.*
- *The proposal is consistent with the object of Section 1.3(c) of EP&A Act of promoting the orderly and economic use and development of land.*

The written request sets out the environmental planning grounds the applicant relies on to justify contravention.

- *The proposed development is consistent with the detailed development concept plans that were subject to a comprehensive review by Council's officers and its Architectural*

Excellence Panel in February 2018 following the exhibition the planning proposal which led to the making of:

- *Amendment No.15 on 27 July 2018 and the adoption of the FSR standards; and*
- *the site-specific master plan for this significant landholding in the*
- *Petersham South Precinct incorporated into Part 9.6 of MDCP 2011 following the making of Amendment No.15; and*
- *defined the desired urban design and streetscape context for the development of the land and the desired future character of development in this locality.*

- *The GFA associated with the corridors and the car spaces in excess of Council's controls, which are located in basement areas of the buildings, will not be visible from the public domain or adjoining properties and will be imperceptible in terms of building density and bulk*
- *The proposal will result in a building density and bulk which relates appropriately to the site area and is consistent with the desired future character of development in this locality.*

Comment
It is agreed that the development is generally consistent with the desired future character of the area in regards to bulk and scale prescribed by the site specific controls in Part 9.6 of the MDCP 2011 which was created in conjunction with the Planning Proposal for the subject proposal.

It is also agreed that the majority (62% or 1111sqm) of the additional gross floor area across all three sites is a result of car parking in excess of Council's requirements, all of which is located in the basement levels and therefore not affecting building density and bulk and resulting in minimal additional adverse environmental impacts.

As discussed further elsewhere in this report, the proposal has acceptable amenity impacts on neighbouring buildings and the public domain given the anticipated density shaped by the relevant development standards and controls which apply to the subject sites.

However the applicants statement that the corridors '*…will be imperceptible in terms of building density and bulk*' is not accepted. Many of the corridors are centrally located and therefore contribute to the buildings envelope and setbacks.

In regards to Clause 4.6 (4)(a)(ii) of MLEP 2011, if it can be demonstrated that the proposal complies with the Objectives of the relevant development standard and applicable land use zone, the proposal is considered to be in the public interest.

The objectives of the floor space ratio development standard in Clause 4.4 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 areas,
(c) to minimise adverse environmental impacts on adjoining properties and the public domain.

Comment
It is considered the development is in the public interest because it is consistent with the objectives of the Floor space ratio development standard, in accordance with Clause 4.6(4)(a)(ii) of the MLEP 2011 for the following reasons:

- 62% (1111sqm) of the additional gross floor area across all three sites is a result of car parking in excess of Council's requirements, all of which is located in the basement levels, therefore not affecting building density and bulk and will result in minimal additional adverse environmental impacts.

- The majority of the balance of the additional gross floor area is a result of corridors being incorrectly excluded from the calculations by the applicant.
- The proposal is generally in accordance with the site specific controls established for Sites 1, 2 and 3 in relation to setbacks, height in storeys and building envelopes in Part 9.6 of the MDCP 2011 which were created during the Planning Proposal. As discussed later in this report, the notable exceptions to this are the 8 instead of 6-storey street wall height of Building A on Site 3 and relatively minor encroachments into the prescribed building setbacks on Site 2. The non-compliances in conjunction with the proposed variation to the development standard do not prevent the proposal from achieving the desired future character of the area in regards to building density and bulk.
- As discussed later in this report, the proposal has acceptable environmental impacts on adjoining properties and the public domain most notably in relation to privacy, visual bulk and solar access.

The objectives of the R4 – High Density Residential zone in the Land Use Table of the MLEP 2011 are as follows:

- *To provide for the housing needs of the community within a high density residential environment.*
- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for office premises but only as part of the conversion of existing industrial and warehouse buildings or in existing buildings designed and constructed for commercial purposes.*
- *To provide for retail premises in existing buildings designed and constructed for commercial purposes.*
- *To provide for well connected neighbourhoods that support the use of public transport, walking and cycling.*

Comment
It is considered the development is in the public interest because it is consistent with the objectives of the R4 – High Density Residential zone, in accordance with Clause 4.6(4)(a)(ii) of the MLEP 2011 for the following reasons:

- The proposal provides for the housing needs of the community,
- The proposal provides a variety of housing types,
- The proposal provides other permissible land uses that meet the day to day needs of residents,
- The proposal promotes a well connected neighbourhood by creating new linkages, upgrading the public domain and facilitating the use of a number of modes of transport including public transport, cycling and walking.

As such, the proposal will not result in a detrimental impact on the public interest and can satisfy the objectives of the floor space ratio development standard and R4 - High Density Residential Zone and therefore Clause 4.6(4)(a)(i) and (ii) have been satisfied.

Concurrence from the Secretary is assumed.

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

Clause 5.9 of MLEP 2011 concerns the protection of trees identified under MDCP 2011.

71 trees are proposed to be removed, varying in height and size from a 3 metre Callistemon

(Bottlebrush) to 18 metre Tallowood tree. 13 trees are to be retained. 25 new street trees, 62 new trees on Site 1, 23 new trees on Site 2 and 87 new trees on Site 3 are proposed. 197 new trees are proposed resulting in 210 trees across all three sites.

The application was referred to Council's Tree Management Officer who raised no objection to the proposed tree removal, retention and new plantings.

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

(viii) Heritage Conservation (Clause 5.10)

The site is not listed as a heritage item under MLEP 2011, is not located within the vicinity of a heritage item and is not located within a Heritage Conservation Area under MLEP 2011.

The site is located within the vicinity of a heritage item, namely ' Petersham Railway Station group, including interiors' (I226) which is located on the northern side of Trafalgar Street.

The Statement of Environmental Effects submitted with the application satisfactorily addresses the relevant heritage conservation provisions contained in Clause 5.10 of MLEP 2011.

Overall, the development would not have any significant impacts on the nearby heritage item. The development satisfies Clause 5.10 of MLEP 2011 and Part 8 of MDCP 2011

(ix) Acid Sulfate Soils (Clause 6.1)

The site is not identified as land being affected by acid sulfate soils on the MLEP 2011 Acid Sulfate Soils Map.

(x) Earthworks (Clause 6.2)

The proposal involves extensive earthworks to facilitate basement carparks, services and storage. The application has been supported by a Geotechnical Report which concludes that subject to the recommendations, the proposal will not have a detrimental impact on environmental functions and processes or neighbouring uses. It is a recommended condition of consent that the recommendations in the supplied Geotechnical Report are complied with.

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

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

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

The development is likely to be affected by aircraft noise.

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

> *"(3) Before determining a development application for development to which this clause applies, the consent authority:*
> *(a) must consider whether the development will result in an increase in the number of dwellings or people affected by aircraft noise, and*
> *(b) must consider the location of the development in relation to the criteria set out in Table 2.1 (Building Site Acceptability Based on ANEF Zones) in AS 2021—2000, and*

(c) must be satisfied the development will meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021—2000."

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

The development would need to be noise attenuated in accordance with AS2021:2000. An Acoustic Report was submitted with the application which details that the development could be noise attenuated from aircraft noise to meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021—2000. It is recommended that the report be referenced as part of the approved plans and documents listed in condition 1 of any consent granted for the proposal.

A condition is recommended requiring noise attenuation measures to be incorporated into the development complying with Australian Standard 2021-2000 in relation to interior design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction), in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate together with certification by a suitably qualified acoustical engineer that the proposed noise attenuation measures satisfy the requirements of Australian Standard 2021-2000.

(xii) Airspace Operations (Clause 6.6)

The application was referred to the Department of Infrastructure, Regional Development and Cities (Airspace Protection, Aviation and Airports Division). No objection was raised to the proposed developments maximum height subject to the imposition of recommended conditions of consent.

12. Marrickville Development Control Plan 2011

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

PART 2 - GENERIC PROVISIONS

(i) Urban Design (Part 2.1)

Part 2.1 of MDCP 2011 contains the following control relating to urban design:

***"C1** All development applications involving substantial external changes that are visible from or effect public space or have significant land use implications must be consistent with the relevant aspects of the 12 urban design principles that make good public environments, which are to be addressed within the statement of environmental effects (SEE)."*

The development is considered acceptable having regard to the relevant aspects of the 12 urban design principles.

The proposal includes a through-site link which connects Regent Street and Fozzard Lane, known as a 'pocket park'. The link is open to the public in daylight hours and will be gated outside these times for security reasons. The link encourages new connections and activation and therefore directly addresses Principle 2: Accessibility, however it is noted that the only way to access the link at the Fozzard Lane end is via stairs, whereas the Regent Street end is serviced by a ramp. It is a recommended condition of consent that the through-site link 'pocket park' provides an accessible path of travel between Fozzard Lane and Regent Street. It is considered that there is scope to include a lift from Fozzard Lane and a condition of consent to this effect is recommended.

The original and revised schemes were referred to and reviewed by Council's Architectural Excellence Panel (AEP) who were generally supportive of the proposal given their involvement in the detailed design prepared for the Planning Proposal. However a number of outstanding issues were raised, most notably:

Site 1

1. *'…the expression of the building on Site 1 should provide a strong 2-storey horizontal datum (podium) to promote a human scale to the building and entries at street level. The lower levels of the Regent Street Elevation, and particularly the Ground Level, looks 'jammed' into the site as a result of the natural topography of the site (uphill slope towards Fisher Street), the proposed finished floor level at Ground Level (lower than street level), soil depth and garden beds facing the street (higher than street level) and the resulting relationship of ceiling heights to the street. Combined, these aspects of the proposal do not facilitate an optimal architectural outcome at street level.*
2. *The Panel raises concerns about the longevity of the proposed glazed tiles to the facades. If not properly specified, designed and constructed, the tiles could fail overtime thus compromising the quality and appearance of the building façade.*
3. *The following condition of consent is recommended for Site 1*
    a. *Full-height privacy screens proposed on balconies must be either retractable or operable.'*

Comment: The applicant provided the following response to Point 1 which is considered to provide acceptable justification for the design:

> *'The ground floor level to the project uses shadows and landscape to provide a human scaled interface to the street whilst also providing a foil or counterpoint to the more singular expression of the building above. A more solid raised solution here would reduce the connection to the public domain, provide a heavier visual edge to the street without a sense of depth and shadow.'*

Conditions of consent are recommended to address points 2 and 3.

Site 2

1. *The interface between the units at Levels 1 and 2 and the footpath along New Canterbury Road is not ideal as it creates safety and privacy issues to the bedrooms. This should be addressed.*
3. *The following conditions of consent are recommended for Site 2*
    a. *The soffit to the undercroft at the corner of Fisher and Regent Streets is to be off-form concrete in natural colour.*
    b. *Dry-pressed face brickwork is to be provided to the return walls to the basement car parking up to the line of the roller shutter.*

Comment: It is agreed that the interface between levels 1 and 2 and the footpath of New Canterbury Road is not ideal and some form of activation would be preferable, however it is noted that the design will ensure that the units fronting New Canterbury Road would have adequate visual privacy and internal amenity. Due to the significant difference in levels of the footpath and level 1, the 3m setback and proposed 1.2m high boundary fence, the line of sight of pedestrians using the footpath the level 1 units would be limited. Furthermore, the 'hooded' elements associated with the level 2 openings will provide adequate internal visual privacy while providing a sense of passive visual surveillance (further augmented by the upper level openings).

It is a recommended condition of consent that adequate fencing be included preventing the future occupants of Unit 1.06 gaining access to the landscaped area in front of the openings for Unit 1.07 and vice-versa.

A condition of consent is recommended to address point 3.

Site 3

1. *The sliding gate on the pocket/urban park facing Fozzard Lane and Regent Street should be removed to allow day and night east-west through site link between Fozzard Lane and Regent Street. The pocket park should be fully open and accessible to the public at all times.*
2. *The landscape concept plan of the pocket park (hard and soft landscaping and how the stairs relate to pedestrian movement) should be significantly simplified so that the pocket park reads as an extension of Fozzard Lane.*

Comment: As discussed elsewhere in this report, a recommended condition of consent has been imposed requiring further details of the proposed gates at the entrances of the through-site link.

It is considered that the stairs and landscaping will provide visual interest while still ensuring a legible link between Fozzard Lane and Regent Street is discernible. Due to the significant change in levels from Fozzard Lane to the pocket-park, creating the sense of a seamless extension of Fozzard Lane would be difficult to achieve without requiring significant changes to the configuration of the level below.

(ii) Site and Context Analysis (Part 2.3)

A site and context analysis was submitted with the application and is considered acceptable.

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

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

Comment
All three sites have accessible entrances and are serviced by elevators.

As discussed elsewhere in this report, it is a recommended condition of consent that the through-site link 'pocket park' provides an accessible path of travel between Fozzard Lane and Regent Street to ensure that the 'public' parts of the site are accessible to all members of the community.

(iv) Visual and Acoustic Privacy (Part 2.6)

Part 2.6 of MDCP 2011 contains the following objectives relating to visual and acoustic privacy:

"O1 *To ensure new development and alterations and additions to existing buildings provide adequate visual and acoustic privacy for the residents and users of surrounding buildings.*
O2 *To design and orientate new residential development and alterations and additions to existing residential buildings in such a way to ensure adequate acoustic and visual privacy for occupants."*

Part 2.6 of MDCP 2011 contains objectives and controls relating to acoustic and visual privacy including controls relating to aircraft noise, general acoustic privacy, visual privacy, air conditioning, and impacts of rail and road noise or vibration.

Visual privacy has been discussed in Part 9 (ADG) of this report. The proposal achieves the objectives in Part 2.6 of the DCP.

(v) Solar Access and Overshadowing (Part 2.7)

Overshadowing

Control C2 prescribes the following overshadowing controls for new development:

> *"Direct solar access to windows of principal living areas and principal areas of open space of nearby residential accommodation must:*
> *i. Not be reduced to less than two hours between 9.00am and 3.00pm on 21 June;*
> *ii. Not be further reduced where less than two hours of sunlight is currently available on 21 June; however, if the development proposal results in a further decrease in sunlight available on 21 June, Council will consider:*
> *a. Development potential of a site;*
> *b. The particular circumstances of the neighbouring site, for example, the proximity of residential accommodation on a neighbouring property to the boundary, the resultant proximity of windows to the boundary, and whether this makes compliance difficult;*
> *c. Any exceptional circumstances of the subject site such as heritage, built form or topography; and*
> *d. Whether the sunlight available in March and September is significantly reduced to impact the functioning of principal living areas and the principal areas of open space. To ensure compliance with this control, separate shadow diagrams for the March to September period must be submitted in accordance with the requirements of C1;*
> *Where less than two hours of sunlight is currently available on 21 June and the proposal is not reducing it any further, Council will still consider the merits of the case having regard to the above criteria described in points a to d."*

Comment
The shadow diagrams submitted with the application illustrate the extent of overshadowing on adjacent residential properties.

The shadows cast by Site 1 will largely fall on the front setbacks of the residential properties on the southern side of Fisher Street between Crystal Street and Regent Street (Nos. 7-21 Fisher Street). The front setbacks of these properties are largely dedicated to hard paved areas, vehicular access/parking and landscaping.

The shadows from Site 2 will largely fall on New Canterbury Road and the infrastructure facility (the water tower) opposite the site on the southern side of New Canterbury Road.

Given the massing of Site 3 is located towards Trafalgar Street and the side of the site, the shadows from development on this site will largely fall within the site and Regent Street. The properties to the south of Building C on the opposite side of Fozzard Lane will retain adequate solar access in the afternoon hours. It is noted that a 6-storey boarding house is currently being developed on No. 22 Fisher Street. The solar access to the principal communal open space and living area of this development will not be significantly affected by the proposal as they are located on the sixth floor which is setback approximately 12m from Fozzard Lane.

The shadows cast by Building A will largely fall on the front setbacks of the residential properties on the southern side of Fisher Street between Regent Street and Audley Street (Nos. 27-33 Fisher Street) for approximately 2 hours during the winter solstice. The front setbacks of these properties are largely dedicated to hard paved areas and landscaping.

The solar impact on nearby properties are what can be expected given the approved building configuration, floor space ratio and building height development standards on the subject sites and the building envelope controls in Part 9.6 of the MDCP 2011.

(vi) Social Impact Assessment (Part 2.8)

Part 2.8 of MDCP 2011 contains the following objectives relating to social impact assessment:

"**O1** To ensure proposals are considered in accordance with section 79C of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the *Marrickville Local Environmental Plan 2010* (*MLEP 2010)* and policies.
O2 To promote development activity that benefits the community without significant adverse social impact.
O3 To ensure the community's needs are met in an equitable and inclusive way that enhances the area's environmental, social and economic qualities.
O4 To ensure adequate community participation in any proposal that may impact them.
O5 To assist with governance, economic, social and environmental accountability.
O6 To provide guidance to the industry as to what developments require a SIA."

Developments requiring a Social Impact Comment (refer to DCP)
A Social Impact Assessment (SIA) was submitted with the application as required under Part 2.8 of MDCP 2011. The SIA focuses on the proposals benefits attributed to affordable housing, housing choice, universal Housing (housing for life), aging in place and affordability and choice.

Council's Social Planner reviewed the SIA and has only raised issue with the purported benefits from the proposed affordable housing. It is noted that the affordable housing is to be delivered through a Voluntary Planning Agreement (VPA), whose content was agreed upon during the Planning Proposal and included:

1. Transfer of 24 car parking spaces within a stratum lot on ground level of Site 1.
2. Payment of the Monetary Contribution in the amount of $3,500,000.00.
3. Transfer of 6 Affordable Housing Units (3 x 2 bedroom units and 3 x 1 bedroom units with no car spaces) located on Site 1.

Council's Social Planner states that *'…the contribution of 6 affordable housing units does not comply with the Affordable Housing Policy's recommended affordable housing target for a 'marginal' development in Lewisham/Petersham postcodes and…the true value of the three contributions combined appears to be significantly less than $12 million.'*

Although Council's Social Planner has raised concern with the number of affordable housing units and the total value of the public benefit and amenities, the VPA does not form part of the assessment of this application and must be addressed in negotiations between the applicant and Council during the public benefit offer process.

(vii) Community Safety (Part 2.9)

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

Comment
All buildings have secured entrances and will provide ample passive surveillance to the public domain.

The proposed 'through-site link' on Site 3 will be closed to the public outside of daylight hours.

The application was referred to the NSW Police who raised no objection regarding CPTED subject to the imposition of recommended conditions of consent.

As discussed elsewhere in this report, it is a recommended condition of consent that the supplied Plan of Management be revised to include further details regarding patron management (amongst other things) associated with the RSL.

(viii) Parking (Part 2.10)

Car, Bicycle and Motorcycle Parking Spaces
Parking Area 1
The property is located in Parking Area 1 under Part 2.10 of MDCP 2011. The following car, bicycle and motor cycle parking requirements apply to the development:

Residential flat building
- 0.2 car spaces per studio
- 0.4 car spaces per 1br unit
- 0.8 car spaces per 2br unit
- 1.1 car spaces per 3+br unit
- 1 mobility space per adaptable studios, 1br, 2br or 3+br units for residents
- 1 bicycle space per 2 units for residents + 1 per 10 units for visitors
- Motor cycle parking provided at the rate of 5% of the total car parking requirement.

Registered club
- 1 car space per 6 staff for patrons and staff
- 1 bicycle space per 25m2 GFA bar area for staff + 1 per 100m2 GFA other areas for patrons
- Motor cycle parking provided at the rate of 5% of the total car parking requirement.

Commercial tenancy
- 1 car space per 100sqm of GFA for customers and staff
- 1 bicycle space per 100m2 GFA for staff + 2 for customers
- Motor cycle parking provided at the rate of 5% of the total car parking requirement.

Comment

Residential
Site 1 requires a total of 69 car spaces. 91 car spaces are proposed, 22 of which are accessible, and 24 of which are to be dedicated to Council. 92 bicycle spaces and 15 motorcycle spaces are proposed.

Site 2 requires a total of 50 car spaces. 50 car spaces are proposed, 10 of which are accessible. 30 bicycle and 5 motorcycle spaces are proposed.

Site 3 requires a total of 133 car spaces. 169 car spaces are proposed, 43 of which are accessible. 138 bicycle spaces and 11 motorcycle spaces are proposed.

All three sites comply with the minimum car parking provisions in this part of the DCP. It is noted that Site 1 has 46 car spaces in excess of the required provision and Site 3 has 36 car spaces in excess of the required provision, and as discussed elsewhere in this report these car spaces have been included in the GFA calculations.

24 car spaces on Site 1 are to be transferred to Council. They are located on the ground level, along the eastern (rear) boundary immediately adjoining the Inner West Council's Petersham offices. A staircase at the south-eastern corner provides access to the Council offices.

Registered club / commercial tenancy

151 car spaces are proposed for the registered club and commercial tenancy. It is a recommended condition of consent that one of these car spaces is dedicated to the commercial tenancy.

The proposal provides car parking far in excess of what is required for registered clubs in this part of the DCP, however it is noted that Clause 6.19 (3) 'Development at 287–309 Trafalgar Street, Petersham' of the LEP states:

'For the purposes of calculating the floor space ratio of development on land to which this clause applies, car parking (including access to that parking) that is provided on the land for use in association with a registered club, up to a maximum of 150 car parking spaces, is not to be included in the gross floor area.'

Vehicle Service and Delivery Area

One vehicle service space is required to be provided per 50 units (above first 50).

Site 1 contains 108 units and as such a service vehicle space is required. Given the excess of proposed residential parking, there is scope to provide at least two (2) vehicle service spaces in the basement carpark. The spaces must be able to accommodate a standard van which has a typical length of 5.4m, width of 2.1m, height of 2.5m and turning circle of 13.5m. The spaces must not result in the loss of any landscaped area. A condition of consent to this effect is recommended.

Site 2 only contains 50 units and as such a vehicle service space is not required.

Site 3 contains a loading dock at ground level which can function as a service and delivery vehicle area for both the commercial and residential components of the site.

Traffic and Transport Management Plan
In accordance with Clause 2.10.6 of MDCP 2011, a Traffic and Transport Management Plan (TMAP) was submitted with the development application. The TMAP was referred to Council's Traffic Engineer who in conjunction with the Traffic Committee reviewed the application.

The application was supported by the Traffic Committee however several concerns were raised including, the relocation of a bus stop, lack of holding area for waste, lack of a car share space and questions regarding the parking rate used.

Each of these points have been addressed through either amended plans, the provision of additional information or a recommended condition of consent.

(ix) Fencing (Part 2.11)

The proposed fencing is appropriately scaled and proportioned, with appropriate solid/void ratios. The fences are also consistent with the CPTED provisions.

(x) Signage and Advertising Structures (Part 2.12)

The applicant has stated that no signage is proposed as part of this application. It is recommended that a condition of consent be imposed requiring the lodgement of a separate development application for any signage or advertising.

It is noted that Site 3 contains a number of 'signage zones' on the architectural elevations. As the content of the signs in these zones have not been provided, a full assessment of the suitability of these zones cannot be conducted. As such it is recommended that a condition of consent that no approval is given to the proposed 'signage zones'.

(xi) Biodiversity (Part 2.13)

2.13.3 Protection of Endangered/Threatened Species

The property is not located in the Bandicoot Protection Area as identified in the Biodiversity Map contained in Appendix 3 of Part 2.13 of MDCP 2011.

(xii) Unique Environmental Features (Part 2.14)

The property is not identified as containing unique environmental features under this Part of the DCP.

(xiii) Energy Efficiency (Part 2.16)

The commercial component of the development achieves a 5 star NABERs rating.

All buildings to have water efficiency targets equal to BASIX plus 20% and energy efficiency equal to BASIX plus 10%.

(xiv) Tree Management (Part 2.20)

The matter of trees is discussed in Section 8 of the report.

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

2.21.2.1 Recycling and Waste Management Plan

A Recycling and Waste Management Plan (RWMP) was submitted with the application. No objection or concerns were raised with the RWMP by Council's Resource Recovery Unit.

Council's Resource Recovery Unit has recommended that a Resource Recovery and Waste Management Plan for demolition and construction.

2.21.2.5 Residential Waste
&
2.21.2.6 Commercial Waste

A minimum of 72L recycling and general waste bins per dwelling in 240L bins (rounded up to the nearest whole number of bins), and 1 x 140L or 1 x 240L (optional) green waste bins per 2 dwellings or part thereof are required.

All three buildings provide adequate space for the required number of bins in this part of the DCP.

Developments that generate the need for 20 or more bins are generally required to have on-site collection. On-site collection is proposed on Site 3 but not Sites 1 and 2.

It is noted that during the Planning Proposal, Council did not insist upon on-site collection. During the assessment of the subject application, it was agreed by Council planners that requiring on-site collection would entail a significant redesign of Sites 1 and 2 given the size of Council's waste collection vehicles and the need for them to enter and exit the site in a forward direction. After discussions with the applicant and Council's internal units it was considered that, although on-site collection is a standard requirement for large urban residential flat building sites, kerb-side collection could be considered acceptable in this instance given the circumstances if on-site temporary waste storage areas could be provided directly adjacent to the waste collection points.

Waste is proposed to be collected on Regent Street for Site 1. A temporary waste storage area is included immediately adjacent to the waste collection point (see Figure 7).

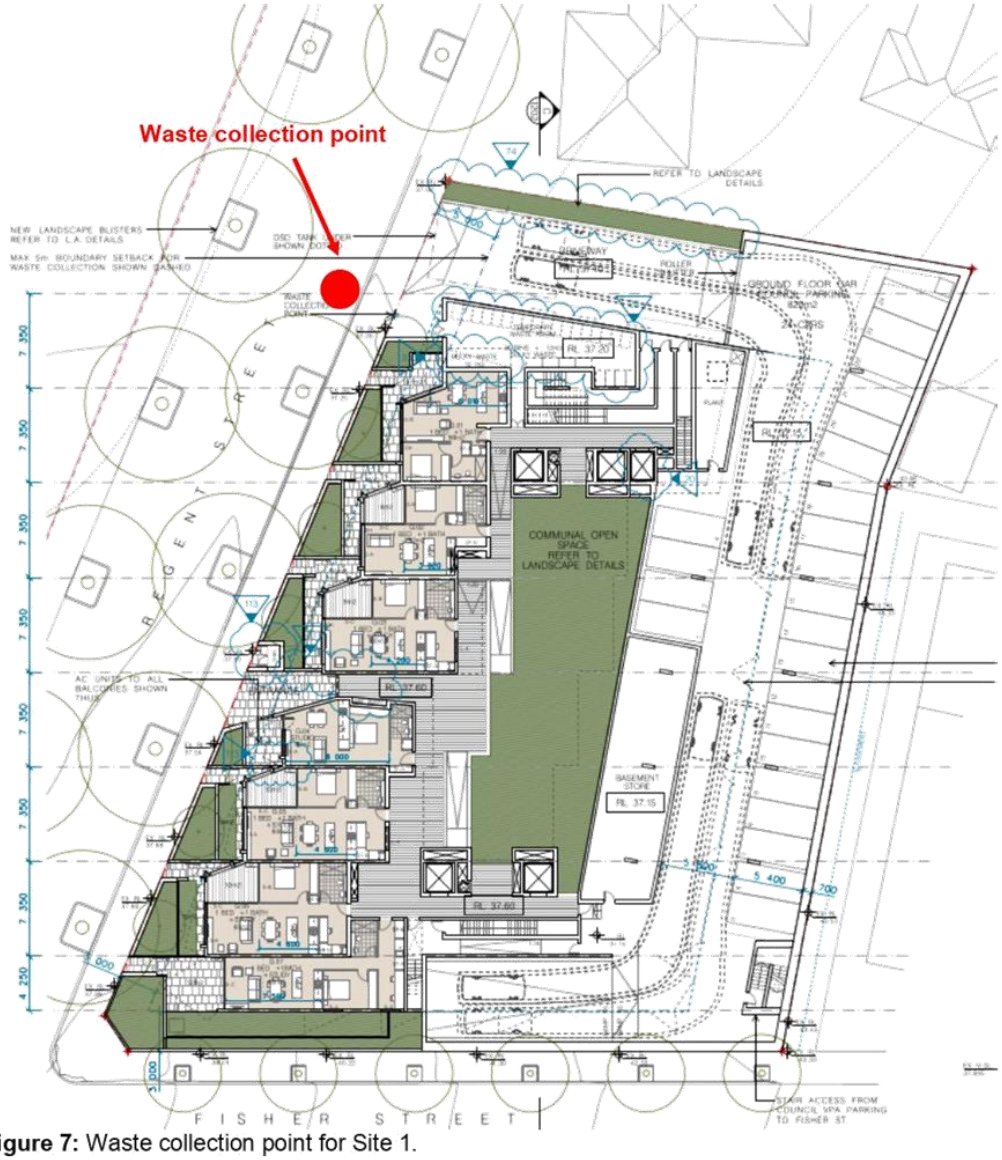

Figure 7: Waste collection point for Site 1.

Waste is proposed to be collected on Fisher Street for Site 2 (see Figure 8). A temporary waste storage area is included immediately adjacent to the waste collection point. There is a possible conflict of the proposed waste collection point which would require waste collection trucks to obstruct the subject sites driveway and possibly the neighbouring properties driveway during collection. The applicant has stated that the waste collection point could be relocated to Regent Street and initial sketches have been provided however Council has raised initial concerns given the uncertainty of a suitable location for a temporary waste collection area and the amenity impacts on the nearby units, particularly at ground level. It is a recommended deferred commencement

condition that waste collection be explored on the Regent Street frontage to the satisfaction of Council.

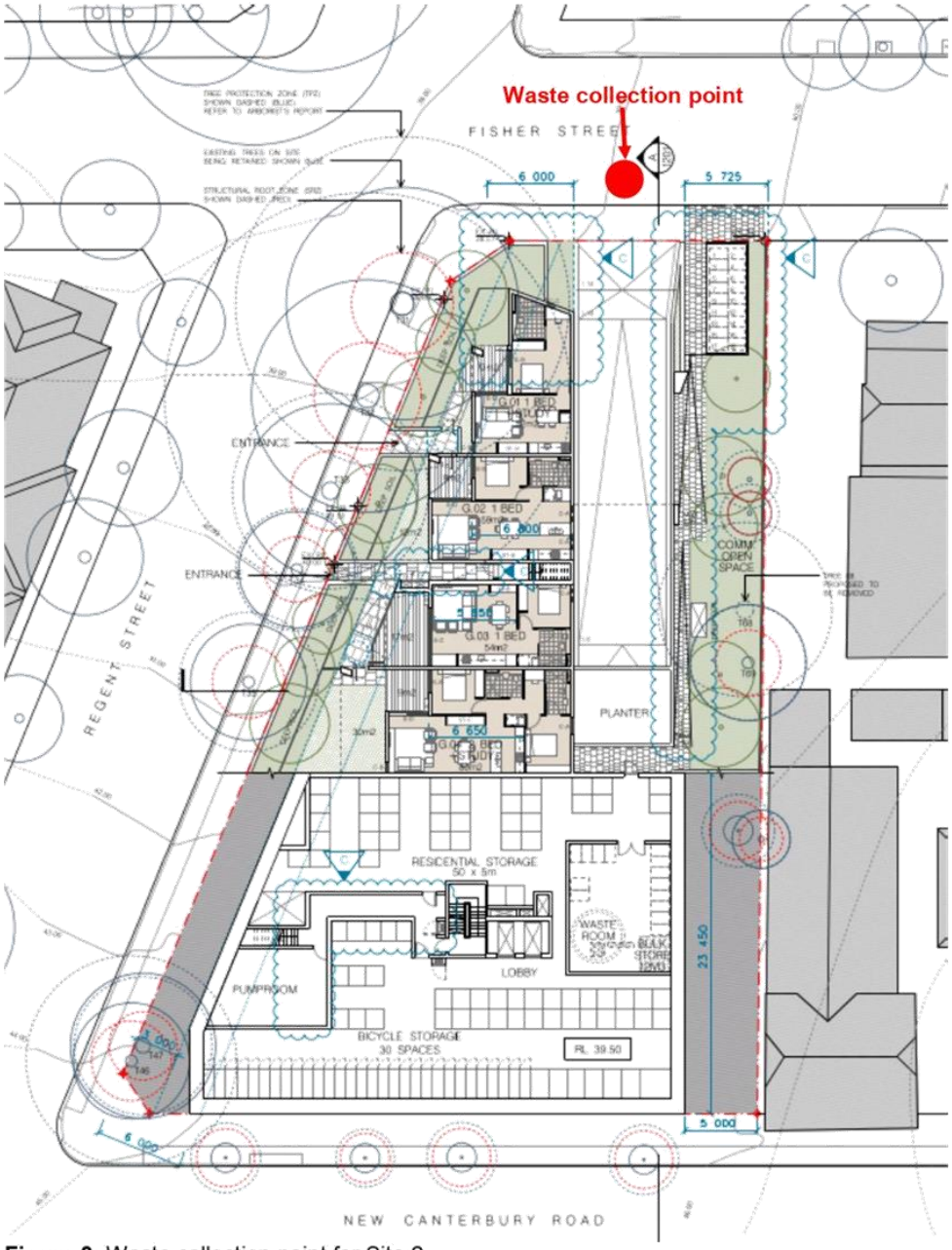

Figure 8: Waste collection point for Site 2.

Waste is collected on Site 3 within the loading dock which is accessed from Fozzard Lane (see Figure 9). The loading dock includes a turntable which allows waste collection vehicles to enter and exit the site in a forward direction.

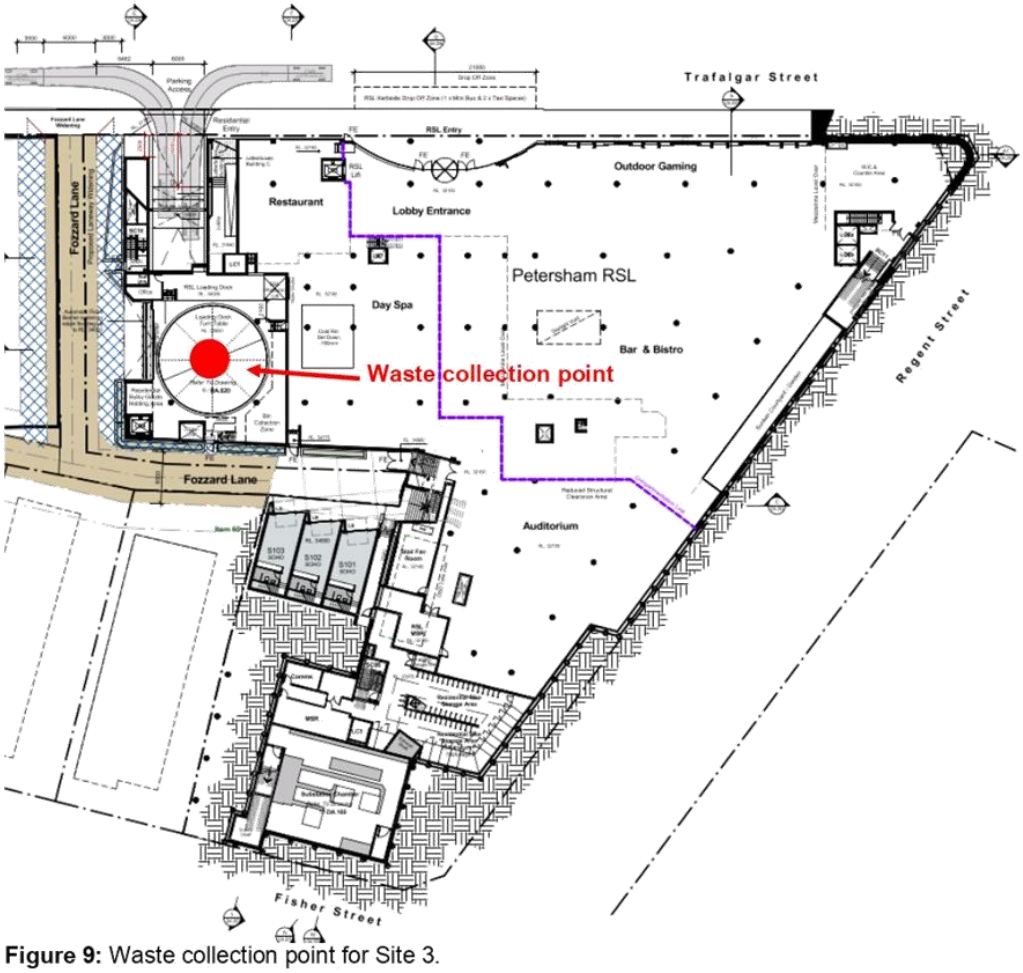

Figure 9: Waste collection point for Site 3.

Council's Resource Recovery unit have reviewed the proposal in regards to both residential and commercial waste handling within the site and have raised no objections subject to the imposition of recommended conditions of consent.

2.21.3.2 Public utilities

The design and provision of public utilities will be required to conform to the requirements of the relevant servicing authority in accordance with the conditions included in the recommendation.

2.21.3.3 Mail boxes

All mailboxes are located within secured and accessible parts of the ground floor of each building.

2.31.3.4 Building identification numbers

A condition is included in the recommendation requiring appropriate numbering to be placed on the site and the application for street numbering be approved by Council before the issue of an Occupation Certificate.

(xvi) Acid Sulfate Soils (Part 2.23)

The matter of acid sulfate soils is discussed in Section 8 of the report.

(xiii) Contaminated Land (Part 2.24)

All three sites have evidence of contamination in hotspots. There are underground petroleum storage tanks at Site 3 (Trafalgar Street Petersham) and an above ground Diesel storage tank and infrastructure at southern side of the RSL basement car park Site 1. Site 3 was also previously occupied by a ball bearing company from 1950's until 2015 and evidence of heavy metal contamination was detected.

EI Australia who prepared the supplied Remedial Acton Plan (RAP) considers that the site can be made suitable for the proposed land use through the implementation of the recommendations in the RAP. The application and RAP have been reviewed by Council's Environmental Health Unit who have concluded that the application can be supported subject to the imposition of the recommended conditions of consent. It was noted that data gaps exist which will require further investigation particularly after the demolition of structure at Site 1. The site will require validation before residential use can commence.

Subject to the imposition of conditions of consent, the proposal can satisfy the objectives of this part of the DCP.

(xiv) Stormwater Management (Part 2.25)

Site 3 is flood affected during a 1 in 100 year storm (ref-Hawthorne Canal Flood Study, 2015). Flooding of the site is a result of it being adjacent to a drainage low point in Trafalgar Street and a low point Fozzard Lane at the rear of the site. The applicant has submitted a Flood Impact Assessment and Stormwater Management Report Strategy dated 05 April 2018 prepared by ACOR consultants which addresses the flooding issue. The ACOR report has recommended measures and floor levels to protect the building and basement carpark from flooding during a 1 in 100 year flood event. In addition the report proposes the installation of a stormwater drainage system in Fozzard Lane and the regrading and reconstruction of Fozzard Lane to remove the drainage low point at the rear. The Report also proposes the upgrade of Council's stormwater drainage system in Regent and Trafalgar Street to a minimum 1 in 10 year capacity.

Appropriate conditions have been imposed to ensure the site is protected from flooding in accordance with the recommendations of the ACOR report. Conditions have also been imposed ensuring on-site detention and WSUD elements of the proposed on site stormwater systems comply with the requirements of Marrickville DCP 2011 Part 2.17-Water Sensitive Urban Design and Part 2.25-Stormwater Management.

PART 3 –SUBDIVISION, AMALGAMATION AND MOVEMENT NETWORKS

(xv) Subdivision

The proposal involves the amalgamation of 287, 297-309 Trafalgar Street, and 16, 18 and 20 Fisher Street (Site 3). Part 3 of this part of the DCP requires amalgamation of properties prior to the issue of a Construction Certificate. A condition has been included in the recommendation to this effect.

The proposal also involves the Strata subdivision of all three sites.

Suitable conditions of consent relating to site amalgamation and subdivision have been recommended.

PART 4 –RESIDENTIAL DEVELOPMENT

Part 4.2 - Multi Dwelling Housing and Residential Flat Buildings

(xvi) Unit mix

Part 4.2.3 of MDCP 2011 prescribes the following unit mix requirements for residential flat buildings containing 6 or more dwellings:

> ***"C1*** *New developments with six or more dwellings must provide the following mix of dwelling types:*
>
> | | | |
> |---|---|---|
> | *i.* | *Studio* | *5% - 20%;* |
> | *ii.* | *1 bedroom* | *10% -40%;* |
> | *iii.* | *2 bedroom* | *40% - 75%; and* |
> | *iv.* | *3 bedroom or bigger* | *10% - 45%."* |

Site 1 contains 1 x studio (1%), 67 x 1 beds (62%), 40 x 2 beds (37%);

Site 2 contains 18 x 1 beds (36%), 30 x 2 beds (60%) and 2 x 3 beds (4%);

Site 3 contains 100 x 1 beds (54%), 98 x 2 beds (48%), 1 x 3 beds (<1%),

It is noted the unit mix controls are LGA wide, and do not necessarily take into account market demand near town centres/train stations or are reflective of market forces or locality needs. It is considered the proposed mix of 1, 2 and 3 bedroom apartments as part of the proposed development are reasonable.

Having regard to the local area, the development is considered to provide a suitable dwelling mix to meet the demand of the local market. The applicant has provided independent sales data to confirm this. The development includes an appropriate mix of 1 bedroom and 2 bedroom units and is not considered to saturate the supply of any one form of dwelling type for the local area and is not considered to warrant refusal of the application.

PART 5 – COMMERCIAL AND MIXED USE DEVELOPMENT

RSL Club

The RSL club is located on the ground floor on the proposed development of Site 3 and fronts Trafalgar Street.

The club contains a lobby, restaurant, day spa, gaming room fronting (but not visible from) Trafalgar Street, auditorium, pub and bistro. The club also contains a mezzanine level which contains an administration office, storage and plant rooms. Detailed fitout plans have been supplied with the application.

Hours of operation / staff numbers / patron capacity

The club has the proposed hours of operation of:

- Monday to Wednesday – 7.00am to 4.00am the next day
- Thursdays to Fridays – 7.00am to 5.00am the next day

- Saturdays - 7.00am to 5.00am the next day
- Sundays – 7.00am to 4.00am the next day.
- ANZAC Day – Operate from 5.30am

It is noted that the existing Petersham RSL has the following base hours of operation:

- 9.00am to 12.00 midnight, 7 days a week, including Public Holidays

And has extended hours of operation (excluding outdoor areas) of:

- Mondays to Wednesdays - 9.00am to 3.00am the next day
- Thursdays to Saturdays - 9.00am to 5.00am the next day
- Sundays - 9.00am to 3.00am the next day
- Anzac Day the Club – Operate from 5.30am

It is recommended that the same base hours of operation of 9.00am to 12.00 midnight, Mondays to Sundays also apply to the club.

Extended hours of operation on a one year trial period are recommended for the following hours of operation:

- Monday to Wednesday – 7.00am to 4.00am the next day
- Thursdays to Fridays – 7.00am to 5.00am the next day
- Saturdays - 7.00am to 5.00am the next day
- Sundays – 7.00am to 4.00am the next day.

Minimum staff numbers are as follows:
1 x Club Manager
2 x Security Contractors
1 x Supervisor, Bar/Gaming
2 x Beverage Attendants

The applicant has stated that the club has a maximum capacity of 900 patrons.

Plan of Management / security

A Plan of Management (POM) has been provided with the application. The POM states (amongst other things) that licensed security contractors will be at the venue each night, and that digital CCTV system will provide coverage internally and the streetscape around the venue.

Some but not all of the required information in Control C71 of Part 5.3.1.1 of the MDCP 2011 has been provided in the supplied POM. As such it is a recommended condition of consent that a revised POM be provided which adequately addresses all matters in Control C71 of Part 5.3.1.1 of the MDCP 2011. The POM must also be updated to reflect other relevant changes such as the approved hours of operation as discussed elsewhere in this report.

As discussed elsewhere in this report, the application was referred to the NSW Police who raised no objection to the proposal or the RSL club subject to the imposition of recommended conditions of consent which largely related to the installation of adequate CCTV cameras which have been included in the consent.

As discussed, a Social Impact Assessment has been supplied with the application which was reviewed and generally supported by Council's Social Planner.

Fitout / configuration

No objections are raised to the proposed fitout with the exception of the area interchangeably referred to as 'external RSL area' / 'outdoor zone' / 'sunken courtyard/garden' which is directly accessible from the pub, bistro and gaming room. This area is located directly below the entrances and private open spaces of the first floor apartments of Building B that front Regent Street. The areas appears to be an outdoor smoking area, based on assessment of other large licensed premises of Sydney.

Although the applicant has stated that patrons will be restricted from accessing this area, it is noted that there are separate entrances from multiple rooms, the supplied conceptual images show tables and chairs being used by patrons and no prohibitions on this part of the club have been included in the supplied POM. To ensure this area is not used by patrons and the amenity of the apartments above is not unreasonably affected, a condition of consent is recommended that prohibits access to the 'external RSL area' / 'outdoor zone' / 'sunken courtyard/garden' to any person other than staff of the RSL for maintenance purposes only. The POM must also be updated to reflect this.

Vehicle parking / loading and unloading

As discussed 151 car spaces are provided in a basement level for the RSL club (1 of which will be reallocated to the food and drink premises). The car spaces have direct access to the club via a dedicated elevator.

All loading and unloading is to occur in the loading dock which is accessed from Fozzard Lane. All loading and unloading of goods are undertaken between the hours of 7.00am and 5.00pm.

Food and drink premises (café)

The food and drink premises (labelled as 'café' on the drawings) is located at the corner of Trafalgar Street and Fisher Street. It has an area of 94sqm and has one dedicated car space in the basement car park (as discussed elsewhere in this report). No specific details have been provided regarding the nature or operation of the premises (facilities, patron capacity, hours of operation etc.) and as such a condition of consent is recommended requiring a separate development application for the first use and fitout of the premises. Base hours of operation of 7.00am – 5.30pm will still be imposed.

It is a recommended condition of consent that the food and drink premises has access to and can use the loading dock for deliveries and waste storage and collection.

All loading and unloading of goods are undertaken between the hours of 7.00am and 5.00pm.

PART 9 – STRATEGIC CONTEXT

The land is located in the Petersham South Planning Precinct (Precinct 9.6) under Part 9.6 of MDCP 2011.

Part 9.6 of the DCP prescribes site specific Masterplan Area (MA 6.1) controls to achieve the desired future character for the Petersham South Planning Precinct. The following is a discussion of the relevant site specific Masterplan Area controls:

(xvii) Site Amalgamation
The proposal involves the amalgamation of all lots on Site 3 in accordance with Control C4.

(xviii) Building height
Control C5 prescribes a maximum height in storeys for each of the three sites. Figures 10, 11 and 12 below show the site specific controls for Sites 1, 2 and 3 respectively in this part of the MDCP 2011.



Figure 10: Site specific controls for Site 1.

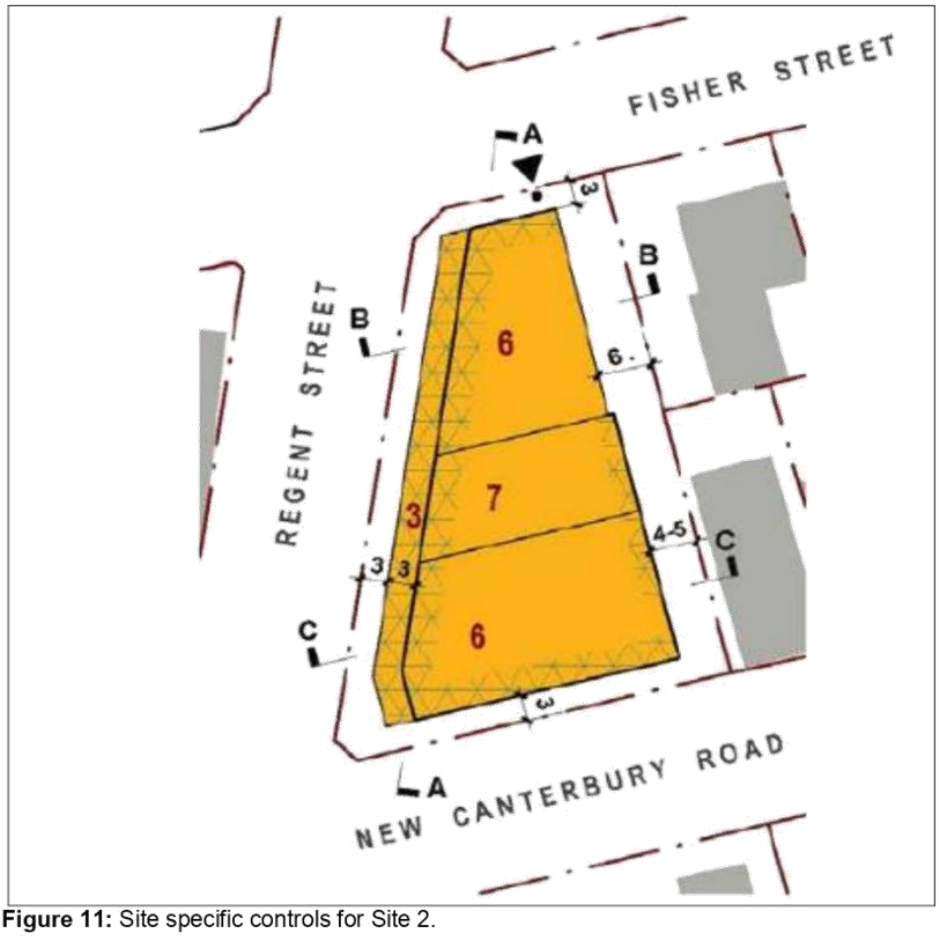

Figure 11: Site specific controls for Site 2.



Figure 12: Site specific controls for Site 3.

The developments on Sites 1 and 2 comply with the maximum height in storeys.

The development on Site 3 complies with the height in storeys prescribed in this part of the plan with the exception of the southern portion of Building A which has an 8 and opposed to 6-storey street wall height to Fisher Street.

During the Planning Proposal, the Architectural Excellence Panel (AEP) suggested that, in order to preserve the trees at the corner of Fisher and Regent Streets, and to achieve a simpler built form at the corner which also responds well to existing and future nearby buildings along Fisher Street west of the subject site, the portion of Building A that faces Fisher Street could accommodate an 8-storey street wall height, rather than 6-storeys podium with two upper levels recessed from the main building line. The AEP viewed that the relocation of bulk and floor area to compensate for FSR loss as a result of the requirement for tree preservation is, in this case, an acceptable compromise, given corner sites can generally accommodate slightly taller buildings.

During the Planning Proposal, the Department of Planning stated that the controls in this part of the DCP could not be amended to reflect the proposed 8-storey street wall height as it would have contradicted the proposal that was publicly exhibited.

Given the above, the proposed non-compliant 8-storey built form on Fisher Street is considered acceptable in this instance.

(xix) Boundary setbacks

Control C7 prescibes the required minimum setbacks for each site and Control C11 prescribes the required articulation zone for each site. Figures 10, 11 and 12 above illustrate the minimum required setbacks and articulaion zones for each site.

Sites 1 and 3 comply with the required setbacks and articulation zones.

Site 2 generally complies with the required setbacks and articulation zones with the exception of the north-eastern corner of Site 2 which has a varying setback of 3m-6m which doesn't wholly comply with the required 6m setback. The norhern edge which has a varying setback of 1.75m-3m also doesn't wholly comply with the required 3m setback. It is considered that because both encroachments are confined to proporionaly minor portions of the respective elevations and because they provide architecrual interest to the building without unreasonably affecting neighbouring amentiy, the non-complying setbacks are accepable in this instance.

(xx) Sustainable envelopes and occupant amenity

Control C9 requires all three buildings to achieve high environmental performance by means of water efficiency targets equal to BASIX plus 20% and energy efficiency equal to BASIX plus 10%. The RSL club or non -residential uses shall achieve a minimum 5 stars NatHERS.

All three buildings achieve these targets.

(xxi) Public domain interface and structure

Controls C13 to C21 prescribe the required public domain interface and public domain works. The proposal generally complies with the requirements of this part of the Plan.

> ***'C14** Awnings are required along Trafalgar Street and at the corner of Trafalgar Street and Regent Street, Petersham.'*
>
> Based on the proposed drawings, it appears an awning has only been proposed along a portion of the Trafalgar Street frontage and no awning has been proposed at the corner of Trafalgar Street and Regent Street contrary to this part of the plan. It is recommended that a condition of consent be imposed requiring an awning along the entirety of the Trafalgar Street frontage and at the corner of Trafalgar Street and Regent Street to provide adequate weather protection for pedestrians using the footpaths.
>
> ***'C15** Any outdoor gaming areas for the Club must not front onto the footpaths of Trafalgar Street and Regent Street, Petersham.'*
>
> The proposed gaming area fronts Trafalgar Street. It is noted that during the Planning Proposal, it was resolved by vote of Council that this control be deleted from the site specific DCP, however it was erroneously not deleted from the DCP when it was amended. Council Planners still requested that the gaming area not front Trafalgar Street. The applicant has stated that the gaming area cannot be relocated elsewhere on the site and that the gaming area will include extensive screening and landscaping to conceal it from the public domain (see Figure 13). Given the circumstances, the proposed location of the gaming area although not ideal is considered acceptable.



Figure 13: Proposed presentation of gaming area as viewed from Trafalgar Street.

***'C16** A public domain plan is to be submitted to and approved by Council for public domain improvements in Regent, Trafalgar and Fisher Streets, New Canterbury Road and the publicly accessible open space area linking Regent Street to Fozzard Lane. The plan is to indicate the location and extent of public domain improvements, including replacement trees to compensate for any trees that are to be removed and to add to the existing tree canopy.'*

A public domain plan was submitted with the application which includes adequate public domain upgrades and street tree replenishment.

***'C17** The residential units on the Ground Level must have separate mail boxes and direct pedestrian access from the adjacent streets or the pocket park.'*

Where possible, all residential units at ground level have direct pedestrian access from the adjacent streets and/or the pocket park with the exception of Unit A102 on Site 3. It is considered that there is scope to provide direct pedestrian access to Unit A102 and as such a condition of consent to this effect is recommended to improve the public domain interface and activity on the Fisher Street frontage. It is also a recommended condition of consent that all ground level units with direct pedestrian access from adjacent streets have separate mail boxes in a suitable location in front of the respective units.

***'C18** Three separate residential lobbies shall be provided to Buildings A, B and C on Site 3 accessed from Trafalgar Street, Regent Street, Fisher Street and the pocket park.'*

Three separate residential lobbies have been provided to Buildings A, B and C on Site 3.

***'C19** The area required for the widening of Fozzard Lane being dedicated to Council, free of cost.'*

A condition of consent requiring the dedication of the area widened for Fozzard Lane to Council has been recommended.

***'C20** Significant trees on the corner of Fisher Street and Regent Street are to be retained and protected. A tree protection area has been identified to ensure the root zone and tree canopy are protected for these Lemon Scented Gums (Tree 25 & Tree 26) and no development occurs within the area as shown in Figure XY and Figure (6.1j).'*

Tree 25 and 26 have been retained. As discussed elsewhere in the report, this was facilitated by allowing an 8-storey street wall fronting Fisher Street.

***'C21** The large paper bark trees on the Regent Street verge are to be protected and new improved street works provided to increase ground water to the root system and enhance their longevity. Significant trees on the corner of Fisher Street and Regent Street are to be retained and protected.'*

Suitable conditions of consent will be imposed to ensure the trees protection and longevity.

(xxii) Vehicular Access

Vehicular access and infrastructure have been designed generally in accordance with this part of the plan. Concern with the potential failure of the turntable has been raised by Council's Engineers. To address this is a condition of consent is recommended regarding a turntable management plan. In addition it is recommended the loading dock be amended to allow a vehicle to exit and enter in a forward direction when Fozzard Lane is widened opposite the site. This will not involve significant adjustment to the proposed turntable, rather minor adjustment will be required.

(xxiii) Pocket park

A pocket park has been provided on Site 3 which will receive the required 2 hours of sunlight between 9.00am-3.00pm during the winter solstice (see Figure 14). It has an area of approximately 450sqm in size and provides an approximately 32m link between Fozzard Lane and Regent Street.

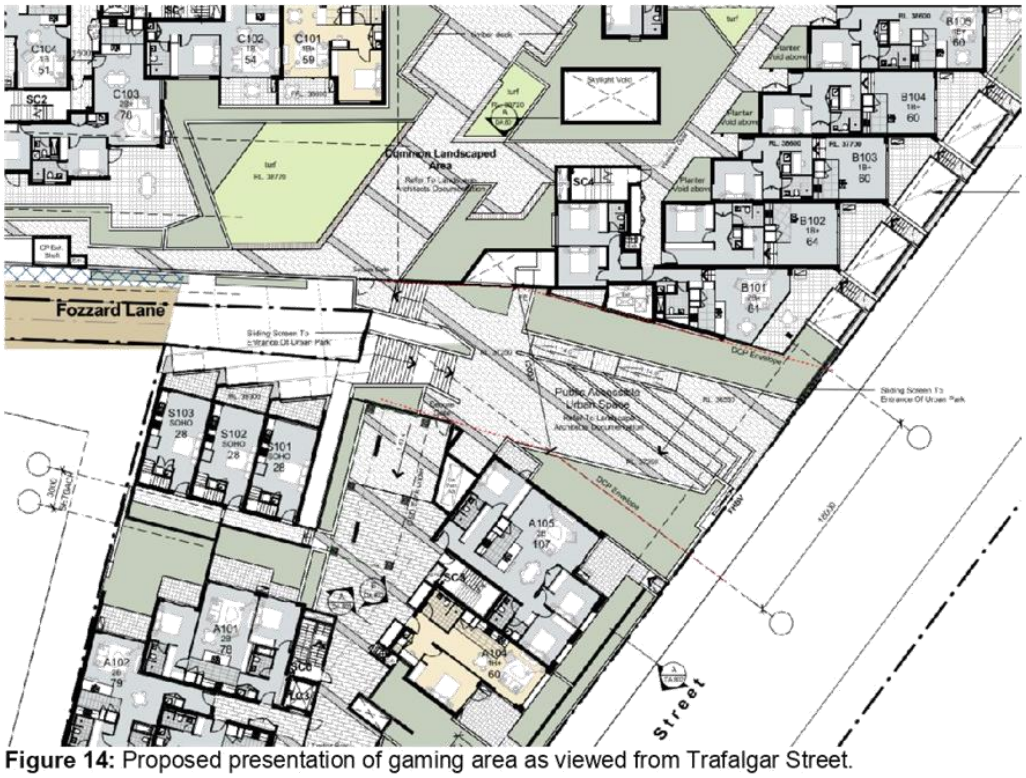

Figure 14: Proposed presentation of gaming area as viewed from Trafalgar Street.

Public domain upgrades have been designed generally in accordance with this part of the plan.

(xxiv) Architectural expression and landmark and gateways

As discussed elsewhere in this report, Council's Architectural Excellence Panel (AEP) have generally supported the design of the proposal.

13. Marrickville Section 94/94A Contributions Plan 2014

The carrying out of the development would result in an increased demand for public amenities and public services within the area. A contribution of $6,201,121.46 would be required for the development under Marrickville Section 94/94A Contributions Plan 2014.

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

14. Community Consultation

The application was advertised, an on-site notice displayed on the property and residents/property owners in the vicinity of the property were notified of the development in accordance with Council's policy. 179 submissions were received during this period, 171 of which were in support. The 8 submissions received in objection raised the following concerns which have already been discussed throughout the main body of this report:

(i) The excessive height, bulk and scale, overdevelopment of the site;
(ii) Overshadowing;

(iii) Traffic congestion and inappropriate road infrastructure available for such a large development;
(iv) Visual Privacy;
(v) Contamination of the site;
(vi) An inadequate number of car parking spaces given the size of the development; and
(vii) Excessive traffic impacts resulting from the development and the cumulative impact from the development in the immediate vicinity.

All relevant matters raised in the submissions able to be considered under the provisions of Section 4.15 of the Environmental Planning and Assessment Act have been discussed in the report.

15. Conclusion

The heads of consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, as are of relevance to the application, have been taken into consideration in the assessment of this application.

The proposal for two residential flat buildings, one mixed-use building, a registered club and a food and drink premises generally complies with the applicable planning controls and site specific DCP. Departures from the controls include building height, floor space ratio, car parking and setbacks. The applicant has adequately addressed Clause 4.6 of the MLEP 2011 and the variations are supported in this instance.

The application is considered suitable for the issue of a Deferred Commencement consent subject to the imposition of appropriate terms and conditions.

PART E - RECOMMENDATION

The applicant has made a written request pursuant to Clasue 4.6 of the MLEP 2011 to vary the development standards for building height set out in Clause 4.3 and floor space ratio set out in 4.4 of the *Marrickville Local Environmental Plan 2011*. After considering the request, and assuming the concurrence of the Secretary has been given, the consent authority is satisfied that compliance with the standard is unnecessary in the circumstance of the case and that there are sufficient environmental grounds to support the variation. The proposed development will be in the public interest because the exceedance is not inconsistent with the objectives of the standard and of the zone in which the development is to be carried out.

THAT the development application to demolish existing improvements for the 'staged' construction of 357 apartments over 3 sites with associated basement parking be **APPROVED** and a **DEFERRED COMMENCEMENT CONSENT** be issued subject to the following terms and conditions:

PART A - DEFERRED COMMENCEMENT CONSENT

This part of the consent will not operate and it may not be acted upon until the consent authority or its delegate are satisfied that the following requirements have been satisfied:

1. The Applicant shall prepare and provide to Sydney Trains for approval/certification the following final version items in compliance with relevant ASA Standards for Stage 1 (Site 3) proposed works (https://www.transport.nsw.gov.au/industry/standards-and-accreditation/standards):
    a. Revised Geotechnical Report that meets Sydney Trains requirements. The Report must include a Rail Specific potential impacts section and be based on actual borehole testing conducted on the site closest to the rail corridor.
        i. 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.
    b. Structural report/drawings that meet Sydney Trains requirements. The Applicant shall be aware that no rock anchors or bolts (permanent or temporary) are permitted within the Rail Corridor.
    c. 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.
    d. Cross sectional drawings showing the rail corridor up to the centre of the first track and platform, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the rail corridor. All RL and horizontal measurements are to be accurate and verified by a Registered Surveyor.
    e. Detailed Survey Plan showing the relationship of the proposed developed with respect to Sydney Trains easement and rail corridor land.

    Any conditions issued as part of Sydney Trains approval/certification of the above documents will also form part of the consent conditions that the Applicant is required to comply with.

2. The relocation of waste collection from Fisher Street to Regent Street must be explored on Site 2. Most notably it must be demonstrated to the satisfaction of Council that a concealed temporary waste holding room of suitable dimensions and presentation can be provided on the Regent Street frontage, that there is a suitable path of travel to and from the waste storage area, and the impacts on the nearby apartments would be reasonable.

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

PART B – CONDITIONS OF CONSENT

Once operative this part of the consent is subject to the following conditions:

GENERAL

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

Dwg. No.	Dwg. Name	Author	Date
DA-1050 'B'	Site Analysis	Candalepas Associates	25 October 2018
DA – 1101 'B'	Basement 2 Floor PLan	Candalepas Associates	25 October 2018
DA – 1102 'B'	Bastement 1 Floor Plan	Candalepas Associates	25 October 2018
DA – 1103 'B'	Ground Floor Plan	Candalepas Associates	25 October 2018
DA – 1104 'B'	Level 1 Floor Plan	Candalepas Associates	25 October 2018
DA – 1105 'B'	Level 2 Floor Plan	Candalepas Associates	25 October 2018
DA – 1106 'B'	Level 3-4 Floor Plan	Candalepas Associates	25 October 2018
DA – 1107 'B'	Level 5 Floor Plan	Candalepas Associates	25 October 2018
DA – 1108 'B'	Levels 6-7 Floor Plan	Candalepas Associates	25 October 2018
DA – 1109 'B'	Level 8 Floor Plan	Candalepas Associates	25 October 2018
DA – 1110	Roof Plan	Candalepas Associates	25 October 2018
DA – 1201 'B'	Sections A+B	Candalepas Associates	25 October 2018
DA – 1202 'B'	Section C	Candalepas Associates	25 October 2018
DA – 1301	Regent Street	Candalepas	25 October

'B'	Elevation (West)	Associates	2018
DA – 1302 'B'	Fisher Street Elevation (South)	Candalepas Associates	25 October 2018
DA – 1303 'B'	North Elevation	Candalepas Associates	25 October 2018
DA – 1304 'B'	East Elevation	Candalepas Associates	25 October 2018
DA – 1950 'B'	Adaptable Units Plans	Candalepas Associates	25 October 2018
DA – 1050 'B'	Site Analysis	Candalepas Associates	25 October 2018
DA – 1101 'B'	Basement B3 Floor Plan + Basement B2 Floor Plan	Candalepas Associates	25 October 2018
DA – 1102 'C'	Basement B1 Plan + Ground Floor Plan	Candalepas Associates	29 March 2019
DA – 1103 'C'	Level 1 Floor Plan + Level 2 Floor Plan	Candalepas Associates	29 March 2019
DA – 1104 'C'	Level 3 + Level 4 Floor Plans	Candalepas Associates	29 March 2019
DA – 1105 'C'	Level 5 + Level 6 Floor Plans	Candalepas Associates	29 March 2019
DA – 1106 'B'	Roof Plan	Candalepas Associates	25 October 2018
DA – 1201 'C'	Section A + Section B	Candalepas Associates	29 March 2019
DA – 1301 'B'	West Elevation (Regent Street)	Candalepas Associates	25 October 2018
DA – 1302 'B'	East Elevation	Candalepas Associates	25 October 2018
DA – 1303 'B'	North Elevation + South Elevation	Candalepas Associates	25 October 2018
DA – 1401	Wall Detail	Candalepas Associates	25 October 2018
DA – 1600 'B'	Solar Access/Cross	Candalepas Associates	25 October 2018

	Ventilation Analysis		
DA – 1950 'B'	Adaptable Unit Plans Sheet 1	Candalepas Associates	25 October 2018
DA - 1951 'B'	Adaptable Unit Plans Sheet 2	Candalepas Associates	25 October 2018
DA.000 F	Cover Page	Nordon Jago Architects	31 October 2018
DA.095 J	Plan Level B5	Nordon Jago Architects	4 April 2019
DA.096 K	Plan Level B4	Nordon Jago Architects	4 April 2019
DA.097 K	Plan Level B3	Nordon Jago Architects	4 April 2019
DA.098 J	Plan Level B2	Nordon Jago Architects	4 April 2019
DA.099 K	Plan Level B1 – Ground Floor RSL	Nordon Jago Architects	4 April 2019
DA.100 L	Plan Level B1 – Mezzanine Level	Nordon Jago Architects	4 April 2019
DA.101 K	Plan Level 1	Nordon Jago Architects	4 April 2019
DA.102 L	Plan Level 2	Nordon Jago Architects	4 April 2019
DA.103 K	Plan Level 3	Nordon Jago Architects	4 April 2019
DA.104 K	Plan Level 4	Nordon Jago Architects	4 April 2019
DA.105 K	Plan Level 5	Nordon Jago Architects	4 April 2019

DA.106 K	Plan Level 6	Nordon Jago Architects	4 April 2019
DA.107 K	Plan Level 7	Nordon Jago Architects	4 April 2019
DA.108 K	Plan Level 8	Nordon Jago Architects	4 April 2019
DA.109 G	Plan Level 9	Nordon Jago Architects	4 April 2019
DA.120 H	Plan Level 10 (Roof)	Nordon Jago Architects	4 April 2019
DA.121 E	Roof Plan	Nordon Jago Architects	4 April 2019
DA. 130 D	Nominated Adaptable Unit Layouts	Nordon Jago Architects	29 March 2019
DA. 131 D	Nominated Adaptable Unit Layouts	Nordon Jago Architects	29 March 2019
DA. 160 F	Substation Chamber Plan	Nordon Jago Architects	29 March 2019
DA.200 J	Section A	Nordon Jago Architects	4 April 2019
DA.201 H	Section B	Nordon Jago Architects	4 April 2019
DA.204 H	Section E	Nordon Jago Architects	4 April 2019
DA.205 G	Sections F and M	Nordon Jago Architects	4 April 2019
DA.206 G	Sections G and K	Nordon Jago Architects	4 April 2019

DA.207 E	Section L and N	Nordon Jago Architects	4 April 2019
DA.300 H	Principal Elevations	Nordon Jago Architects	4 April 2019
DA. 301 F	Principal Elevations	Nordon Jago Architects	4 April 2019
DA.302 F	Inner Courtyard Elevations	Nordon Jago Architects	4 April 2019
DA. 303 F	Inner Urban Park Elevation	Nordon Jago Architects	4 April 2019
DA. 620 E	Loading Dock Plan	Nordon Jago Architects	29 March 2019
TP01 '6'	Proposed Ground Floor Plan	Red Design Group	13 November 2017
TP02 '2'	Proposed Upper Floor Plan	Red Design Group	13 November 2017
-	Trafalgar Street Elevation	Red Design Group	Undated
-	Section 1 – restaurant	Red Design Group	Undated
-	Section 2 - lobby	Red Design Group	Undated
-	Section 3 – outdoor gaming	Red Design Group	Undated
-	Section 3 – outdoor gaming detail	Red Design Group	Undated
-	Section 5 – the pub/Regent St	Red Design Group	Undated
-	Trafalgar Street – outdoor gaming detail	Red Design Group	Undated
-	Finishes schedule p1	Red Design Group	Undated

-	Finishes schedule p2	Red Design Group	Undated
-	Finishes schedule p3	Red Design Group	Undated
DEI00614	Basement 5 and below	Daw & Walton	5 April 2018
DEI00614	Basement 4	Daw & Walton	5 April 2018
DEI00614	Basement 3	Daw & Walton	5 April 2018
DEI00614	Basement 2	Daw & Walton	5 April 2018
DEI00614	Basement 1	Daw & Walton	5 April 2018
DEI00614	RSL Mezzanine	Daw & Walton	5 April 2018
DEI00614	Level 1	Daw & Walton	5 April 2018
DEI00614	Level 2-7	Daw & Walton	5 April 2018
DEI00614	Level 8	Daw & Walton	5 April 2018
DEI00614	Level 9	Daw & Walton	5 April 2018
DEI00614	Level 10 (Roof)	Daw & Walton	5 April 2018
5796	Basement 1 and below	Daw & Walton	4 December 2017
5796	Ground	Daw & Walton	4 December 2017
5796	Level 1	Daw & Walton	4 December 2017
5796	Level 2	Daw & Walton	4 December 2017
5796	Level 3 and above	Daw & Walton	4 December 2017
LT003[D]	Tree retention and	Taylor Brammer	2 November

	removal plan	Landscape Architects Pty Ltd	2018
LT004[D]	Proposed street trees	Taylor Brammer Landscape Architects Pty Ltd	2 November 2018
LT005[C]	Street tree detail	Taylor Brammer Landscape Architects Pty Ltd	25 October 2018
LT006[B]	Street tree detail	Taylor Brammer Landscape Architects Pty Ltd	16 March 2018
LT007[A]	Street tree detail	Taylor Brammer Landscape Architects Pty Ltd	25 October 2018
LT100[C]	Site 1 ground floor landscape plan	Taylor Brammer Landscape Architects Pty Ltd	25 October 2018
LT101[C]	Site 1 ground floor landscape plan	Taylor Brammer Landscape Architects Pty Ltd	25 October 2018
LT102[B]	Site 1 ground floor landscape plan	Taylor Brammer Landscape Architects Pty Ltd	19 March 2018
LT103[B]	Site 1 level 8 landscape plan	Taylor Brammer Landscape Architects Pty Ltd	19 March 2018
LT104[A]	Site 1 section	Taylor Brammer Landscape Architects	7 December 2017

		Pty Ltd	
LT105[A]	Landscape section	Taylor Brammer Landscape Architects Pty Ltd	25 October 2018
LT200[C]	Site 2 ground floor landscape	Taylor Brammer Landscape Architects Pty Ltd	2 November 2018
LT201[C]	Site 2 ground floor landscape	Taylor Brammer Landscape Architects Pty Ltd	2 November 2018
LT202[C]	Site 2 level 1 landscape	Taylor Brammer Landscape Architects Pty Ltd	2 November 2018
LT203[A]	Site 2 level 2 landscape	Taylor Brammer Landscape Architects Pty Ltd	7 December 2017
LT204[A]	Site 2 level 3 landscape	Taylor Brammer Landscape Architects Pty Ltd	7 December 2017
LT205[A]	Site 2 level 4 landscape	Taylor Brammer Landscape Architects Pty Ltd	7 December 2017
LT206[A]	Site 2 level 5 landscape	Taylor Brammer Landscape Architects Pty Ltd	7 December 2017
LT207[B]	Site 2 level 6 landscape	Taylor Brammer Landscape Architects Pty Ltd	25 October 2018

LT208[A]	Site 2 section A	Taylor Brammer Landscape Architects Pty Ltd	7 December 2017
LT300[D]	Site 3 landscape masterplan	Taylor Brammer Landscape Architects Pty Ltd	2 November 2018
LT301[C]	Site 3 ground floor finishes and levels	Taylor Brammer Landscape Architects Pty Ltd	2 November 2018
LT302[C]	Site 3 ground floor planting	Taylor Brammer Landscape Architects Pty Ltd	2 November 2018
LT303[B]	Fozzard Lane plan	Taylor Brammer Landscape Architects Pty Ltd	16 October 2018
LT304[B]	Site 3 Level 7 + 8 landscape	Taylor Brammer Landscape Architects Pty Ltd	16 March 2018
LT305[A]	Site 3 sections	Taylor Brammer Landscape Architects Pty Ltd	7 December 2018
LT306[C]	Site 3 planting schedules	Taylor Brammer Landscape Architects Pty Ltd	25 October 2018
LD01[A]	Landscape details	Taylor Brammer Landscape Architects Pty Ltd	7 December 2017
LD02[A]	Landscape details	Taylor Brammer	7 December

		Landscape Architects Pty Ltd	2017
LD03[A]	Landscape details	Taylor Brammer Landscape Architects Pty Ltd	7 December 2017
C01 B	Civil works layout plan sheet 1 of 3	Australian Consulting Engineers	16 September 2018
C02 A	Civil works layout plan sheet 2 of 3	Australian Consulting Engineers	21 March 2018
C03 A	Civil works layout plan sheet 3 of 3	Australian Consulting Engineers	21 March 2018
C04 A	Typical cross sections	Australian Consulting Engineers	21 March 2018
C04 A	Trafalgar Street longitudinal section sheet 1 of 2	Australian Consulting Engineers	21 March 2018
C05 A	Trafalgar Street longitudinal section sheet 2 of 2	Australian Consulting Engineers	21 March 2018
C07 A	Regent Street longitudinal section sheet 1 of 4	Australian Consulting Engineers	21 March 2018
C08 A	Regent Street longitudinal section sheet 2 of 4	Australian Consulting Engineers	21 March 2018
C09 A	Regent Street longitudinal section sheet 3 of 4	Australian Consulting Engineers	21 March 2018
C10 A	Regent Street longitudinal section sheet 4 of 4	Australian Consulting Engineers	21 March 2018

C11 A	Fisher Street longitudinal section sheet 1 of 2	Australian Consulting Engineers	21 March 2018
C12 A	Fisher Street longitudinal section sheet 2 of 2	Australian Consulting Engineers	21 March 2018
C13 A	New Canterbury Road longitudinal section sheet 1 of 2	Australian Consulting Engineers	21 March 2018
C14 A	New Canterbury Road longitudinal section sheet 2 of 2	Australian Consulting Engineers	21 March 2018
C15 A	Fozzard Lane longitudinal section sheet 1 of 2	Australian Consulting Engineers	21 March 2018
C16 A	Fozzard Lane longitudinal section sheet 2 of 2	Australian Consulting Engineers	21 March 2018
C17 A	Trafalgar Street cross sections sheer 1 of 3	Australian Consulting Engineers	21 March 2018
C18 A	Trafalgar Street cross sections sheer 2 of 3	Australian Consulting Engineers	21 March 2018
C19 A	Trafalgar Street cross sections sheer 3 of 3	Australian Consulting Engineers	21 March 2018
C20 A	Regent Street cross sections sheet 1 of 2	Australian Consulting Engineers	21 March 2018
C21 A	Regent Street cross sections sheet 1 of 2	Australian Consulting Engineers	21 March 2018
C22 A	Fisher Street cross sections sheet 1 of 3	Australian Consulting Engineers	21 March 2018
C23 A	Fisher Street cross sections sheet 1 of	Australian Consulting	21 March

	3	Engineers	2018
C24 A	Fisher Street cross sections sheet 1 of 3	Australian Consulting Engineers	21 March 2018
C25 A	New Canterbury Road cross sections sheet 1 of 2	Australian Consulting Engineers	21 March 2018
C26 A	New Canterbury Road cross sections sheet 2 of 2	Australian Consulting Engineers	21 March 2018
C27 A	Fozzard Lane cross sections sheet 1 of 2	Australian Consulting Engineers	21 March 2018
C28 A	Fozzard Lane cross sections sheet 2 of 2	Australian Consulting Engineers	21 March 2018
C29 A	Stormwater longitudinal section sheet 1 of 2	Australian Consulting Engineers	21 March 2018
C30 A	Stormwater longitudinal section sheet 1 of 2	Australian Consulting Engineers	21 March 2018
C31 A	Construction notes and details sheet 1 of 3	Australian Consulting Engineers	21 March 2018
C32 A	Construction notes and details sheet 2 of 3	Australian Consulting Engineers	21 March 2018
C33 A	Construction notes and details sheet 3 of 3	Australian Consulting Engineers	21 March 2018
SK34 C	Signage and linemarking plan	Australian Consulting Engineers	18 September 2018
DCP x2	Staging plan	Nordon Jago Architects	16 March 2018

with the application for development consent and as amended by the following conditions.

2. The development must be carried out in the development 'stages' / phases outlined in Dwg. No. 'DCP x2' 'Staging plan' prepared by Nordon Jago Architects dated 16 March 2018 referenced in Condition 1 of Part B of this consent.

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.

4. The approved Voluntary Planning Agreement relating to the subject sites must be implemented and complied with.

5. An accessible lift must be included to provide access between Fozzard Lane and the 'public accessible urban space' to ensure an accessible path of travel is available from Fozzard Lane to Regent Street. The areas around the stairs leading from Fozzard Lane may need to be reconfigured accordingly. Details must be provided to the satisfaction of Council.

6. Further details of the proposed gates at the entrances of the 'public accessible urban space' must be provided to the satisfaction of Council.

7. An awning must be provided along the entirety of the Trafalgar Street frontage and at the corner of Trafalgar Street and Regent Street to provide adequate weather protection for pedestrians using the footpaths.

8. The proposed awning shall be of cantilever type and be set back at least 600mm from the kerb line. Further, the total width of the awning that extends beyond the road alignment shall not exceed 3600mm and shall include pedestrian lighting (Category P3-AS1158) and shall be maintained and owned by the property owner(s). The proposed awning shall be designed so as to be easily removed if required in future. The owner shall maintain, modify or remove the structure at any time if given notification by Council or the RMS to do so.

9. Direct private pedestrian access from Fisher Street must be provided to Unit A102 of Building A Site 3 to the satisfaction of Council. The internal configuration of the unit can be amended accordingly.

10. All ground level units with direct pedestrian access from adjacent streets have separate mail boxes in a suitable location in front of the respective units.

11. Privacy treatment such as fixed planter boxes, landscaping, fences and/or gates be included at the front setbacks of the SOHO units to provide adequate separation and privacy while retaining pedestrian access from Fozzard Lane. Details must be provided to the satisfaction of Council

12. Adequate fencing must be included preventing the future occupants of Unit 1.06 gaining access to the landscaped area in front of the openings for Unit 1.07 and vice-versa.

13. Full-height privacy screens proposed on balconies must be either retractable or operable on Site 1.

14. All fire hydrant booster values must be concealed from the public domain. Details are to be provided to the satisfaction of Council.

15. The soffit to the undercroft at the corner of Fisher and Regent Streets on Site 2 is to be off-form concrete in natural colour.

16. Dry-pressed face brickwork on Site 2 is to be provided to the return walls to the basement car parking up to the line of the roller shutter.

17. It must be demonstrated by the applicant how the longevity of the proposed glazed tiles to the facades of Site 1 will be ensured. Specific design and construction methodology must also be provided. The details are to be submitted to the satisfaction of Council.

18. 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 4.55 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.

19. 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.

20. 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.

21. A minimum of 22 adaptable dwellings must be provided on Site 1, 10 on Site 2, and 43 on Site 3 in accordance with the proposal and Part 2.5 of Marrickville Development Control Plan 2011 - Equity of Access and Mobility.

22. A total of 91 off-street car parking spaces must be provided on Site 1, 50 on Site 2, and 320 on Site 3 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) 91 spaces being allocated to the residential dwellings on Site 1;
    b) 50 spaces being allocated to the residential dwellings on Site 2;
    c) 169 spaces being allocated to the residential dwellings on Site 3;
    d) 1 accessible car space per adaptable dwelling;
    e) 24 car spaces on the ground level of Site 1 be used exclusively for the purposes of Council;

f) 150 car parking spaces allocated to the registered club on Site 3;
g) 1 car parking space of the 151 'RSL Parking Spaces' allocated to the ground floor commercial tenancy on Site 3;
h) 1 loading dock fronting Fozzard Lane for use by the registered club and commercial tenancy; and
i) 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.

Note: The total number of car spaces may change as a result of the requirements in this condition and other conditions in this consent.

23. At least two (2) service vehicle spaces must be provided in the basement carpark of Site 1. The spaces must be able to accommodate a standard van which has a typical length of 5.4m, width of 2.1m, height of 2.5m and turning circle of 13.5m. The spaces must not result in the loss of any landscaped area. The internal configuration of the basement can be amended accordingly.

24. A minimum of 15 motorcycle parking spaces must be provided on Site 1, 5 on Site 2, and 11 on Site 3 in association with the residential dwellings and maintained. A minimum of 12 motorcycle parking spaces must be provided on Site 3 in association with the registered club and commercial tenancy and maintained. 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.

25. 92 off-street bicycle parking spaces on Site 1, 30 on Site 2, and 138 on Site 3 in association with the residential dwellings 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. 21 off-street bicycle spaces on Site 3 in association with the registered club and commercial tenancy 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.

26. 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.

27. 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 1 under Part 2.10 of Marrickville Development Control Plan 2011 – Parking.

28. A total of 108 storage cages in Site 1, 50 storage cages in Site 2 and 199 storage cages in Site 3 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 Apartment Design Guide.

29. The proposed use of the registered club and commercial tenancy 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 LA90, 15min noise level, measured in the absence of the noise source/s under consideration by 5dB(A). The source noise level shall be assess as an LAeq, 15min and adjusted in accordance with

the NSW Environment Protection Authority's Industrial Noise Policy and Environmental Noise Control Manual (sleep disturbance).

An acoustic report prepared by a suitably qualified and experienced acoustic consultant shall be provided to the satisfaction of the Principal Certifying Authority demonstrating that noise and vibration from the operation of the premises including the use, plant and equipment will satisfy the stipulated criteria above and relevant provisions of the Protection of the Environment Operations Act 1997 and Regulations and relevant state and local policies and guidelines. Recommendations must be consistent with the approved plans.

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

30. To minimise the impact of noise from the adjoining major road and / or rail corridor on the occupants, the Construction Certificate plans shall incorporate and the building constructed in accordance with the recommendations of the following acoustic report approved as part of this application.

Prepared by	Dated	Reference
• Acoustic, Vibration & Noise Pty Ltd	21 November 2016 Amended Date 12 March 2018	2016-025 Rev2.
• Acoustic, Vibration & Noise Pty Ltd	9 November 2017 Amended date 12 March 2018	2017-555 Rev 2

Details demonstrating compliance with the requirements of this condition are to be detailed on the plans and accompanying documentation submitted to satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

31. The LA10* noise level emitted from the premises must not exceed the background noise level in any octave band centre frequency (31.5Hz– 8k Hz inclusive) by more than 5dB between 7:00 am and 12:00 midnight at the boundary of any affected residence.

The LA10* noise level emitted from the premises must not exceed the background noise level in any octave band centre frequency (31.5Hz – 8k Hz inclusive) between 12:00 midnight and 7:00am at the boundary of any affected residence.

Notwithstanding compliance with the above, the noise from the premises must not be audible within any habitable room in any residence between the hours of 12:00 midnight and 7:00am.

*For the purposes of this condition, the LA10 can be taken as the average maximum deflection of the noise emission from the licensed premises or restaurant.

Details of the acoustic measures to be employed to achieve compliance with this condition must be provided prior to the issue of a Construction Certificate. Such measures must be in accordance with the approved acoustic report and plans.

32. As the site where the property is identified as located within ANEF 20-25 or greater, the development approved under this consent must meet the relevant provisions of Australian Standard AS 2021:2000 Acoustics – Aircraft noise intrusion – Building siting and construction.

An acoustic report prepared by a suitably qualified person and accompanying plans demonstrating compliance are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

33. All stormwater drainage being designed in accordance with the provisions of the Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2015 '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.

34. 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.

35. Should the proposed development require the provision of an electrical substation, such associated infrastructure shall be incorporated wholly within the development site.

36. The registered club has base hours of operation of 9.00am to 12.00 midnight, 7 days a week.

37. The registered club has the following extended hours of operation on a one (1) year trial from the date of any Occupation Certificate relating to the registered club:
    - Monday to Wednesday – 7.00am to 4.00am the next day
    - Thursdays to Fridays – 7.00am to 5.00am the next day
    - Saturdays - 7.00am to 5.00am the next day
    - Sundays – 7.00am to 4.00am the next day.

38. The registered club has a maximum patron capacity of 900.

39. The use of the registered club and commercial tenancy 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.

40. Access to the 'external RSL area' / 'outdoor zone' / 'sunken courtyard/garden' is prohibited to any persons other than staff of the registered club or persons engaged by the registered club. Access to this area is to be exclusively for maintenance purposes only.

41. High resolution CCTV cameras be installed at the entrances to all carparks and mailbox areas.

42. Separate Development Consent or Complying Development Certificate must be obtained for the fitout the ground floor commercial tenancy prior to the occupation of that part of the premises.

43. This approval is for a food and drink premises 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.

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

    a) The areas to be used as a café 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 Sundays;
    d) All loading and unloading in connection with the use must be carried out wholly within the property from the loading dock adjoining Fozzard Lane, between 7.00am – 5.30pm, Monday to Sunday, 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.

45. The food and drink premises must have access to and permission to use the loading dock adjacent to Fozzard Lane for deliveries and waste storage and collection.

46. Separate Development Consent or Complying Development Certificate must be obtained prior to the erection of any signage, advertisements or advertising structures. The shop/club windows must not be painted with advertisements and no flashing lights are to be installed on the premises. No approval is given to the 'signage zones' as shown on the supplied drawings.

47. 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 any waste storage rooms to facilitate 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

48. 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.

49. The following condition is imposed at the request of Sydney Trains:

    a) Sydney Trains or Transport for NSW (TfNSW), and persons authorised by those entities for the purpose of this condition, are entitled to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being

constructed and maintained in accordance with the approved plans and these conditions of consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.

b) 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(s).
c) Where a condition of consent requires Sydney Trains or Transport for NSW endorsement the Principal Certifying Authority is not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged Construction Certificates dealing with specific works and compliance conditions can be issued subject to written agreement from those entities to which the relevant condition(s) applies.
d) Any conditions issued as part of Sydney Trains approval/certification of any documentation for compliance with the Sydney Trains conditions of consent, those approval/certification conditions will also form part of the consent conditions that the Applicant is required to comply with.
e) 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.
f) No rock anchors/bolts are to be installed into Sydney Trains/ RailCorp property or easements.
g) The applicant shall not at any stage block the corridor access gate on Trafalgar Street, and should make provision for easy and ongoing 24/7 access by rail vehicles, plant and equipment to support maintenance and emergency activities.
h) 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 for Stage 1 (Site 3), 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.

50. The following condition is imposed at the request of Ausgrid:
a) The method of connection will be in line with Ausgrid's Electrical Standard (ES)1 – 'Premise Connection Requirements.
b) It is recommended for the nominated electrical consultant/contractor to provide a preliminary enquiry to Ausgrid to obtain advice for the connection of the proposed development to the adjacent electricity network infrastructure. An assessment will be carried out based on the enquiry which may include whether or not:
    - The existing network can support the expected electrical load of the development
    - A substation may be required on-site, either a pad mount kiosk or chamber style and;
    - site conditions or other issues that may impact on the method of supply.

Please go to www.ausgrid.com.au about how to connect to Ausgrid's network.

c) All proposed vegetation underneath overhead power lines and above underground cables must comply with the requirements of ISSC 3 Guideline For Managing Vegetation Near Power Lines.
d) The developer is to consider the impact that existing streelighting and any future replacement streetlighting and maintenance may have on the development. Should the developer determine that any existing streetlighting may impact the development, the developer should either review the development design, particular the placement of windows, or discuss with Ausgrid the options for relocating the streetlighting.

The relocating of any streetlighting will generally be at the developers cost. In many cases is not possible to relocate streetlighting due to its strategic positioning.

e) There are existing overhead electricity network assets in Fisher Street, Regent Street & New Canterbury Rd Safework NSW Document – Work Near Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements between these mains/poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given to the positioning and operating of cranes and the location of any scaffolding.
The "as constructed" minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid's website, www.ausgrid.com.au
Based on the design of the development provided, it is expected that the "as constructed" minimum clearances will not be encroached by the building development. However it remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite.
Should the existing overhead mains require relocating due to the minimum safe clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost.
It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site.

f) There are existing underground electricity network assets in Fisher St & Regent Street. Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.
Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area.
Should ground anchors be required in the vicinity of the underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.
Safework Australia – Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables.

g) There are existing electricity substation assets within the site boundary .
The substation ventilation openings, including substation duct openings and louvered panels, must be separated from building air intake and exhaust openings, natural ventilation openings and boundaries of adjacent allotments, by separation distances which meet the requirements of all relevant authorities, building regulations, BCA and Australian Standards including AS 1668.2: The use of ventilation and airconditioning in buildings - Mechanical ventilation in buildings.

In addition to above, Ausgrid requires the substation ventilation openings, including duct openings and louvered panels, to be separated from building ventilation system air intake and exhaust openings, including those on buildings on adjacent allotments, by not less than 6 metres.

Exterior parts of buildings within 3 metres in any direction from substation ventilation openings, including duct openings and louvered panels, must have a fire rating level (FRL) of not less than 180/180/180 where the substation contains oil-filled equipment, or 120/120/120 where there is no oil filled equipment and be constructed of non-combustible material.

The development must comply with both the Reference Levels and the precautionary requirements of the ICNIRP Guidelines for Limiting Exposure to Time-varying Electric and Magnetic Fields (1 HZ – 100 kHZ) (ICNIRP 2010).

For further details on fire segregation requirements refer to Ausgrid's Network Standard 113. Existing Ausgrid easements, leases and/or right of ways must be maintained at all times to ensure 24 hour access. No temporary or permanent alterations to this property tenure can occur without written approval from Ausgrid.
For further details refer to Ausgrid's Network Standard 143.

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

52. 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.

53. Remediation and validation of contaminated land must be carried out in accordance with State Environmental Planning Policy No 55 – Remediation of land, the Contaminated Land Management Act 1997, Development Control Plan 2013 and the following documentation:

Document Title	Prepared By	Dated
Remediation Action Plan	EI Australia	12 April 2018

54. All buildings and structures, together with any improvements integral to the future use of the site are wholly within the freehold property (unlimited in height or depth), along the Trafalgar Street and New Canterbury Road boundary.

55. The proposed bus stop relocation on Trafalgar Street should be reviewed and approved by Council, local bus operator and Transport for NSW (NSW). Relocation costs, including signage and infrastructure should be at the proponent's expense.

56. Bicycle Parking should be provided in accordance with AS2890.3.

57. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004, AS2890.6-2009 and AS 2890.2 – 2002 for heavy vehicle usage. Parking Restrictions may be required to maintain the required sight distances at the driveway.

58. The swept path of the longest vehicle (including garbage trucks, building maintenance vehicles and removalists) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.

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

60. All vehicles are to be wholly contained on site before being required to stop.

61. The Construction Pedestrian Traffic Management Plan (CPTMP) should include:
    - Information on the impacts of construction and on-street parking;
    - Detailed information on the construction traffic that will service the site indicating the type of heavy vehicles, and number of vehicle movements throughout the day and during the morning and afternoon peak periods.
    - Analysis on the impact of this traffic on the traffic signals at New Canterbury Road/ Crystal Street and New Canterbury Road/Audley Street.
    - All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Trafalgar Street and New Canterbury Road.
    - CPTMP should be submitted to Council for approval prior to the issue of a Construction Certificate.

62. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on New Canterbury Road during construction activities. A ROL can be obtained through https://myrta.com/oplinc2/pages/security/oplincLogin.jsf.

63. All works must be carried out in accordance with the supplied 'Geotechnical Investigation Report - Report E22913 GA' prepared by eiaustralia and dated 24 May 2016.

64. The buildings must not exceed a maximum height of 71.7 metres AHD for Site 1, 62.9 metres AHD for Site 2 and 66.4 metres for Site 3, inclusive of all lift over-runs, vents, chimneys, aerials, antennas, lightning rods, any roof top garden plantings, exhaust flues etc.

65. The tallest building (Site 1) must be obstacle lit by low intensity steady red lighting during the hours of darkness at the highest point of the building (roof top plant area). Obstacle lights are to be arranged to ensure the building can be observed in a 360 degree radius as per subsection 9.4.3 of the Manual of Standards Part 139 - Aerodromes (MOS). Characteristics for low intensity lights are stated in subsection 9.4.6 of the MOS.

66. The Proponent must ensure the obstacle lighting arrangements have a remote monitoring capability, in lieu of observation every 24 hours, to alert SACL reporting staff of any outage. For detailed requirements for obstacle lighting monitoring within the OLS of an aerodrome, refer to subsection 9.4.10 of the MOS.

67. The obstacle lighting must have a built-in alarm system that will provide remote monitoring to notify the person responsible for the maintenance of the obstacle lighting. The designated person must be available 24 hours per day, 7 days per week. Immediate action must be taken to repair the obstacle lighting and notify Sydney Airport of any outage. The contact details of the person responsible for the maintenance of the obstacle lighting must be sent to Sydney Airport prior to the completion of the building being constructed, and must be kept up to date. In the event of the obstacle lighting being inoperable, the person responsible for the maintenance of the obstacle lighting is to immediately contact the Sydney Airport Airfield Operations Supervisor on 0419 278 208 or 9667 9824.

68. Following completion of the building, the Proponent must advise SACL, in writing, that the future owner(s)/manager(s) have been informed of their obligation to maintain the obstacle lighting in accordance with conditions of this approval.

    - The Proponent has advised that prior to completion of the construction of the development and subsequent settlement to all purchases, a Strata Manager I Building Manager will be appointed to the property. Upon appointment, their contact details must be forwarded to the Sydney Airport Airfield Operations Supervisor.

69. The Proponent must advise Airservices Australia at least three business days prior to the controlled activity commencing by emailing <ifp@airservicesaustralia .com> and quoting SY-CA-568.

70. Separate approval must be sought under the Regulations for any construction equipment (i.e. cranes) required to construct the buildings. Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Regulations. Therefore, it is advisable that approval to operate construction equipment (i.e. cranes) be obtained prior to any commitment to construct.

71. At the completion of the construction of the building, a certified surveyor is to notify (in writing) SACL of the finished height of each building.

BEFORE COMMENCING DEMOLITION, EXCAVATION AND/OR BUILDING WORK

72. 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.

73. 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.

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

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

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

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

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

75. All demolition work must:

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

76. Where any loading, unloading or construction is to occur from a public place, Council must be contacted to determine if any permits or traffic management plans are required to be obtained from Council before work commences.

77. All services in the building being demolished must be disconnected in accordance with the requirements of the responsible authorities before work commences.

78. A waste management plan must be prepared in accordance with Part 2.21 of Marrickville Development Control Plan 2011 - Site Facilities and Waste Management and submitted to and accepted by the PCA before work commences.

79. Prior to the issue of the Construction Certificate the applicant is to submit a Resource Recovery and Waste Management Plan that includes details of materials that will be excavated, and their proposed destination or reuse.

    Where asbestos is present during demolition work, the work must be carried out in accordance with the guidelines for asbestos work published by Safework NSW.

    All asbestos wastes must be disposed of at a landfill facility licensed by the New South Wales Environmental Protection Authority to receive that waste. Copies of the disposal dockets must be retained by the person performing the work for at least 3 years and be submitted to Council on request. Reason: To ensure the appropriate disposal and reuse of waste generated on the site.

80. Where a residential development and commercial development occupy the same site, the waste and recycling handling and storage systems for residential waste and commercial waste (including waste originating from retail premises) are to be additional, separate and self-contained. Commercial and retail tenants must not be able to access residential waste storage area/s, or any storage containers or chutes used for residential waste and recycling.

81. All bin storage areas are to be provided within the site. These areas must fully accommodate the number of bins required for all waste generated by a development of this type and scale. The areas must also include 50% allowance for manoeuvring of bins.

    All bin storage areas are to be located away from habitable rooms, windows, doors and private useable open space, and to minimise potential impacts on neighbours in terms of aesthetics, noise and odour.

    The bin storage areas are to meet the design requirements detailed in the Inner West DCP, and must include doorways/entrance points of 1200mm.

    Residential Bin Storage Areas:
    The number of bins required must be calculated based on a weekly collection of garbage, and a fortnightly collection of recycling.

    Commercial Bin Storage Areas:
    There must be adequate bin storage allocation in the commercial bin storage area to accommodate the generation of all waste streams from all the businesses on site.

82. The bulky waste storage area for the residential uses must meet the floor area requirements as per the Inner West Council DCP. Doorways are to be a minimum of 1200mm wide to accommodate large items

83. There must be additional space allocated on site for the storage of reusable items for the commercial uses such as crates and pallets and/or compaction equipment.

84. The path of travel between the bin storage areas/bulky waste storage areas and the designated waste/recycling collection point is to have a minimum 1200mm wall-to-wall clearance, be slip-proof, of a hard surface, be free of obstructions and at no point have a gradient exceeding 1:12. The use of a lift is permitted, but consideration should be given to the inclusion of a service lift in this instance.

85. 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.

86. 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'.

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

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

    All devices must be constructed and maintained on site while work is carried out.

88. The person acting on this consent is responsible for arranging and meeting the cost of a dilapidation report prepared by a suitably qualified person. The report is to be submitted to and accepted by the PCA before work commences, on the buildings on all adjoining properties, if the consent of the adjoining property owner can be obtained. In the event that the consent of the adjoining property owner cannot be obtained copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the PCA before work commences.

89. 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.

90. Where it is proposed to carry out works in public roads or Council controlled lands, a road opening permit must be obtained from Council before the carrying out of any works in public roads or Council controlled lands. Restorations must be in accordance with Marrickville Council's Restorations Code. Failure to obtain a road opening permit for any such works will incur an additional charge for unauthorised openings in the amount of $2,002, as provided for in Council's adopted fees and charges.

91. 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.

92. 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.

93. 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.

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

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

96. The project arborist shall prepare a Tree Protection Plan, which shall be submitted to and approved by Council before work commences.

97. The tree protection measures detailed in the council-approved tree protection plan shall be established before work commences.

98. Tree protection measures shall be established in accordance with the Australian Standard Protection of Trees on Development Sites AS 4970—2009 before work commences.

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

100. Tree valuation shall be undertaken by the project arborist for each street tree that is being retained, using Thyer tree valuation methodology. The schedule of valuations shall be submitted to and agreed with by Council before the start of works.

101. Refundable security deposits for the street trees being retained, equal to those listed in the schedule of tree valuations submitted by the project arborist and agreed to by Council, shall be deposited with council before the start of works. The security deposits will be refunded in full or in part no sooner than 12 months from the date of the issue of the occupation certificate. Full or partial forfeiture of the relevant security deposit will occur if the street tree is injured, or declines in health and / or vigour, or dies due to any development-related impact. Council's Urban Forest Manager will determine the amount of any forfeiture of a security deposit based on the health and condition of the trees and any decline thereof.

102. A refundable security deposit for each new street tree of $1,600 shall be deposited with council before the start of works. The security deposits will be refunded in full or in part no sooner than 12 months from the date of the issue of the occupation certificate. Full or partial forfeiture of each security deposit will occur if the new street tree dies or fails to establish properly. Council's Urban Forest Manager will determine the amount of any forfeiture of the security deposit based on the health and condition of the new street trees.

103. An Asbestos Survey prepared by a suitably qualified Occupational Hygienist shall be prepared for the premises. The Survey is to incorporate appropriate Asbestos removal and disposal methods in accordance with the requirements of WorkCover NSW, NSW Environmental Planning and Assessment Amendment (Asbestos) Regulation 2009 and NSW Environment Protection Authority, Safe Removal of Asbestos 2nd Edition [NOHSC: 2002 (2005)] and conditions of this consent.

    A copy of any WorkCover approval documents is to be included as part of the documentation.

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

104. 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.

    Permits – General

105. 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.

Hoarding

106. The person acting on this consent shall ensure the site is secured with temporary fencing prior to any works commencing.

107. 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.

108. 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.

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

Construction Pedestrian and Traffic Management Plan

110. Prior to the commencement of any works a Construction Pedestrian and Traffic Management Plan (CPTMP) must be submitted to Council for approval for that stage of the works. The CPTMP needs to specify, but not be limited to, the following:

a) Information on the impacts of construction and on-street parking
b) Location of the proposed work zone;
c) Detailed information on the construction traffic that will service the site indicating the type of heavy vehicles, and number of vehicle movements throughout the day and during the morning and afternoon peak periods, including swept path analysis;
d) Details of any road closures;
e) Haulage routes including marshalling area/s and operation;
f) Construction vehicle access arrangements;
g) Analysis on the impact of this traffic on the traffic signals at New Canterbury Road/ Crystal Street and New Canterbury Road/Audley Street
h) Construction program;
i) Any potential impacts to general traffic, cyclists, pedestrians and train and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works; and
j) The plan shall be submitted to and approved by Council commencing work.

Work Zone - major

111. The person acting on this consent shall apply for a Work Zone along the site frontage for construction vehicles. A minimum of 2 months should be allowed for the processing of the application.

Dilapidation – major

112. A dilapidation report on the visible and structural condition of the following public infrastructure must be provided to the Principal Certifying Authority prior to the commencement of demolition or issue of a Construction Certificate (whichever occurs first).

a) Full width of Trafalgar Street, including road pavement, stormwater drainage infrastructure, kerb and gutter and footpath, between Audley Street and Regent Street;
b) Full width of Regent Street, including road pavement, stormwater drainage infrastructure, kerb and gutter and footpath for the frontage of the site, between New Canterbury Road and Trafalgar Street
c) Full width of Fisher Street, including road pavement, stormwater drainage infrastructure, kerb and gutter and footpath for the frontage of the sites.
d) The Lane access at the rear of site 3 (existing RSL)

The dilapidation report is to be prepared by a practicing Structural/Civil Engineer agreed to by both the applicant and Council. All costs incurred in achieving compliance with this condition shall be borne by the applicant. The liability of any damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded by the requirements of this condition will be borne by the applicant.

Public Liability Insurance

113. 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 ISSUE OF ANY CONSTRUCTION CERTIFICATE

114. 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	$452,000
Inspection fee	$2,306.50

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.

BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE FOR 'STAGE 1' OF THE DEVELOPMENT (SITE 3)

115. This condition is imposed in accordance with Section 7.11 of the Environmental Planning and Assessment Act 1979.

a) Before the issue of a Construction Certificate the Council must be paid a monetary contribution of $4,089,895.62 indexed in accordance with Marrickville Section 94/94A Contributions Plan 2014 ("CP").

The above contribution is the contribution applicable as at 17 April 2019.

***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. DC002573)

b) 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	$372,884.18
Plan Administration	$80,194.53
Recreation Facilities	$3,214,163.86
Road/Access Dedication - Petersham	$320,943.30
Traffic Facilities	$101,709.75

c) 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.

d) 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.

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

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

For more information on how to calculate the amount payable and where payments can be made contact the Long Services Payments Corporation.
http://www.lspc.nsw.gov.au/levy_information/?levy_information/levy_calculator.stm

Plan Amendments (Site 3)

117. The architectural plans must be amended to address the following:
   a) The provision of a car share space within the property;
   b) Changes to the loading dock to allow a HRV to enter and leave Fozzard Lane in a forward direction in the event the turntable is out of operation. This design change may make allowance for the future widening of Fozzard Lane by an additional 1.5m to the west;
   c) Changes to the loading dock area to reflect the approved design of Fozzard Lane to ensure the ground clearance templates of heavy vehicles are satisfied and minimum headroom of 4.5m is provided; and
   d) The architectural plans must be updated to reflect the approved alignment levels provided on the approved public domain plans.

   Amended plans must be submitted to and approved by Council before the issue of a Construction Certificate.

Vehicular Access and Parking (Site 3)

118. The vehicular access and associated vehicle standing areas shall be designed in accordance with Australian Standard AS/NZS 2890.1-2004 Parking Facilities: Off-street car parking, Australian Standard AS 2890.2-2002 Parking Facilities: Commercial vehicle facilities, AS/NZS 2890.6-2009 Parking facilities: Off-street parking for people with disabilities so that:-
   a) The layout and minimum dimensions of any standing area comply with clause 2.4 of AS/NZS 2890.1-2004 such that:-
      (i) car spaces adjacent to walls or fences are increased in width by an additional 300mm;
      (ii) end spaces are provided with an additional 1m aisle extension; and
      (iii) the location of columns within the carpark complies with figure 5.1 of AS/NZS 2890.1-2004;
   b) The location of the roller door/control point at the vehicle entry shall be set further within the property so as to provide a suitable queue length within the property before vehicles are required to stop. The queue length shall be designed in accordance with Clause 3.4 of AS/NZS 2890.1:2004;
   c) At the property boundary the access from the road to a standing area is (as near as practicable) perpendicular to the line of the adjacent road;
   d) The relative surface levels of the internal access from the road being controlled so that:-
      (i) the surface levels at the property boundary match "alignment levels";
      (ii) the change in grade for any 2m length of accessway does not exceed 1 in 8 (12.5%) unless suitable transitions are provided in accordance with AS2890.1;
      (iii) the maximum grade at any point does not exceed 1 in 5 (20%) or in the case of ramps greater than 20m in length 1 in 6 (16.7%); and
   e) The vehicle egress is designed such that there are no obstructions to lines of sight, along the footpath and the roadway for drivers of egressing vehicles; and

Details of compliance with the above requirements including long sections of the ramps shall be submitted to and approved by Council before the issue of a Construction Certificate.

Loading Dock Management Plan (Site 3)

119. The applicant shall prepare a loading dock management plan for Site 3, to be submitted to the consent authority for approval. The plan should address the following items:
(a) Expected profile of loading activity for the site;
(b) Measures in place to ensure sufficient capacity is provided within the loading dock with no queuing impacts to Fozzard Lane or Trafalgar Street;
(c) Measures to safely manage the interaction of loading vehicles and private vehicles, given the close proximity of the two driveways (to Fozzard Lane entry and RSL vehicle entry);
(d) Operational plan of management for the loading dock;
(e) Details, specifications and operational management and maintenance details of the proposed turntable;
(f) Management measures to be put in place in the event of a malfunction of the proposed turntable within the loading dock. Specifically the plan should address the procedure to be implemented by the applicant in the event that the turntable is not operational and vehicles would need to reverse out on to Parsons Street;
(g) Measures to manage the conflict between pedestrians/vehicles using Fozzard lane and vehicles accessing the loading dock; and
(h) The plan shall be submitted to and approved by Council before the issue of a Construction Certificate.

Flood Risk Management Plan (Site 3)

120. A Flood Risk Management Plan, prepared by a qualified practicing Civil Engineer must be provided prepared / prior to the issue of a Construction Certificate. The plan shall be generally in accordance with Flood Impact Assessment and Stormwater Management Report Strategy dated 05 April 2018 prepared by ACOR consultants and be prepared / amended to make provision for the following:
(a) Recommendations on all precautions to minimise risk to personal safety of occupants and the risk of property damage for the total development. Such recommendations must be consistent with the approved development. The flood impacts on the site shall be assessed for the 100 year ARI and Probable Maximum Flood (PMF) storm events. The precautions shall include but not be limited to the following:
    i) Types of materials to be used to ensure the structural integrity of the building to immersion and impact of velocity and debris.
    ii) Set floor levels as set out in the ACOR report
    ii) Waterproofing methods, including electrical equipment, wiring, fuel lines or any other service pipes or connections.
    iii) Flood warning signs/depth indicators for areas that may be inundated
    iv) Flood emergency response/evacuation Plan.
    v) On site response plan to minimise flood damage, demonstrating that adequate storage areas are available for hazardous materials and valuable goods above the flood level.
(b) Provide a structural engineer's certificate stating that the proposed building has been designed to withstand the forces of flood water, debris and buoyancy up to the PMF flood.
(c) Specify the architectural and structural plans upon which the above recommendations have been incorporated.

The Flood Risk Management Plan must be submitted to and approved by Council before the issue of a Construction Certificate.

Stormwater Drainage (Site 3)

121. Detailed site stormwater construction plans generally in accordance with concept plans SC301 (Rev C), SC302 (Rev C), SC303 (Rev C), SC304 (Rev C), SC305 (Rev C), SC306 (Rev C), SC307 (Rev D), SC308 (Rev C), SC309 (Rev C), SC310 (Rev C), SC311 (Rev C), SC312 (Rev C), SC313 (Rev C), SC314 (Rev C), SC315 (Rev C), SC316 (Rev C), SC317 (Rev C) and SC318 (Rev B) by Neil Lowry & Associates P/L shall be amended and/or additional information provided as follows;

i. Detailed calculations for sizing of the OSD system to be provided for assessment (this shall include the DRAINS files);
ii. For sites greater than 1000sqm the allowable discharge will be limited to the equivalent fully pervious discharges for the site area;
iii. Details of the 1 in 100 year overflow routes in case of failure\blockage of the site drainage system shall be provided. This shall include any existing overland flow routes from upstream;
iv. Construction details for direct connection to Council's stormwater drainage system. Details shall include a long section of the pipe detailing all utility services, bedding and road restoration detail;
v. A WSUD Strategy Report and a MUSIC model (including .sqz file) shall be provided to ensure the treatment measures proposed meet Council's water quality targets;
vi. A detailed WSUD maintenance plan outlining how all elements of the water quality treatment facility will be maintained and to record annual inspections/maintenance works to be undertaken; and
vii. 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 shall be fully "tanked" so as not to allow the ingress of seepage or groundwater.

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

122. A revised Plan of Management be submitted to and approved by Council. The Plan of Management must adequately addresses all matters in Control C71 of Part 5.3.1.1 of the Marrickville DCP 2011 and be updated to reflect any relevant changes required by the conditions of this consent including (but not limited to):
    - Hours of operation;
    - Patron capacity;
    - Restricted access to the 'external RSL area'

123. Public access to the 'through site pedestrian walkway' must be maintained during daylight hours.

124. 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.

125. 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.

126. 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.

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

Construction Pedestrian and Traffic Management Plan

128. Prior to the commencement of any works a Construction Pedestrian and Traffic Management Plan (CPTMP) must be submitted to Council for approval for that stage of the works. The CPTMP needs to specify, but not be limited to, the following:

k) Information on the impacts of construction and on-street parking
l) Location of the proposed work zone;
m) Detailed information on the construction traffic that will service the site indicating the type of heavy vehicles, and number of vehicle movements throughout the day and during the morning and afternoon peak periods, including swept path analysis;
n) Details of any road closures;
o) Haulage routes including marshalling area/s and operation;
p) Construction vehicle access arrangements;
q) Analysis on the impact of this traffic on the traffic signals at New Canterbury Road/ Crystal Street and New Canterbury Road/Audley Street
r) Construction program;
s) Any potential impacts to general traffic, cyclists, pedestrians and train and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works; and
t) The plan shall be submitted to and approved by Council commencing work.

Work Zone - major

129. The person acting on this consent shall apply for a Work Zone along the site frontage for construction vehicles. A minimum of 2 months should be allowed for the processing of the application.

Dilapidation – major

130. A dilapidation report on the visible and structural condition of the following public infrastructure must be provided to the Principal Certifying Authority prior to the commencement of demolition or issue of a Construction Certificate (whichever occurs first).

a) Full width of Trafalgar Street, including road pavement, stormwater drainage infrastructure, kerb and gutter and footpath, between Audley Street and Regent Street;
b) Full width of Regent Street, including road pavement, stormwater drainage infrastructure, kerb and gutter and footpath for the frontage of the site, between New Canterbury Road and Trafalgar Street
c) Full width of Fisher Street, including road pavement, stormwater drainage infrastructure, kerb and gutter and footpath for the frontage of the sites.
d) The Lane access at the rear of site 3 (existing RSL)

The dilapidation report is to be prepared by a practicing Structural/Civil Engineer agreed to by both the applicant and Council. All costs incurred in achieving compliance with this condition shall be borne by the applicant. The liability of any damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded by the requirements of this condition will be borne by the applicant.

Public Liability Insurance

131. 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.

132. A final acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines".

133. 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.

134. Prior to the issue of a Construction Certificate a Risk Assessment/Management Plan regarding any potential risk to or from the rail corridor and assets, 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.

135. 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.

136. 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.

137. 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.

138. 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.

139. 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. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate(s) until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.

140. 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.

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

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

For more information on how to calculate the amount payable and where payments can be made contact the Long Services Payments Corporation.
http://www.lspc.nsw.gov.au/levy_information/?levy_information/levy_calculator.stm

142. 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.

143. 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.

144. 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.

145. 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.

146. 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.

147. Plans fully reflecting the selected commitments listed in the relevant BASIX Certificates 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).

148. Noise attenuation measures must be incorporated into the development complying with Australian Standard 2021:2015, 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 2021:2015, 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".

149. 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).

150. 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.

151. 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.

152. 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(s).

153. Where a condition of consent requires Sydney Trains or Transport for NSW endorsement the Principal Certifying Authority is not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged Construction Certificates dealing with specific works and compliance conditions can be issued subject to written agreement from those entities to which the relevant condition(s) applies.

154. No work is permitted within the rail corridor, or its easements, at any time unless prior approval or an Agreement has been entered into with Sydney Trains. Where the Applicant proposes to enter the rail corridor, the Principal Certifying Authority shall not issue a Construction Certificate until written confirmation has been received from Sydney Trains confirming that its approval has been granted.

155. 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.

156. 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.

157. 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.

158. 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.

159. 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.

160. 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.

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

162. 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.

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.

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.

163. The removal, replacing or decommissioning of an underground petroleum storage system shall comply with the requirements of The Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008, The Protection of the Environment Operations Act 1997 and Australian Standard AS4976-2008: The removal and disposal of underground petroleum storage tanks.

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

BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE FOR 'STAGE 2' OF THE DEVELOPMENT (SITE 2)

164. This condition is imposed in accordance with Section 7.11 of the Environmental Planning and Assessment Act 1979.

a) Before the issue of a Construction Certificate the Council must be paid a monetary contribution of $923,651.92 indexed in accordance with Marrickville Section 94/94A Contributions Plan 2014 ("CP").

The above contribution is the contribution applicable as at 17 April 2019.

***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. DC002574)

b) 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	$93,943.78
Plan Administration	$18,110.94
Recreation Facilities	$748,043.54
Road/Access Dedication - Petersham	$52,449.52
Traffic Facilities	$11,104.14

c) 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.

d) 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.

Stormwater Drainage (Site 2)

165. Detailed site stormwater construction plans generally in accordance with concept plans SC000 (Rev A), SC200 (Rev A), SC201 (Rev A), SC202 (Rev A), SC203 (Rev A), SC204 (Rev A), SC205 (Rev A), SC206 (Rev A), SC207 (Rev A) and SC08 (Rev A), by Neil Lowry & Associates P/L shall be amended and/or additional information provided as follows;
    a. Detailed calculations for sizing of the OSD system to be provided for assessment (this shall include the DRAINS files);
    b. For sites greater than 1000sqm the allowable discharge will be limited to the equivalent fully pervious discharges for the site area;
    c. Details of the 1 in 100 year overflow routes in case of failure\blockage of the site drainage system shall be provided. This shall include any existing overland flow routes from upstream;
    d. Construction details for direct connection to Council's stormwater drainage system. Details shall include a long section of the pipe detailing all utility services, bedding and road restoration detail;
    e. A WSUD Strategy Report and a MUSIC model (including .sqz file) shall be provided to ensure the treatment measures proposed meet Council's water quality targets;
    f. A detailed WSUD maintenance plan outlining how all elements of the water quality treatment facility will be maintained and to record annual inspections/maintenance works to be undertaken; and
    g. 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 shall be fully "tanked" so as not to allow the ingress of seepage or groundwater.

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

Vehicular Access and Parking (Site 2)

166. The vehicular access and associated vehicle standing areas shall be designed in accordance with Australian Standard AS/NZS 2890.1-2004 *Parking Facilities: Off-street car parking*, Australian Standard AS 2890.2-2002 *Parking Facilities: Commercial vehicle facilities*, AS/NZS 2890.6-2009 *Parking facilities: Off-street parking for people with disabilities* so that:-
    a) The layout and minimum dimensions of any standing area comply with clause 2.4 of AS/NZS 2890.1-2004 such that:-
        (i) car spaces adjacent to walls or fences are increased in width by an additional 300mm;
        (ii) end spaces are provided with an additional 1m aisle extension; and
        (iii) the location of columns within the carpark complies with figure 5.1 of AS/NZS 2890.1-2004;
    b) The vehicular crossing on Fisher Street shall be relocated to be a minimum of 6m from the corner (tangent point) of Fisher and Regent Streets in accordance with Figure 3.1 of AS2890.1:2004. The 6m must measure at the kerb and take into account a 1m splay on the vehicular crossing.
    c) At the property boundary the access from the road to a standing area is (as near as practicable) perpendicular to the line of the adjacent road;
    d) The relative surface levels of the internal access from the road being controlled so that:-
        (i) the surface levels at the property boundary match "alignment levels";

(ii) the change in grade for any 2m length of accessway does not exceed 1 in 8 (12.5%) unless suitable transitions are provided in accordance with AS2890.1;
(iii) the maximum grade at any point does not exceed 1 in 5 (20%) or in the case of ramps greater than 20m in length 1 in 6 (16.7%); and
(iv) the maximum grade at the property boundary does not exceed 1 in 20 (5%) within 6m of the property boundary;

e) The vehicle egress is designed such that there are no obstructions to lines of sight, along the footpath and the roadway for drivers of egressing vehicles; and

Details of compliance with the above requirements including long sections of the ramps shall be submitted to and approved by Council before the issue of a Construction Certificate.

167. A final acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines".

168. 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.

169. 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. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate(s) until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.

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

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

For more information on how to calculate the amount payable and where payments can be made contact the Long Services Payments Corporation.
http://www.lspc.nsw.gov.au/levy_information/?levy_information/levy_calculator.stm

171. 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.

172. 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.

173. 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.

174. 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.

175. 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.

176. Plans fully reflecting the selected commitments listed in the relevant BASIX Certificates 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).

177. Noise attenuation measures must be incorporated into the development complying with Australian Standard 2021:2015, 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 2021:2015, 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".

178. 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).

179. 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.

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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.

180. 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.

181. 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(s).

182. Where a condition of consent requires Sydney Trains or Transport for NSW endorsement the Principal Certifying Authority is not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged Construction Certificates dealing with specific works and compliance conditions can be issued subject to written agreement from those entities to which the relevant condition(s) applies.

183. No work is permitted within the rail corridor, or its easements, at any time unless prior approval or an Agreement has been entered into with Sydney Trains. Where the Applicant proposes to enter the rail corridor, the Principal Certifying Authority shall not issue a Construction Certificate until written confirmation has been received from Sydney Trains confirming that its approval has been granted.

184. 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.

185. 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.

186. 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.

187. 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.

188. 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.

189. 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.

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

191. 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.

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.

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.

BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE FOR 'STAGE 3' OF THE DEVELOPMENT (SITE 1)

192. This condition is imposed in accordance with Section 7.11 of the Environmental Planning and Assessment Act 1979.

a) Before the issue of a Construction Certificate the Council must be paid a monetary contribution of $1,871,573.92 indexed in accordance with Marrickville Section 94/94A Contributions Plan 2014 ("CP").

The above contribution is the contribution applicable as at 17 April 2019.

***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. DC002575)

b) 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	$190,138.72
Plan Administration	$36,697.72
Recreation Facilities	$1,514,012.08
Road/Access Dedication - Petersham	$106,155.88
Traffic Facilities	$24,569.52

c) 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.

d) 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.

NB: No 'credit' for the existing RSL club has been applied as no documentation has been provided confirming its GFA.

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

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

For more information on how to calculate the amount payable and where payments can be made contact the Long Services Payments Corporation.
http://www.lspc.nsw.gov.au/levy_information/?levy_information/levy_calculator.stm

194. 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.

Stormwater Drainage (Site 1)

195. Detailed site stormwater construction plans generally in accordance with concept plans SC000 (Rev A), SC100 (Rev A), SC101 (Rev A), SC102 (Rev A), SC103 (Rev A), SC104 (Rev A), SC105 (Rev A), SC106 (Rev A), SC107 (Rev A), SC108 (Rev A), SC109 (Rev A), SC110 (Rev A), SC111 (Rev A), SC112 (Rev A), SC113 (Rev A) and SC114 (Rev A) by Neil Lowry & Associates P/L shall be amended and/or additional information provided as follows;

a. Detailed calculations for sizing of the OSD system to be provided for assessment (this shall include the DRAINS files);
b. For sites greater than 1000sqm the allowable discharge will be limited to the equivalent fully pervious discharges for the site area;
c. Details of the 1 in 100 year overflow routes in case of failure\blockage of the site drainage system shall be provided. This shall include any existing overland flow routes from upstream;
d. Construction details for direct connection to Council's stormwater drainage system. Details shall include a long section of the pipe detailing all utility services, bedding and road restoration detail;
e. A WSUD Strategy Report and a MUSIC model (including .sqz file) shall be provided to ensure the treatment measures proposed meet Council's water quality targets;
f. A detailed WSUD maintenance plan outlining how all elements of the water quality treatment facility will be maintained and to record annual inspections/maintenance works to be undertaken; and
g. 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 shall be fully "tanked" so as not to allow the ingress of seepage or groundwater.

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

196. 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.

Vehicular Access and Parking (Site 1)

197. The vehicular access and associated vehicle standing areas shall be designed in accordance with Australian Standard AS/NZS 2890.1-2004 *Parking Facilities: Off-street car parking*, Australian Standard AS 2890.2-2002 *Parking Facilities: Commercial vehicle facilities*, AS/NZS 2890.6-2009 *Parking facilities: Off-street parking for people with disabilities* so that:-

a) The layout and minimum dimensions of any standing area comply with clause 2.4 of AS/NZS 2890.1-2004 such that:-

(i) car spaces adjacent to walls or fences are increased in width by an additional 300mm;
(ii) end spaces are provided with an additional 1m aisle extension; and
(iii) the location of columns within the carpark complies with figure 5.1 of AS/NZS 2890.1-2004;

b) At the property boundary the access from the road to a standing area is (as near as practicable) perpendicular to the line of the adjacent road;

c) The relative surface levels of the internal access from the road being controlled so that:-
(i) the surface levels at the property boundary match "alignment levels";
(ii) the change in grade for any 2m length of accessway does not exceed 1 in 8 (12.5%) unless suitable transitions are provided in accordance with AS2890.1;
(iii) the maximum grade at any point does not exceed 1 in 5 (20%) or in the case of ramps greater than 20m in length 1 in 6 (16.7%); and
(iv) the maximum grade at the property boundary does not exceed 1 in 20 (5%) within 6m of the property boundary;

d) The vehicle egress is designed such that there are no obstructions to lines of sight, along the footpath and the roadway for drivers of egressing vehicles; and

Details of compliance with the above requirements including long sections of the ramps shall be submitted to and approved by Council before the issue of a Construction Certificate.

198. 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.

199. 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.

200. 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.

201. Plans fully reflecting the selected commitments listed in the relevant BASIX Certificates 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).

202. Noise attenuation measures must be incorporated into the development complying with Australian Standard 2021:2015, 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 2021:2015, 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".

203. 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).

204. 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.

205. 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.

206. 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(s).

207. Where a condition of consent requires Sydney Trains or Transport for NSW endorsement the Principal Certifying Authority is not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged Construction Certificates dealing with specific works and compliance conditions can be issued subject to written agreement from those entities to which the relevant condition(s) applies.

208. No work is permitted within the rail corridor, or its easements, at any time unless prior approval or an Agreement has been entered into with Sydney Trains. Where the Applicant proposes to enter the rail corridor, the Principal Certifying Authority shall not issue a Construction Certificate until written confirmation has been received from Sydney Trains confirming that its approval has been granted.

209. 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.

210. 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.

211. 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.

212. 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.

213. 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.

214. 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.

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

216. 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.

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.

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.

SITE WORKS

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

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

219. 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.

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

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

being issued in relation to the building.

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

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

222. 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.

223. All vehicles carrying materials to, or from the site must have their loads covered with tarpaulins or similar covers.

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

225. All waste dockets from the recycling and/or disposal of any demolition and construction waste generated from the works must be retained on site.

226. Tree protection measures detailed in the council-approved tree protection plan and in Section 4 of Australian Standard Protection of Trees on Development Sites AS 4970—2009 shall be implemented and complied with for the duration of works including site preparation, demolition, construction and landscaping (except where these conditions permit otherwise). Prohibited activities as detailed in AS 4970—2009 shall not be permitted within any designtated Tree Protection Zone (TPZ) unless approved under this consent and these conditions. Any reasonable directions in writing by the Project Arborist relating to tree protection shall be complied with.

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

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

229. Landscaping of the site must be carried out prior to occupation or use of the premises in accordance with the approved landscape plan and must be maintained at all times to

Council's satisfaction. Specified tree protection measures shall be complied with for all landscaping works, except where these conditions permit otherwise.

230. Following completion of construction and prior to the issue of the Occupation Certificate, new trees shall be planted as detailed in the approved landscape plan.

231. The new trees shall be planted in accordance with the following criteria:
   a) The new trees shall be located in accordance with the approved landscape plan.
   b) The species of trees and planting stock sizes shall be as detailed in the approved landscape plan.
   c) The planting stock shall comply with the Australian Standard *Tree Stock for Landscape Use* AS 2303-2015.
   d) The new trees shall be planted in accordance with the tree planting detail included in the Marrickville Street Tree Master Plan 2014. Note that planting holes for trees shall not be excavated deeper than the root ball and that new trees shall not be tied to stakes.
   e) The new trees shall be planted by a qualified horticulturist or arborist, with a minimum qualification of Certificate 3.
   f) Each new tree shall be maintained in a healthy and vigorous condition until it attains a height of 5 metres, from which time it is protected by Council's Development Control Plan (DCP).
   g) If any tree dies or needs to be removed before that time it shall be replaced with a similar tree in accordance with these conditions at the expense of the applicant.

232. 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.

233. 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 sites inclusive of footpath paving, kerb, street trees, landscaping, stormwater drainage shall be reconstructed and upgraded in accordance with the Street Tree Masterplan and the Marrickville Public Domain Design Guide; The works shall generally in accordance with Public Domain Plans C00 (Rev A), C01 (Rev B), C02 to C33 (Rev A) and SK34 (Rev C) submitted by ACE Engineers Pty Ltd;
   b) Widening and reconstruction of Fozzard Lane. The design of the road pavement shall be supported by geotechnical investigation.
   c) The construction of heavy duty vehicular crossings to all vehicular access locations and removal of all redundant vehicular crossings to the site;
   d) Provision of a median strip to control left in/left out movements at the Trafalgar Street vehicular access.
   e) The swept path of the longest vehicle (including garbage trucks, building maintenance vehicles and removalists) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS;

f) A long section, along both sides of the proposed vehicular crossing and ramp, drawn at a 1:20 natural scale shall be provided at all vehicular access locations and the loading dock. The long sections shall also include headroom details and ground clearance templates to ensure that vehicles are able to satisfactorily to access the respective sites;
g) The redesign and construction of the pedestrian refuge at the intersection of Trafalgar and Regent Streets;
h) 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. Existing and design long sections shall be provided at the top of kerb, invert of kerb and boundary; and
i) 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. Cross sections must include existing and design levels for back of footpath; top of kerb; kerb invert; kerb lip; road level 1m from kerb lip and road centre line;
j) Street tree and planting details; and
k) Details of all existing and proposed signage and line marking.

234. 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.

235. 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.

BEFORE THE ISSUE OF THE AN OCCUPATION CERTIFICATE FOR EACH STAGE

236. 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".
237. 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.
238. 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.
239. 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.
240. 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.

Protect sandstone kerb

241. 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.

Road repair

242. The existing road pavement in Regent Street shall be re-sheeted using a 40mm Mill and Fill treatment from Trafalgar Street to New Canterbury Road upon completion of the stage 3 of the development. Any failed section shall be boxed out and replaced with deeplift asphalt before the Mill and Fill treatment.

Car Share

243. The use and operation of the car share space must be managed by the owner or contracted by the owner to a car share operator to the satisfaction of Council. The use and operation of the car share space must be accommodated in the titling and management of the Residential Development, including covenants, building or strata management statement, by laws and other instruments before the issue of an Occupation Certificate, and must provide for:

a) Free use of the car share space;
c) Public access at all times to the car share vehicle; and
d) Insurances, including public liability.

Certification of site stormwater works

244. 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.

Positive Covenant (OSD/OSR)

245. A Positive Covenant under Section 88B or 88E, whichever is relevant to the subject development, of the Conveyancing Act, shall be created on the title of the property detailing the following (at the Applicant's full cost):

(a) surface flow path;
(b) finished pavement and ground levels;
(c) prevent the erection of any structures or fencing;
(d) on-site stormwater detention and/or retention system.

The wording in the Instrument shall be submitted to and approved by the Inner West Council prior to lodgement at the Land Titles Office and prior to the release of the Occupation Certificate (a typical document is available from Council's Development Assessment Engineer). The Instrument shall be registered prior to the completion of development.

The following documents shall be submitted to Council as part of the Positive Covenant process and requirements, for the site OSD/OSR system:

i) Work-As-Executed Plans
A "Work-as-Executed" plan prepared and signed by a registered surveyor shall be submitted to the Inner West Council's Development Assessment Engineer at the

completion of the works showing the location of the detention basin with finished surface levels, contours at 0.2 metre intervals and volume of storage available. Also the outlet pipe from the detention basin to its connection to Council's drainage system, shall be shown together with the following information:
- location;
- pipe diameter;
- gradient;
- pipe material i.e. PVC or EW etc;
- orifice size;
- trash screen at orifice;
- emergency overflow dimensions and RL;
- all buildings (including floor levels) and finished ground and pavement surface levels.

ii) Engineer's Certificate
A qualified practising Civil Engineer shall certify on the completion of drainage works in respect of:
* the soundness of the storage structure;
* the capacity of the detention storage;
* the emergency overflow system being in place;
* the works being constructed in accordance with the Development Application Consent and Council's Stormwater Management DCP/Code;
* the freeboard from maximum water surface level to the finished floor and garage levels are at or above the minimum required in Council's Stormwater Management DCP/Code;
* basement car park pumps are class one zone two.

iii) Restriction-As-To-User
A "Restriction-as-to-User" shall be placed on the title of the subject property to indicate the location and dimensions of the detention area. This is to ensure that works, which could affect the function of the stormwater detention system, shall not be carried out without the prior consent in writing of the Council.
Such restrictions shall not be released, varied or modified without the consent of the Council.
A typical document is available from Council's Development Assessment Engineer.

iv) A Maintenance Schedule.
A typical document is available from Council's Development Assessment Engineer.

Stormwater Drainage and Road works – certification

246. 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 relevant Occupation Certificate.

Video inspection (CCTV) shall be carried out of completed stormwater drainage works that are to revert to Council and a copy provided to Council to support the certification of those works.

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.

Vehicle access and parking certification

247. Prior to the issue of the relevant Occupation Certificate, the Principal Certifying Authority must ensure that the vehicle access and off street parking facilities have been constructed in accordance with the approved design and relevant Australian Standards.

Certification by a qualified practicing Civil Engineer that the vehicular access and off street parking facilities have been constructed in accordance the development consent and with relevant Australian Standards must be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

Undergrounding power

248. The existing overhead power cables along the Regent Street, Fisher Street and Trafalgar Street frontages of the sites must be relocated underground with appropriate street lighting and new steel standard poles being installed at no cost to Council and before the issue of an Occupation Certificate. The street lighting shall be designed in accordance with Australian Standard AS1158-Road Lighting and the Network Standards of Ausgrid. Lighting on the adjacent classified roads must meet the lighting category required by RMS. In addition the design shall also comply with AS4282 to ensure that no injury is caused to the amenity of the surrounding area by light overspill or obtrusive light. Plans shall be submitted to and approved by Council before submission to Ausgrid for implementation.

249. The applicant shall provide security, in a manner satisfactory to Council for the proper maintenance of the public domain works in an amount of $45,000.00 for a period of twelve (12) months from the date of completion of the public domain works as surety for the proper maintenance of these works.

Road widening

250. Before the issue of the Occupation Certificate, The Council must be provided with evidence which establishes that a plan of subdivision has been registered by the Land and Property Information Authority which results in the road widening of Fozzard Lane as detailed in the Draft DP (Revision 3 dated 12/2/18) submitted by Daw and Walton Consulting Surveyors

Dilapidation report – OC

251. A second Dilapidation Report addressing the public infrastructure identified in the pre-work Dilapidation 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 the relevant Occupation Certificate.

Public domain – Council signoff

252. Prior to issue of the Relevant 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.

New VC - advisory

253. 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 Vehicle Crossing and Public Domain Works' form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, before commencement of works.

BEFORE OCCUPATION OF THE BUILDING FOR 'STAGE 1' OF THE DEVELOPMENT (SITE 3)

254. Prior to the Occupation of Stage 1 of the development the signalised intersection at Trafalgar Street and Regent Street shall be upgraded to provide a pedestrian crossing on the western side of the intersection to facilitate the increased pedestrian movements generated by the development and to provide safe and direct access to Petersham Railway Station from the new Bus Stop location and the new RSL Club. Detailed design plans shall be submitted for the approval of RMS and Council before the installation of the new traffic signals.

255. Prior to the Occupation of Stage 1 of the development the person acting on this consent shall seek approval from the State Transit Authority (STA) for the proposed relocation of the bus stop and shelter as detailed on SK34 (Rev C) submitted by ACE Engineers Pty Ltd. The person acting on this consent must also liaise with Council's bus shelter service provider to organise the relocation/new shelter at no cost to Council. A plan of the proposed bus shelter relocation with signposting alterations shall be submitted to Council's Traffic Committee for approval before implementation of the works.

256. 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.

257. 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
    Cooling Towers - Public Health Act 2010 and Public Health Regulation 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.

258. 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.

259. A validation report prepared by a suitably qualified and experienced person shall be submitted to Council. The report is to confirm that the underground petroleum storage system has been removed, replace or decommissioned in accordance with The Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008, The Protection Environment Operations Act 1997 and Australian

Standard AS4976-2008: The removal and disposal of underground petroleum storage tanks.

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.

260. To ensure minimal impacts on surrounding properties commercial waste and recyclable material generated by the premises must not be collected between the hours 10pm and 7am.

261. 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 for Stage 1 (Site 3) until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

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

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

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

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

264. The building identification and apartment numbering of each site must be provided ans supported by Council before the issuing of any Occupation Certificate.

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

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

Every twelve (12) months after the Final Fire Safety Certificate is issued the owner must obtain an Annual Fire Safety Certificate for each of the Fire Safety Measures listed in

the Schedule. The Annual Fire Safety Certificate must be forwarded to the Commissioner and the Council and displayed in a prominent position in the building.

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

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

268. 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.
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.

269. 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.

270. 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.

271. 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).

272. 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.

273. 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 2021:2015, 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.

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

275. Council must be notified of bin requirements three months prior to the occupation of the residential component of a development to ensure timely delivery.

276. Council will place an order for the required bins. Delivery will occur once the applicant has completed a Request for New Service, which includes the submission of an Occupation Certificate.

277. 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.

278. 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.

279. 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.

280. 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 thein 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.

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

282. 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.

283. 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".

284. 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.

285. 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.

286. 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.

287. 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.

288. 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.

289. 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.

290. Prior to the issue of any interim / final Occupation Certificate, certification from an appropriately qualified environmental consultant is to be provided stipulating that the requirements of the following contamination reports:

Title	Prepared by	Date
Remediation Action Plan	EI Australia	9 April 2019

have been complied with throughout excavation, demolition & development work stages. The certification shall also include:
a) A validation and site monitoring report prepared in accordance with relevant guidelines issued under the Contaminated Land Management Act 1997 must be submitted to the Council within one month from completion of the remediation work.
b) A detailed survey of all sites used for landfill disposal must be prepared within one month from completion of the remediation work, and submitted to Council.
c) Identification of the extent and depth of all fill material in relation to existing roadways and buildings. The survey must also include a detailed survey of all site used as landfill disposal pits, identifying boundaries and depth of disposal pits in relation to existing roadways and buildings.

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.

291. 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.

292. A validation report shall be prepared by a suitably qualified Environmental Consultant and be submitted to Council upon completion of remediation works and prior to the site being occupied. The validation report shall be prepared in accordance with relevant NSW Environment Protection Authority guidelines, including the guidelines 'Consultants Reporting on Contaminated Sites' and shall include :
   - Description and documentation of all works performed
   - Results of validation testing and monitoring
   - Validation results if any imported fill was transferred to site
   - Demonstrate how all agreed clean-up criteria and relevant regulations have been satisfied
   - Confirmation and justification as to the suitability of the site for the proposed use and the potential for off site migration of any residual contaminates.

293. A report prepared by a suitably qualified Acoustic Consultant shall be submitted to Council certifying that the development complies with the requirements of (as relevant):

   - State Environmental Planning Policy (Infrastructure) 2007
   - ANEF - the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021—2000
   - conditions of development consent; and

The report shall include post construction validation test results.

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 Occupation Certificate.

294. During the first sixty (60) days of trading /public entertainment being provided at the premises, the following acoustic measures must be undertaken:

a) A suitably qualified acoustic consultant must be appointed to:

i) measure and verify the noise emanating from the premises; and

ii) if necessary, make recommendations to ensure that the noise emanating from the premises complies with the noise criteria.

b) The noise measurements must be:

i) undertaken without the knowledge of the applicant, manager or operator of the premises; and

ii) taken on at least three (3) different occasions on three (3) different days of the week (excluding Monday, Tuesday and Wednesday) from 11pm until the end of the public entertainment or close of business, whichever occurs first, and
iii) submitted to Council within seven (7) days of testing.

c) If the acoustic consultant recommends that additional treatment or works be undertaken those recommendations must be:

i) submitted to Council with the noise measurements; and

ii) implemented to the acoustic consultant's satisfaction before the end of the first sixty (60) days of public entertainment provided on the premises.

d) If the acoustic consultant's recommendations are not implemented in accordance with this condition, the relevant element of trading (ie outdoor area access)/ public entertainment on the premises must cease until such time as the recommendations are implemented and verified.

295. 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 to other premises as defined in the Environment Protection Authority's Technical Guidelines for Assessing Vibration.

BEFORE OCCUPATION OF THE BUILDING FOR 'STAGE 2' OF THE DEVELOPMENT (SITE 2)

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

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

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

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

298. The building identification and apartment numbering of each site must be provided ans supported by Council before the issuing of any Occupation Certificate.

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

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

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

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

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

302. 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.
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.

303. 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.

304. 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.

305. 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).

306. 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.

307. 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 2021:2015, 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.

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

309. Council must be notified of bin requirements three months prior to the occupation of the residential component of a development to ensure timely delivery.

310. Council will place an order for the required bins. Delivery will occur once the applicant has completed a Request for New Service, which includes the submission of an Occupation Certificate.

311. 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.

312. 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.

313. 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.

314. 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 thein 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.

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

316. 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.

317. 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".

318. 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.

319. 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.

320. 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.

321. 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.

322. 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.

323. 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.

324. Prior to the issue of any interim / final Occupation Certificate, certification from an appropriately qualified environmental consultant is to be provided stipulating that the requirements of the following contamination reports:

Title	Prepared by	Date
Remediation Action Plan	EI Australia	9 April 2019

have been complied with throughout excavation, demolition & development work stages. The certification shall also include:
a) A validation and site monitoring report prepared in accordance with relevant guidelines issued under the Contaminated Land Management Act 1997 must be submitted to the Council within one month from completion of the remediation work.
b) A detailed survey of all sites used for landfill disposal must be prepared within one month from completion of the remediation work, and submitted to Council.
c) Identification of the extent and depth of all fill material in relation to existing roadways and buildings. The survey must also include a detailed survey of all site used as landfill disposal pits, identifying boundaries and depth of disposal pits in relation to existing roadways and buildings.

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.

325. 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.

326. A validation report shall be prepared by a suitably qualified Environmental Consultant and be submitted to Council upon completion of remediation works and prior to the site being occupied. The validation report shall be prepared in accordance with relevant

NSW Environment Protection Authority guidelines, including the guidelines 'Consultants Reporting on Contaminated Sites' and shall include :

- Description and documentation of all works performed
- Results of validation testing and monitoring
- Validation results if any imported fill was transferred to site
- Demonstrate how all agreed clean-up criteria and relevant regulations have been satisfied
- Confirmation and justification as to the suitability of the site for the proposed use and the potential for off site migration of any residual contaminates.

327. A report prepared by a suitably qualified Acoustic Consultant shall be submitted to Council certifying that the development complies with the requirements of (as relevant):

- State Environmental Planning Policy (Infrastructure) 2007
- ANEF - the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021—2000
- conditions of development consent; and

The report shall include post construction validation test results.

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 Occupation Certificate.

328. During the first sixty (60) days of trading /public entertainment being provided at the premises, the following acoustic measures must be undertaken:

a) A suitably qualified acoustic consultant must be appointed to:

i) measure and verify the noise emanating from the premises; and

ii) if necessary, make recommendations to ensure that the noise emanating from the premises complies with the noise criteria.

b) The noise measurements must be:

i) undertaken without the knowledge of the applicant, manager or operator of the premises; and

ii) taken on at least three (3) different occasions on three (3) different days of the week (excluding Monday, Tuesday and Wednesday) from 11pm until the end of the public entertainment or close of business, whichever occurs first, and

iii) submitted to Council within seven (7) days of testing.

c) If the acoustic consultant recommends that additional treatment or works be undertaken those recommendations must be:

i) submitted to Council with the noise measurements; and

ii) implemented to the acoustic consultant's satisfaction before the end of the first sixty (60) days of public entertainment provided on the premises.

d) If the acoustic consultant's recommendations are not implemented in accordance with this condition, the relevant element of trading (ie outdoor area access)/ public entertainment on the premises must cease until such time as the recommendations are implemented and verified.

329. 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 to other premises as defined in the Environment Protection Authority's Technical Guidelines for Assessing Vibration.

BEFORE OCCUPATION OF THE BUILDING FOR 'STAGE 3' OF THE DEVELOPMENT (SITE 1)

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

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

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

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

332. The building identification and apartment numbering of each site must be provided ans supported by Council before the issuing of any Occupation Certificate.

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

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

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

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

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

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.

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.

336. 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.

337. 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.

338. 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).

339. 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.

340. 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 2021:2015, 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.

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

The Principal Certifying Authority shall report breaches of the conditions to Inner West Council.

342. Council must be notified of bin requirements three months prior to the occupation of the residential component of a development to ensure timely delivery.

Council will place an order for the required bins. Delivery will occur once the applicant has completed a Request for New Service, which includes the submission of an Occupation Certificate.

343. 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.

344. 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.

345. 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 thein 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.

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

347. 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.

348. 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".

349. 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.

350. 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.

351. 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.

352. 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.

353. 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.

354. 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.

355. Prior to the issue of any interim / final Occupation Certificate, certification from an appropriately qualified environmental consultant is to be provided stipulating that the requirements of the following contamination reports:

Title	Prepared by	Date
Remediation Action Plan	EI Australia	9 April 2019

have been complied with throughout excavation, demolition & development work stages. The certification shall also include:

a) A validation and site monitoring report prepared in accordance with relevant guidelines issued under the Contaminated Land Management Act 1997 must be submitted to the Council within one month from completion of the remediation work.

b) A detailed survey of all sites used for landfill disposal must be prepared within one month from completion of the remediation work, and submitted to Council.
c) Identification of the extent and depth of all fill material in relation to existing roadways and buildings. The survey must also include a detailed survey of all site used as landfill disposal pits, identifying boundaries and depth of disposal pits in relation to existing roadways and buildings.

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.

356. 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.

357. A validation report shall be prepared by a suitably qualified Environmental Consultant and be submitted to Council upon completion of remediation works and prior to the site being occupied. The validation report shall be prepared in accordance with relevant NSW Environment Protection Authority guidelines, including the guidelines 'Consultants Reporting on Contaminated Sites' and shall include :
   - Description and documentation of all works performed
   - Results of validation testing and monitoring
   - Validation results if any imported fill was transferred to site
   - Demonstrate how all agreed clean-up criteria and relevant regulations have been satisfied
   - Confirmation and justification as to the suitability of the site for the proposed use and the potential for off site migration of any residual contaminates.

358. A report prepared by a suitably qualified Acoustic Consultant shall be submitted to Council certifying that the development complies with the requirements of (as relevant):

   - State Environmental Planning Policy (Infrastructure) 2007
   - ANEF - the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021—2000
   - conditions of development consent; and

The report shall include post construction validation test results.

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 Occupation Certificate.

359. During the first sixty (60) days of trading /public entertainment being provided at the premises, the following acoustic measures must be undertaken:

a) A suitably qualified acoustic consultant must be appointed to:

i) measure and verify the noise emanating from the premises; and

ii) if necessary, make recommendations to ensure that the noise emanating from the premises complies with the noise criteria.

b) The noise measurements must be:

i) undertaken without the knowledge of the applicant, manager or operator of the premises; and

ii) taken on at least three (3) different occasions on three (3) different days of the week (excluding Monday, Tuesday and Wednesday) from 11pm until the end of the public entertainment or close of business, whichever occurs first, and
iii) submitted to Council within seven (7) days of testing.

c) If the acoustic consultant recommends that additional treatment or works be undertaken those recommendations must be:

i) submitted to Council with the noise measurements; and

ii) implemented to the acoustic consultant's satisfaction before the end of the first sixty (60) days of public entertainment provided on the premises.

d) If the acoustic consultant's recommendations are not implemented in accordance with this condition, the relevant element of trading (ie outdoor area access)/ public entertainment on the premises must cease until such time as the recommendations are implemented and verified.

360. 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 to other premises as defined in the Environment Protection Authority's Technical Guidelines for Assessing Vibration.

ONGOING CONDITIONS OF CONSENT

361. All bins are to be brought back inside within 12 hours of being emptied

362. All businesses must have written evidence of all valid and current contracts and/ or tip dockets for the disposal and/ or processing of all waste streams generated from the site.

363. The building manager/strata title manager or body corporate is responsible for ensuring all residential tenants are kept informed regarding Council's services, and best practice waste and recycling source separation.

364. An Environmental Management Plan (EMP) shall be prepared for the approved development.

The plan shall be prepared by a suitably qualified person and shall be to the satisfaction of Council and shall address:

Risk assessment of all Environmental Aspects and impacts to site and other potentially impacted properties

The impacts must at minimum consider the following areas:

- Hazardous Substances
- Water
- Air
- Noise
- Vibration
- Waste & Litter

- Land
- Community
- Environmental Protection objectives and control strategies
- Environmental conditions using measurable indicators and standards
- Emergency Response Plan
- Environmental monitoring and reporting plan

The plan must be submitted to Council and correspondence obtained stating that the plan satisfies the condition obtained by Council, prior to the release of an Occupation Certificate.

365. 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

366. Suitably constructed waste disposal containers with securely fitting lids must be kept on the property for the storage of any clinical, contaminated or related waste prior to the final disposal of the material at a facility approved by the Environmental Protection Authority.

ADVISORY NOTES

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

BASIX Information	☎ 1300 650 908 weekdays 2.00pm-5.00pm www.basix.nsw.gov.au
Department of Fair Trading	☎ 13 32 20 www.fairtrading.nsw.gov.au Enquiries relating to Owner Builder Permits and Home Warranty Insurance.

Dial Before You Dig	☎ 1100 www.dialbeforeyoudig.com.au
Landcom	☎ 9841 8660 to purchase copies of Volume One of "Soils and Construction"
Long Service Payments Corporation	☎ 13 14 41 www.lspc.nsw.gov.au
NSW Government	www.nsw.gov.au/fibro and www.diysafe.nsw.gov.au Information on asbestos and safe work practices.
NSW Office of Environment & Heritage	☎ 131 555 www.environment.nsw.gov.au
Sydney Water	☎ 13 20 92 www.sydneywater.com.au
Waste Services NSW - SITA Environmental Solutions	☎ 1300 651 116 www.wasteservice.nsw.gov.au
Water Efficiency Labelling and Standards (WELS)	www.waterrating.gov.au
WorkCover Authority of NSW	☎ 13 10 50 www.workcover.nsw.gov.au Enquiries relating to work safety and asbestos removal and disposal.

- The subject property lies within the 20-25 Australian Noise Exposure Forecast (ANEF) Contour (2029), as advised by the Commonwealth Department of Aviation, and it would be advisable to noise attenuate the proposed development in accordance with Australian Standard AS 2021 'Acoustics - Aircraft noise intrusion - Building siting and construction'.

Pursuant to Clause 100(4) of the Regulations under the Act, Council will notify you in writing if Part A of this Consent has been satisfied and the date from which this Consent operates.

Under Section 8.7 of the Act you may, within twelve (12) months of receipt of this notice, appeal to the Land and Environment Court if you are dissatisfied with the Sydney Central Planning Panel's determination.

All conditions imposed by the Sydney Eastern City Planning Panel must be observed. Breach of a condition is a breach of the Act and may also constitute an offence.

INNER WEST COUNCIL

Supplementary Report
297-299 TRAFALGAR STREET PETERSHAM

Panel Reference	2018SCL035
DA Number	DA201800173
LGA	Inner West
Proposed Development	Demolish existing structures and construct 'staged' development over three (3) sites. The proposal includes 357 apartments, a registered club with ancillary uses and a food and drink premises. A new through-site link connecting Regent Street to Fozzard Lane is also proposed.
Street Address	3-7 & 13-17 Regent Street. 287-309 Trafalgar Street & 16-20 Fisher Street Petersham
Applicant/Owner	DEICORP PROJECTS PETERSHAM PTY LTD
Date of DA lodgement	16 April 2018
Number of Submissions	179 total
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	Capital investment value of $132,564,080
List of all relevant s4.15(1)(a) matters	State Environmental Planning Policy No. 55 – Remediation of Land State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy No 65 —Design Quality of Residential Apartment Development State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 Commonwealth Airports (Protection of Airspace) Regulations 1996 Civil Aviation Regulations 1988 Roads Act 1993 Marrickville Local Environmental Plan 2011 Marrickville Development Control Plan 2011 Marrickville Section 94/94A Contributions Plan 2014.
List all documents submitted with this report for the Panel's consideration	Clause 4.6 variation requests Amended landscape plan Amended ground floor plan – RSL Marked up conditions of consent Summary of submissions
Report prepared by	Tom Irons
Report date	17 May 2019

SUMMARY

This report concerns the amended plans and additional information submitted to Council on 10 May and 15 May 2019 for an application to demolish existing structures and construct a 'staged' development over three (3) sites including 357 apartments, a registered club with ancillary uses and a food and drink premises as well as a new through-site link connecting Regent Street to Fozzard Lane. 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 2 May 2019.

The application is referred to the SECPP for determination.

1. Background

A report on an application to demolish existing structures and construct a 'staged' development over three (3) sites including 357 apartments, a registered club with ancillary uses and a food and drink premises as well as a new through-site link connecting Regent Street to Fozzard Lane was considered by the SECPP at its meeting on 2 May 2019.

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

> *1. Amend the clause 4.6 requests to vary the height and floor space ratio development standards in clauses 4.3 and 4.4 of the Marrickville LEP 2011 ('MLEP') to adequately address the matters required to be demonstrated in clause 4.6(3) of the MLEP and to ensure all variations including (if any are in breach) roof top structures shown on the landscape plans and gross floor area (as per item 2) to be in breach of the applicable standards are addressed.*
>
> *2. Provided updated plans showing calculations of the gross floor area in consultation with Council's planner to provide for an agreed floor space ratio, if possible.*
>
> *3. Amend the landscape plan for 'site 3' to provide landscape treatment along Trafalgar Street, to improve the overall streetscape appearance, including but necessarily limited to, the external face to the baffles to the outdoor gaming area. The minimum depth of any such landscaped area is to be no less than 1 metre.*
>
> *4. Amend plan DA.099K "plan Level B1 – Ground Floor RSL" prepared by Nordon Jago Architects dated 4 April 2019 to be consistent with plan TP01 issue 6 "Proposed Ground Floor Plan" prepared by Red Design Group dated 13 November 2017.*

2. Amended Plans

On 10 May and 15 May 2019 the applicant submitted amended plans and additional information that responded to the above resolution of the SECPP.

The amended plans are reproduced below:

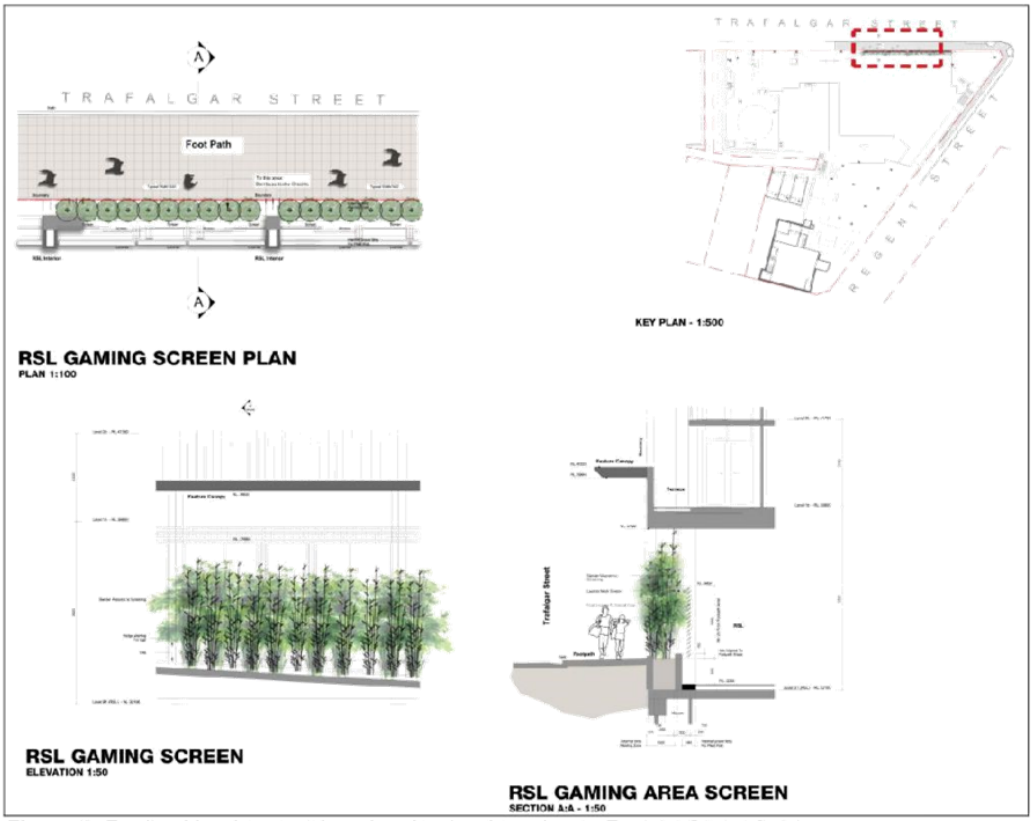


Figure 1: Revised landscape plan showing landscaping to Regent Street frontage

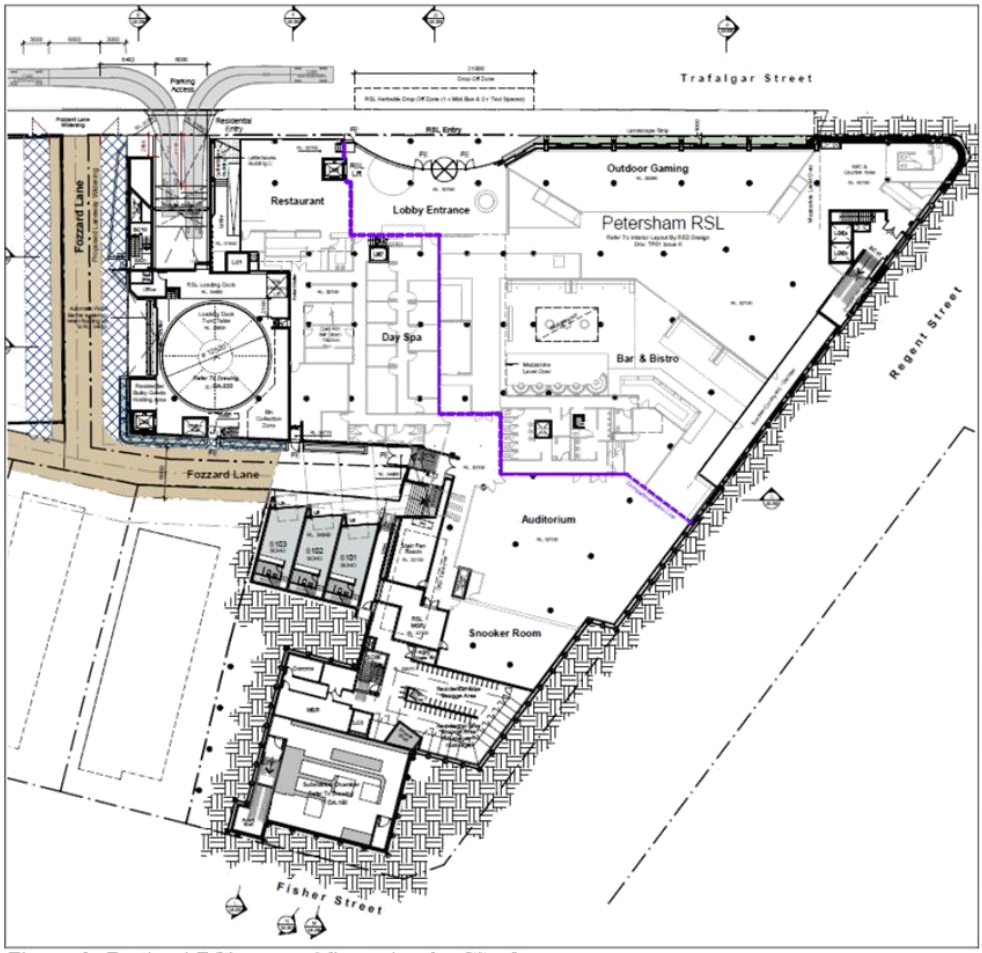


Figure 2: Revised RSL ground floor plan for Site 3.

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 2 May 2019:

> *1. Amend the clause 4.6 requests to vary the height and floor space ratio development standards in clauses 4.3 and 4.4 of the Marrickville LEP 2011 ('MLEP') to adequately address the matters required to be demonstrated in clause 4.6(3) of the MLEP and to ensure all variations including (if any are in breach) roof top structures shown on the landscape plans and gross floor area (as per item 2) to be in breach of the applicable standards are addressed.*

Comment:

It is noted that the Panel considered that the original Clause 4.6 requests did not adequately address the matters required to be demonstrated in clause 4.6(3) of the MLEP 2011 and did not address all the breaches of the applicable development standards.

Updated written requests in accordance with Clause 4.6 of MLEP 2011 were submitted justifying the proposed variation from the Building Height and Floor Space Ratio development standards in Clauses 4.3 and 4.4 of the MLEP 2011 respectively. The updated Clause 4.6 requests have been included in separate attachments **(Attachments 1 and Attachments 2).**

Building Height

The updated written request has adequately demonstrated that the matters under cl 4.6(3) are satisfied, being that compliance with the standard is unreasonable or unnecessary, and that there are sufficient environmental planning grounds to justify contravening the Building Height development standard.

Council officers are satisfied that the proposed development satisfies cl 4.6(4)(a)(ii), being the proposed development will be in the public interest because it is consistent with the objectives of the zone and the objectives of the Building height development standard (see below).

The objectives of the Building Height development standard in Clause 4.3 of the MLEP 2011 are as follows:

> *(a) to establish the maximum height of buildings,*
> *(b) to ensure building height is consistent with the desired future character of an area,*
> *(c) to ensure buildings and public areas continue to receive satisfactory exposure to the sky and sunlight,*
> *(d) to nominate heights that will provide an appropriate transition in built form and land use intensity.*

It is considered the development is in the public interest because it is consistent with the objectives of the Building Height development standard, in accordance with Clause 4.6(4)(a)(ii) of the MLEP 2011 for the following reasons:

- The proposal is generally in accordance with the desired future character of the area and the site specific building height in storeys controls established for Sites 1 and 3 in Part 9.6 of the MLEP 2011 established during the Planning Proposal for the subject sites. The only exception to this is the 8 instead of 6-storey street wall height

of Building A on Site 3 which is supported by Council officers for the reasons discussed elsewhere in this report.

- The proposed variations to the development standard are wholly confined to lift and staircase over-runs, and rooftop services and equipment, all of which are significantly setback from the building elevations, and thus not readily visible from the public domain.
- The proposed variations will not prevent buildings and public areas retaining satisfactory exposure to the sky and sunlight when compared to a compliant scheme.
- The location and nature of the variations will not affect the ability of the proposal to achieve the prescribed desired transition in built form and land use intensity which was established through the relevant LEP amendments and DCP controls during the Planning Proposal for the subject sites.

The objectives of the R4 – High Denstiy Residential zone in the Land Use Table of the MLEP 2011 are as follows:

- *To provide for the housing needs of the community within a high density residential environment.*
- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for office premises but only as part of the conversion of existing industrial and warehouse buildings or in existing buildings designed and constructed for commercial purposes.*
- *To provide for retail premises in existing buildings designed and constructed for commercial purposes.*
- *To provide for well connected neighbourhoods that support the use of public transport, walking and cycling.*

It is considered the development is in the public interest because it is consistent with the objectives of the R4 – High Density Residential zone, in accordance with Clause 4.6(4)(a)(ii) of the M LEP 2011 for the following reasons:

- The proposal provides for the housing needs of the community,
- The proposal provides a variety of housing types,
- The proposal provides other permissible land uses that meet the day to day needs of residents,
- The proposal promotes a well connected neighbourhood by creating new linkages, upgrading the public domain and facilitating the use of a number of modes of transport including public transport, cycling and walking.

Floor Space Ratio

The written request has adequately demonstrated that the matters under cl 4.6(3) are satisfied, being that compliance with the standard is unreasonable or unnecessary, and that there are sufficient environmental planning grounds to justify contravening the Floor Space Ratio development standard.

Council is satisfied that the proposed development satisfies cl 4.6(4)(a)(ii), being the proposed development will be in the public interest because it is consistent with the objectives of the zone and the objectives of the Floor Space Ratio development standard (see below).

The objectives of the Floor Space Ratio development standard in Clause 4.4 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 areas,
(c) to minimise adverse environmental impacts on adjoining properties and the public domain.

It is considered the development is in the public interest because it is consistent with the objectives of the Floor Space Ratio development standard, in accordance with Clause 4.6(4)(a)(ii) of the MLEP 2011 for the following reasons:

- Approximately 60% of the additional gross floor area across all three sites is a result of car parking in excess of Council's requirements, all of which is located in the basement levels, therefore not affecting building density and bulk and will result in minimal additional adverse environmental impacts.
- The majority of the balance of the additional gross floor area is a result of corridors which were originally incorrectly excluded from the calculations by the applicant.
- The proposal is generally in accordance with the site specific controls established for Sites 1, 2 and 3 in relation to setbacks, height in storeys and building envelopes in Part 9.6 of the MDCP 2011 which were created during the Planning Proposal. The notable exceptions to this are the 8 instead of 6-storey street wall height of Building A on Site 3 and relatively minor encroachments into the prescribed building setbacks on Site 2. The non-compliances in conjunction with the proposed variation to the development standard do not prevent the proposal from achieving the desired future character of the area in regards to building density and bulk.
- The proposal has acceptable environmental impacts on adjoining properties and the public domain most notably in relation to privacy, visual bulk and solar access.

The objectives of the R4 – High Density Residential zone in the Land Use Table of the MLEP 2011 are as follows:

- *To provide for the housing needs of the community within a high density residential environment.*
- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for office premises but only as part of the conversion of existing industrial and warehouse buildings or in existing buildings designed and constructed for commercial purposes.*
- *To provide for retail premises in existing buildings designed and constructed for commercial purposes.*
- *To provide for well connected neighbourhoods that support the use of public transport, walking and cycling.*

It is considered the development is in the public interest because it is consistent with the objectives of the R4 – High Density Residential zone, in accordance with Clause 4.6(4)(a)(ii) of the MLEP 2011 for the following reasons:

- The proposal provides for the housing needs of the community,
- The proposal provides a variety of housing types,
- The proposal provides other permissible land uses that meet the day to day needs of residents,

- The proposal promotes a well connected neighbourhood by creating new linkages, upgrading the public domain and facilitating the use of a number of modes of transport including public transport, cycling and walking.

2. Provided updated plans showing calculations of the gross floor area in consultation with Council's planner to provide for an agreed floor space ratio, if possible.

Comment:

Updated plans showing calculations of the gross floor area were provided. No objections to the calculations are raised by Council officers. It is noted that the entirety of the inward-facing corridors of Site 1 have now been included in the calculations. The updated plans have been included in separate attachments **(Attachments 1 and Attachments 2).**

3. Amend the landscape plan for 'site 3' to provide landscape treatment along Trafalgar Street, to improve the overall streetscape appearance, including but necessarily limited to, the external face to the baffles to the outdoor gaming area. The minimum depth of any such landscaped area is to be no less than 1 metre.

Comment:

Amended plans were submitted to Council which show the landscape treatment along Trafalgar Street (see Figure 1). The landscape treatment has a depth of 1.25m (inclusive of the planter boxes), is confined to the area in front of the baffles to the outdoor gaming area and includes a variety of bamboo. It is considered that the landscape treatment will improve the overall streetscape appearance. The amended landscaped plans have been included in a separate attachment **(Attachment 3).**

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

4. Amend plan DA.099K "plan Level B1 – Ground Floor RSL" prepared by Nordon Jago Architects dated 4 April 2019 to be consistent with plan TP01 issue 6 "Proposed Ground Floor Plan" prepared by Red Design Group dated 13 November 2017.

Comment:

An amended plan was submitted to Council which resolved the previous inconsistencies in the two plans (see Figure 2). The amended plan has been included in a separate attachment **(Attachment 4).**

4. Changes to recommended conditions of consent

Additional information and amended drawings were provided by the applicant in order to address the recommended Deferred Commencement conditions of consent.

Deferred Commencement Condition 1

- Signed confirmation from Sydney Trains was provided on the 2 May 2019 confirming that the recommended Deferred Commencement condition is no longer necessary. A

number of additional standard conditions of consent were recommended by Sydney Trains which have been included in the revised conditions of consent.

Deferred Commencement Condition 2

- Amended drawings were provided on 15 May 2019 which relocated the waste collection point for Site 2 from Fisher Street to Regent Street. Council officers are satisfied that this condition has been satisfied.

The updated recommended conditions of consent can be found at the end of this report. A separate 'marked-up' set of conditions of consent which shows the recommended changes has been included in a separate attachment **(Attachment 5).**

5. Conclusion

Regarding resolution 1. concerning the Clause 4.6 requests, Council officers are of the opinion that this resolution has been satisfied.

Regarding resolution 2. concerning plans showing accurate gross floor area calculations, Council officers are of the opinion that this resolution has been satisfied.

Regarding resolution 3. concerning the amended landscape plan, Council officers are of the opinion that this resolution has been satisfied.

Regarding resolution 4. concerning inconsistencies in the ground floor plans of Site 3, Council officers are of the opinion that this resolution has been satisfied.

6. Recommendation

It is recommended that the application be approved for the reasons outlined in the original assessment report considered by the SECPP at its meeting on 2 May 2019.

7. Conditions of Consent

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

CONDITIONS OF CONSENT

GENERAL

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

Dwg. No.	Dwg. Name	Author	Date
DA-1050 'B'	Site Analysis	Candalepas Associates	25 October 2018
DA – 1101 'B'	Basement 2 Floor Plan	Candalepas Associates	25 October 2018

DA – 1102 'B'	Basement 1 Floor Plan	Candalepas Associates	25 October 2018
DA – 1103 'B'	Ground Floor Plan	Candalepas Associates	25 October 2018
DA – 1104 'B'	Level 1 Floor Plan	Candalepas Associates	25 October 2018
DA – 1105 'B'	Level 2 Floor Plan	Candalepas Associates	25 October 2018
DA – 1106 'B'	Level 3-4 Floor Plan	Candalepas Associates	25 October 2018
DA – 1107 'B'	Level 5 Floor Plan	Candalepas Associates	25 October 2018
DA – 1108 'B'	Levels 6-7 Floor Plan	Candalepas Associates	25 October 2018
DA – 1109 'B'	Level 8 Floor Plan	Candalepas Associates	25 October 2018
DA – 1110 'B'	Roof Plan	Candalepas Associates	25 October 2018
DA – 1201 'B'	Sections A+B	Candalepas Associates	25 October 2018
DA – 1202 'B'	Section C	Candalepas Associates	25 October 2018
DA – 1301 'B'	Regent Street Elevation (West)	Candalepas Associates	25 October 2018
DA – 1302 'B'	Fisher Street Elevation (South)	Candalepas Associates	25 October 2018
DA – 1303 'B'	North Elevation	Candalepas Associates	25 October 2018
DA – 1304 'B'	East Elevation	Candalepas Associates	25 October 2018
DA – 1950 'B'	Adaptable Units Plans	Candalepas Associates	25 October 2018
DA – 1050 'B'	Site Analysis	Candalepas Associates	25 October 2018
DA – 1101 'B'	Basement B3 Floor Plan + Basement B2	Candalepas Associates	25 October 2018

	Floor Plan		
DA – 1102 'E'	Basement B1 Plan + Ground Floor Plan	Candalepas Associates	14 May 2019
DA – 1103 'C'	Level 1 Floor Plan + Level 2 Floor Plan	Candalepas Associates	29 March 2019
DA – 1104 'C'	Level 3 + Level 4 Floor Plans	Candalepas Associates	29 March 2019
DA – 1105 'C'	Level 5 + Level 6 Floor Plans	Candalepas Associates	29 March 2019
DA – 1106 'B'	Roof Plan	Candalepas Associates	25 October 2018
DA – 1201 'E'	Section A + Section B	Candalepas Associates	14 May 2019
DA – 1301 'E'	West Elevation (Regent Street)	Candalepas Associates	14 May 2019
DA – 1302 'B'	East Elevation	Candalepas Associates	25 October 2018
DA – 1303 'E'	North Elevation + South Elevation	Candalepas Associates	14 May 2019
DA – 1401	Wall Detail	Candalepas Associates	25 October 2018
DA – 1600 'B'	Solar Access/Cross Ventilation Analysis	Candalepas Associates	25 October 2018
DA – 1950 'B'	Adaptable Unit Plans Sheet 1	Candalepas Associates	25 October 2018
DA - 1951 'B'	Adaptable Unit Plans Sheet 2	Candalepas Associates	25 October 2018
DA.000 J	Cover Page	Nordon Jago Architects	8 April 2019
DA.095 J	Plan Level B5	Nordon Jago Architects	8 April 2019
DA.096 K	Plan Level B4	Nordon Jago	8 April 2019

		Architects	
DA.097 K	Plan Level B3	Nordon Jago Architects	4 April 2019
DA.098 J	Plan Level B2	Nordon Jago Architects	4 April 2019
DA.099 L	Plan Level B1 – Ground Floor RSL	Nordon Jago Architects	8 May 2019
DA.100 L	Plan Level B1 – Mezzanine Level	Nordon Jago Architects	4 April 2019
DA.101 K	Plan Level 1	Nordon Jago Architects	4 April 2019
DA.102 L	Plan Level 2	Nordon Jago Architects	4 April 2019
DA.103 K	Plan Level 3	Nordon Jago Architects	4 April 2019
DA.104 K	Plan Level 4	Nordon Jago Architects	4 April 2019
DA.105 K	Plan Level 5	Nordon Jago Architects	4 April 2019
DA.106 K	Plan Level 6	Nordon Jago Architects	4 April 2019
DA.107 K	Plan Level 7	Nordon Jago Architects	4 April 2019
DA.108 K	Plan Level 8	Nordon Jago Architects	4 April 2019
DA.109 G	Plan Level 9	Nordon Jago Architects	4 April 2019

DA.120 H	Plan Level 10 (Roof)	Nordon Jago Architects	4 April 2019
DA.121 E	Roof Plan	Nordon Jago Architects	4 April 2019
DA. 130 D	Nominated Adaptable Unit Layouts	Nordon Jago Architects	29 March 2019
DA. 131 D	Nominated Adaptable Unit Layouts	Nordon Jago Architects	29 March 2019
DA. 160 F	Substation Chamber Plan	Nordon Jago Architects	29 March 2019
DA.200 J	Section A	Nordon Jago Architects	4 April 2019
DA.201 H	Section B	Nordon Jago Architects	4 April 2019
DA.204 H	Section E	Nordon Jago Architects	4 April 2019
DA.205 G	Sections F and M	Nordon Jago Architects	4 April 2019
DA.206 G	Sections G and K	Nordon Jago Architects	4 April 2019
DA.207 E	Section L and N	Nordon Jago Architects	4 April 2019
DA.300 H	Principal Elevations	Nordon Jago Architects	4 April 2019
DA. 301 F	Principal Elevations	Nordon Jago Architects	4 April 2019
DA.302 F	Inner Courtyard Elevations	Nordon Jago	4 April 2019

		Architects	
DA. 303 E	Inner Urban Park Elevation	Nordon Jago Architects	4 April 2019
DA. 620 E	Loading Dock Plan	Nordon Jago Architects	29 March 2019
TP01 '6'	Proposed Ground Floor Plan	Red Design Group	13 November 2017
TP02 '2'	Proposed Upper Floor Plan	Red Design Group	13 November 2017
-	Trafalgar Street Elevation	Red Design Group	Undated
-	Section 1 – restaurant	Red Design Group	Undated
-	Section 2 - lobby	Red Design Group	Undated
-	Section 3 – outdoor gaming	Red Design Group	Undated
-	Section 3 – outdoor gaming detail	Red Design Group	Undated
-	Section 5 – the pub/Regent St	Red Design Group	Undated
-	Trafalgar Street – outdoor gaming detail	Red Design Group	Undated
-	Finishes schedule p1	Red Design Group	Undated
-	Finishes schedule p2	Red Design Group	Undated
-	Finishes schedule p3	Red Design Group	Undated
DEI00614	Basement 5 and below	Daw & Walton	5 April 2018
DEI00614	Basement 4	Daw & Walton	5 April 2018

DEI00614	Basement 3	Daw & Walton	5 April 2018
DEI00614	Basement 2	Daw & Walton	5 April 2018
DEI00614	Basement 1	Daw & Walton	5 April 2018
DEI00614	RSL Mezzanine	Daw & Walton	5 April 2018
DEI00614	Level 1	Daw & Walton	5 April 2018
DEI00614	Level 2-7	Daw & Walton	5 April 2018
DEI00614	Level 8	Daw & Walton	5 April 2018
DEI00614	Level 9	Daw & Walton	5 April 2018
DEI00614	Level 10 (Roof)	Daw & Walton	5 April 2018
5796	Basement 1 and below	Daw & Walton	4 December 2017
5796	Ground	Daw & Walton	4 December 2017
5796	Level 1	Daw & Walton	4 December 2017
5796	Level 2	Daw & Walton	4 December 2017
5796	Level 3 and above	Daw & Walton	4 December 2017
LT002[E]	Overall Landscape Masterplan	Taylor Brammer Landscape Architects Pty Ltd	9 May 2019
LT003[D]	Tree retention and removal plan	Taylor Brammer Landscape Architects Pty Ltd	2 November 2018

LT004[D]	Proposed street trees	Taylor Brammer Landscape Architects Pty Ltd	2 November 2018
LT005[C]	Street tree detail	Taylor Brammer Landscape Architects Pty Ltd	25 October 2018
LT006[B]	Street tree detail	Taylor Brammer Landscape Architects Pty Ltd	16 March 2018
LT007[A]	Street tree detail	Taylor Brammer Landscape Architects Pty Ltd	25 October 2018
LT100[C]	Site 1 ground floor landscape plan	Taylor Brammer Landscape Architects Pty Ltd	25 October 2018
LT101[C]	Site 1 Level 1 landscape plan	Taylor Brammer Landscape Architects Pty Ltd	25 October 2018
LT102[B]	Site 1 ground floor landscape plan	Taylor Brammer Landscape Architects Pty Ltd	19 March 2018
LT103[B]	Site 1 level 8 landscape plan	Taylor Brammer Landscape Architects Pty Ltd	19 March 2018
LT104[A]	Site 1 section	Taylor Brammer Landscape Architects Pty Ltd	7 December 2017

LT105[A]	Landscape section	Taylor Brammer Landscape Architects Pty Ltd	25 October 2018
LT200[C]	Site 2 ground floor landscape	Taylor Brammer Landscape Architects Pty Ltd	2 November 2018
LT201[C]	Site 2 ground floor landscape	Taylor Brammer Landscape Architects Pty Ltd	2 November 2018
LT202[C]	Site 2 level 1 landscape	Taylor Brammer Landscape Architects Pty Ltd	2 November 2018
LT203[A]	Site 2 level 2 landscape	Taylor Brammer Landscape Architects Pty Ltd	7 December 2017
LT204[A]	Site 2 level 3 landscape	Taylor Brammer Landscape Architects Pty Ltd	7 December 2017
LT205[A]	Site 2 level 4 landscape	Taylor Brammer Landscape Architects Pty Ltd	7 December 2017
LT206[A]	Site 2 level 5 landscape	Taylor Brammer Landscape Architects Pty Ltd	7 December 2017
LT207[B]	Site 2 level 6 landscape	Taylor Brammer Landscape Architects Pty Ltd	25 October 2018

LT208[A]	Site 2 section A	Taylor Brammer Landscape Architects Pty Ltd	7 December 2017
LT300[D]	Site 3 landscape masterplan	Taylor Brammer Landscape Architects Pty Ltd	2 November 2018
LT301[C]	Site 3 ground floor finishes and levels	Taylor Brammer Landscape Architects Pty Ltd	2 November 2018
LT302[C]	Site 3 ground floor planting	Taylor Brammer Landscape Architects Pty Ltd	2 November 2018
LT303[B]	Fozzard Lane plan	Taylor Brammer Landscape Architects Pty Ltd	16 October 2018
LT304[B]	Site 3 Level 7 + 8 landscape	Taylor Brammer Landscape Architects Pty Ltd	16 March 2018
LT305[A]	Site 3 sections	Taylor Brammer Landscape Architects Pty Ltd	7 December 2018
LT306[C]	Site 3 planting schedules	Taylor Brammer Landscape Architects Pty Ltd	25 October 2018
LT307[A]	RSL gaming area screen	Taylor Brammer Landscape Architects Pty Ltd	9 May 2019

LD01[A]	Landscape details	Taylor Brammer Landscape Architects Pty Ltd	7 December 2017
LD02[A]	Landscape details	Taylor Brammer Landscape Architects Pty Ltd	7 December 2017
LD03[A]	Landscape details	Taylor Brammer Landscape Architects Pty Ltd	7 December 2017
C01 B	Civil works layout plan sheet 1 of 3	Australian Consulting Engineers	18 September 2018
C02 A	Civil works layout plan sheet 2 of 3	Australian Consulting Engineers	21 March 2018
C03 A	Civil works layout plan sheet 3 of 3	Australian Consulting Engineers	21 March 2018
C04 A	Typical cross sections	Australian Consulting Engineers	21 March 2018
C05 A	Trafalgar Street longitudinal section sheet 1 of 2	Australian Consulting Engineers	21 March 2018
C06 A	Trafalgar Street longitudinal section sheet 2 of 2	Australian Consulting Engineers	21 March 2018
C07 A	Regent Street longitudinal section sheet 1 of 4	Australian Consulting Engineers	21 March 2018
C08 A	Regent Street longitudinal section sheet 2 of 4	Australian Consulting Engineers	21 March 2018

C09 A	Regent Street longitudinal section sheet 3 of 4	Australian Consulting Engineers	21 March 2018
C10 A	Regent Street longitudinal section sheet 4 of 4	Australian Consulting Engineers	21 March 2018
C11 A	Fisher Street longitudinal section sheet 1 of 2	Australian Consulting Engineers	21 March 2018
C12 A	Fisher Street longitudinal section sheet 2 of 2	Australian Consulting Engineers	21 March 2018
C13 A	New Canterbury Road longitudinal section sheet 1 of 2	Australian Consulting Engineers	21 March 2018
C14 A	New Canterbury Road longitudinal section sheet 2 of 2	Australian Consulting Engineers	21 March 2018
C15 A	Fozzard Lane longitudinal section sheet 1 of 2	Australian Consulting Engineers	21 March 2018
C16 A	Fozzard Lane longitudinal section sheet 2 of 2	Australian Consulting Engineers	21 March 2018
C17 A	Trafalgar Street cross sections sheer 1 of 3	Australian Consulting Engineers	21 March 2018
C18 A	Trafalgar Street cross sections sheer 2 of 3	Australian Consulting Engineers	21 March 2018
C19 A	Trafalgar Street cross sections sheer 3 of 3	Australian Consulting Engineers	21 March 2018
C20 A	Regent Street cross sections	Australian Consulting	21 March 2018

	sheet 1 of 2	Engineers	
C21 A	Regent Street cross sections sheet 2 of 2	Australian Consulting Engineers	21 March 2018
C22 A	Fisher Street cross sections sheet 1 of 3	Australian Consulting Engineers	21 March 2018
C23 A	Fisher Street cross sections sheet 2 of 3	Australian Consulting Engineers	21 March 2018
C24 A	Fisher Street cross sections sheet 3 of 3	Australian Consulting Engineers	21 March 2018
C25 A	New Canterbury Road cross sections sheet 1 of 2	Australian Consulting Engineers	21 March 2018
C26 A	New Canterbury Road cross sections sheet 2 of 2	Australian Consulting Engineers	21 March 2018
C27 A	Fozzard Lane cross sections sheet 1 of 2	Australian Consulting Engineers	21 March 2018
C28 A	Fozzard Lane cross sections sheet 2 of 2	Australian Consulting Engineers	21 March 2018
C29 A	Stormwater longitudinal section sheet 1 of 2	Australian Consulting Engineers	21 March 2018
C30 A	Stormwater longitudinal section sheet 2 of 2	Australian Consulting Engineers	21 March 2018
C31 A	Construction notes and details sheet 1 of 3	Australian Consulting Engineers	21 March 2018
C32 A	Construction notes and details sheet 2 of 3	Australian Consulting Engineers	21 March 2018

C33 A	Construction notes and details sheet 3 of 3	Australian Consulting Engineers	21 March 2018
SK34 C	Signage and linemarking plan	Australian Consulting Engineers	18 September 2018
DCP x2	Staging plan	Nordon Jago Architects	16 March 2018

with the application for development consent and as amended by the following conditions.

2. The development must be carried out in the development 'stages' / phases outlined in Dwg. No. 'DCP x2' 'Staging plan' prepared by Nordon Jago Architects dated 16 March 2018 referenced in Condition 1 of Part B of this consent.

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.

4. The approved Voluntary Planning Agreement relating to the subject sites must be implemented and complied with.

5. An accessible lift must be included to provide access between Fozzard Lane and the 'public accessible urban space' to ensure an accessible path of travel is available from Fozzard Lane to Regent Street. The areas around the stairs leading from Fozzard Lane may need to be reconfigured accordingly. Details must be provided to the satisfaction of Council.

6. Further details of the proposed gates at the entrances of the 'public accessible urban space' must be provided to the satisfaction of Council.

7. An awning must be provided in the locations identified as 'active commercial frontage' in Figure 6.1j of the Marrickville DCP 2011 to provide adequate weather protection for pedestrians using the footpaths.

8. The proposed awning shall be of cantilever type and be set back at least 600mm from the kerb line. Further, the total width of the awning that extends beyond the road alignment shall not exceed 3600mm and shall include pedestrian lighting (Category P3-AS1158) and shall be maintained and owned by the property owner(s). The proposed

awning shall be designed so as to be easily removed if required in future. The owner shall maintain, modify or remove the structure at any time if given notification by Council or the RMS to do so.

9. Direct private pedestrian access from Fisher Street must be provided to Unit A102 of Building A Site 3 to the satisfaction of Council. The internal configuration of the unit can be amended accordingly.

10. All ground level units with direct pedestrian access from adjacent streets have separate mail boxes in a suitable location in front of the respective units.

11. Privacy treatment such as fixed planter boxes, landscaping, fences and/or gates be included at the front setbacks of the SOHO units to provide adequate separation and privacy while retaining pedestrian access from Fozzard Lane. Details must be provided to the satisfaction of Council

12. Adequate fencing must be included preventing the future occupants of Unit 1.06 gaining access to the landscaped area in front of the openings for Unit 1.07 and vice-versa.

13. Full-height privacy screens proposed on balconies must be either retractable or operable on Site 1.

14. All fire hydrant booster values must be concealed from the public domain. Details are to be provided to the satisfaction of Council.

15. The soffit to the undercroft at the corner of Fisher and Regent Streets on Site 2 is to be off-form concrete in natural colour.

16. Dry-pressed face brickwork on Site 2 is to be provided to the return walls to the basement car parking up to the line of the roller shutter.

17. It must be demonstrated by the applicant how the longevity of the proposed glazed tiles to the facades of Site 1 will be ensured. Specific design and construction methodology must also be provided. The details are to be submitted to the satisfaction of Council.

18. 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 4.55 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.

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

20. 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.

21. A minimum of 22 adaptable dwellings must be provided on Site 1, 10 on Site 2, and 43 on Site 3 in accordance with the proposal and Part 2.5 of Marrickville Development Control Plan 2011 - Equity of Access and Mobility.

22. A total of 91 off-street car parking spaces must be provided on Site 1, 50 on Site 2, and 320 on Site 3 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) 91 spaces being allocated to the residential dwellings on Site 1;
    b) 50 spaces being allocated to the residential dwellings on Site 2;
    c) 169 spaces being allocated to the residential dwellings on Site 3;
    d) 1 accessible car space per adaptable dwelling;
    e) 24 car spaces on the ground level of Site 1 be used exclusively for the purposes of Council;
    f) 150 car parking spaces allocated to the registered club on Site 3;
    g) 1 car parking space of the 151 'RSL Parking Spaces' allocated to the ground floor commercial tenancy on Site 3;
    h) 1 loading dock fronting Fozzard Lane for use by the registered club and commercial tenancy; and
    i) 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.

    Note: The total number of car spaces may change as a result of the requirements in this condition and other conditions in this consent.

23. At least two (2) service vehicle spaces must be provided in the basement carpark of Site 1. The spaces must be able to accommodate a standard van which has a typical length of 5.4m, width of 2.1m, height of 2.5m and turning circle of 13.5m. The spaces must not result in the loss of any landscaped area. The internal configuration of the basement can be amended accordingly.

24. A minimum of 15 motorcycle parking spaces must be provided on Site 1, 5 on Site 2, and 11 on Site 3 in association with the residential dwellings and maintained. A minimum of 12 motorcycle parking spaces must be provided on Site 3 in association with the registered club and commercial tenancy and maintained. 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.

25. 92 off-street bicycle parking spaces on Site 1, 30 on Site 2, and 138 on Site 3 in association with the residential dwellings 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. 21 off-street bicycle spaces on Site 3 in association with the registered club and commercial tenancy 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.

26. 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.

27. 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 1 under Part 2.10 of Marrickville Development Control Plan 2011 – Parking.

28. A total of 108 storage cages in Site 1, 50 storage cages in Site 2 and 199 storage cages in Site 3 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 Apartment Design Guide.

29. The proposed use of the registered club and commercial tenancy 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 LA90, 15min noise level, measured in the absence of the noise source/s under consideration by 5dB(A). The source noise level shall be assess as an LAeq, 15min and adjusted in accordance with the NSW Environment Protection Authority's Industrial Noise Policy and Environmental Noise Control Manual (sleep disturbance).

    An acoustic report prepared by a suitably qualified and experienced acoustic consultant shall be provided to the satisfaction of the Principal Certifying Authority demonstrating that noise and vibration from the operation of the premises including the use, plant and equipment will satisfy the stipulated criteria above and relevant provisions of the Protection of the Environment Operations Act 1997 and Regulations and relevant state and local policies and guidelines. Recommendations must be consistent with the approved plans.

    Details demonstrating compliance with the requirements of this condition are to be submitted to the Principal Certifying Authority for approval prior to the issue of any Construction Certificate relating to the registered club or commercial tenancy (not including the basement), whichever is first.

30. To minimise the impact of noise from the adjoining major road and / or rail corridor on the occupants, the Construction Certificate plans shall incorporate and the building constructed in accordance with the recommendations of the following acoustic report approved as part of this application.

Prepared by	Dated	Reference
• Acoustic, Vibration & Noise Pty Ltd	21 November 2016 Amended Date 12 March 2018	2016-025 Rev2.
• Acoustic, Vibration	9 November 2017	2017-555 Rev 2

& Noise Pty Ltd	Amended date 12 March 2018	

Details demonstrating compliance with the requirements of this condition are to be detailed on the plans and accompanying documentation submitted to satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate relating to the residential components (not including the basement).

31. The LA10* noise level emitted from the premises must not exceed the background noise level in any octave band centre frequency (31.5Hz– 8k Hz inclusive) by more than 5dB between 7:00 am and 12:00 midnight at the boundary of any affected residence.

    The LA10* noise level emitted from the premises must not exceed the background noise level in any octave band centre frequency (31.5Hz – 8k Hz inclusive) between 12:00 midnight and 7:00am at the boundary of any affected residence.

    Notwithstanding compliance with the above, the noise from the premises must not be audible within any habitable room in any residence between the hours of 12:00 midnight and 7:00am.

    *For the purposes of this condition, the LA10 can be taken as the average maximum deflection of the noise emission from the licensed premises or restaurant.

    Details of the acoustic measures to be employed to achieve compliance with this condition must be provided prior to the issue of a Construction Certificate. Such measures must be in accordance with the approved acoustic report and plans.

32. As the site where the property is identified as located within ANEF 20-25 or greater, the development approved under this consent must meet the relevant provisions of Australian Standard AS 2021:2000 Acoustics – Aircraft noise intrusion – Building siting and construction.

    An acoustic report prepared by a suitably qualified person and accompanying plans demonstrating compliance are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate relating to the residential components (not including the basement).

33. All stormwater drainage being designed in accordance with the provisions of the Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2015 '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.

34. 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.

35. Should the proposed development require the provision of an electrical substation, such associated infrastructure shall be incorporated wholly within the development site.

36. The registered club has base hours of operation of 9.00am to 12.00 midnight, 7 days a week.

37. The registered club has the following extended hours of operation on a one (1) year trial from the date of any Occupation Certificate relating to the registered club:
The registered club has the following extended hours of operation:
• Monday to Wednesday – 7.00am to 4.00am the next day
• Thursdays to Fridays – 7.00am to 5.00am the next day
• Saturdays - 7.00am to 5.00am the next day
• Sundays – 7.00am to 4.00am the next day.
• ANZAC Day from 5.30am.

    Service is to cease 30 minutes before ceasing of trading hours.

38. The registered club has a maximum patron capacity of 900.

39. The use of the registered club and commercial tenancy 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.

40. Access to the 'external RSL area' / 'outdoor zone' / 'sunken courtyard/garden' is prohibited to any persons other than staff of the registered club or persons engaged by the registered club. Access to this area is to be exclusively for maintenance purposes only.

41. High resolution CCTV cameras be installed at the entrances to all carparks and mailbox areas.

42. Separate Development Consent or Complying Development Certificate must be obtained for the fitout the ground floor commercial tenancy prior to the occupation of that part of the premises.

43. Live music in the registered club is permitted from 10.00am to 10.00pm in the venue. Any live music not to exceed the 5dBa above background noise to the closest sensitive noise receiver. All live music must be confined to the 'function room' / 'auditorium'.

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

    a) The areas to be used as a café 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 Sundays;
    d) All loading and unloading in connection with the use must be carried out wholly within the property from the loading dock adjoining Fozzard Lane, between 7.00am – 5.30pm, Monday to Sunday, 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.

45. The food and drink premises must have access to and permission to use the loading dock adjacent to Fozzard Lane for deliveries and waste storage and collection.

46. Separate Development Consent or Complying Development Certificate must be obtained prior to the erection of any signage, advertisements or advertising structures. The shop/club windows must not be painted with advertisements and no flashing lights are to be installed on the premises. No approval is given to the 'signage zones' as shown on the supplied drawings.

47. 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 any waste storage rooms to facilitate 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

48. 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.

49. The following condition is imposed at the request of Sydney Trains:

a) Sydney Trains or Transport for NSW (TfNSW), and persons authorised by those entities for the purpose of this condition, are entitled to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and these conditions of consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.
b) 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(s).
c) Where a condition of consent requires Sydney Trains or Transport for NSW endorsement the Principal Certifying Authority is not to issue a Construction

Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged Construction Certificates dealing with specific works and compliance conditions can be issued subject to written agreement from those entities to which the relevant condition(s) applies.

d) Any conditions issued as part of Sydney Trains approval/certification of any documentation for compliance with the Sydney Trains conditions of consent, those approval/certification conditions will also form part of the consent conditions that the Applicant is required to comply with.

e) 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.

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

g) The applicant shall not at any stage block the corridor access gate on Trafalgar Street, and should make provision for easy and ongoing 24/7 access by rail vehicles, plant and equipment to support maintenance and emergency activities.

h) 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 for Stage 1 (Site 3), 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.

i) The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:
   - oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;
   - acts as the authorised representative of the Applicant; and
   - is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.

j) Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.

k) Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains external party interface team. In this instance the relevant interface team is Central interface team and they can be contacted via email on Central_Interface@transport.nsw.gov.au.

50. The following condition is imposed at the request of Ausgrid:

a) The method of connection will be in line with Ausgrid's Electrical Standard (ES)1 – 'Premise Connection Requirements.

b) It is recommended for the nominated electrical consultant/contractor to provide a preliminary enquiry to Ausgrid to obtain advice for the connection of the proposed development to the adjacent electricity network infrastructure. An assessment will be carried out based on the enquiry which may include whether or not:
   - The existing network can support the expected electrical load of the development

- A substation may be required on-site, either a pad mount kiosk or chamber style and;
- site conditions or other issues that may impact on the method of supply.

Please go to www.ausgrid.com.au about how to connect to Ausgrid's network.

c) All proposed vegetation underneath overhead power lines and above underground cables must comply with the requirements of ISSC 3 Guideline For Managing Vegetation Near Power Lines.

d) The developer is to consider the impact that existing streelighting and any future replacement streetlighting and maintenance may have on the development. Should the developer determine that any existing streetlighting may impact the development, the developer should either review the development design, particular the placement of windows, or discuss with Ausgrid the options for relocating the streetlighting.
The relocating of any streetlighting will generally be at the developers cost. In many cases is not possible to relocate streetlighting due to its strategic positioning.

e) There are existing overhead electricity network assets in Fisher Street, Regent Street & New Canterbury Rd Safework NSW Document – Work Near Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements between these mains/poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given to the positioning and operating of cranes and the location of any scaffolding.
The "as constructed" minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid's website, www.ausgrid.com.au
Based on the design of the development provided, it is expected that the "as constructed" minimum clearances will not be encroached by the building development. However it remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite.
Should the existing overhead mains require relocating due to the minimum safe clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost.
It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site.

f) There are existing underground electricity network assets in Fisher St & Regent Street. Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area.
Should ground anchors be required in the vicinity of the underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.
Safework Australia – Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables.

g) There are existing electricity substation assets within the site boundary .
The substation ventilation openings, including substation duct openings and louvered panels, must be separated from building air intake and exhaust openings, natural ventilation openings and boundaries of adjacent allotments, by separation distances which meet the requirements of all relevant authorities, building regulations, BCA and

Australian Standards including AS 1668.2: The use of ventilation and airconditioning in buildings - Mechanical ventilation in buildings.

In addition to above, Ausgrid requires the substation ventilation openings, including duct openings and louvered panels, to be separated from building ventilation system air intake and exhaust openings, including those on buildings on adjacent allotments, by not less than 6 metres.

Exterior parts of buildings within 3 metres in any direction from substation ventilation openings, including duct openings and louvered panels, must have a fire rating level (FRL) of not less than 180/180/180 where the substation contains oil-filled equipment, or 120/120/120 where there is no oil filled equipment and be constructed of non-combustible material.

The development must comply with both the Reference Levels and the precautionary requirements of the ICNIRP Guidelines for Limiting Exposure to Time-varying Electric and Magnetic Fields (1 HZ – 100 kHZ) (ICNIRP 2010).

For further details on fire segregation requirements refer to Ausgrid's Network Standard 113. Existing Ausgrid easements, leases and/or right of ways must be maintained at all times to ensure 24 hour access. No temporary or permanent alterations to this property tenure can occur without written approval from Ausgrid. For further details refer to Ausgrid's Network Standard 143.

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

52. 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.

53. Remediation and validation of contaminated land must be carried out in accordance with State Environmental Planning Policy No 55 – Remediation of land, the Contaminated Land Management Act 1997, Development Control Plan 2013 and the following documentation:

Document Title	Prepared By	Dated
Remediation Action Plan	EI Australia	12 April 2018

54. All buildings and structures, together with any improvements integral to the future use of the site are wholly within the freehold property (unlimited in height or depth) of all boundaries.

55. The proposed bus stop relocation on Trafalgar Street should be reviewed and approved by Council, local bus operator and Transport for NSW (NSW). Relocation costs, including signage and infrastructure should be at the proponent's expense.

56. Bicycle Parking should be provided in accordance with AS2890.3.

57. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004, AS2890.6-2009 and AS 2890.2 – 2002 for heavy vehicle usage. Parking Restrictions may be required to maintain the required sight distances at the driveway.

58. The swept path of the longest vehicle (including garbage trucks, building maintenance vehicles and removalists) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.

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

60. All vehicles are to be wholly contained on site before being required to stop.

61. The Construction Pedestrian Traffic Management Plan (CPTMP) should include:
    - Information on the impacts of construction and on-street parking;
    - Detailed information on the construction traffic that will service the site indicating the type of heavy vehicles, and number of vehicle movements throughout the day and during the morning and afternoon peak periods.
    - Analysis on the impact of this traffic on the traffic signals at New Canterbury Road/ Crystal Street and New Canterbury Road/Audley Street.
    - All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Trafalgar Street and New Canterbury Road.
    - CPTMP should be submitted to Council for approval prior to the issue of a Construction Certificate.

62. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on New Canterbury Road during construction activities. A ROL can be obtained through https://myrta.com/oplinc2/pages/security/oplincLogin.jsf.

63. All works must be carried out in accordance with the supplied 'Geotechnical Investigation Report - Report E22913 GA' prepared by eiaustralia and dated 24 May 2016.

64. The buildings must not exceed a maximum height of 71.7 metres AHD for Site 1, 62.9 metres AHD for Site 2 and 66.4 metres for Site 3, inclusive of all lift over-runs, vents, chimneys, aerials, antennas, lightning rods, any roof top garden plantings, exhaust flues etc.

65. The tallest building (Site 1) must be obstacle lit by low intensity steady red lighting during the hours of darkness at the highest point of the building (roof top plant area). Obstacle lights are to be arranged to ensure the building can be observed in a 360 degree radius as per subsection 9.4.3 of the Manual of Standards Part 139 - Aerodromes (MOS). Characteristics for low intensity lights are stated in subsection 9.4.6 of the MOS.

66. The Proponent must ensure the obstacle lighting arrangements have a remote monitoring capability, in lieu of observation every 24 hours, to alert SACL reporting staff of any outage. For detailed requirements for obstacle lighting monitoring within the OLS of an aerodrome, refer to subsection 9.4.10 of the MOS.

67. The obstacle lighting must have a built-in alarm system that will provide remote monitoring to notify the person responsible for the maintenance of the obstacle lighting. The designated person must be available 24 hours per day, 7 days per week. Immediate action must be taken to repair the obstacle lighting and notify Sydney Airport of any outage. The contact details of the person responsible for the maintenance of the obstacle lighting must be sent to Sydney Airport prior to the completion of the building being constructed, and must be kept up to date. In the event of the obstacle lighting being inoperable, the person responsible for the maintenance of the obstacle lighting is to immediately contact the Sydney Airport Airfield Operations Supervisor on 0419 278 208 or 9667 9824.

68. Following completion of the building, the Proponent must advise SACL, in writing, that the future owner(s)/manager(s) have been informed of their obligation to maintain the obstacle lighting in accordance with conditions of this approval.

    The Proponent has advised that prior to completion of the construction of the development and subsequent settlement to all purchases, a Strata Manager I Building Manager will be appointed to the property. Upon appointment, their contact details must be forwarded to the Sydney Airport Airfield Operations Supervisor.

69. The Proponent must advise Airservices Australia at least three business days prior to the controlled activity commencing by emailing <ifp@airservicesaustralia .com> and quoting SY-CA-568.

70. Separate approval must be sought under the Regulations for any construction equipment (i.e. cranes) required to construct the buildings. Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Regulations. Therefore, it is advisable that approval to operate construction equipment (i.e. cranes) be obtained prior to any commitment to construct.

71. At the completion of the construction of the building, a certified surveyor is to notify (in writing) SACL of the finished height of each building.

BEFORE COMMENCING DEMOLITION, EXCAVATION AND/OR BUILDING WORK

72. 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.

73. 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.

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

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

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

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

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

75. All demolition work must:

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

76. Where any loading, unloading or construction is to occur from a public place, Council must be contacted to determine if any permits or traffic management plans are required to be obtained from Council before work commences.

77. All services in the building being demolished must be disconnected in accordance with the requirements of the responsible authorities before work commences.

78. A waste management plan must be prepared in accordance with Part 2.21 of Marrickville Development Control Plan 2011 - Site Facilities and Waste Management and submitted to and accepted by the PCA before work commences.

79. Prior to the issue of the Construction Certificate the applicant is to submit a Resource Recovery and Waste Management Plan that includes details of materials that will be excavated, and their proposed destination or reuse.

Where asbestos is present during demolition work, the work must be carried out in accordance with the guidelines for asbestos work published by Safework NSW.

All asbestos wastes must be disposed of at a landfill facility licensed by the New South Wales Environmental Protection Authority to receive that waste. Copies of the disposal dockets must be retained by the person performing the work for at least 3 years and be submitted to Council on request. Reason: To ensure the appropriate disposal and reuse of waste generated on the site.

80. Where a residential development and commercial development occupy the same site, the waste and recycling handling and storage systems for residential waste and commercial waste (including waste originating from retail premises) are to be additional, separate and self-contained. Commercial and retail tenants must not be able to access residential waste storage area/s, or any storage containers or chutes used for residential waste and recycling.

81. All bin storage areas are to be provided within the site. These areas must fully accommodate the number of bins required for all waste generated by a development of this type and scale. The areas must also include 50% allowance for manoeuvring of bins.

    All bin storage areas are to be located away from habitable rooms, windows, doors and private useable open space, and to minimise potential impacts on neighbours in terms of aesthetics, noise and odour.

    The bin storage areas are to meet the design requirements detailed in the Inner West DCP, and must include doorways/entrance points of 1200mm.

    Residential Bin Storage Areas:
    The number of bins required must be calculated based on a weekly collection of garbage, and a fortnightly collection of recycling.

    Commercial Bin Storage Areas:
    There must be adequate bin storage allocation in the commercial bin storage area to accommodate the generation of all waste streams from all the businesses on site.

82. The bulky waste storage area for the residential uses must meet the floor area requirements as per the Inner West Council DCP. Doorways are to be a minimum of 1200mm wide to accommodate large items

83. There must be additional space allocated on site for the storage of reusable items for the commercial uses such as crates and pallets and/or compaction equipment.

84. The path of travel between the bin storage areas/bulky waste storage areas and the designated waste/recycling collection point is to have a minimum 1200mm wall-to-wall clearance, be slip-proof, of a hard surface, be free of obstructions and at no point have a gradient exceeding 1:12. The use of a lift is permitted, but consideration should be given to the inclusion of a service lift in this instance.

85. 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.

86. 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'.

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

    a) Where the builder's materials and waste are to be stored;

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

All devices must be constructed and maintained on site while work is carried out.

88. The person acting on this consent is responsible for arranging and meeting the cost of a dilapidation report prepared by a suitably qualified person. The report is to be submitted to and accepted by the PCA before work commences, on the buildings on all adjoining properties, if the consent of the adjoining property owner can be obtained. In the event that the consent of the adjoining property owner cannot be obtained copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the PCA before work commences.

89. 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.

90. Where it is proposed to carry out works in public roads or Council controlled lands, a road opening permit must be obtained from Council before the carrying out of any works in public roads or Council controlled lands. Restorations must be in accordance with Marrickville Council's Restorations Code. Failure to obtain a road opening permit for any such works will incur an additional charge for unauthorised openings in the amount of $2,002, as provided for in Council's adopted fees and charges.

91. 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.

92. 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.

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

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

95. The project arborist shall prepare a Tree Protection Plan, which shall be submitted to and approved by Council before work commences.

96. The tree protection measures detailed in the council-approved tree protection plan shall be established before work commences.

97. Tree protection measures shall be established in accordance with the Australian Standard Protection of Trees on Development Sites AS 4970—2009 before work commences.

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

99. Tree valuation shall be undertaken by the project arborist for each street tree that is being retained, using Thyer tree valuation methodology. The schedule of valuations shall be submitted to and agreed with by Council before the start of works.

100. Refundable security deposits for the street trees being retained, equal to those listed in the schedule of tree valuations submitted by the project arborist and agreed to by Council, shall be deposited with council before the start of works. The security deposits will be refunded in full or in part no sooner than 12 months from the date of the issue of the occupation certificate. Full or partial forfeiture of the relevant security deposit will occur if the street tree is injured, or declines in health and / or vigour, or dies due to any development-related impact. Council's Urban Forest Manager will determine the amount of any forfeiture of a security deposit based on the health and condition of the trees and any decline thereof.

101. A refundable security deposit for each new street tree of $1,600 shall be deposited with council before the start of works. The security deposits will be refunded in full or in part no sooner than 12 months from the date of the issue of the occupation certificate. Full or partial forfeiture of each security deposit will occur if the new street tree dies or fails to establish properly. Council's Urban Forest Manager will determine the amount of any forfeiture of the security deposit based on the health and condition of the new street trees.

102. An Asbestos Survey prepared by a suitably qualified Occupational Hygienist shall be prepared for the premises. The Survey is to incorporate appropriate Asbestos removal and disposal methods in accordance with the requirements of WorkCover NSW, NSW Environmental Planning and Assessment Amendment (Asbestos) Regulation 2009 and NSW Environment Protection Authority, Safe Removal of Asbestos 2nd Edition [NOHSC: 2002 (2005)] and conditions of this consent.

A copy of any WorkCover approval documents is to be included as part of the documentation.

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

103. 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.

104. 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.

105. The person acting on this consent shall ensure the site is secured with temporary fencing prior to any works commencing.

106. 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.

107. 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.

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

109. The person acting on this consent shall apply for a Work Zone along the site frontage for construction vehicles. A minimum of 2 months should be allowed for the processing of the application.

110. A dilapidation report on the visible and structural condition of the following public infrastructure must be provided to the Principal Certifying Authority prior to the commencement of demolition or issue of a Construction Certificate (whichever occurs first).
   a) Full width of Trafalgar Street, including road pavement, stormwater drainage infrastructure, kerb and gutter and footpath, between Audley Street and Regent Street;
   b) Full width of Regent Street, including road pavement, stormwater drainage infrastructure, kerb and gutter and footpath for the frontage of the site, between New Canterbury Road and Trafalgar Street
   c) Full width of Fisher Street, including road pavement, stormwater drainage infrastructure, kerb and gutter and footpath for the frontage of the sites.
   d) The Lane access at the rear of site 3 (existing RSL)

   The dilapidation report is to be prepared by a practicing Structural/Civil Engineer agreed to by both the applicant and Council. All costs incurred in achieving compliance with this condition shall be borne by the applicant. The liability of any damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded by the requirements of this condition will be borne by the applicant.

111. 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.

111a. If required by Sydney Trains prior to the commencement of works for Stage 1 (Site 3), 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.

BEFORE THE ISSUE OF ANY CONSTRUCTION CERTIFICATE

112. 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	$452,000
Inspection fee	$2,306.50

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.

BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE FOR 'STAGE 1' OF THE DEVELOPMENT (SITE 3)

113. This condition is imposed in accordance with Section 7.11 of the Environmental Planning and Assessment Act 1979.

a) Before the issue of a Construction Certificate the Council must be paid a monetary contribution of $4,089,895.62 indexed in accordance with Marrickville Section 94/94A Contributions Plan 2014 ("CP").

The above contribution is the contribution applicable as at 17 April 2019.

***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. DC002573)

b) 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	$372,884.18
Plan Administration	$80,194.53
Recreation Facilities	$3,214,163.86
Road/Access Dedication - Petersham	$320,943.30
Traffic Facilities	$101,709.75

c) 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.

d) 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.

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

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

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

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

115. The architectural plans must be amended to address the following:
a) The provision of a car share space within the property;
b) Changes to the loading dock to allow a HRV to enter and leave Fozzard Lane in a forward direction in the event the turntable is out of operation. This design change may make allowance for the future widening of Fozzard Lane by an additional 1.5m to the west;
c) Changes to the loading dock area to reflect the approved design of Fozzard Lane to ensure the ground clearance templates of heavy vehicles are satisfied and minimum headroom of 4.5m is provided; and
d) The architectural plans must be updated to reflect the approved alignment levels provided on the approved public domain plans.

Amended plans must be submitted to and approved by Council before the issue of a Construction Certificate.

116. The vehicular access and associated vehicle standing areas shall be designed in accordance with Australian Standard AS/NZS 2890.1-2004 Parking Facilities: Off-street car parking, Australian Standard AS 2890.2-2002 Parking Facilities: Commercial vehicle facilities, AS/NZS 2890.6-2009 Parking facilities: Off-street parking for people with disabilities so that:-
a) The layout and minimum dimensions of any standing area comply with clause 2.4 of AS/NZS 2890.1-2004 such that:-
(i) car spaces adjacent to walls or fences are increased in width by an additional 300mm;
(ii) end spaces are provided with an additional 1m aisle extension; and
(iii) the location of columns within the carpark complies with figure 5.1 of AS/NZS 2890.1-2004;
b) The location of the roller door/control point at the vehicle entry shall be set further within the property so as to provide a suitable queue length within the property before vehicles are required to stop. The queue length shall be designed in accordance with Clause 3.4 of AS/NZS 2890.1:2004;

c) At the property boundary the access from the road to a standing area is (as near as practicable) perpendicular to the line of the adjacent road;
d) The relative surface levels of the internal access from the road being controlled so that:-
   (i) the surface levels at the property boundary match "alignment levels";
   (ii) the change in grade for any 2m length of accessway does not exceed 1 in 8 (12.5%) unless suitable transitions are provided in accordance with AS2890.1;
   (iii) the maximum grade at any point does not exceed 1 in 5 (20%) or in the case of ramps greater than 20m in length 1 in 6 (16.7%); and
e) The vehicle egress is designed such that there are no obstructions to lines of sight, along the footpath and the roadway for drivers of egressing vehicles; and

Details of compliance with the above requirements including long sections of the ramps shall be submitted to and approved by the Certifying Authority before the issue of a Construction Certificate.

117. The applicant shall prepare a loading dock management plan for Site 3, to be submitted to the consent authority for approval. The plan should address the following items:
(a) Expected profile of loading activity for the site;
(b) Measures in place to ensure sufficient capacity is provided within the loading dock with no queuing impacts to Fozzard Lane or Trafalgar Street;
(c) Measures to safely manage the interaction of loading vehicles and private vehicles, given the close proximity of the two driveways (to Fozzard Lane entry and RSL vehicle entry);
(d) Operational plan of management for the loading dock;
(e) Details, specifications and operational management and maintenance details of the proposed turntable;
(f) Management measures to be put in place in the event of a malfunction of the proposed turntable within the loading dock. Specifically the plan should address the procedure to be implemented by the applicant in the event that the turntable is not operational and vehicles would need to reverse out on to Trafalgar Street;
(g) Measures to manage the conflict between pedestrians/vehicles using Fozzard lane and vehicles accessing the loading dock; and
(h) The plan shall be submitted to and approved by Council before the issue of a Construction Certificate.

118. A Flood Risk Management Plan, prepared by a qualified practicing Civil Engineer must be provided prepared / prior to the issue of a Construction Certificate. The plan shall be generally in accordance with Flood Impact Assessment and Stormwater Management Report Strategy dated 05 April 2018 prepared by ACOR consultants and be prepared / amended to make provision for the following:

(a) Recommendations on all precautions to minimise risk to personal safety of occupants and the risk of property damage for the total development. Such recommendations must be consistent with the approved development. The flood impacts on the site shall be assessed for the 100 year ARI and Probable Maximum Flood (PMF) storm events. The precautions shall include but not be limited to the following:
   i) Types of materials to be used to ensure the structural integrity of the building to immersion and impact of velocity and debris.
   ii) Set floor levels as set out in the ACOR report
   iii) Waterproofing methods, including electrical equipment, wiring, fuel lines or any other service pipes or connections.

iv) Flood warning signs/depth indicators for areas that may be inundated
v) On site response plan to minimise flood damage, demonstrating that adequate storage areas are available for hazardous materials and valuable goods above the flood level.

(b) Provide a structural engineer's certificate stating that the proposed building has been designed to withstand the forces of flood water, debris and buoyancy up to the PMF flood.

(c) Specify the architectural and structural plans upon which the above recommendations have been incorporated.

The Flood Risk Management Plan must be submitted to and approved by Council before the issue of a Construction Certificate.

NS **A Flood Emergency Response Plan for the site (for 1 in 100 year ARI, and PMF storm events) 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 Occupation Certificate.**

119. Detailed site stormwater construction plans generally in accordance with concept plans SC301 (Rev C), SC302 (Rev C), SC303 (Rev C), SC304 (Rev C), SC305 (Rev C), SC306 (Rev C), SC307 (Rev D), SC308 (Rev C), SC309 (Rev C), SC310 (Rev C), SC311 (Rev C), SC312 (Rev C), SC313 (Rev C), SC314 (Rev C), SC315 (Rev C), SC316 (Rev C), SC317 (Rev C) and SC318 (Rev B) by Neil Lowry & Associates P/L shall be amended and/or additional information provided as follows;

i. Detailed calculations for sizing of the OSD system to be provided for assessment (this shall include the DRAINS files);
ii. For sites greater than 1000sqm the allowable discharge will be limited to the equivalent fully pervious discharges for the site area;
iii. Details of the 1 in 100 year overflow routes in case of failure\blockage of the site drainage system shall be provided. This shall include any existing overland flow routes from upstream;
iv. Construction details for direct connection to Council's stormwater drainage system. Details shall include a long section of the pipe detailing all utility services, bedding and road restoration detail;
v. A WSUD Strategy Report and a MUSIC model (including .sqz file) shall be provided to ensure the treatment measures proposed meet Council's water quality targets;
vi. A detailed WSUD maintenance plan outlining how all elements of the water quality treatment facility will be maintained and to record annual inspections/maintenance works to be undertaken; and
vii. 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 shall be fully "tanked" so as not to allow the ingress of seepage or groundwater.

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

120. A revised Plan of Management be submitted to and approved by Council. The Plan of Management must adequately addresses all matters in Control C71 of Part 5.3.1.1 of the Marrickville DCP 2011 and be updated to reflect any relevant changes required by the conditions of this consent including (but not limited to):

- Hours of operation;
- Patron capacity;
- Restricted access to the 'external RSL area'

121. Public access to the 'through site pedestrian walkway' must be maintained during daylight hours.

122. 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.

123. 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.

124. 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.

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

126. Prior to the commencement of any works a Construction Pedestrian and Traffic Management Plan (CPTMP) must be submitted to Council for approval for that stage of the works. The CPTMP needs to specify, but not be limited to, the following:

a) Information on the impacts of construction and on-street parking
b) Location of the proposed work zone;

c) Detailed information on the construction traffic that will service the site indicating the type of heavy vehicles, and number of vehicle movements throughout the day and during the morning and afternoon peak periods, including swept path analysis;
d) Details of any road closures;
e) Haulage routes including marshalling area/s and operation;
f) Construction vehicle access arrangements;
g) Construction program;
h) Any potential impacts to general traffic, cyclists, pedestrians and train and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works; and
i) The hauling routes must be comply with the following:
   a. No inbound routes through Audley Street.
   b. Fisher Street not to be used at all.
   c. All outbound routes to be directed to Gordon Street through Trafalgar Street. (Regent/Trafalgar/Gordon)
   d. Inbound routes allowed: Crystal/Trafalgar/Regent & New Canterbury/Regent

The plan shall be submitted to and approved by Council commencing work.

127. The person acting on this consent shall apply for a Work Zone along the site frontage for construction vehicles. A minimum of 2 months should be allowed for the processing of the application.

128. A dilapidation report on the visible and structural condition of the following public infrastructure must be provided to the Principal Certifying Authority prior to the commencement of demolition or issue of a Construction Certificate (whichever occurs first).
   a) Full width of Trafalgar Street, including road pavement, stormwater drainage infrastructure, kerb and gutter and footpath, between Audley Street and Regent Street;
   b) Full width of Regent Street, including road pavement, stormwater drainage infrastructure, kerb and gutter and footpath for the frontage of the site, between New Canterbury Road and Trafalgar Street
   c) Full width of Fisher Street, including road pavement, stormwater drainage infrastructure, kerb and gutter and footpath for the frontage of the sites.
   d) The Lane access at the rear of site 3 (existing RSL)

   The dilapidation report is to be prepared by a practicing Structural/Civil Engineer agreed to by both the applicant and Council. All costs incurred in achieving compliance with this condition shall be borne by the applicant. The liability of any damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded by the requirements of this condition will be borne by the applicant.

129. 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.

130. A final acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with

the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines".

131. 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.

132. Prior to the issue of a Construction Certificate a Risk Assessment/Management Plan regarding any potential risk to or from the rail corridor and assets, 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.

133. 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.

134. 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.

135. 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.

136. 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.

137. 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. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains requirements. The Principal Certifying Authority is not to

issue the Construction Certificate(s) until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.

138. 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 relating to the registered club or commercial tenancy (not including the basement), whichever is first.

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

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

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

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

140. 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.

141. 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.

142. 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.

143. 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.

144. 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.

145. Plans fully reflecting the selected commitments listed in the relevant BASIX Certificates 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).

146. Noise attenuation measures must be incorporated into the development complying with Australian Standard 2021:2015, 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 2021:2015, 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".

147. 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).

148. 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 the Certifying Authority's satisfaction before the issue of a Construction Certificate.

149. 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.

150. 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(s).

151. Where a condition of consent requires Sydney Trains or Transport for NSW endorsement the Principal Certifying Authority is not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged Construction Certificates dealing with specific works and compliance conditions can be issued subject to written agreement from those entities to which the relevant condition(s) applies.

152. No work is permitted within the rail corridor, or its easements, at any time unless prior approval or an Agreement has been entered into with Sydney Trains. Where the Applicant proposes to enter the rail corridor, the Principal Certifying Authority shall not issue a Construction Certificate until written confirmation has been received from Sydney Trains confirming that its approval has been granted.

153. 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 relating to the residential components, registered club or commercial tenancy (not including the basement), whichever is first. 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.

154. 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.

155. All plant and associated equipment (other than those identified on the plans in Condition 1 of Part B) 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.

156. 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.

157. 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 relating to any public domain works with all works completed before to the issue of an Occupation Certificate relating to the registered club or commercial tenancy (not including the basement), whichever is first.

158. 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.

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

160. 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.

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 relating to the registered club or commercial tenancy (not including the basement), whichever is first.

161. The removal, replacing or decommissioning of an underground petroleum storage system shall comply with the requirements of The Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008, The Protection of the Environment Operations Act 1997 and Australian Standard AS4976-2008: The removal and disposal of underground petroleum storage tanks.

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

161a. Prior to the issue of a Construction Certificate the Applicant shall prepare and provide to Sydney Trains for approval/certification the following final version items in compliance with relevant ASA Standards (https://www.transport.nsw.gov.au/industry/standards-and-accreditation/standards):

1. Revised Geotechnical Report that meets Sydney Trains requirements. The Report must include a Rail Specific potential impacts section and be based on actual borehole testing conducted on the site closest to the rail corridor.
    i. 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.

2. Structural report/drawings that meet Sydney Trains requirements. The Applicant shall be aware that no rock anchors or bolts (permanent or temporary) are permitted within the Rail Corridor.

3. 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.

4. Cross sectional drawings showing the rail corridor up to the centre of the first track and platform, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the rail corridor. All RL and horizontal measurements are to be accurate and verified by a Registered Surveyor.

5. Detailed Survey Plan showing the relationship of the proposed developed with respect to Sydney Trains easement and rail corridor land.
Any conditions issued as part of Sydney Trains approval/certification of the above documents will also form part of the consent conditions that the Applicant is required to comply with. 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.

161b. A final acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines".

161c. 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.

161d. 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 for above ground works until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

161e. Prior to the issue of a Construction Certificate a Risk Assessment/Management Plan regarding any potential risk to or from the rail corridor and assets, 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.

161f. 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.

161g. If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Engineering & Maintenance Interface team 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.

161h. If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Engineering & Maintenance Interface team 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.

161i. 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. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue a Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.

BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE FOR 'STAGE 2' OF THE DEVELOPMENT (SITE 2)

162. This condition is imposed in accordance with Section 7.11 of the Environmental Planning and Assessment Act 1979.

a) Before the issue of a Construction Certificate the Council must be paid a monetary contribution of $923,651.92 indexed in accordance with Marrickville Section 94/94A Contributions Plan 2014 ("CP").

The above contribution is the contribution applicable as at 17 April 2019.

***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. DC002574)

b) 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	$93,943.78
Plan Administration	$18,110.94
Recreation Facilities	$748,043.54
Road/Access Dedication - Petersham	$52,449.52
Traffic Facilities	$11,104.14

c) 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.

d) 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.

163. Detailed site stormwater construction plans generally in accordance with concept plans SC000 (Rev A), SC200 (Rev A), SC201 (Rev A), SC202 (Rev A), SC203 (Rev A), SC204 (Rev A), SC205 (Rev A), SC206 (Rev A), SC207 (Rev A) and SC08 (Rev A), by Neil Lowry & Associates P/L shall be amended and/or additional information provided as follows;

a. Detailed calculations for sizing of the OSD system to be provided for assessment (this shall include the DRAINS files);
b. For sites greater than 1000sqm the allowable discharge will be limited to the equivalent fully pervious discharges for the site area;
c. Details of the 1 in 100 year overflow routes in case of failure\blockage of the site drainage system shall be provided. This shall include any existing overland flow routes from upstream;
d. Construction details for direct connection to Council's stormwater drainage system. Details shall include a long section of the pipe detailing all utility services, bedding and road restoration detail;
e. A WSUD Strategy Report and a MUSIC model (including .sqz file) shall be provided to ensure the treatment measures proposed meet Council's water quality targets;
f. A detailed WSUD maintenance plan outlining how all elements of the water quality treatment facility will be maintained and to record annual inspections/maintenance works to be undertaken; and
g. 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 shall be fully "tanked" so as not to allow the ingress of seepage or groundwater.

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

164. The vehicular access and associated vehicle standing areas shall be designed in accordance with Australian Standard AS/NZS 2890.1-2004 *Parking Facilities: Off-street car parking*, Australian Standard AS 2890.2-2002 *Parking Facilities: Commercial vehicle facilities*, AS/NZS 2890.6-2009 *Parking facilities: Off-street parking for people with disabilities* so that:-
    a) The layout and minimum dimensions of any standing area comply with clause 2.4 of AS/NZS 2890.1-2004 such that:-
        (i) car spaces adjacent to walls or fences are increased in width by an additional 300mm;
        (ii) end spaces are provided with an additional 1m aisle extension; and
        (iii) the location of columns within the carpark complies with figure 5.1 of AS/NZS 2890.1-2004;
    b) The vehicular crossing on Fisher Street shall be relocated to be a minimum of 6m from the corner (tangent point) of Fisher and Regent Streets in accordance with Figure 3.1 of AS2890.1:2004. The 6m must measure at the kerb and take into account a 1m splay on the vehicular crossing.
    c) At the property boundary the access from the road to a standing area is (as near as practicable) perpendicular to the line of the adjacent road;
    d) The relative surface levels of the internal access from the road being controlled so that:-
        (i) the surface levels at the property boundary match "alignment levels";
        (ii) the change in grade for any 2m length of accessway does not exceed 1 in 8 (12.5%) unless suitable transitions are provided in accordance with AS2890.1;
        (iii) the maximum grade at any point does not exceed 1 in 5 (20%) or in the case of ramps greater than 20m in length 1 in 6 (16.7%); and
        (iv) the maximum grade at the property boundary does not exceed 1 in 20 (5%) within 6m of the property boundary;
    e) The vehicle egress is designed such that there are no obstructions to lines of sight, along the footpath and the roadway for drivers of egressing vehicles; and

Details of compliance with the above requirements including long sections of the ramps shall be submitted to and approved by the Certifying Authority before the issue of a Construction Certificate.

165. A final acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines".

166. 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.

167. 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. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate(s) until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.

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

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

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

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

169. 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.

170. 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.

171. 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.

172. 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.

173. 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.

174. Plans fully reflecting the selected commitments listed in the relevant BASIX Certificates 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).

175. Noise attenuation measures must be incorporated into the development complying with Australian Standard 2021:2015, 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 2021:2015, 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".

176. 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).

177. 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 the Certifying Authority before the issue of a Construction Certificate.

178. 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.

179. 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(s).

180. Where a condition of consent requires Sydney Trains or Transport for NSW endorsement the Principal Certifying Authority is not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged Construction Certificates dealing with specific works and compliance conditions can be issued subject to written agreement from those entities to which the relevant condition(s) applies.

181. No work is permitted within the rail corridor, or its easements, at any time unless prior approval or an Agreement has been entered into with Sydney Trains. Where the Applicant proposes to enter the rail corridor, the Principal Certifying Authority shall not issue a Construction Certificate until written confirmation has been received from Sydney Trains confirming that its approval has been granted.

182. 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 relating to the registered club or commercial tenancy (not including the basement), whichever is first. 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).

183. 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.

184. 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.
185. 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.

186. 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.

187. 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.

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

189. 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.

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 relating to the registered club or commercial tenancy (not including the basement), whichever is first.

BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE FOR 'STAGE 3' OF THE DEVELOPMENT (SITE 1)

190. This condition is imposed in accordance with Section 7.11 of the Environmental Planning and Assessment Act 1979.

a) Before the issue of a Construction Certificate the Council must be paid a monetary contribution of $1,284,864.46 indexed in accordance with Marrickville Section 94/94A Contributions Plan 2014 ("CP").

The above contribution is the contribution applicable as at 17 April 2019.

***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. DC002575)

b) 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	$177,521.55
Plan Administration	$25,193.06
Recreation Facilities	$1,140,996.77
Road/Access Dedication - Petersham	$-22,666.79
Traffic Facilities	$-36,180.13

c) 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.

d) 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.

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

NB: The required payment is based on the estimated cost of building and

construction works and the long service levy rate, set by the Long Service Payments Corporation. The rate set by the Long Service Payments Corporation is currently of 0.35% of the cost of the building and construction work.

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

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

192. 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.

193. Detailed site stormwater construction plans generally in accordance with concept plans SC000 (Rev A), SC100 (Rev A), SC101 (Rev A), SC102 (Rev A), SC103 (Rev A), SC104 (Rev A), SC105 (Rev A), SC106 (Rev A), SC107 (Rev A), SC108 (Rev A), SC109 (Rev A), SC110 (Rev A), SC111 (Rev A), SC112 (Rev A), SC113 (Rev A) and SC114 (Rev A) by Neil Lowry & Associates P/L shall be amended and/or additional information provided as follows;

    a. Detailed calculations for sizing of the OSD system to be provided for assessment (this shall include the DRAINS files);
    b. For sites greater than 1000sqm the allowable discharge will be limited to the equivalent fully pervious discharges for the site area;
    c. Details of the 1 in 100 year overflow routes in case of failure\blockage of the site drainage system shall be provided. This shall include any existing overland flow routes from upstream;
    d. Construction details for direct connection to Council's stormwater drainage system. Details shall include a long section of the pipe detailing all utility services, bedding and road restoration detail;
    e. A WSUD Strategy Report and a MUSIC model (including .sqz file) shall be provided to ensure the treatment measures proposed meet Council's water quality targets;
    f. A detailed WSUD maintenance plan outlining how all elements of the water quality treatment facility will be maintained and to record annual inspections/maintenance works to be undertaken; and
    g. 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 shall be fully "tanked" so as not to allow the ingress of seepage or groundwater.

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

194. 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.

195. The vehicular access and associated vehicle standing areas shall be designed in accordance with Australian Standard AS/NZS 2890.1-2004 *Parking Facilities: Off-street car parking*, Australian Standard AS 2890.2-2002 *Parking Facilities: Commercial vehicle facilities*, AS/NZS 2890.6-2009 *Parking facilities: Off-street parking for people with disabilities* so that:-
    a) The layout and minimum dimensions of any standing area comply with clause 2.4 of AS/NZS 2890.1-2004 such that:-
        (i) car spaces adjacent to walls or fences are increased in width by an additional 300mm;
        (ii) end spaces are provided with an additional 1m aisle extension; and
        (iii) the location of columns within the carpark complies with figure 5.1 of AS/NZS 2890.1-2004;
    b) At the property boundary the access from the road to a standing area is (as near as practicable) perpendicular to the line of the adjacent road;
    c) The relative surface levels of the internal access from the road being controlled so that:-
        (i) the surface levels at the property boundary match "alignment levels";
        (ii) the change in grade for any 2m length of accessway does not exceed 1 in 8 (12.5%) unless suitable transitions are provided in accordance with AS2890.1;
        (iii) the maximum grade at any point does not exceed 1 in 5 (20%) or in the case of ramps greater than 20m in length 1 in 6 (16.7%); and
        (iv) the maximum grade at the property boundary does not exceed 1 in 20 (5%) within 6m of the property boundary;
    d) The vehicle egress is designed such that there are no obstructions to lines of sight, along the footpath and the roadway for drivers of egressing vehicles; and

    Details of compliance with the above requirements including long sections of the ramps shall be submitted to and approved by the Certifying Authority before the issue of a Construction Certificate.

196. 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.

197. 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.

198. 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.

199. Plans fully reflecting the selected commitments listed in the relevant BASIX Certificates 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).

200. Noise attenuation measures must be incorporated into the development complying with Australian Standard 2021:2015, 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 2021:2015, 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".

201. 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).

202. 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.

203. 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.

204. 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(s).

205. Where a condition of consent requires Sydney Trains or Transport for NSW endorsement the Principal Certifying Authority is not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged Construction Certificates dealing with specific works and compliance conditions can be issued subject to written agreement from those entities to which the relevant condition(s) applies.

206. No work is permitted within the rail corridor, or its easements, at any time unless prior approval or an Agreement has been entered into with Sydney Trains. Where the Applicant proposes to enter the rail corridor, the Principal Certifying Authority shall not issue a Construction Certificate until written confirmation has been received from Sydney Trains confirming that its approval has been granted.

207. 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 relating to the registered club or commercial tenancy (not including the basement), whichever is first. 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).

208. 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.

209. 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 relating to the residential components, registered club or commercial tenancy (not including the basement), whichever is first.

210. 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.

211. 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 relating to the public domain works with all works completed before to the issue of an Occupation Certificate relating to the residential component, registered club or commercial tenancy, whichever is first.

212. 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.

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

214. 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.

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 relating to the registered club or commercial tenancy (not including the basement), whichever is first.

214a. A final acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines".

214b. 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.

214c. 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. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate(s) until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.

SITE WORKS

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

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

217. 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.

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

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

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

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

220. 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.

221. All vehicles carrying materials to, or from the site must have their loads covered with tarpaulins or similar covers.

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

223. All waste dockets from the recycling and/or disposal of any demolition and construction waste generated from the works must be retained on site.

224. Tree protection measures detailed in the council-approved tree protection plan and in Section 4 of Australian Standard Protection of Trees on Development Sites AS 4970—2009 shall be implemented and complied with for the duration of works including site preparation, demolition, construction and landscaping (except where these conditions permit otherwise). Prohibited activities as detailed in AS 4970—2009 shall not be permitted within any designtated Tree Protection Zone (TPZ) unless approved under this consent and these conditions. Any reasonable directions in writing by the Project Arborist relating to tree protection shall be complied with.

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

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

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

228. Following completion of construction and prior to the issue of the Occupation Certificate, new trees shall be planted as detailed in the approved landscape plan.

229. The new trees shall be planted in accordance with the following criteria:
    a) The new trees shall be located in accordance with the approved landscape plan.
    b) The species of trees and planting stock sizes shall be as detailed in the approved landscape plan.
    c) The planting stock shall comply with the Australian Standard *Tree Stock for Landscape Use* AS 2303-2015.
    d) The new trees shall be planted in accordance with the tree planting detail included in the Marrickville Street Tree Master Plan 2014. Note that planting holes for trees

shall not be excavated deeper than the root ball and that new trees shall not be tied to stakes.

e) The new trees shall be planted by a qualified horticulturist or arborist, with a minimum qualification of Certificate 3.

f) Each new tree shall be maintained in a healthy and vigorous condition until it attains a height of 5 metres, from which time it is protected by Council's Development Control Plan (DCP).

g) If any tree dies or needs to be removed before that time it shall be replaced with a similar tree in accordance with these conditions at the expense of the applicant.

230. 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.

231. 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 sites inclusive of footpath paving, kerb, street trees, landscaping, stormwater drainage shall be reconstructed and upgraded in accordance with the Street Tree Masterplan and the Marrickville Public Domain Design Guide; The works shall generally in accordance with Public Domain Plans C00 (Rev A), C01 (Rev B), C02 to C33 (Rev A) and SK34 (Rev C) submitted by ACE Engineers Pty Ltd;

b) Widening and reconstruction of Fozzard Lane. The design of the road pavement shall be supported by geotechnical investigation.

c) The construction of heavy duty vehicular crossings to all vehicular access locations and removal of all redundant vehicular crossings to the site;

d) Provision of a median strip to control left in/left out movements at the Trafalgar Street vehicular access.

e) The swept path of the longest vehicle (including garbage trucks, building maintenance vehicles and removalists) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS;

f) A long section, along both sides of the proposed vehicular crossing and ramp, drawn at a 1:20 natural scale shall be provided at all vehicular access locations and the loading dock. The long sections shall also include headroom details and ground clearance templates to ensure that vehicles are able to satisfactorily to access the respective sites;

g) The redesign and construction of the pedestrian refuge at the intersection of Trafalgar and Regent Streets;

h) 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. Existing and design long sections shall be provided at the top of kerb, invert of kerb and boundary; and

i) 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. Cross sections must include existing and design levels for back of footpath; top of kerb; kerb invert; kerb lip; road level 1m from kerb lip and road centre line;
j) Street tree and planting details; and
k) Details of all existing and proposed signage and line marking.

232. 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.

233. 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.

BEFORE THE ISSUE OF THE AN OCCUPATION CERTIFICATE FOR EACH STAGE

234. 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".

235. 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.

236. 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.

237. 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.

238. 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.

239. 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.

240. The existing road pavement in Regent Street shall be re-sheeted using a 40mm Mill and Fill treatment from Trafalgar Street to New Canterbury Road upon completion of the stage 3 of the development. Any failed section shall be boxed out and replaced with deeplift asphalt before the Mill and Fill treatment.

241. The use and operation of the car share space must be managed by the owner or contracted by the owner to a car share operator to the satisfaction of Council. The use and operation of the car share space must be accommodated in the titling and management of the Residential Development, including covenants, building or strata management statement, by laws and other instruments before the issue of an Occupation Certificate, and must provide for:
    a) Free use of the car share space;
    c) Public access at all times to the car share vehicle; and
    d) Insurances, including public liability.

242. 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.

243. A Positive Covenant under Section 88B or 88E, whichever is relevant to the subject development, of the Conveyancing Act, shall be created on the title of the property detailing the following (at the Applicant's full cost):

    (a) surface flow path;
    (b) finished pavement and ground levels;
    (c) prevent the erection of any structures or fencing;
    (d) on-site stormwater detention and/or retention system.

    The wording in the Instrument shall be submitted to and approved by the Inner West Council prior to lodgement at the Land Titles Office and prior to the release of the Occupation Certificate (a typical document is available from Council's Development Assessment Engineer). The Instrument shall be registered prior to the completion of development.

    The following documents shall be submitted to Council as part of the Positive Covenant process and requirements, for the site OSD/OSR system:

    i) Work-As-Executed Plans
    A "Work-as-Executed" plan prepared and signed by a registered surveyor shall be submitted to the Inner West Council's Development Assessment Engineer at the completion of the works showing the location of the detention basin with finished surface levels, contours at 0.2 metre intervals and volume of storage available. Also the outlet pipe from the detention basin to its connection to Council's drainage system, shall be shown together with the following information:
    (a) location;
    (b) pipe diameter;

(c) gradient;
(d) pipe material i.e. PVC or EW etc;
(e) orifice size;
(f) trash screen at orifice;
(g) emergency overflow dimensions and RL;
(h) all buildings (including floor levels) and finished ground and pavement surface levels.

ii) Engineer's Certificate
A qualified practising Civil Engineer shall certify on the completion of drainage works in respect of:
(a) the soundness of the storage structure;
(b) the capacity of the detention storage;
(c) the emergency overflow system being in place;
(d) the works being constructed in accordance with the Development Application Consent and Council's Stormwater Management DCP/Code;
(e) the freeboard from maximum water surface level to the finished floor and garage levels are at or above the minimum required in Council's Stormwater Management DCP/Code;
(f) basement car park pumps are class one zone two.

iii) Restriction-As-To-User
A "Restriction-as-to-User" shall be placed on the title of the subject property to indicate the location and dimensions of the detention area. This is to ensure that works, which could affect the function of the stormwater detention system, shall not be carried out without the prior consent in writing of the Council. Such restrictions shall not be released, varied or modified without the consent of the Council.
A typical document is available from Council's Development Assessment Engineer.

iv) A Maintenance Schedule.
A typical document is available from Council's Development Assessment Engineer.

244. 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 relevant Occupation Certificate.

Video inspection (CCTV) shall be carried out of completed stormwater drainage works that are to revert to Council and a copy provided to Council to support the certification of those works.

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.

245. Prior to the issue of the relevant Occupation Certificate, the Principal Certifying Authority must ensure that the vehicle access and off street parking facilities have been constructed in accordance with the approved design and relevant Australian Standards.

Certification by a qualified practicing Civil Engineer that the vehicular access and off street parking facilities have been constructed in accordance the development consent and with relevant Australian Standards must be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

246. The existing overhead power cables along the Regent Street, Fisher Street and Trafalgar Street frontages of the sites must be relocated underground with appropriate street lighting and new steel standard poles being installed at no cost to Council and before the issue of an Occupation Certificate. The street lighting shall be designed in accordance with Australian Standard AS1158-Road Lighting and the Network Standards of Ausgrid. Lighting on the adjacent classified roads must meet the lighting category required by RMS. In addition the design shall also comply with AS4282 to ensure that no injury is caused to the amenity of the surrounding area by light overspill or obtrusive light. Plans shall be submitted to and approved by Council before submission to Ausgrid for implementation.

247. The applicant shall provide security, in a manner satisfactory to Council for the proper maintenance of the public domain works in an amount of $45,000.00 for a period of twelve (12) months from the date of completion of the public domain works as surety for the proper maintenance of these works.

248. Before the issue of the Occupation Certificate, The Council must be provided with evidence which establishes that a plan of subdivision has been registered by the Land and Property Information Authority which results in the road widening of Fozzard Lane as detailed in the Draft DP (Revision 3 dated 12/2/18) submitted by Daw and Walton Consulting Surveyors

249. A second Dilapidation Report addressing the public infrastructure identified in the pre-work Dilapidation 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 the relevant Occupation Certificate.

250. Prior to issue of the Relevant 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.

251. 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 Vehicle Crossing and Public Domain Works' form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, before commencement of works.

BEFORE OCCUPATION OF THE BUILDING FOR 'STAGE 1' OF THE DEVELOPMENT (SITE 3)

252. Prior to the Occupation of Stage 1 of the development the signalised intersection at Trafalgar Street and Regent Street shall be upgraded to provide a pedestrian crossing on the western side of the intersection to facilitate the increased pedestrian movements

generated by the development and to provide safe and direct access to Petersham Railway Station from the new Bus Stop location and the new RSL Club. Detailed design plans shall be submitted for the approval of RMS and Council before the installation of the new traffic signals.

253. Prior to the Occupation of Stage 1 of the development the person acting on this consent shall seek approval from the State Transit Authority (STA) for the proposed relocation of the bus stop and shelter as detailed on SK34 (Rev C) submitted by ACE Engineers Pty Ltd. The person acting on this consent must also liaise with Council's bus shelter service provider to organise the relocation/new shelter at no cost to Council. A plan of the proposed bus shelter relocation with signposting alterations shall be submitted to Council's Traffic Committee for approval before implementation of the works.

254. The separate lots comprising the development on Site 3 must be consolidated into one lot and under one title and registered at the NSW Department of Lands before the issue of an Occupation Certificate.

255. 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
    Cooling Towers - Public Health Act 2010 and Public Health Regulation 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.

256. 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.

257. A validation report prepared by a suitably qualified and experienced person shall be submitted to Council. The report is to confirm that the underground petroleum storage system has been removed, replace or decommissioned in accordance with The Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008, The Protection Environment Operations Act 1997 and Australian Standard AS4976-2008: The removal and disposal of underground petroleum storage tanks.

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.

258. To ensure minimal impacts on surrounding properties commercial waste and recyclable material generated by the premises must not be collected between the hours 10pm and 7am.

259. 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 for Stage 1 (Site 3) until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

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

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

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

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

262. The building identification and apartment numbering of each site must be provided ans supported by Council before the issuing of any Occupation Certificate.

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

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

Every twelve (12) months after the Final Fire Safety Certificate is issued the owner

must obtain an Annual Fire Safety Certificate for each of the Fire Safety Measures listed in the Schedule. The Annual Fire Safety Certificate must be forwarded to the Commissioner and the Council and displayed in a prominent position in the building.

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

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

266. 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.

    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.

267. 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.

268. 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.

269. 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).

270. 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.

271. 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 2021:2015, 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

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.

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

273. Council must be notified of bin requirements three months prior to the occupation of the residential component of a development to ensure timely delivery.

274. Council will place an order for the required bins. Delivery will occur once the applicant has completed a Request for New Service, which includes the submission of an Occupation Certificate.

275. 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.

276. 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.

277. 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.

278. 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 thein 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.

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

280. 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.

281. 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".

282. 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.

283. 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.

284. 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.

285. 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.

286. 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.

287. 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.

288. Prior to the issue of any interim / final Occupation Certificate, certification from an appropriately qualified environmental consultant is to be provided stipulating that the requirements of the following contamination reports:

Title	Prepared by	Date
Remediation Action Plan	EI Australia	9 April 2019

have been complied with throughout excavation, demolition & development work stages. The certification shall also include:

a) A validation and site monitoring report prepared in accordance with relevant guidelines issued under the Contaminated Land Management Act 1997 must be submitted to the Council within one month from completion of the remediation work.
b) A detailed survey of all sites used for landfill disposal must be prepared within one month from completion of the remediation work, and submitted to Council.
c) Identification of the extent and depth of all fill material in relation to existing roadways and buildings. The survey must also include a detailed survey of all site used as landfill disposal pits, identifying boundaries and depth of disposal pits in relation to existing roadways and buildings.

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.

289. 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.

290. A validation report shall be prepared by a suitably qualified Environmental Consultant and be submitted to Council upon completion of remediation works and prior to the site being occupied. The validation report shall be prepared in accordance with relevant NSW Environment Protection Authority guidelines, including the guidelines 'Consultants Reporting on Contaminated Sites' and shall include :
    - Description and documentation of all works performed
    - Results of validation testing and monitoring
    - Validation results if any imported fill was transferred to site
    - Demonstrate how all agreed clean-up criteria and relevant regulations have been satisfied
    - Confirmation and justification as to the suitability of the site for the proposed use and the potential for off site migration of any residual contaminates.

291. A report prepared by a suitably qualified Acoustic Consultant shall be submitted to Council certifying that the development complies with the requirements of (as relevant):

- State Environmental Planning Policy (Infrastructure) 2007
- ANEF - the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021—2000
- conditions of development consent; and

The report shall include post construction validation test results.

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 Occupation Certificate.

292. During the first sixty (60) days of trading /public entertainment being provided at the premises, the following acoustic measures must be undertaken:

a) A suitably qualified acoustic consultant must be appointed to:

i) measure and verify the noise emanating from the premises; and

ii) if necessary, make recommendations to ensure that the noise emanating from the premises complies with the noise criteria.

b) The noise measurements must be:

i) undertaken without the knowledge of the applicant, manager or operator of the premises; and

ii) taken on at least three (3) different occasions on three (3) different days of the week (excluding Monday, Tuesday and Wednesday) from 11pm until the end of the public entertainment or close of business, whichever occurs first, and

iii) submitted to Council within seven (7) days of testing.

c) If the acoustic consultant recommends that additional treatment or works be undertaken those recommendations must be:

i) submitted to Council with the noise measurements; and

ii) implemented to the acoustic consultant's satisfaction before the end of the first sixty (60) days of public entertainment provided on the premises.

d) If the acoustic consultant's recommendations are not implemented in accordance with this condition, the relevant element of trading (ie outdoor area access)/ public entertainment on the premises must cease until such time as the recommendations are implemented and verified.

293. 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 to other premises as defined in the Environment Protection Authority's Technical Guidelines for Assessing Vibration.

293a. If required by Sydney Trains, prior to the issue of the Occupation Certificate, 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.

293b. 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.

293c. Prior to the issue of an Occupation Certificate (whether an interim or final Occupation Certificate), a report must be prepared and submitted to the Certifying Authority, Council and Sydney Trains certifying that the completed development meets the requirements of 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 a 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 that internal noise levels meet the required dB(A) levels. Where it is found that internal noise levels are greater than the required dB(A) level, necessary corrective measures must be carried out to ensure that internal noise levels are compliant with the requirements of this consent.

BEFORE OCCUPATION OF THE BUILDING FOR 'STAGE 2' OF THE DEVELOPMENT (SITE 2)

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

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

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

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

296. The building identification and apartment numbering of each site must be provided ans supported by Council before the issuing of any Occupation Certificate.

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

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

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

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

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

300. 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.

    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.

301. 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.

302. 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.

303. 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).

304. 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.

305. 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 2021:2015, 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.

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

307. Council must be notified of bin requirements three months prior to the occupation of the residential component of a development to ensure timely delivery.

308. Council will place an order for the required bins. Delivery will occur once the applicant has completed a Request for New Service, which includes the submission of an Occupation Certificate.

309. 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.

310. 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.

311. 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.

312. 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 thein 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.

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

314. 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.

315. 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".

316. 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.

317. 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.

318. 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.

319. 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.

320. 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.

321. 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.

322. Prior to the issue of any interim / final Occupation Certificate, certification from an appropriately qualified environmental consultant is to be provided stipulating that the requirements of the following contamination reports:

Title	Prepared by	Date
Remediation Action Plan	EI Australia	9 April 2019

have been complied with throughout excavation, demolition & development work stages. The certification shall also include:
a) A validation and site monitoring report prepared in accordance with relevant guidelines issued under the Contaminated Land Management Act 1997 must be submitted to the Council within one month from completion of the remediation work.
b) A detailed survey of all sites used for landfill disposal must be prepared within one month from completion of the remediation work, and submitted to Council.
c) Identification of the extent and depth of all fill material in relation to existing roadways and buildings. The survey must also include a detailed survey of all site used as landfill disposal pits, identifying boundaries and depth of disposal pits in relation to existing roadways and buildings.

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.

323. 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.

324. A validation report shall be prepared by a suitably qualified Environmental Consultant and be submitted to Council upon completion of remediation works and prior to the site being occupied. The validation report shall be prepared in accordance with relevant NSW Environment Protection Authority guidelines, including the guidelines 'Consultants Reporting on Contaminated Sites' and shall include :
    - Description and documentation of all works performed
    - Results of validation testing and monitoring
    - Validation results if any imported fill was transferred to site
    - Demonstrate how all agreed clean-up criteria and relevant regulations have been satisfied
    - Confirmation and justification as to the suitability of the site for the proposed use and the potential for off site migration of any residual contaminates.

325. A report prepared by a suitably qualified Acoustic Consultant shall be submitted to Council certifying that the development complies with the requirements of (as relevant):

    - State Environmental Planning Policy (Infrastructure) 2007
    - ANEF - the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021—2000
    - conditions of development consent; and

    The report shall include post construction validation test results.

    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 Occupation Certificate.

326. 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 to other premises as defined in the Environment Protection Authority's Technical Guidelines for Assessing Vibration.

BEFORE OCCUPATION OF THE BUILDING FOR 'STAGE 3' OF THE DEVELOPMENT (SITE 1)

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

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

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

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

329. The building identification and apartment numbering of each site must be provided ans supported by Council before the issuing of any Occupation Certificate.

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

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

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

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

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

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.

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.

333. 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.

334. 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.

335. 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).

336. 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.

337. 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 2021:2015, 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.

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

339. Council must be notified of bin requirements three months prior to the occupation of the residential component of a development to ensure timely delivery.

Council will place an order for the required bins. Delivery will occur once the applicant has completed a Request for New Service, which includes the submission of an Occupation Certificate.

340. 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.

341. 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.

342. 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 thein 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.

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

344. 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.

345. 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".

346. 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.

347. 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.

348. 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.

349. 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.

350. 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.

351. 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.

352. Prior to the issue of any interim / final Occupation Certificate, certification from an appropriately qualified environmental consultant is to be provided stipulating that the requirements of the following contamination reports:

Title	Prepared by	Date
Remediation Action Plan	EI Australia	9 April 2019

have been complied with throughout excavation, demolition & development work stages. The certification shall also include:

a) A validation and site monitoring report prepared in accordance with relevant guidelines issued under the Contaminated Land Management Act 1997 must be submitted to the Council within one month from completion of the remediation work.

b) A detailed survey of all sites used for landfill disposal must be prepared within one month from completion of the remediation work, and submitted to Council.

c) Identification of the extent and depth of all fill material in relation to existing roadways and buildings. The survey must also include a detailed survey of all site used as landfill disposal pits, identifying boundaries and depth of disposal pits in relation to existing roadways and buildings.

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.

353. 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.

354. A validation report shall be prepared by a suitably qualified Environmental Consultant and be submitted to Council upon completion of remediation works and prior to the site being occupied. The validation report shall be prepared in accordance with relevant NSW Environment Protection Authority guidelines, including the guidelines 'Consultants Reporting on Contaminated Sites' and shall include :
    - Description and documentation of all works performed
    - Results of validation testing and monitoring
    - Validation results if any imported fill was transferred to site
    - Demonstrate how all agreed clean-up criteria and relevant regulations have been satisfied
    - Confirmation and justification as to the suitability of the site for the proposed use and the potential for off site migration of any residual contaminates.

355. A report prepared by a suitably qualified Acoustic Consultant shall be submitted to Council certifying that the development complies with the requirements of (as relevant):

    - State Environmental Planning Policy (Infrastructure) 2007
    - ANEF - the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021—2000
    - conditions of development consent; and

    The report shall include post construction validation test results.

    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 Occupation Certificate.

356. 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 to other premises as defined in the Environment Protection Authority's Technical Guidelines for Assessing Vibration.

356a. Prior to the issue of an Occupation Certificate (whether an interim or final Occupation Certificate), a report must be prepared and submitted to the Certifying Authority, Council and Sydney Trains certifying that the completed development meets the requirements of 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 a 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 that internal noise levels meet the required dB(A) levels. Where it is found that internal noise levels are greater than the required dB(A) level, necessary corrective measures must be carried out to ensure that internal noise levels are compliant with the requirements of this consent.

ONGOING CONDITIONS OF CONSENT

357. All bins are to be brought back inside within 12 hours of being emptied

358. All businesses must have written evidence of all valid and current contracts and/ or tip dockets for the disposal and/ or processing of all waste streams generated from the site.

359. The building manager/strata title manager or body corporate is responsible for ensuring all residential tenants are kept informed regarding Council's services, and best practice waste and recycling source separation.

360. An Environmental Management Plan (EMP) shall be prepared for the approved development.

The plan shall be prepared by a suitably qualified person and shall be to the satisfaction of Council and shall address:

Risk assessment of all Environmental Aspects and impacts to site and other potentially impacted properties

The impacts must at minimum consider the following areas:

- Hazardous Substances
- Water
- Air
- Noise
- Vibration
- Waste & Litter
- Land
- Community
- Environmental Protection objectives and control strategies
- Environmental conditions using measurable indicators and standards
- Emergency Response Plan
- Environmental monitoring and reporting plan

The plan must be submitted to Council and correspondence obtained stating that the plan satisfies the condition obtained by Council, prior to the release of an Occupation Certificate.

361. 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

362. Suitably constructed waste disposal containers with securely fitting lids must be kept on the property for the storage of any clinical, contaminated or related waste prior to the final disposal of the material at a facility approved by the Environmental Protection Authority.

ADVISORY NOTES

- The Disability Discrimination Act 1992 (Commonwealth) and the Anti-Discrimination Act 1977 (NSW) impose obligations on persons relating to disability discrimination. Council's determination of the application does not relieve persons who have obligations under those Acts of the necessity to comply with those Acts.

- A complete assessment of the application under the provisions of the Building Code of Australia has not been carried out.

- The approved plans must be submitted to the Customer Centre of any office of Sydney Water before the commencement of any work to ensure that the proposed work meets the requirements of Sydney Water. Failure to submit these plans before commencing work may result in the demolition of the structure if found not to comply with the requirements of Sydney Water.

- The vehicular crossing and/or footpath works are required to be constructed by your own contractor. You or your contractor must complete an application for 'Construction of a Vehicular Crossing & Civil Works' form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, before commencement of works.

- Contact "Dial Before You Dig" before commencing any building activity on the site.

- Useful Contacts

BASIX Information	☎ 1300 650 908 weekdays 2.00pm-5.00pm www.basix.nsw.gov.au
Department of Fair Trading	☎ 13 32 20 www.fairtrading.nsw.gov.au Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Before You Dig	☎ 1100 www.dialbeforeyoudig.com.au
Landcom	☎ 9841 8660 to purchase copies of Volume One of "Soils and Construction"
Long Service Payments Corporation	☎ 13 14 41 www.lspc.nsw.gov.au
NSW Government	www.nsw.gov.au/fibro and www.diysafe.nsw.gov.au Information on asbestos and safe work practices.
NSW Office of Environment & Heritage	☎ 131 555 www.environment.nsw.gov.au
Sydney Water	☎ 13 20 92 www.sydneywater.com.au
Waste Services NSW -	☎ 1300 651 116

SITA Environmental Solutions	www.wasteservice.nsw.gov.au
Water Efficiency Labelling and Standards (WELS)	www.waterrating.gov.au
WorkCover Authority of NSW	☎ 13 10 50 www.workcover.nsw.gov.au Enquiries relating to work safety and asbestos removal and disposal.

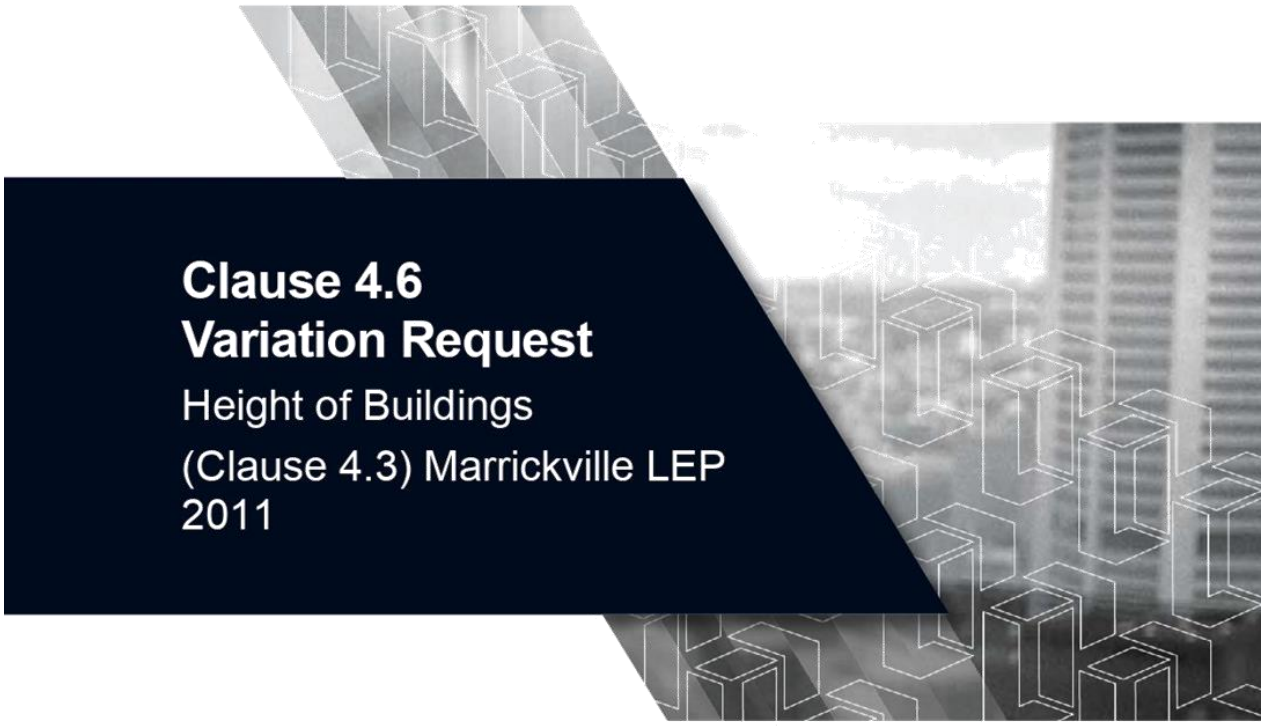
- The subject property lies within the 20-25 Australian Noise Exposure Forecast (ANEF) Contour (2029), as advised by the Commonwealth Department of Aviation, and it would be advisable to noise attenuate the proposed development in accordance with Australian Standard AS 2021 'Acoustics - Aircraft noise intrusion - Building siting and construction'.

Pursuant to Clause 100(4) of the Regulations under the Act, Council will notify you in writing if Part A of this Consent has been satisfied and the date from which this Consent operates.

Under Section 8.7 of the Act you may, within twelve (12) months of receipt of this notice, appeal to the Land and Environment Court if you are dissatisfied with the Sydney Central Planning Panel's determination.

All conditions imposed by the Sydney Eastern City Planning Panel must be observed. Breach of a condition is a breach of the Act and may also constitute an offence.

CITY PLAN



Clause 4.6 Variation Request

Height of Buildings

(Clause 4.3) Marrickville LEP 2011

3-7 & 13-17, Regent Street, 287-309 Trafalgar Street and 16-20 Fisher Street, Petersham

Submitted to Innerwest Council
On Behalf of Petersham RSL Club
c/- Deicorp Projects Petersham Pty Ltd

MAY 2019

CITY PLAN

4.6 Request
3-7 & 13-17 Regent Street, 287-309 Trafalgar Street and
16-20 Fisher Street, Petersham
19-057
May 2019

REPORT REVISION HISTORY

Revision	Date Issued	Revision Description	
01	13/05/19	Draft for review	
		Prepared by	
		Rebecca O'Donnell *Assistant Planner* Rebecca O'Donnell *Associate Director*	
02	15/05/19	Final	
		Prepared by	**Verified by**
		Stephen Kerr *Executive Director*	Stephen Kerr *Executive Director*

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APPENDICES

Appendix No	Document Title	Prepared by

1. INTRODUCTION

This is a formal written request that has been prepared in accordance with Clause 4.6 of the *Marrickville Local Environmental Plan 2011*. It has been prepared to support a Development Application (DA) submitted to Innerwest Council (Council) for the construction of an eight storey residential flat building, a seven storey residential flat building and an eleven storey mixed use complex on three sites as follows:

- **Site 1:** 3-7 Regent Street, Petersham;
- **Site 2:** 13-17 Regent Street, Petersham; and
- **Site 3:** 287-309 Trafalgar Street and 16-20 Fisher Street, Petersham.



Figure 1: Cadastral Map of site, subject site outlined in blue (Source: SIX Maps)

The objectives of Clause 4.6 are to provide an appropriate degree of flexibility in applying development standards to achieve better outcomes for, and from, development and it is noted that the development standard is not specifically excluded from the operation of Clause 4.6 of MLEP.

This request has been prepared having regard to the Department of Planning and Environment's Guidelines to Varying Development Standards (August 2011) and relevant decisions in the New South Wales Land and Environment Court and New South Wales Court of Appeal[1].

In the most recent decision (*Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118), Chief Justice Preston provided further clarification on the application of cl 4.6 and the preconditions which must

1 Relevant decisions include: *Winten Property Group Limited v North Sydney Council* [2001] NSWLEC 46; *Wehbe v Pittwater Council* [2007] NSWLEC 827; *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 1009; *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90; *Four2Five Pty Ltd v Ashfield Council* [2015] NSWCA 248; *Moskovich v Waverley Council* [2016] NSWLEC 1015; *Randwick City Council v Micaul Holdings Pty Ltd* [2016] NSWLEC 7 and *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118.

be satisfied for consent to be granted pursuant to cl 4.6(4). That is, the consent authority must form two positive opinions of satisfaction under cl. 4.6(4)(a), as summarised below:

- the **written request** has adequately demonstrated that the matters under cl 4.6(3) are satisfied, being that compliance with the standard is unreasonable or unnecessary, and there are sufficient environmental planning grounds to justify contravening the development standard. It is not the consent authority's role to directly form an opinion as to whether these matters are satisfied, rather indirectly by the satisfaction that the written request has addressed these matters.
- be **directly satisfied** that the proposed development satisfies cl 4.6(4)(a)(ii), being the proposed development will be in the public interest because it is consistent with the objectives of the zone and the objectives of the development standard. The consent authority must form this opinion directly, rather than indirectly satisfied that the written request has adequately addressed these matters.

The consent authority does not have to directly form the opinion of satisfaction regarding the matters in cl 4.6(3), but only indirectly form the opinion of satisfaction that the applicant's written request has adequately addressed the matters required to be demonstrated by cl 4.6(3) (Initial Action [25]).

In Sections 3 and 4 of this request we have explained how flexibility is justified in this case in terms of the matters explicitly required by cl. 4.6 to be addressed in a written request from the applicant. In Sections 4, 5, 6 and 7 we address additional matters that the consent authority is required to be satisfied of when exercising either the discretion afforded by cl. 4.6 or the assumed concurrence of the Secretary.

The following request demonstrates that by exercising the flexibility afforded by cl 4.6, in the particular circumstances of this application, not only would the variation be in the public interest because it satisfies the relevant objectives of both the R4 High Density Residential zone and the Height of Buildings development standard, but it would also result in a better planning outcome for, and from, the development.

1.1. What is the Environmental Planning Instrument (EPI) that applies to the land and what is the development standard being varied?

The relevant EPI that applies to the land is the *Marrickville Local Environmental Plan 2011* (MLEP).

The development standard that this request seeks approval to vary is the Height of Buildings standard in Clause 4.3 of the MLEP.

The numeric value of the Height of Buildings development standard for each of the sites is shown in the Height of Buildings Map extract at **Figure 2** below. The relevant maximum building heights for each of the sites are as follows:

- Site 1: 26 metres;
- Site 2: 20 metres; and
- Site 3: 35 metres, 29 metres and 20 metres.

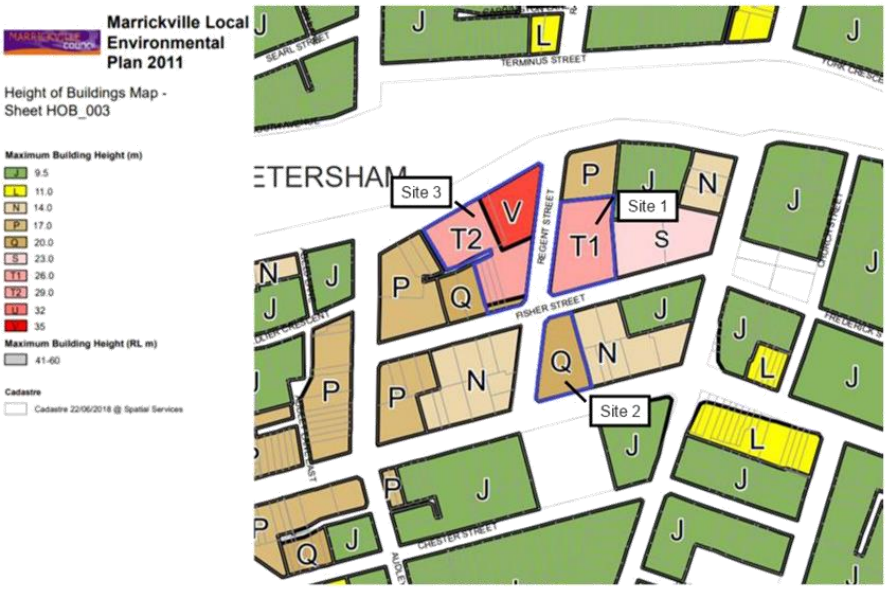


Figure 2: Height of Buildings Map extract, subject site outlined in blue (Source: MLEP 2011)

2. EXTENT OF VARIATION

The proposal contravenes the maximum building height standard on Site 1 and Site 3.

Site 1

The building on site 1 contravenes the maximum building height standard in the location of the lift overruns.

The maximum building height on Site 1 is 27.6m - which is 1.6m (6%) in excess of the maximum building height standard. This occurs at the northern lift core. The variation at the southern lift core is 1.25m.

Figure 3 below illustrates the location of the maximum building height. The roof plans and sections in **Appendix 1** show the extent of the variations.

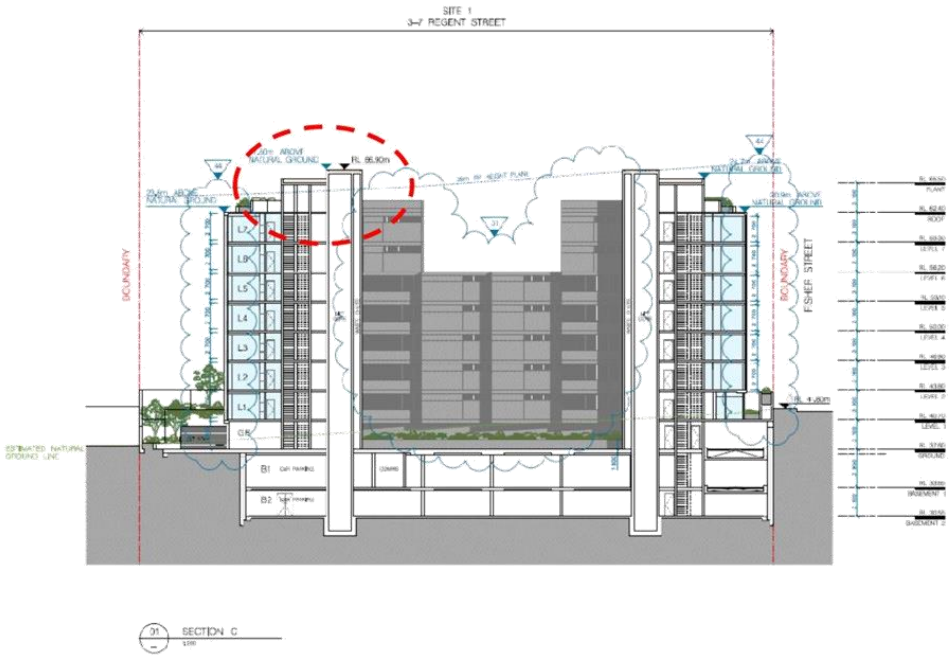


Figure 3: Extract of Section C for Site 1, variance (1.6 metres) circled in red (Source: Candalepas Associates)

Site 3

The proposed development on Site 3 comprises three residential buildings (referred to as buildings A, B and C) above a registered club and cafe.

Building A exceeds the maximum building height by 5.6m in the location where a maximum building height of 20m applies along the Fisher Street frontage. The location of the 20m maximum building height control can be seen in **Figure 4** below and the extent of the variation is depicted in **Figure 5** (below).

Building C has a maximum building height of 32.4m and exceeds the applicable maximum building height of 29m by 3.4m (12%). The elements of Building C which exceed the maximum building height standard are the lift and two sets of stairs providing access to the roof top communal open space as well as pergolas, amenities and balustrades associated with the roof top communal open space and a plant room.



Figure 4 - Height planes and variations on Site 3 (Source: Nordon Jago)



Figure 5: Extract of Section L for Building A in Site 3, variance (5.54 metres) circled in red (Source: Nordon Jago Architects

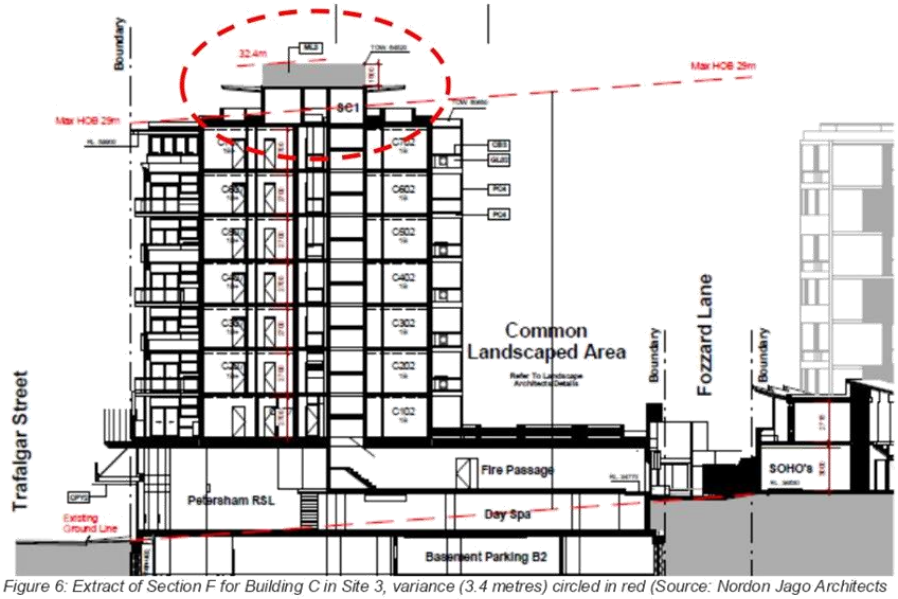


Figure 6: Extract of Section F for Building C in Site 3, variance (3.4 metres) circled in red (Source: Nordon Jago Architects

3. COMPLIANCE WITH THE DEVELOPMENT STANDARD IS UNREASONABLE OR UNNECESSARY IN THE CIRCUMSTANCES OF THIS CASE. [CL.4.6 (3)(A)]

3.1. Achieves the objectives of the standard

Compliance with the Height of Buildings development standard is unreasonable or unnecessary in the circumstances of this case because, as explained in **Table 2** (below), the objectives of the development standard are achieved, notwithstanding non-compliance with the standard.[2]

Table 1: Achievement of Development Standard Objectives.

Objective	Discussion
(a) to establish the maximum height of buildings,	The proposal is consistent with the maximum building height that was envisaged when the maximum building height control was established. The maximum building height control was established in an amendment to the MLEP with the benefit of detailed development concept plans that are consistent with the development application. At the time it was known that there would be some minor variations of the maximum building height control as a result of lift overruns and other minor rooftop features. The response to this by the consent authority was to include a provision in Section 9.6.5.1 of the MDCP which expresses the maximum building height in storeys and foreshadows that "*Small breaches of the MLEP 2011 height (in metres) can be considered to accommodate lift overruns and architectural roof features*. It is important to note that the proposal is consistent with the storey height expressed in the DCP except for the six-storey street wall height applying to a small area of Building A on Site 3. In this location the Council's Architectural Excellence Panel recommended that the street wall expression be deleted in favour of the building form as presented which was considered to have a better relationship with the streetscape.
(b) to ensure building height is consistent with the desired future character of an area,	The proposed development is consistent with the detailed development concept plans that were revised in consultation with Council following the exhibition of the Planning Proposal. This review led

2 In *Wehbe v Pittwater Council* [2007] NSWLEC 827 Preston CJ identified 5 ways in which an applicant might establish that compliance with a development standard is unreasonable or unnecessary and that it is sufficient for only one of these ways to be established. Although the decision concerned SEPP 1, it remains relevant to requests under clause 4.6 as confirmed by Pain J in *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90, notwithstanding that if the first and most commonly applied way is used, it must also be considered in 4.6(4)(a)(ii). The 5 ways in Wehbe are: 1. The objectives of the development standard are achieved notwithstanding non-compliance with the standard; 2. The underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary; 3. The objective would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable; 4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence the standard is unreasonable and unnecessary; or 5. The zoning of the land is unreasonable or inappropriate.

Objective	Discussion
	to the incorporation of the site-specific master plan for the site in the Petersham South Precinct into Part 9.6 of MDCP 2011. The master plan defines the desired future character of the locality. The proposal is consistent with the building height and massing that is expressed in the masterplan.
(c) to ensure buildings and public areas continue to receive satisfactory exposure to the sky and sunlight,	The parts of the residential flat building within Site 1 and Building C in Site 3 in excess of the height provision are minor and are generally located centrally within the building floorplate and therefore do not increase the wall height of the building. The deletion of the street wall expression on Building A as requested by the Architectural Excellence Panel does not prejudice satisfactory exposure to the sky and sunlight. The variations will not be readily discernible when viewed from public domain areas and surrounding properties and the proposed development ensures buildings and public areas receive satisfactory exposure to the sky and sunlight
(d) to nominate heights that will provide an appropriate transition in built form and land use intensity.	The parts of the buildings in excess of the prescribed height limits under MLEP at Site 1 and Site 3 are relatively minor and are located in a position where they will not have a significant perceptible effect on the transition in built form or land use intensity in this locality. For the most part, the building elements which seek to vary the prescribed height limits for the site are located centrally within the building footprint and will not result in any adverse impacts to adjoining properties or the public domain. It is worth noting that the proposed building is consistent with the development concept plans on which the Planning Proposal and the amendment of MDCP 2011 were based on, in relation to the site-specific master plan for the development sites. In particular, it is noted that the overall height and form of Building C is consistent with Section 9.6.5.1 (Masterplan Area (MA 6.1)) of the MDCP which states the following: *"C5 The height of proposed buildings on the land shaded in Figure (6.1a) must conform to the control diagram(s) in Figures (6.1b) to (6.1m). The height is expressed in number of storeys.* *C6 Small breaches in the MLEP 2011 height (in metres) can be considered to accommodate lift overruns and architectural roof features."* The relevant control diagram (6.1m) shows a section through Building C illustrating 8 storeys with the lift over run and plant room located above.

Objective	Discussion
	Whilst the proposed lift over run and plant room contributes to the overall height when measured in accordance with the LEP, it is indicated by the MDCP control above (C6), that small breaches in the LEP height control may be considered to be acceptable for accommodating lift overruns and the like. The lift overrun in this instance includes lift access to the rooftop communal open space area and is considered to be consistent with the intentions of the DCP.

4. THERE ARE SUFFICIENT ENVIRONMENTAL PLANNING GROUNDS TO JUSTIFY CONTRAVENING THE STANDARD. [CL. 4.6(3)(B)]

In Initial Action Pty Ltd v Woollahra Council [2018] NSWLEC 2018, Preston CJ observed that in order for there to be 'sufficient' environmental planning grounds to justify a written request under clause 4.6 to contravene a development standard, the focus must be on the aspect or element of the development that contravenes the development standard and the environmental planning grounds advanced in the written request must justify contravening the development standard, not simply promote the benefits of carrying out the development as a whole.

The elements that contravene the maximum building height standard are for the most part lift overruns and rooftop plant that due to their location within the central areas of the roof do not cause unreasonable overshadowing and do not contribute unreasonably to the perceived bulk and scale of the buildings. When expressed in storeys, the proposal is consistent with the building heights shown in the MDCP.

On the Fisher Street frontage of Building A of Site 3, the element which exceeds the maximum building height standard is the front part of the top two floors. Instead of a six-storey street wall in this location the façade continues for the full eight storeys. The Inner West Architectural Excellence Panel considered that this was a more appropriate response to the streetscape of Fisher Street and facilitated the retention of significant trees on the corner of Fisher and Regent Street.

5. THE PROPOSAL WILL BE IN THE PUBLIC INTEREST BECAUSE IT IS CONSISTENT WITH THE OBJECTIVES OF THE STANDARD AND THE OBJECTIVES OF THE ZONE. [CL.4.6(4)(A)(II)]

In section 3 (above), it was demonstrated that the proposal is consistent[3] with the objectives of the development standard. The proposal is also consistent with the objectives of the zone as explained in **Table 2** (below).

Table 2: Consistency with Zone Objectives.

Objective	Discussion
To provide for the housing needs of the community within a high-density residential environment.	The proposal provides 357 new dwellings in a high-density residential environment that is consistent with the Masterplan adopted by Council and incorporated in the MDCP.
To provide a variety of housing types within a high-density residential environment.	The proposal comprises a mix of modern one- and two-bedroom dwellings with lift access which will fill a gap in the local housing market.
To enable other land uses that provide facilities or services to meet the day to day needs of residents.	The proposal facilitates the relocation and upgrading of the Petersham RSL Club. The Club provides recreation and leisure facilities for the local community. The proposal also includes a new café.
To provide for office premises but only as part of the conversion of existing industrial and warehouse buildings or in existing buildings designed and constructed for commercial purposes.	Not applicable to the proposal.
To provide for retail premises in existing buildings designed and constructed for commercial purposes.	Not applicable to the proposal.
To provide for well connected neighbourhoods that support the use of public transport, walking and cycling.	The proposal improves connectivity within and surrounding the three sites. It incorporates the widening of Fozzard Lane located and the creation of a publicly accessible open space creating public pedestrian access between Trafalgar Street, Fozzard Lane and Regent Street. The proposal includes the provision of a total of 281 bicycle spaces within the three sites, thereby encouraging and accommodating the use of active forms of transportation for those utilising the developments.

3 In *Dem Gillespies v Warringah Council* [2002] LGERA 147 and *Addenbrooke Pty Ltd v Woollahra Municipal Council* [2008] NSWLEC the term 'consistent' was interpreted to mean 'compatible' or 'capable of existing together in harmony'

	The provision of 357 new dwellings in close proximity to Petersham railway station will support the use of public transport.

As can be seen from **Table 1** and **Table 2**, the proposal is consistent with the objectives of the standard and the objectives of the zone and is therefore considered to be in the public interest.

6. CONTRAVENTION OF THE DEVELOPMENT STANDARD DOES NOT RAISE ANY MATTER OF SIGNIFICANCE FOR STATE OR REGIONAL ENVIRONMENTAL PLANNING. [CL. 4.6(5)(A)]

There is no identified outcome which would be prejudicial to planning matters of state or regional significance that would result as a consequence of varying the development standard as proposed by this application. This is because the minor variations of the development standard generally relates non-habitable space including rooftop plant and lift overruns and does not intensify development of the sites.

7. THERE IS NO PUBLIC BENEFIT OF MAINTAINING THE STANDARD. [CL. 4.6(5)(B)]

It is worth noting that the variance of the Height of Buildings development standard relates to the plant lift overruns within the residential flat building at Site 1 and Building C at Site 3 as well as the provision of private open space for four of the units within Building A at Site 3. The variation of the development standard is minor and will not affect surrounding residential amenity in terms of privacy, solar access, visual impact or view loss.

Accordingly, there is no public benefit[4] in maintaining strict compliance with the development standard given that there are no unreasonable impacts that will result from the variation to the Height of Buildings standard.

We therefore conclude that the benefits of the proposal outweigh any disadvantage and as such the proposal will have an overall public benefit.

4 Ex Gratia P/L v Dungog Council (NSWLEC 148) established that the question that needs to be answered to establish whether there is a public benefit is "whether the public advantages of the proposed development outweigh the public disadvantages of the proposed development"

8. CONCLUSION

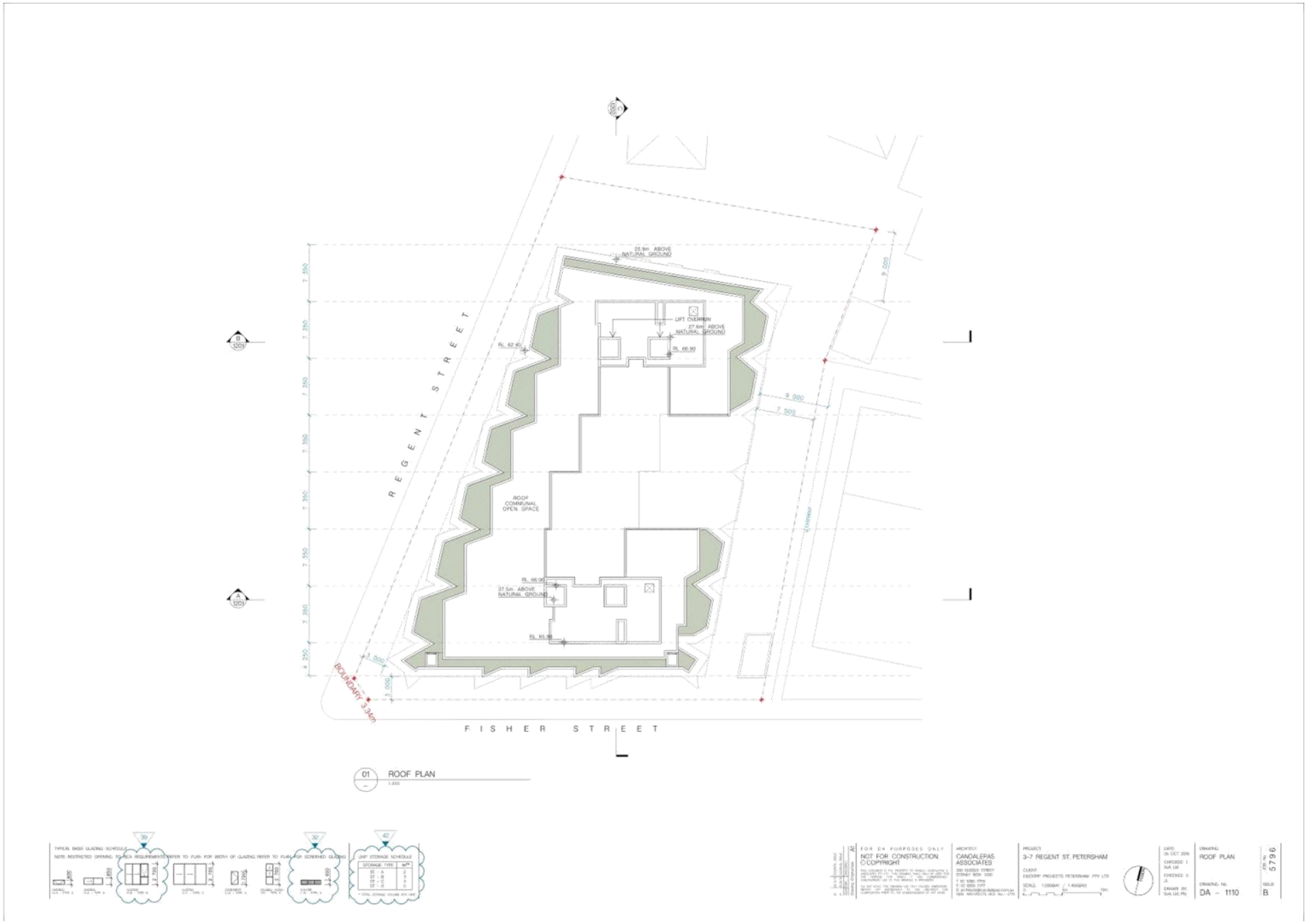
This Clause 4.6 variation request demonstrates, as required by Clause 4.6 of the Marrickville Local Environmental Plan 2011, that:

- Compliance with the development standard would be unreasonable and unnecessary in the circumstances of this development;
- There are sufficient environmental planning grounds to justify the contravention;
- The development achieves the objectives of the development standard and is consistent with the objectives of the R4 High Density Residential Zone and Clause 4.3 of the MLEP 2011;
- The proposal is consistent with the surrounding and desired character;
- The proposed development, notwithstanding the variation, is in the public interest and there is no public benefit in maintaining the standard; and
- The variation does not raise any matter of State or Regional Significance.

On this basis, therefore, it is considered appropriate to exercise the flexibility provided by Clause 4.6 in the circumstances of this application.

APPENDIX 1

Site 1 rooftop plan and sections.


REGENT STREET
FISHER STREET
ROOF COMMUNAL OPEN SPACE
LIFT OVERRUN
27.6m ABOVE NATURAL GROUND
27.5m ABOVE NATURAL GROUND
BOUNDARY 3.34m
01 ROOF PLAN
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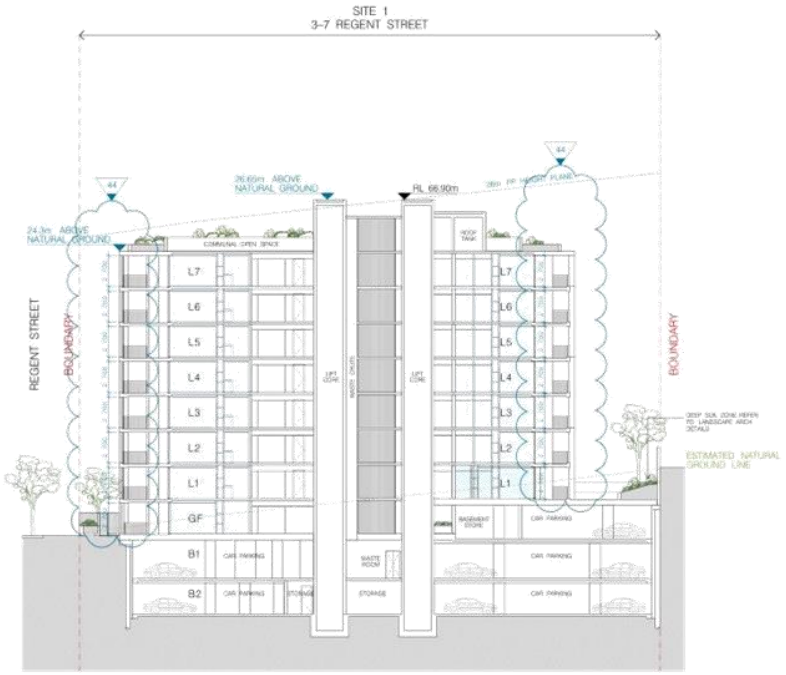
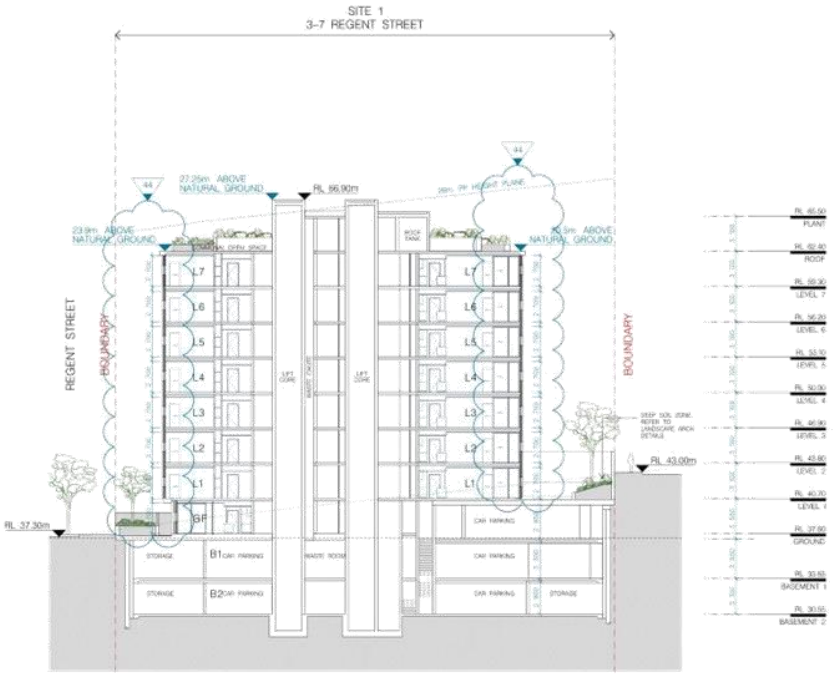
CANDALEPAS ASSOCIATES
3-7 REGENT ST. PETERSHAM
ROOF PLAN
DA - 1110
5796



01 SECTION A



02 SECTION B

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ARCHITECT
CANDALEPAS ASSOCIATES

PROJECT
3-7 REGENT ST, PETERSHAM

CLIENT
DEICORP PROJECTS PETERSHAM PTY LTD

DRAWING
SECTIONS A+B

DRAWING No.
DA – 1201

JOB No.
5796

ISSUE
B

Item 3

Attachment 3



01 SECTION C

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ARCHITECT: CANDALEPAS ASSOCIATES

PROJECT: 3-7 REGENT ST, PETERSHAM

CLIENT: REDDPM PROJECTS PETERSHAM PTY LTD

DRAWING: SECTION C

DRAWING No: DA – 1202

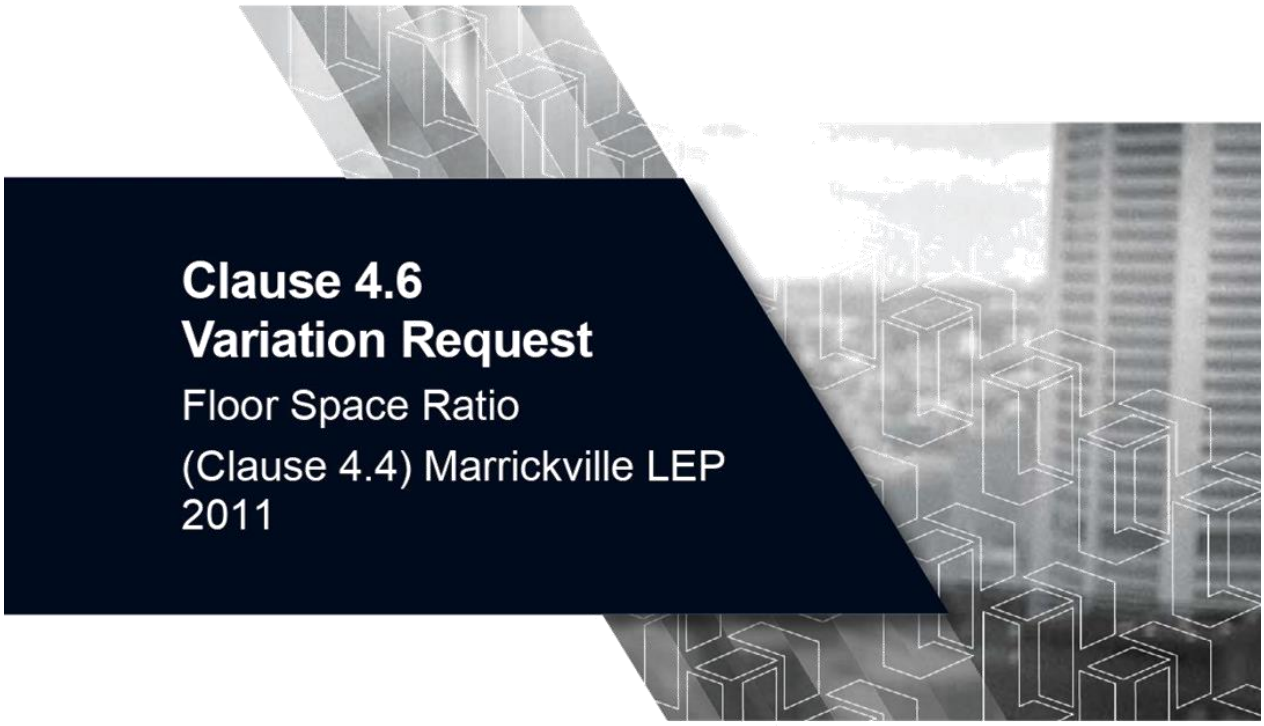
ISSUE: B

JOB No. 5796

Item 3

Attachment 3

CITY PLAN



Clause 4.6 Variation Request

Floor Space Ratio

(Clause 4.4) Marrickville LEP 2011

3-7 & 13-17 Regent Street, 287-309 Trafalgar Street and 16-20 Fisher Street, Petersham

Submitted to Innerwest Council
On Behalf of Petersham RSL Club
c/- Deicorp Projects Petersham Pty Ltd

MAY 2019

CITY PLAN

4.6 Request
3-7 & 13-17 Regent Street, 287-309 Trafalgar Street and
16-20 Fisher Street, Petersham
19-057
May 2019

REPORT REVISION HISTORY

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		Prepared by	**Verified by**
		Stephen Kerr *Executive Director*	Stephen Kerr *Executive Director*

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APPENDICES

Appendix No	Document Title	Prepared by
1	Gross Floor Area Calculations	Candelepas and Nordon Jago

1. INTRODUCTION

This is a formal written request that has been prepared in accordance with clause 4.6 of the *Marrickville Local Environmental Plan 2011*. It has been prepared to support a Development Application (DA) submitted to Innerwest Council (Council) for the construction of an eight-storey residential flat building, a seven-storey residential flat building and an 11-storey mixed use building on three sites as follows:

- Site 1 – 3 to 7 Regent Street, Petersham;
- Site 2 – 13 to 17 Regent Street, Petersham; and
- Site 3 – 287 to 309 Trafalgar Street and 16 to 20 Fisher Street, Petersham.



Figure 1: Cadastral Map of site, subject site outlined in blue (Source: SIX Maps)

The objectives of Clause 4.6 are to provide an appropriate degree of flexibility in applying development standards to achieve better outcomes for, and from, development and it is noted that the development standard is not specifically excluded from the operation of Clause 4.6 of MLEP.

This request has been prepared having regard to the Department of Planning and Environment's Guidelines to Varying Development Standards (August 2011) and relevant decisions in the New South Wales Land and Environment Court and New South Wales Court of Appeal[1].

In the most recent decision (*Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118), Chief Justice Preston provided further clarification on the application of cl 4.6 and the preconditions which must

1 Relevant decisions include: *Winten Property Group Limited v North Sydney Council* [2001] NSWLEC 46; *Wehbe v Pittwater Council* [2007] NSWLEC 827; *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 1009; *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90; *Four2Five Pty Ltd v Ashfield Council* [2015] NSWCA 248; *Moskovich v Waverley Council* [2016] NSWLEC 1015; *Randwick City Council v Micaul Holdings Pty Ltd* [2016] NSWLEC 7 and *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118.

be satisfied for consent to be granted pursuant to cl 4.6(4). That is, the consent authority must form two positive opinions of satisfaction under cl. 4.6(4)(a), as summarised below:

- the **written request** has adequately demonstrated that the matters under cl 4.6(3) are satisfied, being that compliance with the standard is unreasonable or unnecessary, and there are sufficient environmental planning grounds to justify contravening the development standard. It is not the consent authority's role to directly form an opinion as to whether these matters are satisfied, rather indirectly by the satisfaction that the written request has addressed these matters.
- be **directly satisfied** that the proposed development satisfies cl 4.6(4)(a)(ii), being the proposed development will be in the public interest because it is consistent with the objectives of the zone and the objectives of the development standard. The consent authority must form this opinion directly, rather than indirectly satisfied that the written request has adequately addressed these matters.

In Sections 3 and 4 of this request, we have explained how flexibility is justified in this case in terms of the matters explicitly required by cl 4.6 to be addressed in a written request from the applicant. In Sections 4, 5, 6 and 7 we address additional matters that the consent authority is required to be satisfied of when exercising either the discretion afforded by cl 4.6 or the assumed concurrence of the Secretary.

The following request demonstrates that by exercising the flexibility afforded by cl 4.6, in the particular circumstances of this application, not only would the variation be in the public interest because it satisfies the relevant objectives of both the R4 High Density Residential zone and the Floor Space Ratio development standard, but it would also result in a better outcome for, and from, the development.

1.1. What is the Environmental Planning Instrument (EPI) that applies to the land and what is the development standard being varied?

The relevant EPI that applies to the land is the *Marrickville Local Environmental Plan 2011* (MLEP).

The development standard that this request seeks approval to vary is the Floor Space Ratio (FSR) standard in Clause 4.4 of the MLEP.

The numeric value of the FSR development standard for each of the sites is shown in in **Figure 1** below which provides an extract of the FSR Map. The relevant FSR's are as follows:

- Site 1 - 2.8:1
- Site 2 - 2.1:1
- Site 3 - 3.4:1



Figure 2: Floor Space Ratio Map extract, subject sites outlined in blue (Source: MLEP 2011)

2. EXTENT OF VARIATION

The proposed FSR for each site, and the extent of the FSR variation is set out in detail in Table 1 below.

The FSR for each site has been calculated in accordance with Clause 4.5 - *Calculation of floor space ratio and site area* and the definition of *gross floor area* provided in the MLEP.

It should be noted that the proposed development on the three sites includes buildings with gallery corridors, that is, corridors that are open on one side and exposed to the elements.

There have been various decisions by Commissioners of the Land & Environment Court regarding whether or not to include exposed or open corridors in the calculation of gross floor area (GFA).

GFA is defined in the MLEP as follows:

> *"**gross floor area** means **the sum of the floor area of each floor of a building measured from the internal face of external walls**, or from the internal face of walls separating the building from*

*any other building, **measured at a height of 1.4 metres above the floor**, and includes …"* (emphasis added)

In *GGD Danks Street P/L and CR Danks Street P/L v Council of the City of Sydney* [2015] NSWLEC 1521, Commissioner O'Neill formed the view that the corridor of the building in question did not form part of the gross floor area as it was contained on either side by the external walls of the units on either side of the corridor.

The Commissioner determined that the external face of the wall cannot be characterised as an internal face because an external wall has a specific function that distinguishes it, that being, weatherproofing. It was said that, the definition of gross floor area must refer to the interior surface of the wall that forms the facade or exterior of a dwelling, being the wall that weatherproofs the interior space, and cannot refer to the exterior surface of the outer wall.

In *Landmark Group Australia Pty Ltd v Sutherland Shire Council* [2016] NSWLEC 1577, the Danks case was referred to but Commissioner Morris accepted the Council's argument that the "floor" of the building in the plan was the whole of the floor enclosed by the external face of the building, that being the face that surrounds the building footprint and which, notwithstanding articulation, recessing and the like within it, is generally that which presents to the street frontage and to the side and rear boundaries.

In *Ceerose Pty Ltd v Inner West Council* [2017] NSWLEC 1289, Commissioner Dickson took a similar approach to Commissioner Morris in the Landmark Group case.

Having regard to these decisions, gallery corridors have only been excluded from the calculation of GFA where the adjoining wall is unequivocally an external wall that forms part of the external face of the building. In application, and for abundant caution, this means that the gallery corridors on Site 1 have been included in the GFA calculation because although they are located within a large atrium and are exposed to the elements and therefore weatherproof the interior space, they may be argued to be on an internal face of the building because they do not present to the street frontage or front or rear boundaries.

The definition of GFA goes on to exclude certain floor area as follows:

"… but excludes:

(d) any area for common vertical circulation, such as lifts and stairs, and

(e) any basement:

(i) storage, and

(ii) vehicular access, loading areas, garbage and services, and

(f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and

*(g) **car parking to meet any requirements of the consent authority** (including access to that car parking), and*

(h) any space used for the loading or unloading of goods (including access to it), and

(i) terraces and balconies with outer walls less than 1.4 metres high, and

(j) voids above a floor at the level of a storey or storey above." (emphasis added)

On this basis, car parking required to satisfy the requirements of the *Marrickville Development Control Plan 2011* (DCP) has been excluded from the calculation of GFA. The proposal exceeds the amount of carparking prescribed in the DCP, however, even though car parking is provided in accordance with the minimum amounts recommended in the RMS *Guide to Traffic Generating Development*. Car parking in excess of the DCP requirements has been included in the calculation of GFA.

It is worth noting that throughout the assessment of the development application the consent authority has raised no objection to and in fact supports the quantum of car parking proposed due to the limited availability of on-street car parking in and around Petersham and the likelihood of further on-street car parking being removed from Trafalgar Street in the vicinity of site 3 to improve traffic flows. While it could be said that the

car parking is therefore required to meet *any* requirements of the consent authority, for abundant caution it has been included in the GFA calculation and is included in this variation request.

The extent of the variation, therefore, is as set out in the Table 1 below.

Table 1: FSR and GFA variances

	Site 1	**Site 2**	**Site 3**
FSR Standard	2.8:1	2.1:1	3.4:1
Site Area	3,028m^2	1,960m^2	5,424m^2
GFA – permissible	8,478.4m^2	4,116m^2	18,441.6m^2
GFA – proposed	9,223m^2	4,311m^2	18,889m^2
FSR – proposed	3.04:1	2.20:1	3.48:1
Variation	744.6m^2 (8.8%)	195m^2 (4.7%)	447.4m^2 (2.4%)
GFA - excess car parking	354m^2	Nil	447.4m^2
Variation - less excess car parking	390.6m^2 (4.6%)	195m^2 (4.7%)	50.4m^2 (0.3%)

3. COMPLIANCE WITH THE DEVELOPMENT STANDARD IS UNREASONABLE OR UNNECESSARY IN THE CIRCUMSTANCES OF THIS CASE. [CL.4.6 (3)(A)]

3.1. Achieves the objectives of the standard

Compliance with the Floor Space Ratio standard is unreasonable or unnecessary in the circumstances of this case because, as explained in **Table 5** (below), the objectives of the development standard are achieved, notwithstanding non-compliance with the standard.[2]

Table 2: Achievement of Development Standard Objectives.

Objective	Discussion
(a) to establish the maximum floor space ratio	The floor space ratio for the three sites was established by Amendment No.15 to the MLEP which was made for the purpose of facilitating the proposal as presented in the development application. The proposal is consistent with detailed development concept plans that were comprehensively reviewed by Council officers and the Inner West Architectural Excellence Panel in February 2018, following the exhibition of the planning proposal. Amendment No.15 to the MLEP was then made on 27 July 2018. The Amendment incorporated the adoption of the FSR standards and instigated incorporation of the site-specific master plan for the Petersham South Precinct into Part 9.6 of MDCP 2011. Amendment No. 15 and the master plan define the desired urban design and streetscape context and the desired future character of development in this locality. During the preparation of the LEP amendment, the FSR represented by the detailed concept plans was calculated by (incorrectly) excluding gallery and some semi open corridors. Hence although the development application is consistent with the concept plans, there is a minor discrepancy in the FSR. Notwithstanding the minor variation to the FSR standard, the proposal is consistent with the development outcome envisaged when the LEP

2 In *Wehbe v Pittwater Council* [2007] NSWLEC 827 Preston CJ identified 5 ways in which an applicant might establish that compliance with a development standard is unreasonable or unnecessary and that it is sufficient for only one of these ways to be established. Although the decision concerned SEPP 1, it remains relevant to requests under clause 4.6 as confirmed by Pain J in *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90, notwithstanding that if the first and most commonly applied way is used, it must also be considered in 4.6(4)(a)(ii). The 5 ways in Wehbe are: 1. The objectives of the development standard are achieved notwithstanding non-compliance with the standard; 2. The underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary; 3. The objective would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable; 4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence the standard is unreasonable and unnecessary; or 5. The zoning of the land is unreasonable or inappropriate.

Objective	Discussion
	amendment was made and the maximum FSR established.
(b) to control building density and bulk in relation to the site area in order to achieve the desired future character for different areas	The GFA that is attributable to excess car parking is located in basement levels and does not contribute to building density and bulk. The additional GFA that is not attributable to excess car parking represents a variation of only 2% of permissible GFA across the three sites. As discussed above, notwithstanding the minor variation of the FSR standard the proposal is consistent with the desired future character for the locality. This is demonstrated by the proposal's consistency with the Petersham South (Precinct 6) building envelope control diagrams in the MDCP. The proposal will result in a building density and bulk which relates appropriately to the site area and is consistent with the desired future character of development in this locality as evident by the concept plans reviewed by Council and their Architectural Excellence Panel.
(c) to minimise adverse environmental impacts on adjoining properties and the public domain	The proposal has no adverse environmental impacts on adjoining properties or the public domain. This is discussed further in Part 4 (below) of this request.

4. THERE ARE SUFFICIENT ENVIRONMENTAL PLANNING GROUNDS TO JUSTIFY CONTRAVENING THE STANDARD. [CL. 4.6(3)(B)]

In Initial Action Pty Ltd v Woollahra Council [2018] NSWLEC 2018, Preston CJ observed that in order for there to be 'sufficient' environmental planning grounds to justify a written request under clause 4.6 to contravene a development standard, the focus must be on the aspect or element of the development that contravenes the development standard and the environmental planning grounds advanced in the written request must justify contravening the development standard, not simply promote the benefits of carrying out the development as a whole.

The aspects or elements of elements of the development that contravene the standard are a 2% increase in the GFA measured above ground level and a 2.6% increase in the GFA that is attributable to basement car parking.

The additional GFA that is located above ground level consists primarily of gallery corridors within the atrium of the building on Site 1, elimination of the building setback above the sixth floor on the Fisher Street frontage of Site 3 and minor variations to the setback on the north eastern corner of Site 2.

Notwithstanding the inclusion of the gallery corridors within the atrium of the building on Site 1 in the calculation of GFA, the atrium is consistent with the dimensions shown in Figure 6.1b of the MDCP. The gallery corridors do not increase the visual bulk and scale of the building viewed from any public places nor will they have any unreasonable privacy impacts for future residents of the building.

The elimination of the building setback on the sixth floor on the Fisher Street frontage of Site 3 was undertaken at the suggestion of the Council's Architectural Excellence Panel to achieve a simpler built form that would respond more appropriately to the streetscape on Fisher Street. In this regard it results in an improved environmental outcome.

The variations to the setback on the north eastern corner of Site 2 are minor and create architectural interest without compromising amenity in the locality.

Overall, the minor variation of the FSR above ground level is barely discernible and causes no environmental harm.

The variation of the FSR created by the basement carparking in excess of the standard in the MDCP also causes no direct environmental harm. It has no impact on the bulk and scale of the building and as demonstrated in the Traffic and Parking Impact Assessment Report submitted with the development application, it does not adversely affect the functioning of the local road network.

We note that the car parking rates in the MDCP have been set to constrain the provision of car parking within accessible areas in order to promote greater use of sustainable transport. Sites 1 and 3 are deemed to be within accessible areas as they are located within 200m of Petersham railway station. As such, the parking rates provided in the DCP are less than those recommended in the RMS *Guide to Traffic Generating Development* - which are normally regarded to be the minimum acceptable rates.

It is necessary, therefore, to consider whether the provision of additional car parking on-site will cause environmental harm by eroding the use of sustainable transport, and to balance that against the impact that reduced on-site parking will have on the demand for on-street car parking. We note this is consistent with the first objective of the Parking provisions of the MDCP which reads: "*To balance the need to meet car parking demand on-site to avoid excessive spillover on to streets, with the need to constrain parking to maintain the Marrickville LGA's compact urban form and promote sustainable transport.*" An assessment of all the parking objectives from the MDCP is provided in **Table 3** below.

The provision of additional housing less than 200m from Petersham railway station will increase the use of sustainable transport irrespective of whether the dwellings also have car parking spaces. This is evident in the rapid growth of public transport patronage and the demand for park and ride facilities throughout the rail network. Public transport is a more cost effective and convenient form of travel particularly when you are located at a transport node.

Spill over of car parking onto streets, however, is a concern in Petersham which is reflected in the Council's support throughout the assessment of the development application for the car parking proposed in the development application. On-street car parking is in limited supply, to the extent that the Council is also requiring, by way of a voluntary planning agreement, the provision of 24 public car parking spaces on Site 1.

One of the factors that is particular to Petersham and will further constrain car parking in the locality is the proposed Regional Bicycle Route 7 – the final design of which was adopted by the Inner West Council on 24 April 2018. Existing on-street parking on the northern side of Trafalgar Street will be lost to make way for the Regional Bicycle Route.

It is worth also noting that the impact of the proposal on-street car parking was a concern expressed in public submissions on the development application.

Table 3 below discusses the relevant objectives from Part 2 – Generic Provisions Parking of the MDCP. It is relevant to note that the principal local strategy which informed the car parking provisions in the MDCP was the Marrickville Integrated Transport Strategy 2007. This strategy has not been updated or revised since publication to account for changes including, but not limited to, the emergence of ride share services, the adoption of regional bicycle routes, changes in road user charges, the increased convenience of public transport since the implementation of integrated ticketing and other improvements to facilities and services that are reflected in the strong growth in patronage of public transport. While the strategy no doubt remains valid in many respects, it is important nonetheless to consider the characteristics of individual places and circumstances that may have changed, thereby affecting previous assumptions and analysis.

Table 3 - Objectives from Part 2 - Generic Provisions Parking of the MDCP.

Objective	Discussion
O1 To balance the need to meet car parking demand on-site to avoid excessive spill over on to streets, with the need to constrain parking to maintain the Marrickville LGA's compact urban form and promote sustainable transport.	As discussed already and reflected in the response to the public exhibition of the application, Petersham is particularly sensitive to parking spill over currently and this will be exacerbated with the eventual construction of Regional Bicycle Route 7. The provision of on-site car parking in accordance with the standards identified in the RMS Guide to Traffic Generating Development provides an appropriate balance between the need to avoid excessive spill over while promoting sustainable transport.
O2 To balance the need to provide service/delivery areas on-site to avoid excessive use of streets for this purpose, with the need to constrain those areas to maintain the Marrickville LGA's compact urban form and promote sustainable transport.	Not directly relevant although it is noted that the proposal includes appropriate service and delivery areas.
O3 To improve the integration of land use and transport by applying strict constraints to car parking within accessible areas and more modest constraints in less accessible areas.	If this objective was applied without regard to the particular characteristics of individual localities it would conflict with the first objective which requires the need to constrain car parking to be balanced with excessive spill over on to streets. It would also mean that Council would not be providing additional public car parking in the locality as has been sought via the planning agreement. The integration of land use and transport is achieved via a number of strategies

	of which restricting the availability of parking is only one. Other strategies which are realised by this development proposal include concentrating development on transport nodes and improving pedestrian access.
O4 To ensure parking provision and design is compatible with the particular development proposed.	Car parking has been provided in accordance with the minimum rates set out in the RMS Guide to Traffic Generating Development. These rates are not excessive but will ensure that the development does not place undue additional pressure on already constrained on-street parking.
O5 To allow for appropriate variation of provision rates and design parameters for developments with particular characteristics, such as affordable housing or re-use of older buildings.	Not directly relevant.
O6 To provide for current and future demand for bicycle parking and to ensure bicycle parking is well designed and located.	Not directly relevant, although it is noted that the proposal promotes sustainable transport by making provision for bicycle parking in accordance with the rates set out in the MDCP.
O7 To ensure all parking facilities are safe, functional and accessible to all through compliance with design standards.	Not directly relevant although achieved by the proposal.
O8 To ensure all parking facilities achieve positive visual, environmental, sustainable transport and pedestrian safety outcomes through adoption of best practice principles.	Not directly relevant although achieved by the proposal.
O9 To give priority, in larger developments and where appropriate, to certain users in allocating parking, including emergency vehicle parking, service/delivery, mobility parking, bus/bicycle priority and parking for carshare and environmental vehicles.	Achieved. It is noted that the proposal includes the dedication of 24 public car parking spaces to Inner West Council. Of these spaces the Council may choose, as it has done with public parking elsewhere, to dedicate one or more spaces for use by car share services.

Having regard to the foregoing discussion, the provision of car parking at the minimum rates set out in the RMS *Guide to Traffic Generating Development* provides the most appropriate balance between avoiding excessive spill over onto streets and promoting the use of sustainable transport. In this regard we conclude that sufficient environmental planning grounds exist in the circumstances of this application to justify contravening the FSR standard.

Finally, we also note on review of the publicly available register of variations that there have been numerous occasions where the consent authority has exercised similar flexibility, that is, the FSR standard has been varied because the additional FSR was created by excess car parking (see DAs 2009/00171, 2010/00276, 2012/00490, 2012/00599, 2013/00222, 2013/00595, 2015/00628).

5. THE PROPOSAL WILL BE IN THE PUBLIC INTEREST BECAUSE IT IS CONSISTENT WITH THE OBJECTIVES OF THE STANDARD AND THE OBJECTIVES OF THE ZONE. [CL.4.6(4)(A)(II)]

In section 3 (above), it was demonstrated that the proposal is consistent[3] with the objectives of the development standard. The proposal is also consistent with the objectives of the R4 – High Density Residential Zone of the MLEP, as explained in

Table 44 (below).

Table 4: Consistency with Zone Objectives.

Objective	Discussion
To provide for the housing needs of the community within a high-density residential environment.	The proposal will provide 357 new dwellings within a high-density residential environment as envisaged by the MLEP and the detailed master plan in the MDCP prepared on the basis of detailed concept plans that are consistent with the development application.
To provide a variety of housing types within a high density residential environment.	The proposal provides a mix of studio, 1, and 2-bedroom units to meet the market demand in the locality and complement the existing housing stock.
To enable other land uses that provide facilities or services to meet the day to day needs of residents.	The proposal facilitates the relocation of the Petersham RSL Club to the western side of Regent Street. The Club provides a variety of recreation and leisure facilities which are valued by the community.
To provide for office premises but only as part of the conversion of existing industrial and warehouse buildings or in existing buildings designed and constructed for commercial purposes.	Not applicable to the proposal.
To provide for retail premises in existing buildings designed and constructed for commercial purposes.	Not applicable to the proposal.
To provide for well connected neighbourhoods that support the use of public transport, walking and cycling.	The proposal improves connectivity within and surrounding the three sites including the widening of Fozzard Lane located adjacent to Site 3 and the creation of a publicly accessible open space through Site 3 connecting Trafalgar Street, Fozzard Lane and Regent Street; The proposal includes the provision of a total of 281 bicycle spaces within the three sites, encouraging and accommodating the use of active forms of transportation.

3 In *Dem Gillespies v Warringah Council* [2002] LGERA 147 and *Addenbrooke Pty Ltd v Woollahra Municipal Council* [2008] NSWLEC the term 'consistent' was interpreted to mean 'compatible' or 'capable of existing together in harmony'

	The provision of additional housing in close proximity to Petersham railway station will promote the increased use of public transport.

As can be seen from **Table 2** and

Table 4, the proposal is consistent with the objectives of the standard and the objectives of the zone and is therefore considered to be in the public interest.

6. CONTRAVENTION OF THE DEVELOPMENT STANDARD DOES NOT RAISE ANY MATTER OF SIGNIFICANCE FOR STATE OR REGIONAL ENVIRONMENTAL PLANNING. [CL. 4.6(5)(A)]

There is no identified outcome which would be prejudicial to planning matters of state or regional significance that would result as a consequence of varying the development standard as proposed by this application.

7. THERE IS NO PUBLIC BENEFIT OF MAINTAINING THE STANDARD. [CL. 4.6(5)(B)]

The proposed development is consistent with the detailed development concept plans that were subject to a comprehensive review by Council's officers and its Architectural Excellence Panel in February 2018 following the exhibition of the planning proposal. This review was followed by the making of Amendment No.15 on 27 July 2018 and the adoption of the site-specific master plan for these three sites in the Petersham South Precinct in Part 9.6 of MDCP 2011.

The relatively minor variations of the FSR standard cause no environmental harm as discussed in Section 4 and the resulting building form is consistent with that envisaged at the time of making the planning controls.

Accordingly, there is no public benefit[4] in maintaining strict compliance with the development standard as there are no unreasonable impacts which will result from the variation to the FSR standard.

We therefore conclude that the benefits of the proposal outweigh any disadvantage and as such the proposal will have an overall public benefit.

4 Ex Gratia P/L v Dungog Council (NSWLEC 148) established that the question that needs to be answered to establish whether there is a public benefit is "whether the public advantages of the proposed development outweigh the public disadvantages of the proposed development"

8. CONCLUSION

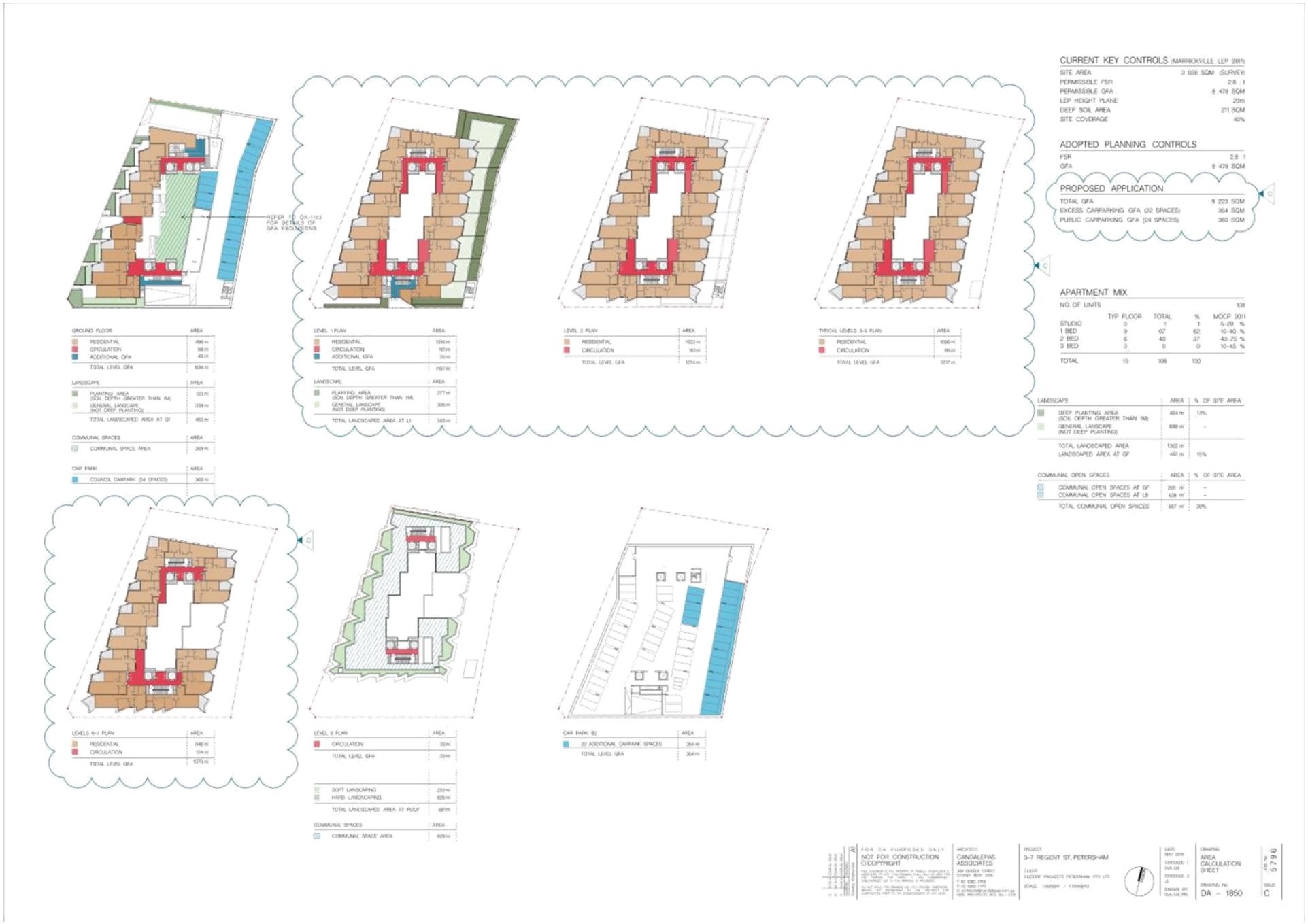
This Clause 4.6 variation request demonstrates, as required by Clause 4.6 of the *Marrickville Local Environmental Plan 2011*, that:

- Compliance with the development standard would be unreasonable and unnecessary in the circumstances of this development;
- There are sufficient environmental planning grounds to justify the contravention;
- The development achieves the objectives of the development standard and is consistent with the objectives of the R4 High Density Residential Zone and Clause 4.4 of the MLEP 2011;
- The proposed development, notwithstanding the variation, is in the public interest and there is no public benefit in maintaining the standard;
- The proposal is consistent with the surrounding and desired character,
- The variation does not raise any matter of State or Regional Significance.

On this basis, therefore, it is considered appropriate to exercise the flexibility provided by Clause 4.6 in the circumstances of this application.

APPENDIX 1

Gross floor area calculations


REFER TO DA-1183 FOR DETAILS OF GFA EXCLUSIONS
CURRENT KEY CONTROLS (MARRICKVILLE LEP 2011)
SITE AREA 3 026 SQM (SURVEY)
PERMISSIBLE FSR 2.8 : 1
PERMISSIBLE GFA 8 478 SQM
LEP HEIGHT PLANE 23m
DEEP SOIL AREA 271 SQM
SITE COVERAGE 40%
ADOPTED PLANNING CONTROLS
FSR 2.8 :1
GFA 8 478 SQM
PROPOSED APPLICATION
TOTAL GFA 9 223 SQM
EXCESS CARPARKING GFA (22 SPACES) 364 SQM
PUBLIC CARPARKING GFA (24 SPACES) 360 SQM
APARTMENT MIX
NO. OF UNITS 108
STUDIO 0 1 1 5-20 %
1 BED 9 67 62 10-40 %
2 BED 6 40 37 40-75 %
3 BED 0 0 0 10-45 %
TOTAL 15 108 100
LANDSCAPE AREA % OF SITE AREA
DEEP PLANTING AREA (SOIL DEPTH GREATER THAN 1M) 404 m² 13%
GENERAL LANDCAPE (NOT DEEP PLANTING) 898 m² –
TOTAL LANDSCAPED AREA 1302 m²
LANDSCAPED AREA AT GF 462 m² 15%
COMMUNAL OPEN SPACES AREA % OF SITE AREA
COMMUNAL OPEN SPACES AT GF 269 m² –
COMMUNAL OPEN SPACES AT L5 628 m² –
TOTAL COMMUNAL OPEN SPACES 897 m² 30%
GROUND FLOOR AREA
RESIDENTIAL 496 m²
CIRCULATION 98 m²
ADDITIONAL GFA 43 m²
TOTAL LEVEL GFA 634 m²
LANDSCAPE AREA
PLANTING AREA (SOIL DEPTH GREATER THAN 1M) 123 m²
GENERAL LANDCAPE (NOT DEEP PLANTING) 339 m²
TOTAL LANDSCAPED AREA AT GF 462 m²
COMMUNAL SPACES AREA
COMMUNAL SPACE AREA 269 m²
CAR PARK AREA
COUNCIL CARPARK (24 SPACES) 360 m²
LEVEL 1 PLAN AREA
RESIDENTIAL 1216 m²
CIRCULATION 181 m²
ADDITIONAL GFA 20 m²
TOTAL LEVEL GFA 1197 m²
LANDSCAPE AREA
PLANTING AREA (SOIL DEPTH GREATER THAN 1M) 277 m²
GENERAL LANDCAPE (NOT DEEP PLANTING) 306 m²
TOTAL LANDSCAPED AREA AT L1 583 m²
LEVEL 2 PLAN AREA
RESIDENTIAL 1033 m²
CIRCULATION 161 m²
TOTAL LEVEL GFA 1194 m²
TYPICAL LEVELS 3-5 PLAN AREA
RESIDENTIAL 1056 m²
CIRCULATION 161 m²
TOTAL LEVEL GFA 1217 m²
LEVELS 6-7 PLAN AREA
RESIDENTIAL 946 m²
CIRCULATION 124 m²
TOTAL LEVEL GFA 1070 m²
LEVEL 8 PLAN AREA
CIRCULATION 33 m²
TOTAL LEVEL GFA 33 m²
SOFT LANDSCAPING 252 m²
HARD LANDSCAPING 628 m²
TOTAL LANDSCAPED AREA AT ROOF 881 m²
COMMUNAL SPACES AREA
COMMUNAL SPACE AREA 628 m²
CAR PARK B2 AREA
22 ADDITIONAL CARPARK SPACES 364 m²
TOTAL LEVEL GFA 364 m²
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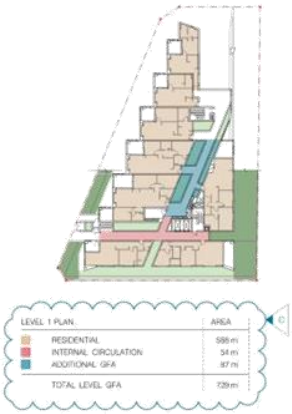
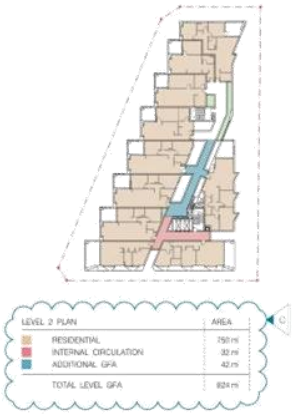
ARCHITECT:
CANDALEPAS ASSOCIATES
PROJECT
3-7 REGENT ST, PETERSHAM
CLIENT
REDDPM PROJECTS PETERSHAM PTY LTD
SCALE: 1:500@A1 / 1:1000@A3
DRAWING
AREA CALCULATION SHEET
DRAWING No:
DA – 1850
JOB No.
5796
ISSUE
C



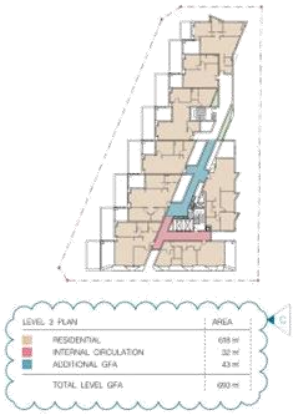
GROUND FLOOR	AREA
RESIDENTIAL	246 m²
STORE	– m²
INTERNAL CIRCULATION	– m²
ADDITIONAL GFA	24 m²
TOTAL LEVEL GFA	272 m²
COMMUNAL OPEN SPACES	AREA
COMMUNAL SPACE AREA	175 m²



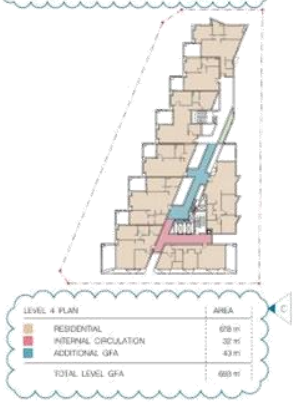
LEVEL 1 PLAN	AREA
RESIDENTIAL	598 m²
INTERNAL CIRCULATION	54 m²
ADDITIONAL GFA	87 m²
TOTAL LEVEL GFA	739 m²



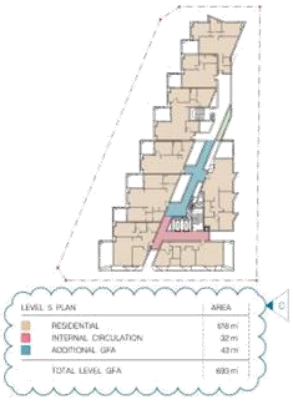
LEVEL 2 PLAN	AREA
RESIDENTIAL	750 m²
INTERNAL CIRCULATION	32 m²
ADDITIONAL GFA	42 m²
TOTAL LEVEL GFA	824 m²



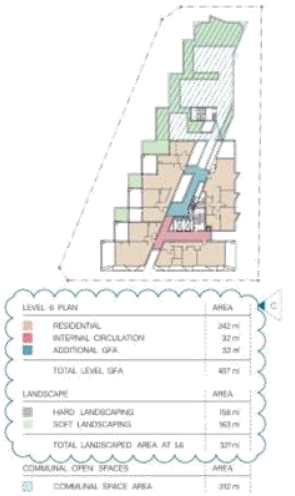
LEVEL 3 PLAN	AREA
RESIDENTIAL	618 m²
INTERNAL CIRCULATION	32 m²
ADDITIONAL GFA	43 m²
TOTAL LEVEL GFA	693 m²



LEVEL 4 PLAN	AREA
RESIDENTIAL	618 m²
INTERNAL CIRCULATION	32 m²
ADDITIONAL GFA	43 m²
TOTAL LEVEL GFA	693 m²



LEVEL 5 PLAN	AREA
RESIDENTIAL	618 m²
INTERNAL CIRCULATION	32 m²
ADDITIONAL GFA	43 m²
TOTAL LEVEL GFA	693 m²



LEVEL 6 PLAN	AREA
RESIDENTIAL	342 m²
INTERNAL CIRCULATION	32 m²
ADDITIONAL GFA	33 m²
TOTAL LEVEL GFA	407 m²
LANDSCAPE	AREA
HARD LANDSCAPING	158 m²
SOFT LANDSCAPING	163 m²
TOTAL LANDSCAPED AREA AT L6	321 m²
COMMUNAL OPEN SPACES	AREA
COMMUNAL SPACE AREA	312 m²

13–17 REGENT STREET – SITE 2

CURRENT KEY CONTROLS (MARRICKVILLE LEP 2011)	
SITE AREA	1 960 SQM (SURVEY)
PERMISSIBLE FSR	2.1 : 1
PERMISSIBLE GFA	4 116 SQM
LEP HEIGHT PLANE	17m
DEEP SOIL AREA	137 SQM
SITE COVERAGE	40%
CAR PARKING SPACES	50

PROPOSED APPLICATION	
NO. OF STOREYS	7
SITE COVERAGE	1 287 SQM (65%)

APARTMENT MIX

		%	MDCP 2011 REQ'S
STUDIO	0	0	5–20 %
1 BED	18	36	10–40 %
2 BED	30	60	40–75 %
3 BED	2	4	10–45 %
TOTAL	50		

GROSS FLOOR AREAS – PROPOSED

LEVEL	AREA
GROUND FLOOR	272 m²
LEVEL 1	729 m²
LEVEL 2	824 m²
LEVEL 3	693 m²
LEVEL 4	693 m²
LEVEL 5	693 m²
LEVEL 6	407 m²
TOTAL GFA	4311 m²

PROPOSED FSR

PROPOSED FSR	2.2 : 1

LANDSCAPE CALCULATION	AREA	% OF SITE AREA
DEEP PLANTING AREA (SOIL DEPTH GREATER THAN 1M)	447 m²	23%
GENERAL LANDSCAPE (NOT DEEP PLANTING)	419 m²	–
TOTAL LANDSCAPED AREA	866 m²	
LANDSCAPED AREA AT GROUND	662 m²	34%

COMMUNAL OPEN SPACES	AREA	% OF SITE AREA
TOTAL	487 m²	25%

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CANDALEPAS ASSOCIATES

PROJECT
13–17 REGENT STREET, PETERSHAM

CLIENT
DEICORP PROJECTS PETERSHAM PTY LTD

DRAWING
AREA CALCULATIONS

DRAWING No.
DA – 1850

JOB No.
5766

ISSUE
C



Item 3

Attachment 3



Landscape Masterplan

1. Existing large native street trees retained
2. Site 1 (level 9) Roof Garden
3. Site 2 (level 5) Roof Garden
4. Fozzard Lane - Cobble paved lane way with access to Regent Street
5. Level 1 communal open space (podium above RSL)
6. Communal rooftop terrace on level 8
7. SOHOS with lane way access
8. Podium pocket park / through site link
9. Entry to RSL from Trafalgar Street
10. Shared user space & new streetscape
11. Hedge planting 1 metre high


Fozzard Lane Character


Typical New Street Trees


Bioretention elements to street


Paving to Through Site Link

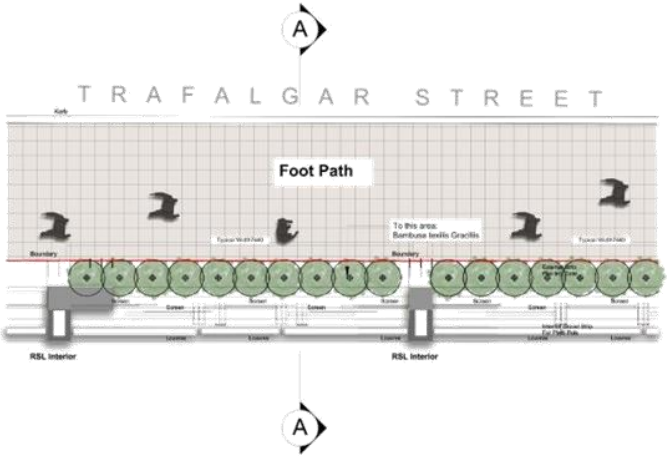
TaylorBrammer

PETERSHAM RSL REDEVELOPMENT

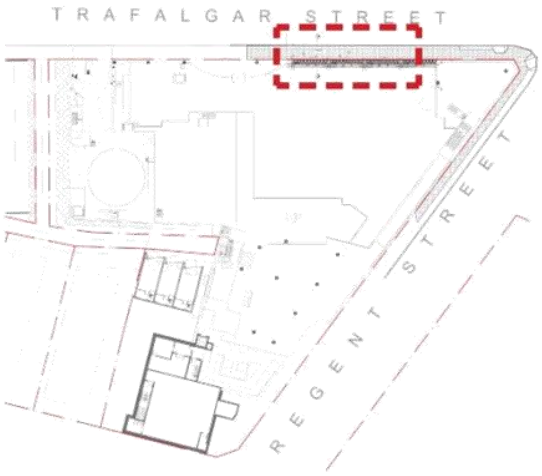
OVERALL LANDSCAPE MASTERPLAN

DEXOPP PTY LTD

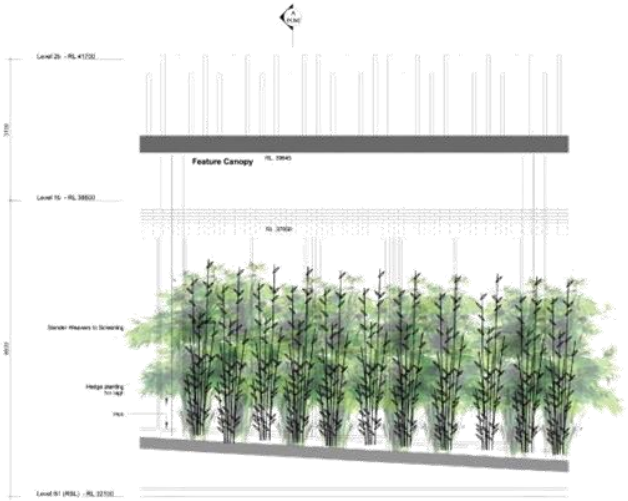
LT002[E]



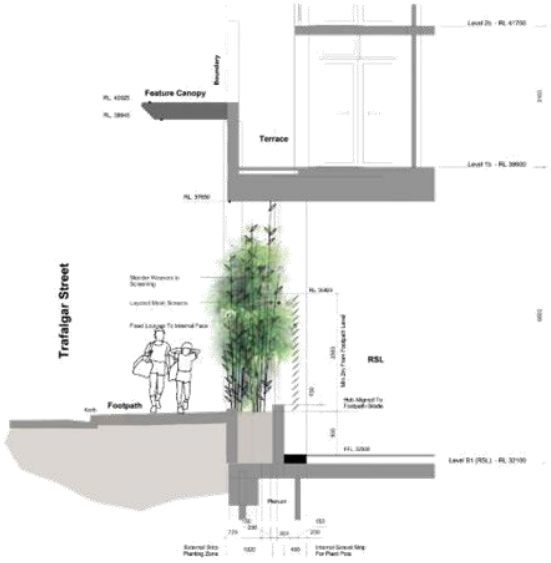
RSL GAMING SCREEN PLAN
PLAN 1:100



KEY PLAN - 1:500



RSL GAMING SCREEN
ELEVATION 1:50



RSL GAMING AREA SCREEN
SECTION A:A - 1:50

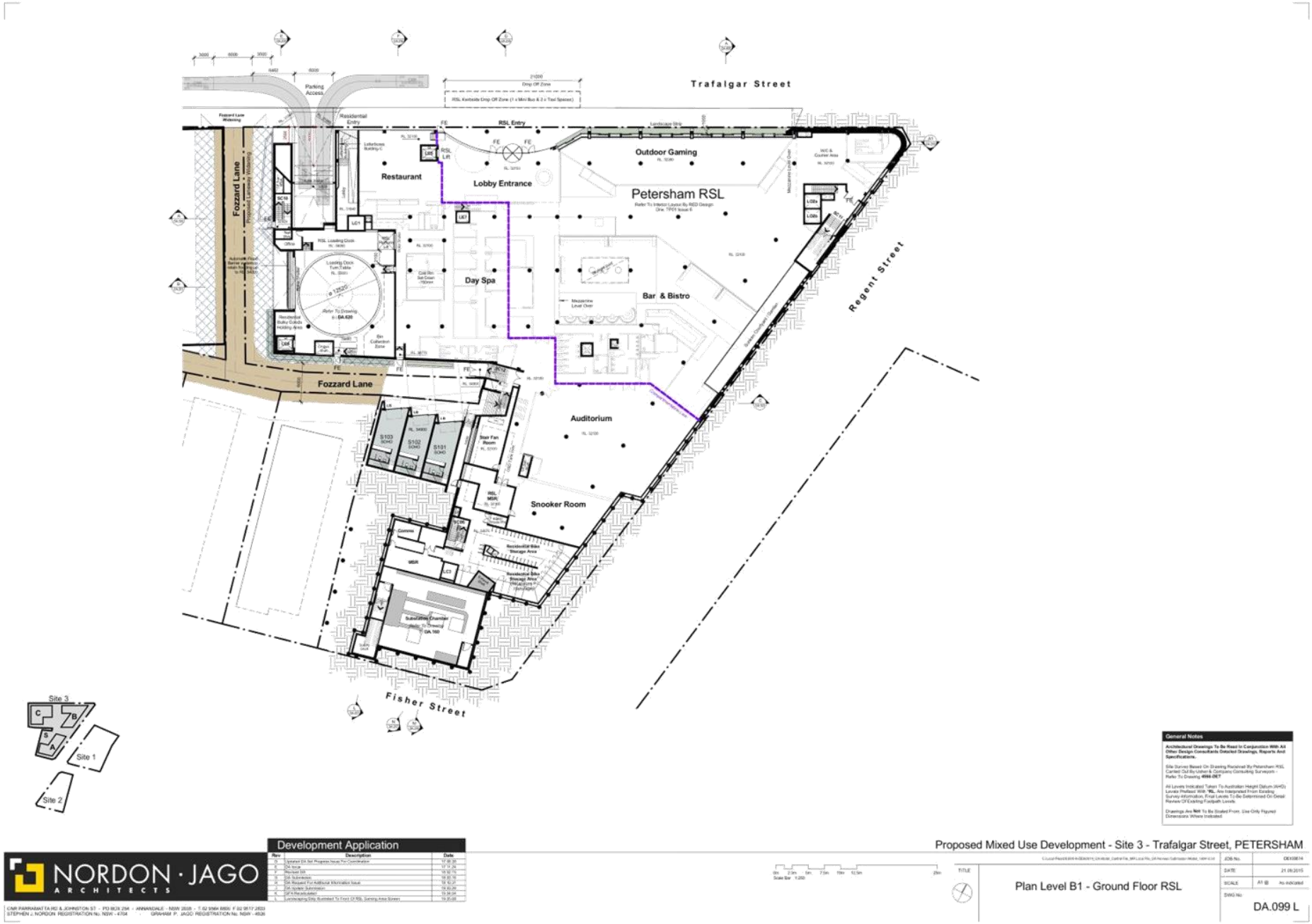
TaylorBrammer

PETERSHAM RSL REDEVELOPMENT

RSL GAMING AREA SCREEN

DEICORP PTY LTD

LT307 [A]


Trafalgar Street
Fozzard Lane
Restaurant
Lobby Entrance
Outdoor Gaming
Petersham RSL
Day Spa
Bar & Bistro
Regent Street
Auditorium
Snooker Room
Fisher Street
Site 3
Site 1
Site 2
Development Application
NORDON · JAGO
ARCHITECTS
Proposed Mixed Use Development - Site 3 - Trafalgar Street, PETERSHAM
Plan Level B1 - Ground Floor RSL
DA.099 L


1 PROPOSED PLAN
1 : 100
PLANNING APPROVAL
NOT FOR CONSTRUCTION
Deicorp
RED DESIGN GROUP
PROPOSED GROUND FLOOR PLAN
TP01
6

~~**PART A - DEFERRED COMMENCEMENT CONSENT**~~

~~This part of the consent will not operate and it may not be acted upon until the consent authority or its delegate are satisfied that the following requirements have been satisfied:~~

~~1. The Applicant shall prepare and provide to Sydney Trains for approval/certification the following final version items in compliance with relevant ASA Standards for Stage 1 (Site 3) proposed works (https://www.transport.nsw.gov.au/industry/standards-and-accreditation/standards):~~

~~a. Revised Geotechnical Report that meets Sydney Trains requirements. The Report must include a Rail Specific potential impacts section and be based on actual borehole testing conducted on the site closest to the rail corridor.~~

~~i. 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.~~

~~b. Structural report/drawings that meet Sydney Trains requirements. The Applicant shall be aware that no rock anchors or bolts (permanent or temporary) are permitted within the Rail Corridor.~~

~~c. 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.~~

~~d. Cross sectional drawings showing the rail corridor up to the centre of the first track and platform, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the rail corridor. All RL and horizontal measurements are to be accurate and verified by a Registered Surveyor.~~

~~e. Detailed Survey Plan showing the relationship of the proposed developed with respect to Sydney Trains easement and rail corridor land.~~

~~Any conditions issued as part of Sydney Trains approval/certification of the above documents will also form part of the consent conditions that the Applicant is required to comply with.~~

~~2. The relocation of waste collection from Fisher Street to Regent Street must be explored on Site 2. Most notably it must be demonstrated to the satisfaction of Council that a concealed temporary waste holding room of suitable dimensions and presentation can be provided on the Regent Street frontage, that there is a suitable path of travel to and from the waste storage area, and the impacts on the nearby apartments would be reasonable.~~

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

~~**PART B –** **CONDITIONS OF CONSENT**~~

~~Once operative this part of the consent is subject to the following conditions:~~

GENERAL

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

Dwg. No.	Dwg. Name	Author	Date
DA-1050 'B'	Site Analysis	Candalepas Associates	25 October 2018
DA – 1101 'B'	Basement 2 Floor Plan	Candalepas Associates	25 October 2018
DA – 1102 'B'	Basement 1 Floor Plan	Candalepas Associates	25 October 2018
DA – 1103 'B'	Ground Floor Plan	Candalepas Associates	25 October 2018
DA – 1104 'B'	Level 1 Floor Plan	Candalepas Associates	25 October 2018
DA – 1105 'B'	Level 2 Floor Plan	Candalepas Associates	25 October 2018
DA – 1106 'B'	Level 3-4 Floor Plan	Candalepas Associates	25 October 2018
DA – 1107 'B'	Level 5 Floor Plan	Candalepas Associates	25 October 2018
DA – 1108 'B'	Levels 6-7 Floor Plan	Candalepas Associates	25 October 2018
DA – 1109 'B'	Level 8 Floor Plan	Candalepas Associates	25 October 2018
DA – 1110 'B'	Roof Plan	Candalepas Associates	25 October 2018
DA – 1201 'B'	Sections A+B	Candalepas Associates	25 October 2018
DA – 1202 'B'	Section C	Candalepas Associates	25 October 2018
DA – 1301 'B'	Regent Street Elevation (West)	Candalepas Associates	25 October 2018
DA – 1302 'B'	Fisher Street Elevation (South)	Candalepas Associates	25 October 2018
DA – 1303 'B'	North Elevation	Candalepas Associates	25 October 2018
DA – 1304 'B'	East Elevation	Candalepas Associates	25 October 2018

DA – 1950 'B'	Adaptable Units Plans	Candalepas Associates	25 October 2018
DA – 1050 'B'	Site Analysis	Candalepas Associates	25 October 2018
DA – 1101 'B'	Basement B3 Floor Plan + Basement B2 Floor Plan	Candalepas Associates	25 October 2018
DA – 1102 'E'	Basement B1 Plan + Ground Floor Plan	Candalepas Associates	14 May 2019
DA – 1103 'C'	Level 1 Floor Plan + Level 2 Floor Plan	Candalepas Associates	29 March 2019
DA – 1104 'C'	Level 3 + Level 4 Floor Plans	Candalepas Associates	29 March 2019
DA – 1105 'C'	Level 5 + Level 6 Floor Plans	Candalepas Associates	29 March 2019
DA – 1106 'B'	Roof Plan	Candalepas Associates	25 October 2018
DA – 1201 'E'	Section A + Section B	Candalepas Associates	14 May 2019
DA – 1301 'E'	West Elevation (Regent Street)	Candalepas Associates	14 May 2019
DA – 1302 'B'	East Elevation	Candalepas Associates	25 October 2018
DA – 1303 'E'	North Elevation + South Elevation	Candalepas Associates	14 May 2019
DA – 1401	Wall Detail	Candalepas Associates	25 October 2018
DA – 1600 'B'	Solar Access/Cross Ventilation Analysis	Candalepas Associates	25 October 2018
DA – 1950 'B'	Adaptable Unit Plans Sheet 1	Candalepas Associates	25 October 2018
DA - 1951 'B'	Adaptable Unit Plans Sheet 2	Candalepas Associates	25 October 2018

DA.000 J	Cover Page	Nordon Jago Architects	8 April 2019
DA.095 J	Plan Level B5	Nordon Jago Architects	8 April 2019
DA.096 K	Plan Level B4	Nordon Jago Architects	8 April 2019
DA.097 K	Plan Level B3	Nordon Jago Architects	4 April 2019
DA.098 J	Plan Level B2	Nordon Jago Architects	4 April 2019
DA.099 L	Plan Level B1 – Ground Floor RSL	Nordon Jago Architects	8 May 2019
DA.100 L	Plan Level B1 – Mezzanine Level	Nordon Jago Architects	4 April 2019
DA.101 K	Plan Level 1	Nordon Jago Architects	4 April 2019
DA.102 L	Plan Level 2	Nordon Jago Architects	4 April 2019
DA.103 K	Plan Level 3	Nordon Jago Architects	4 April 2019
DA.104 K	Plan Level 4	Nordon Jago Architects	4 April 2019
DA.105 K	Plan Level 5	Nordon Jago Architects	4 April 2019
DA.106 K	Plan Level 6	Nordon Jago Architects	4 April 2019

DA.107 K	Plan Level 7	Nordon Jago Architects	4 April 2019
DA.108 K	Plan Level 8	Nordon Jago Architects	4 April 2019
DA.109 G	Plan Level 9	Nordon Jago Architects	4 April 2019
DA.120 H	Plan Level 10 (Roof)	Nordon Jago Architects	4 April 2019
DA.121 E	Roof Plan	Nordon Jago Architects	4 April 2019
DA. 130 D	Nominated Adaptable Unit Layouts	Nordon Jago Architects	29 March 2019
DA. 131 D	Nominated Adaptable Unit Layouts	Nordon Jago Architects	29 March 2019
DA. 160 F	Substation Chamber Plan	Nordon Jago Architects	29 March 2019
DA.200 J	Section A	Nordon Jago Architects	4 April 2019
DA.201 H	Section B	Nordon Jago Architects	4 April 2019
DA.204 H	Section E	Nordon Jago Architects	4 April 2019
DA.205 G	Sections F and M	Nordon Jago Architects	4 April 2019
DA.206 G	Sections G and K	Nordon Jago Architects	4 April 2019

DA.207 E	Section L and N	Nordon Jago Architects	4 April 2019
DA.300 H	Principal Elevations	Nordon Jago Architects	4 April 2019
DA. 301 F	Principal Elevations	Nordon Jago Architects	4 April 2019
DA.302 F	Inner Courtyard Elevations	Nordon Jago Architects	4 April 2019
DA. 303 E	Inner Urban Park Elevation	Nordon Jago Architects	4 April 2019
DA. 620 E	Loading Dock Plan	Nordon Jago Architects	29 March 2019
TP01 '6'	Proposed Ground Floor Plan	Red Design Group	13 November 2017
TP02 '2'	Proposed Upper Floor Plan	Red Design Group	13 November 2017
-	Trafalgar Street Elevation	Red Design Group	Undated
-	Section 1 – restaurant	Red Design Group	Undated
-	Section 2 - lobby	Red Design Group	Undated
-	Section 3 – outdoor gaming	Red Design Group	Undated
-	Section 3 – outdoor gaming detail	Red Design Group	Undated
-	Section 5 – the pub/Regent St	Red Design Group	Undated
-	Trafalgar Street – outdoor gaming detail	Red Design Group	Undated

-	Finishes schedule p1	Red Design Group	Undated
-	Finishes schedule p2	Red Design Group	Undated
-	Finishes schedule p3	Red Design Group	Undated
DEI00614	Basement 5 and below	Daw & Walton	5 April 2018
DEI00614	Basement 4	Daw & Walton	5 April 2018
DEI00614	Basement 3	Daw & Walton	5 April 2018
DEI00614	Basement 2	Daw & Walton	5 April 2018
DEI00614	Basement 1	Daw & Walton	5 April 2018
DEI00614	RSL Mezzanine	Daw & Walton	5 April 2018
DEI00614	Level 1	Daw & Walton	5 April 2018
DEI00614	Level 2-7	Daw & Walton	5 April 2018
DEI00614	Level 8	Daw & Walton	5 April 2018
DEI00614	Level 9	Daw & Walton	5 April 2018
DEI00614	Level 10 (Roof)	Daw & Walton	5 April 2018
5796	Basement 1 and below	Daw & Walton	4 December 2017
5796	Ground	Daw & Walton	4 December 2017
5796	Level 1	Daw & Walton	4 December 2017
5796	Level 2	Daw & Walton	4 December 2017

5796	Level 3 and above	Daw & Walton	4 December 2017
LT002[E]	Overall Landscape Masterplan	Taylor Brammer Landscape Architects Pty Ltd	9 May 2019
LT003[D]	Tree retention and removal plan	Taylor Brammer Landscape Architects Pty Ltd	2 November 2018
LT004[D]	Proposed street trees	Taylor Brammer Landscape Architects Pty Ltd	2 November 2018
LT005[C]	Street tree detail	Taylor Brammer Landscape Architects Pty Ltd	25 October 2018
LT006[B]	Street tree detail	Taylor Brammer Landscape Architects Pty Ltd	16 March 2018
LT007[A]	Street tree detail	Taylor Brammer Landscape Architects Pty Ltd	25 October 2018
LT100[C]	Site 1 ground floor landscape plan	Taylor Brammer Landscape Architects Pty Ltd	25 October 2018
LT101[C]	Site 1 Level 1 landscape plan	Taylor Brammer Landscape Architects Pty Ltd	25 October 2018
LT102[B]	Site 1 ground floor landscape plan	Taylor Brammer Landscape	19 March 2018

		Architects Pty Ltd	
LT103[B]	Site 1 level 8 landscape plan	Taylor Brammer Landscape Architects Pty Ltd	19 March 2018
LT104[A]	Site 1 section	Taylor Brammer Landscape Architects Pty Ltd	7 December 2017
LT105[A]	Landscape section	Taylor Brammer Landscape Architects Pty Ltd	25 October 2018
LT200[C]	Site 2 ground floor landscape	Taylor Brammer Landscape Architects Pty Ltd	2 November 2018
LT201[C]	Site 2 ground floor landscape	Taylor Brammer Landscape Architects Pty Ltd	2 November 2018
LT202[C]	Site 2 level 1 landscape	Taylor Brammer Landscape Architects Pty Ltd	2 November 2018
LT203[A]	Site 2 level 2 landscape	Taylor Brammer Landscape Architects Pty Ltd	7 December 2017
LT204[A]	Site 2 level 3 landscape	Taylor Brammer Landscape Architects Pty Ltd	7 December 2017
LT205[A]	Site 2 level 4 landscape	Taylor Brammer Landscape	7 December 2017

		Architects Pty Ltd	
LT206[A]	Site 2 level 5 landscape	Taylor Brammer Landscape Architects Pty Ltd	7 December 2017
LT207[B]	Site 2 level 6 landscape	Taylor Brammer Landscape Architects Pty Ltd	25 October 2018
LT208[A]	Site 2 section A	Taylor Brammer Landscape Architects Pty Ltd	7 December 2017
LT300[D]	Site 3 landscape masterplan	Taylor Brammer Landscape Architects Pty Ltd	2 November 2018
LT301[C]	Site 3 ground floor finishes and levels	Taylor Brammer Landscape Architects Pty Ltd	2 November 2018
LT302[C]	Site 3 ground floor planting	Taylor Brammer Landscape Architects Pty Ltd	2 November 2018
LT303[B]	Fozzard Lane plan	Taylor Brammer Landscape Architects Pty Ltd	16 October 2018
LT304[B]	Site 3 Level 7 + 8 landscape	Taylor Brammer Landscape Architects Pty Ltd	16 March 2018
LT305[A]	Site 3 sections	Taylor Brammer Landscape	7 December 2018

		Architects Pty Ltd	
LT306[C]	Site 3 planting schedules	Taylor Brammer Landscape Architects Pty Ltd	25 October 2018
LT307[A]	RSL gaming area screen	Taylor Brammer Landscape Architects Pty Ltd	9 May 2019
LD01[A]	Landscape details	Taylor Brammer Landscape Architects Pty Ltd	7 December 2017
LD02[A]	Landscape details	Taylor Brammer Landscape Architects Pty Ltd	7 December 2017
LD03[A]	Landscape details	Taylor Brammer Landscape Architects Pty Ltd	7 December 2017
C01 B	Civil works layout plan sheet 1 of 3	Australian Consulting Engineers	18 September 2018
C02 A	Civil works layout plan sheet 2 of 3	Australian Consulting Engineers	21 March 2018
C03 A	Civil works layout plan sheet 3 of 3	Australian Consulting Engineers	21 March 2018
C04 A	Typical cross sections	Australian Consulting Engineers	21 March 2018
C05 A	Trafalgar Street longitudinal section sheet 1 of 2	Australian Consulting Engineers	21 March 2018

C06 A	Trafalgar Street longitudinal section sheet 2 of 2	Australian Consulting Engineers	21 March 2018
C07 A	Regent Street longitudinal section sheet 1 of 4	Australian Consulting Engineers	21 March 2018
C08 A	Regent Street longitudinal section sheet 2 of 4	Australian Consulting Engineers	21 March 2018
C09 A	Regent Street longitudinal section sheet 3 of 4	Australian Consulting Engineers	21 March 2018
C10 A	Regent Street longitudinal section sheet 4 of 4	Australian Consulting Engineers	21 March 2018
C11 A	Fisher Street longitudinal section sheet 1 of 2	Australian Consulting Engineers	21 March 2018
C12 A	Fisher Street longitudinal section sheet 2 of 2	Australian Consulting Engineers	21 March 2018
C13 A	New Canterbury Road longitudinal section sheet 1 of 2	Australian Consulting Engineers	21 March 2018
C14 A	New Canterbury Road longitudinal section sheet 2 of 2	Australian Consulting Engineers	21 March 2018
C15 A	Fozzard Lane longitudinal section sheet 1 of 2	Australian Consulting Engineers	21 March 2018
C16 A	Fozzard Lane longitudinal section sheet 2 of 2	Australian Consulting Engineers	21 March 2018

C17 A	Trafalgar Street cross sections sheer 1 of 3	Australian Consulting Engineers	21 March 2018
C18 A	Trafalgar Street cross sections sheer 2 of 3	Australian Consulting Engineers	21 March 2018
C19 A	Trafalgar Street cross sections sheer 3 of 3	Australian Consulting Engineers	21 March 2018
C20 A	Regent Street cross sections sheet 1 of 2	Australian Consulting Engineers	21 March 2018
C21 A	Regent Street cross sections sheet 2 of 2	Australian Consulting Engineers	21 March 2018
C22 A	Fisher Street cross sections sheet 1 of 3	Australian Consulting Engineers	21 March 2018
C23 A	Fisher Street cross sections sheet 2 of 3	Australian Consulting Engineers	21 March 2018
C24 A	Fisher Street cross sections sheet 3 of 3	Australian Consulting Engineers	21 March 2018
C25 A	New Canterbury Road cross sections sheet 1 of 2	Australian Consulting Engineers	21 March 2018
C26 A	New Canterbury Road cross sections sheet 2 of 2	Australian Consulting Engineers	21 March 2018
C27 A	Fozzard Lane cross sections sheet 1 of 2	Australian Consulting Engineers	21 March 2018
C28 A	Fozzard Lane cross sections sheet 2 of 2	Australian Consulting Engineers	21 March 2018
C29 A	Stormwater longitudinal section sheet 1 of 2	Australian Consulting Engineers	21 March 2018

C30 A	Stormwater longitudinal section sheet 2 of 2	Australian Consulting Engineers	21 March 2018
C31 A	Construction notes and details sheet 1 of 3	Australian Consulting Engineers	21 March 2018
C32 A	Construction notes and details sheet 2 of 3	Australian Consulting Engineers	21 March 2018
C33 A	Construction notes and details sheet 3 of 3	Australian Consulting Engineers	21 March 2018
SK34 C	Signage and linemarking plan	Australian Consulting Engineers	18 September 2018
DCP x2	Staging plan	Nordon Jago Architects	16 March 2018

with the application for development consent and as amended by the following conditions.

2. The development must be carried out in the development 'stages' / phases outlined in Dwg. No. 'DCP x2' 'Staging plan' prepared by Nordon Jago Architects dated 16 March 2018 referenced in Condition 1 of Part B of this consent.

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.

4. The approved Voluntary Planning Agreement relating to the subject sites must be implemented and complied with.

5. An accessible lift must be included to provide access between Fozzard Lane and the 'public accessible urban space' to ensure an accessible path of travel is available from Fozzard Lane to Regent Street. The areas around the stairs leading from Fozzard Lane may need to be reconfigured accordingly. Details must be provided to the satisfaction of Council.

6. Further details of the proposed gates at the entrances of the 'public accessible urban space' must be provided to the satisfaction of Council.

7. ~~An awning must be provided along the entirety of the Trafalgar Street frontage and at the corner of Trafalgar Street and Regent Street to provide adequate weather protection for pedestrians using the footpaths.~~

   An awning must be provided in the locations identified as 'active commercial frontage' in Figure 6.1j of the Marrickville DCP 2011 to provide adequate weather protection for pedestrians using the footpaths.

8. The proposed awning shall be of cantilever type and be set back at least 600mm from the kerb line. Further, the total width of the awning that extends beyond the road alignment shall not exceed 3600mm and shall include pedestrian lighting (Category P3-AS1158) and shall be maintained and owned by the property owner(s). The proposed awning shall be designed so as to be easily removed if required in future. The owner shall maintain, modify or remove the structure at any time if given notification by Council or the RMS to do so.

9. Direct private pedestrian access from Fisher Street must be provided to Unit A102 of Building A Site 3 to the satisfaction of Council. The internal configuration of the unit can be amended accordingly.

10. All ground level units with direct pedestrian access from adjacent streets have separate mail boxes in a suitable location in front of the respective units.

11. Privacy treatment such as fixed planter boxes, landscaping, fences and/or gates be included at the front setbacks of the SOHO units to provide adequate separation and privacy while retaining pedestrian access from Fozzard Lane. Details must be provided to the satisfaction of Council

12. Adequate fencing must be included preventing the future occupants of Unit 1.06 gaining access to the landscaped area in front of the openings for Unit 1.07 and vice-versa.

13. Full-height privacy screens proposed on balconies must be either retractable or operable on Site 1.

14. All fire hydrant booster values must be concealed from the public domain. Details are to be provided to the satisfaction of Council.

15. The soffit to the undercroft at the corner of Fisher and Regent Streets on Site 2 is to be off-form concrete in natural colour.

16. Dry-pressed face brickwork on Site 2 is to be provided to the return walls to the basement car parking up to the line of the roller shutter.

17. It must be demonstrated by the applicant how the longevity of the proposed glazed tiles to the facades of Site 1 will be ensured. Specific design and construction methodology must also be provided. The details are to be submitted to the satisfaction of Council.

18. 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 4.55 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.

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

20. 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.

21. A minimum of 22 adaptable dwellings must be provided on Site 1, 10 on Site 2, and 43 on Site 3 in accordance with the proposal and Part 2.5 of Marrickville Development Control Plan 2011 - Equity of Access and Mobility.

22. A total of 91 off-street car parking spaces must be provided on Site 1, 50 on Site 2, and 320 on Site 3 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) 91 spaces being allocated to the residential dwellings on Site 1;
    b) 50 spaces being allocated to the residential dwellings on Site 2;
    c) 169 spaces being allocated to the residential dwellings on Site 3;
    d) 1 accessible car space per adaptable dwelling;
    e) 24 car spaces on the ground level of Site 1 be used exclusively for the purposes of Council;
    f) 150 car parking spaces allocated to the registered club on Site 3;
    g) 1 car parking space of the 151 'RSL Parking Spaces' allocated to the ground floor commercial tenancy on Site 3;
    h) 1 loading dock fronting Fozzard Lane for use by the registered club and commercial tenancy; and
    i) 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.

    Note: The total number of car spaces may change as a result of the requirements in this condition and other conditions in this consent.

23. At least two (2) service vehicle spaces must be provided in the basement carpark of Site 1. The spaces must be able to accommodate a standard van which has a typical length of 5.4m, width of 2.1m, height of 2.5m and turning circle of 13.5m. The spaces must not result in the loss of any landscaped area. The internal configuration of the basement can be amended accordingly.

24. A minimum of 15 motorcycle parking spaces must be provided on Site 1, 5 on Site 2, and 11 on Site 3 in association with the residential dwellings and maintained. A minimum of 12 motorcycle parking spaces must be provided on Site 3 in association with the registered club and commercial tenancy and maintained. 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.

25. 92 off-street bicycle parking spaces on Site 1, 30 on Site 2, and 138 on Site 3 in association with the residential dwellings 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. 21 off-street bicycle spaces on Site 3 in association with the registered club and commercial tenancy 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.

26. 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.

27. 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 1 under Part 2.10 of Marrickville Development Control Plan 2011 – Parking.

28. A total of 108 storage cages in Site 1, 50 storage cages in Site 2 and 199 storage cages in Site 3 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 Apartment Design Guide.

29. The proposed use of the registered club and commercial tenancy 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 LA90, 15min noise level, measured in the absence of the noise source/s under consideration by 5dB(A). The source noise level shall be assess as an LAeq, 15min and adjusted in accordance with the NSW Environment Protection Authority's Industrial Noise Policy and Environmental Noise Control Manual (sleep disturbance).

    An acoustic report prepared by a suitably qualified and experienced acoustic consultant shall be provided to the satisfaction of the Principal Certifying Authority demonstrating that noise and vibration from the operation of the premises including the use, plant and equipment will satisfy the stipulated criteria above and relevant provisions of the Protection of the Environment Operations Act 1997 and Regulations and relevant state and local policies and guidelines. Recommendations must be consistent with the approved plans.

    Details demonstrating compliance with the requirements of this condition are to be submitted to the Principal Certifying Authority for approval prior to the issue of any

Construction Certificate relating to the registered club or commercial tenancy (not including the basement), whichever is first.

30. To minimise the impact of noise from the adjoining major road and / or rail corridor on the occupants, the Construction Certificate plans shall incorporate and the building constructed in accordance with the recommendations of the following acoustic report approved as part of this application.

Prepared by	Dated	Reference
• Acoustic, Vibration & Noise Pty Ltd	21 November 2016 Amended Date 12 March 2018	2016-025 Rev2.
• Acoustic, Vibration & Noise Pty Ltd	9 November 2017 Amended date 12 March 2018	2017-555 Rev 2

Details demonstrating compliance with the requirements of this condition are to be detailed on the plans and accompanying documentation submitted to satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate relating to the residential components (not including the basement).

31. The LA10* noise level emitted from the premises must not exceed the background noise level in any octave band centre frequency (31.5Hz– 8k Hz inclusive) by more than 5dB between 7:00 am and 12:00 midnight at the boundary of any affected residence.

The LA10* noise level emitted from the premises must not exceed the background noise level in any octave band centre frequency (31.5Hz – 8k Hz inclusive) between 12:00 midnight and 7:00am at the boundary of any affected residence.

Notwithstanding compliance with the above, the noise from the premises must not be audible within any habitable room in any residence between the hours of 12:00 midnight and 7:00am.

*For the purposes of this condition, the LA10 can be taken as the average maximum deflection of the noise emission from the licensed premises or restaurant.

Details of the acoustic measures to be employed to achieve compliance with this condition must be provided prior to the issue of a Construction Certificate. Such measures must be in accordance with the approved acoustic report and plans.

32. As the site where the property is identified as located within ANEF 20-25 or greater, the development approved under this consent must meet the relevant provisions of Australian Standard AS 2021:2000 Acoustics – Aircraft noise intrusion – Building siting and construction.

An acoustic report prepared by a suitably qualified person and accompanying plans demonstrating compliance are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate relating to the residential components (not including the basement).

33. All stormwater drainage being designed in accordance with the provisions of the Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2015 '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.

34. 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.

35. Should the proposed development require the provision of an electrical substation, such associated infrastructure shall be incorporated wholly within the development site.

36. The registered club has base hours of operation of 9.00am to 12.00 midnight, 7 days a week.

37. The registered club has the following extended hours of operation on a one (1) year trial from the date of any Occupation Certificate relating to the registered club:
The registered club has the following extended hours of operation:
• Monday to Wednesday – 7.00am to 4.00am the next day
• Thursdays to Fridays – 7.00am to 5.00am the next day
• Saturdays - 7.00am to 5.00am the next day
• Sundays – 7.00am to 4.00am the next day.
• ANZAC Day from 5.30am.

Service is to cease 30 minutes before ceasing of trading hours.

38. The registered club has a maximum patron capacity of 900.

39. The use of the registered club and commercial tenancy 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.

40. Access to the 'external RSL area' / 'outdoor zone' / 'sunken courtyard/garden' is prohibited to any persons other than staff of the registered club or persons engaged by the registered club. Access to this area is to be exclusively for maintenance purposes only.

41. High resolution CCTV cameras be installed at the entrances to all carparks and mailbox areas.

42. Separate Development Consent or Complying Development Certificate must be obtained for the fitout the ground floor commercial tenancy prior to the occupation of that part of the premises.

43. ~~This approval is for a food and drink premises 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.~~

Live music in the registered club is permitted from 10.00am to 10.00pm in the venue. Any live music not to exceed the 5dBa above background noise to the closest sensitive noise receiver. All live music must be confined to the 'function room'.

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

    a) The areas to be used as a café 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 Sundays;
    d) All loading and unloading in connection with the use must be carried out wholly within the property from the loading dock adjoining Fozzard Lane, between 7.00am – 5.30pm, Monday to Sunday, 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.

45. The food and drink premises must have access to and permission to use the loading dock adjacent to Fozzard Lane for deliveries and waste storage and collection.

46. Separate Development Consent or Complying Development Certificate must be obtained prior to the erection of any signage, advertisements or advertising structures. The shop/club windows must not be painted with advertisements and no flashing lights are to be installed on the premises. No approval is given to the 'signage zones' as shown on the supplied drawings.

47. 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 any waste storage rooms to facilitate 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

48. 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.

49. The following condition is imposed at the request of Sydney Trains:

a) Sydney Trains or Transport for NSW (TfNSW), and persons authorised by those entities for the purpose of this condition, are entitled to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and these conditions of consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.
b) 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(s).
c) Where a condition of consent requires Sydney Trains or Transport for NSW endorsement the Principal Certifying Authority is not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged Construction Certificates dealing with specific works and compliance conditions can be issued subject to written agreement from those entities to which the relevant condition(s) applies.
d) Any conditions issued as part of Sydney Trains approval/certification of any documentation for compliance with the Sydney Trains conditions of consent, those approval/certification conditions will also form part of the consent conditions that the Applicant is required to comply with.
e) 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.
f) No rock anchors/bolts are to be installed into Sydney Trains/ RailCorp property or easements.
g) The applicant shall not at any stage block the corridor access gate on Trafalgar Street, and should make provision for easy and ongoing 24/7 access by rail vehicles, plant and equipment to support maintenance and emergency activities.
h) 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 for Stage 1 (Site 3), 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.
i) The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:
   - oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;
   - acts as the authorised representative of the Applicant; and
   - is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.
j) Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development

works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.

k) Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains external party interface team. In this instance the relevant interface team is Central interface team and they can be contacted via email on Central_Interface@transport.nsw.gov.au.

50. The following condition is imposed at the request of Ausgrid:

a) The method of connection will be in line with Ausgrid's Electrical Standard (ES)1 – 'Premise Connection Requirements.

b) It is recommended for the nominated electrical consultant/contractor to provide a preliminary enquiry to Ausgrid to obtain advice for the connection of the proposed development to the adjacent electricity network infrastructure. An assessment will be carried out based on the enquiry which may include whether or not:
   - The existing network can support the expected electrical load of the development
   - A substation may be required on-site, either a pad mount kiosk or chamber style and;
   - site conditions or other issues that may impact on the method of supply.

   Please go to www.ausgrid.com.au about how to connect to Ausgrid's network.

c) All proposed vegetation underneath overhead power lines and above underground cables must comply with the requirements of ISSC 3 Guideline For Managing Vegetation Near Power Lines.

d) The developer is to consider the impact that existing streelighting and any future replacement streetlighting and maintenance may have on the development. Should the developer determine that any existing streetlighting may impact the development, the developer should either review the development design, particular the placement of windows, or discuss with Ausgrid the options for relocating the streetlighting.
   The relocating of any streetlighting will generally be at the developers cost. In many cases is not possible to relocate streetlighting due to its strategic positioning.

e) There are existing overhead electricity network assets in Fisher Street, Regent Street & New Canterbury Rd Safework NSW Document – Work Near Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements between these mains/poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given to the positioning and operating of cranes and the location of any scaffolding.
   The "as constructed" minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid's website, www.ausgrid.com.au
   Based on the design of the development provided, it is expected that the "as constructed" minimum clearances will not be encroached by the building development. However it remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite.
   Should the existing overhead mains require relocating due to the minimum safe clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost.
   It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site.

f) There are existing underground electricity network assets in Fisher St & Regent Street.
Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.
Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area.
Should ground anchors be required in the vicinity of the underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.
Safework Australia – Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables.

g) There are existing electricity substation assets within the site boundary .
The substation ventilation openings, including substation duct openings and louvered panels, must be separated from building air intake and exhaust openings, natural ventilation openings and boundaries of adjacent allotments, by separation distances which meet the requirements of all relevant authorities, building regulations, BCA and Australian Standards including AS 1668.2: The use of ventilation and airconditioning in buildings - Mechanical ventilation in buildings.

In addition to above, Ausgrid requires the substation ventilation openings, including duct openings and louvered panels, to be separated from building ventilation system air intake and exhaust openings, including those on buildings on adjacent allotments, by not less than 6 metres.

Exterior parts of buildings within 3 metres in any direction from substation ventilation openings, including duct openings and louvered panels, must have a fire rating level (FRL) of not less than 180/180/180 where the substation contains oil-filled equipment, or 120/120/120 where there is no oil filled equipment and be constructed of non-combustible material.

The development must comply with both the Reference Levels and the precautionary requirements of the ICNIRP Guidelines for Limiting Exposure to Time-varying Electric and Magnetic Fields (1 HZ – 100 kHZ) (ICNIRP 2010).

For further details on fire segregation requirements refer to Ausgrid's Network Standard 113. Existing Ausgrid easements, leases and/or right of ways must be maintained at all times to ensure 24 hour access. No temporary or permanent alterations to this property tenure can occur without written approval from Ausgrid. For further details refer to Ausgrid's Network Standard 143.

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

52. 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.

53. Remediation and validation of contaminated land must be carried out in accordance with State Environmental Planning Policy No 55 – Remediation of land, the Contaminated Land Management Act 1997, Development Control Plan 2013 and the following documentation:

Document Title	Prepared By	Dated
Remediation Action Plan	EI Australia	12 April 2018

54. ~~All buildings and structures, together with any improvements integral to the future use of the site are wholly within the freehold property (unlimited in height or depth), along the Trafalgar Street and New Canterbury Road boundary.~~

    All buildings and structures, together with any improvements integral to the future use of the site are wholly within the freehold property (unlimited in height or depth) of all boundaries.

55. The proposed bus stop relocation on Trafalgar Street should be reviewed and approved by Council, local bus operator and Transport for NSW (NSW). Relocation costs, including signage and infrastructure should be at the proponent's expense.

56. Bicycle Parking should be provided in accordance with AS2890.3.

57. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004, AS2890.6-2009 and AS 2890.2 – 2002 for heavy vehicle usage. Parking Restrictions may be required to maintain the required sight distances at the driveway.

58. The swept path of the longest vehicle (including garbage trucks, building maintenance vehicles and removalists) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.

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

60. All vehicles are to be wholly contained on site before being required to stop.

61. The Construction Pedestrian Traffic Management Plan (CPTMP) should include:
    - Information on the impacts of construction and on-street parking;
    - Detailed information on the construction traffic that will service the site indicating the type of heavy vehicles, and number of vehicle movements throughout the day and during the morning and afternoon peak periods.
    - Analysis on the impact of this traffic on the traffic signals at New Canterbury Road/ Crystal Street and New Canterbury Road/Audley Street.
    - All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Trafalgar Street and New Canterbury Road.
    - CPTMP should be submitted to Council for approval prior to the issue of a Construction Certificate.

62. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on New Canterbury Road during construction activities. A ROL can be obtained through https://myrta.com/oplinc2/pages/security/oplincLogin.jsf.

63. All works must be carried out in accordance with the supplied 'Geotechnical Investigation Report - Report E22913 GA' prepared by eiaustralia and dated 24 May 2016.

64. The buildings must not exceed a maximum height of 71.7 metres AHD for Site 1, 62.9 metres AHD for Site 2 and 66.4 metres for Site 3, inclusive of all lift over-runs, vents, chimneys, aerials, antennas, lightning rods, any roof top garden plantings, exhaust flues etc.

65. The tallest building (Site 1) must be obstacle lit by low intensity steady red lighting during the hours of darkness at the highest point of the building (roof top plant area). Obstacle lights are to be arranged to ensure the building can be observed in a 360 degree radius as per subsection 9.4.3 of the Manual of Standards Part 139 - Aerodromes (MOS). Characteristics for low intensity lights are stated in subsection 9.4.6 of the MOS.

66. The Proponent must ensure the obstacle lighting arrangements have a remote monitoring capability, in lieu of observation every 24 hours, to alert SACL reporting staff of any outage. For detailed requirements for obstacle lighting monitoring within the OLS of an aerodrome, refer to subsection 9.4.10 of the MOS.

67. The obstacle lighting must have a built-in alarm system that will provide remote monitoring to notify the person responsible for the maintenance of the obstacle lighting. The designated person must be available 24 hours per day, 7 days per week. Immediate action must be taken to repair the obstacle lighting and notify Sydney Airport of any outage. The contact details of the person responsible for the maintenance of the obstacle lighting must be sent to Sydney Airport prior to the completion of the building being constructed, and must be kept up to date. In the event of the obstacle lighting being inoperable, the person responsible for the maintenance of the obstacle lighting is to immediately contact the Sydney Airport Airfield Operations Supervisor on 0419 278 208 or 9667 9824.

68. Following completion of the building, the Proponent must advise SACL, in writing, that the future owner(s)/manager(s) have been informed of their obligation to maintain the obstacle lighting in accordance with conditions of this approval.

    The Proponent has advised that prior to completion of the construction of the development and subsequent settlement to all purchases, a Strata Manager I Building Manager will be appointed to the property. Upon appointment, their contact details must be forwarded to the Sydney Airport Airfield Operations Supervisor.

69. The Proponent must advise Airservices Australia at least three business days prior to the controlled activity commencing by emailing <ifp@airservicesaustralia .com> and quoting SY-CA-568.

70. Separate approval must be sought under the Regulations for any construction equipment (i.e. cranes) required to construct the buildings. Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Regulations. Therefore, it is advisable that approval to operate construction equipment (i.e. cranes) be obtained prior to any commitment to construct.

71. At the completion of the construction of the building, a certified surveyor is to notify (in writing) SACL of the finished height of each building.

BEFORE COMMENCING DEMOLITION, EXCAVATION AND/OR BUILDING WORK

72. 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.

73. 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.

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

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

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

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

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

75. All demolition work must:

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

76. Where any loading, unloading or construction is to occur from a public place, Council must be contacted to determine if any permits or traffic management plans are required to be obtained from Council before work commences.

77. All services in the building being demolished must be disconnected in accordance with the requirements of the responsible authorities before work commences.

78. A waste management plan must be prepared in accordance with Part 2.21 of Marrickville Development Control Plan 2011 - Site Facilities and Waste Management and submitted to and accepted by the PCA before work commences.

79. Prior to the issue of the Construction Certificate the applicant is to submit a Resource Recovery and Waste Management Plan that includes details of materials that will be excavated, and their proposed destination or reuse.

    Where asbestos is present during demolition work, the work must be carried out in accordance with the guidelines for asbestos work published by Safework NSW.

    All asbestos wastes must be disposed of at a landfill facility licensed by the New South Wales Environmental Protection Authority to receive that waste. Copies of the disposal dockets must be retained by the person performing the work for at least 3 years and be submitted to Council on request. Reason: To ensure the appropriate disposal and reuse of waste generated on the site.

80. Where a residential development and commercial development occupy the same site, the waste and recycling handling and storage systems for residential waste and commercial waste (including waste originating from retail premises) are to be additional, separate and self-contained. Commercial and retail tenants must not be able to access residential waste storage area/s, or any storage containers or chutes used for residential waste and recycling.

81. All bin storage areas are to be provided within the site. These areas must fully accommodate the number of bins required for all waste generated by a development of this type and scale. The areas must also include 50% allowance for manoeuvring of bins.

    All bin storage areas are to be located away from habitable rooms, windows, doors and private useable open space, and to minimise potential impacts on neighbours in terms of aesthetics, noise and odour.

    The bin storage areas are to meet the design requirements detailed in the Inner West DCP, and must include doorways/entrance points of 1200mm.

    Residential Bin Storage Areas:
    The number of bins required must be calculated based on a weekly collection of garbage, and a fortnightly collection of recycling.

    Commercial Bin Storage Areas:
    There must be adequate bin storage allocation in the commercial bin storage area to accommodate the generation of all waste streams from all the businesses on site.

82. The bulky waste storage area for the residential uses must meet the floor area requirements as per the Inner West Council DCP. Doorways are to be a minimum of 1200mm wide to accommodate large items

83. There must be additional space allocated on site for the storage of reusable items for the commercial uses such as crates and pallets and/or compaction equipment.

84. The path of travel between the bin storage areas/bulky waste storage areas and the designated waste/recycling collection point is to have a minimum 1200mm wall-to-wall clearance, be slip-proof, of a hard surface, be free of obstructions and at no point have

a gradient exceeding 1:12. The use of a lift is permitted, but consideration should be given to the inclusion of a service lift in this instance.

85. 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.

86. 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'.

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

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

    All devices must be constructed and maintained on site while work is carried out.

88. The person acting on this consent is responsible for arranging and meeting the cost of a dilapidation report prepared by a suitably qualified person. The report is to be submitted to and accepted by the PCA before work commences, on the buildings on all adjoining properties, if the consent of the adjoining property owner can be obtained. In the event that the consent of the adjoining property owner cannot be obtained copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the PCA before work commences.

89. 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.

90. Where it is proposed to carry out works in public roads or Council controlled lands, a road opening permit must be obtained from Council before the carrying out of any works in public roads or Council controlled lands. Restorations must be in accordance with Marrickville Council's Restorations Code. Failure to obtain a road opening permit for any such works will incur an additional charge for unauthorised openings in the amount of $2,002, as provided for in Council's adopted fees and charges.

91. 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.

92. 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.

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

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

95. The project arborist shall prepare a Tree Protection Plan, which shall be submitted to and approved by Council before work commences.

96. The tree protection measures detailed in the council-approved tree protection plan shall be established before work commences.

97. Tree protection measures shall be established in accordance with the Australian Standard Protection of Trees on Development Sites AS 4970—2009 before work commences.

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

99. Tree valuation shall be undertaken by the project arborist for each street tree that is being retained, using Thyer tree valuation methodology. The schedule of valuations shall be submitted to and agreed with by Council before the start of works.

100. Refundable security deposits for the street trees being retained, equal to those listed in the schedule of tree valuations submitted by the project arborist and agreed to by Council, shall be deposited with council before the start of works. The security deposits will be refunded in full or in part no sooner than 12 months from the date of the issue of the occupation certificate. Full or partial forfeiture of the relevant security deposit will occur if the street tree is injured, or declines in health and / or vigour, or dies due

to any development-related impact. Council's Urban Forest Manager will determine the amount of any forfeiture of a security deposit based on the health and condition of the trees and any decline thereof.

101. A refundable security deposit for each new street tree of $1,600 shall be deposited with council before the start of works. The security deposits will be refunded in full or in part no sooner than 12 months from the date of the issue of the occupation certificate. Full or partial forfeiture of each security deposit will occur if the new street tree dies or fails to establish properly. Council's Urban Forest Manager will determine the amount of any forfeiture of the security deposit based on the health and condition of the new street trees.

102. An Asbestos Survey prepared by a suitably qualified Occupational Hygienist shall be prepared for the premises. The Survey is to incorporate appropriate Asbestos removal and disposal methods in accordance with the requirements of WorkCover NSW, NSW Environmental Planning and Assessment Amendment (Asbestos) Regulation 2009 and NSW Environment Protection Authority, Safe Removal of Asbestos 2nd Edition [NOHSC: 2002 (2005)] and conditions of this consent.

    A copy of any WorkCover approval documents is to be included as part of the documentation.

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

103. 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.

    Permits – General

104. 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.

    Hoarding

105. The person acting on this consent shall ensure the site is secured with temporary fencing prior to any works commencing.

106. 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.

107. 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.

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

Work Zone - major

109. The person acting on this consent shall apply for a Work Zone along the site frontage for construction vehicles. A minimum of 2 months should be allowed for the processing of the application.

Dilapidation – major

110. A dilapidation report on the visible and structural condition of the following public infrastructure must be provided to the Principal Certifying Authority prior to the commencement of demolition or issue of a Construction Certificate (whichever occurs first).
    a) Full width of Trafalgar Street, including road pavement, stormwater drainage infrastructure, kerb and gutter and footpath, between Audley Street and Regent Street;
    b) Full width of Regent Street, including road pavement, stormwater drainage infrastructure, kerb and gutter and footpath for the frontage of the site, between New Canterbury Road and Trafalgar Street
    c) Full width of Fisher Street, including road pavement, stormwater drainage infrastructure, kerb and gutter and footpath for the frontage of the sites.
    d) The Lane access at the rear of site 3 (existing RSL)

    The dilapidation report is to be prepared by a practicing Structural/Civil Engineer agreed to by both the applicant and Council. All costs incurred in achieving compliance with this condition shall be borne by the applicant. The liability of any damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded by the requirements of this condition will be borne by the applicant.

Public Liability Insurance

111. 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.

111a. If required by Sydney Trains prior to the commencement of works for Stage 1 (Site 3), 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.

BEFORE THE ISSUE OF ANY CONSTRUCTION CERTIFICATE

112. 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	$452,000
Inspection fee	$2,306.50

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.

BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE FOR 'STAGE 1' OF THE DEVELOPMENT (SITE 3)

113. This condition is imposed in accordance with Section 7.11 of the Environmental Planning and Assessment Act 1979.

a) Before the issue of a Construction Certificate the Council must be paid a monetary contribution of $4,089,895.62 indexed in accordance with Marrickville Section 94/94A Contributions Plan 2014 ("CP").

The above contribution is the contribution applicable as at 17 April 2019.

***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. DC002573)

b) 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	$372,884.18
Plan Administration	$80,194.53
Recreation Facilities	$3,214,163.86
Road/Access Dedication - Petersham	$320,943.30
Traffic Facilities	$101,709.75

c) 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.

d) 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.

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

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

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

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

115. The architectural plans must be amended to address the following:
a) The provision of a car share space within the property;
b) Changes to the loading dock to allow a HRV to enter and leave Fozzard Lane in a forward direction in the event the turntable is out of operation. This design change may make allowance for the future widening of Fozzard Lane by an additional 1.5m to the west;

c) Changes to the loading dock area to reflect the approved design of Fozzard Lane to ensure the ground clearance templates of heavy vehicles are satisfied and minimum headroom of 4.5m is provided; and
d) The architectural plans must be updated to reflect the approved alignment levels provided on the approved public domain plans.

Amended plans must be submitted to and approved by Council before the issue of a Construction Certificate.

116. The vehicular access and associated vehicle standing areas shall be designed in accordance with Australian Standard AS/NZS 2890.1-2004 Parking Facilities: Off-street car parking, Australian Standard AS 2890.2-2002 Parking Facilities: Commercial vehicle facilities, AS/NZS 2890.6-2009 Parking facilities: Off-street parking for people with disabilities so that:-
a) The layout and minimum dimensions of any standing area comply with clause 2.4 of AS/NZS 2890.1-2004 such that:-
(i) car spaces adjacent to walls or fences are increased in width by an additional 300mm;
(ii) end spaces are provided with an additional 1m aisle extension; and
(iii) the location of columns within the carpark complies with figure 5.1 of AS/NZS 2890.1-2004;
b) The location of the roller door/control point at the vehicle entry shall be set further within the property so as to provide a suitable queue length within the property before vehicles are required to stop. The queue length shall be designed in accordance with Clause 3.4 of AS/NZS 2890.1:2004;
c) At the property boundary the access from the road to a standing area is (as near as practicable) perpendicular to the line of the adjacent road;
d) The relative surface levels of the internal access from the road being controlled so that:-
(i) the surface levels at the property boundary match "alignment levels";
(ii) the change in grade for any 2m length of accessway does not exceed 1 in 8 (12.5%) unless suitable transitions are provided in accordance with AS2890.1;
(iii) the maximum grade at any point does not exceed 1 in 5 (20%) or in the case of ramps greater than 20m in length 1 in 6 (16.7%); and
e) The vehicle egress is designed such that there are no obstructions to lines of sight, along the footpath and the roadway for drivers of egressing vehicles; and

Details of compliance with the above requirements including long sections of the ramps shall be submitted to and approved by ~~Council~~ the Certifying Authority before the issue of a Construction Certificate.

117. The applicant shall prepare a loading dock management plan for Site 3, to be submitted to the consent authority for approval. The plan should address the following items:
(a) Expected profile of loading activity for the site;
(b) Measures in place to ensure sufficient capacity is provided within the loading dock with no queuing impacts to Fozzard Lane or Trafalgar Street;
(c) Measures to safely manage the interaction of loading vehicles and private vehicles, given the close proximity of the two driveways (to Fozzard Lane entry and RSL vehicle entry);
(d) Operational plan of management for the loading dock;
(e) Details, specifications and operational management and maintenance details of the proposed turntable;
(f) Management measures to be put in place in the event of a malfunction of the proposed turntable within the loading dock. Specifically the plan should address the procedure to be implemented by the applicant in the event that the turntable is not operational and vehicles would need to reverse out on to ~~Parsons~~ Trafalgar Street;

(g) Measures to manage the conflict between pedestrians/vehicles using Fozzard lane and vehicles accessing the loading dock; and
(h) The plan shall be submitted to and approved by Council before the issue of a Construction Certificate.

118. A Flood Risk Management Plan, prepared by a qualified practicing Civil Engineer must be provided prepared / prior to the issue of a Construction Certificate. The plan shall be generally in accordance with Flood Impact Assessment and Stormwater Management Report Strategy dated 05 April 2018 prepared by ACOR consultants and be prepared / amended to make provision for the following:

(a) Recommendations on all precautions to minimise risk to personal safety of occupants and the risk of property damage for the total development. Such recommendations must be consistent with the approved development. The flood impacts on the site shall be assessed for the 100 year ARI and Probable Maximum Flood (PMF) storm events. The precautions shall include but not be limited to the following:
    i) Types of materials to be used to ensure the structural integrity of the building to immersion and impact of velocity and debris.
    ii) Set floor levels as set out in the ACOR report
    iii) Waterproofing methods, including electrical equipment, wiring, fuel lines or any other service pipes or connections.
    iv) Flood warning signs/depth indicators for areas that may be inundated
    ~~iv) Flood emergency response/evacuation Plan.~~
    v) On site response plan to minimise flood damage, demonstrating that adequate storage areas are available for hazardous materials and valuable goods above the flood level.
(b) Provide a structural engineer's certificate stating that the proposed building has been designed to withstand the forces of flood water, debris and buoyancy up to the PMF flood.
(c) Specify the architectural and structural plans upon which the above recommendations have been incorporated.

The Flood Risk Management Plan must be submitted to and approved by Council before the issue of a Construction Certificate.

NS **A Flood Emergency Response Plan for the site (for 1 in 100 year ARI, and PMF storm events) 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 Occupation Certificate.**

119. Detailed site stormwater construction plans generally in accordance with concept plans SC301 (Rev C), SC302 (Rev C), SC303 (Rev C), SC304 (Rev C), SC305 (Rev C), SC306 (Rev C), SC307 (Rev D), SC308 (Rev C), SC309 (Rev C), SC310 (Rev C), SC311 (Rev C), SC312 (Rev C), SC313 (Rev C), SC314 (Rev C), SC315 (Rev C), SC316 (Rev C), SC317 (Rev C) and SC318 (Rev B) by Neil Lowry & Associates P/L shall be amended and/or additional information provided as follows;

i. Detailed calculations for sizing of the OSD system to be provided for assessment (this shall include the DRAINS files);
ii. For sites greater than 1000sqm the allowable discharge will be limited to the equivalent fully pervious discharges for the site area;

iii. Details of the 1 in 100 year overflow routes in case of failure\blockage of the site drainage system shall be provided. This shall include any existing overland flow routes from upstream;
iv. Construction details for direct connection to Council's stormwater drainage system. Details shall include a long section of the pipe detailing all utility services, bedding and road restoration detail;
v. A WSUD Strategy Report and a MUSIC model (including .sqz file) shall be provided to ensure the treatment measures proposed meet Council's water quality targets;
vi. A detailed WSUD maintenance plan outlining how all elements of the water quality treatment facility will be maintained and to record annual inspections/maintenance works to be undertaken; and
vii. 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 shall be fully "tanked" so as not to allow the ingress of seepage or groundwater.

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

120. A revised Plan of Management be submitted to and approved by Council. The Plan of Management must adequately addresses all matters in Control C71 of Part 5.3.1.1 of the Marrickville DCP 2011 and be updated to reflect any relevant changes required by the conditions of this consent including (but not limited to):
    - Hours of operation;
    - Patron capacity;
    - Restricted access to the 'external RSL area'

121. Public access to the 'through site pedestrian walkway' must be maintained during daylight hours.

122. 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.

123. 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.

124. 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.

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

126. Prior to the commencement of any works a Construction Pedestrian and Traffic Management Plan (CPTMP) must be submitted to Council for approval for that stage of the works. The CPTMP needs to specify, but not be limited to, the following:

a) Information on the impacts of construction and on-street parking
b) Location of the proposed work zone;
c) Detailed information on the construction traffic that will service the site indicating the type of heavy vehicles, and number of vehicle movements throughout the day and during the morning and afternoon peak periods, including swept path analysis;
d) Details of any road closures;
e) Haulage routes including marshalling area/s and operation;
f) Construction vehicle access arrangements;
~~g) Analysis on the impact of this traffic on the traffic signals at New Canterbury Road/ Crystal Street and New Canterbury Road/Audley Street~~
h) Construction program;
i) Any potential impacts to general traffic, cyclists, pedestrians and train and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works; and
j) The hauling routes must be comply with the following:
   a. No inbound routes through Audley Street.
   b. Fisher Street not to be used at all.
   c. All outbound routes to be directed to Gordon Street through Trafalgar Street. (Regent/Trafalgar/Gordon)
   d. Inbound routes allowed: Crystal/Trafalgar/Regent & New Canterbury/Regent

The plan shall be submitted to and approved by Council commencing work.

127. The person acting on this consent shall apply for a Work Zone along the site frontage for construction vehicles. A minimum of 2 months should be allowed for the processing of the application.

128. A dilapidation report on the visible and structural condition of the following public infrastructure must be provided to the Principal Certifying Authority prior to the

commencement of demolition or issue of a Construction Certificate (whichever occurs first).

a) Full width of Trafalgar Street, including road pavement, stormwater drainage infrastructure, kerb and gutter and footpath, between Audley Street and Regent Street;
b) Full width of Regent Street, including road pavement, stormwater drainage infrastructure, kerb and gutter and footpath for the frontage of the site, between New Canterbury Road and Trafalgar Street
c) Full width of Fisher Street, including road pavement, stormwater drainage infrastructure, kerb and gutter and footpath for the frontage of the sites.
d) The Lane access at the rear of site 3 (existing RSL)

The dilapidation report is to be prepared by a practicing Structural/Civil Engineer agreed to by both the applicant and Council. All costs incurred in achieving compliance with this condition shall be borne by the applicant. The liability of any damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded by the requirements of this condition will be borne by the applicant.

129. 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.

130. A final acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines".

131. 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.

132. Prior to the issue of a Construction Certificate a Risk Assessment/Management Plan regarding any potential risk to or from the rail corridor and assets, 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.

133. 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.

134. 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.

135. 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.

136. 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.

137. 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. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate(s) until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.

138. 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 relating to the registered club or commercial tenancy (not including the basement), whichever is first.

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

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

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

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

140. 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.

141. 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.

142. 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.

143. 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.

144. 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.

145. Plans fully reflecting the selected commitments listed in the relevant BASIX Certificates 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).

146. Noise attenuation measures must be incorporated into the development complying with Australian Standard 2021:2015, 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 2021:2015, 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".

147. 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).

148. 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~~ the Certifying Authority's satisfaction before the issue of a Construction Certificate.

149. 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.

150. 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(s).

151. Where a condition of consent requires Sydney Trains or Transport for NSW endorsement the Principal Certifying Authority is not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged Construction Certificates dealing with specific works and compliance conditions can be issued subject to written agreement from those entities to which the relevant condition(s) applies.

152. No work is permitted within the rail corridor, or its easements, at any time unless prior approval or an Agreement has been entered into with Sydney Trains. Where the Applicant proposes to enter the rail corridor, the Principal Certifying Authority shall not issue a Construction Certificate until written confirmation has been received from Sydney Trains confirming that its approval has been granted.

153. 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 relating to the residential components, registered club or commercial tenancy (not including the basement), whichever is first. 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.

154. 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.

155. All plant and associated equipment (other than those identified on the plans in Condition 1 of Part B) 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.

156. 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.

157. 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 relating to any public domain works with all works completed before to the issue of an Occupation Certificate relating to the registered club or commercial tenancy (not including the basement), whichever is first.

158. 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.

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

160. 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.

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 relating to the registered club or commercial tenancy (not including the basement), whichever is first.

161. The removal, replacing or decommissioning of an underground petroleum storage system shall comply with the requirements of The Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008, The Protection of the Environment Operations Act 1997 and Australian Standard AS4976-2008: The removal and disposal of underground petroleum storage tanks.

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

161a. Prior to the issue of a Construction Certificate the Applicant shall prepare and provide to Sydney Trains for approval/certification the following final version items in compliance with relevant ASA Standards (https://www.transport.nsw.gov.au/industry/standards-and-accreditation/standards):

1. Revised Geotechnical Report that meets Sydney Trains requirements. The Report must include a Rail Specific potential impacts section and be based on actual borehole testing conducted on the site closest to the rail corridor.

i. 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.

2. Structural report/drawings that meet Sydney Trains requirements. The Applicant shall be aware that no rock anchors or bolts (permanent or temporary) are permitted within the Rail Corridor.

3. 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.

4. Cross sectional drawings showing the rail corridor up to the centre of the first track and platform, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the rail corridor. All RL and horizontal measurements are to be accurate and verified by a Registered Surveyor.

5. Detailed Survey Plan showing the relationship of the proposed developed with respect to Sydney Trains easement and rail corridor land.
Any conditions issued as part of Sydney Trains approval/certification of the above documents will also form part of the consent conditions that the Applicant is required to comply with. 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.

161b. A final acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines".

161c. 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.

161d. 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 for above ground works until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

161e. Prior to the issue of a Construction Certificate a Risk Assessment/Management Plan regarding any potential risk to or from the rail corridor and assets, 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.

161f. 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.

161g. If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Engineering & Maintenance Interface team 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.

161h. If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Engineering & Maintenance Interface team 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.

161i. 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. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue a Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.

BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE FOR 'STAGE 2' OF THE DEVELOPMENT (SITE 2)

162. This condition is imposed in accordance with Section 7.11 of the Environmental Planning and Assessment Act 1979.

a) Before the issue of a Construction Certificate the Council must be paid a monetary contribution of $923,651.92 indexed in accordance with Marrickville Section 94/94A Contributions Plan 2014 ("CP").

The above contribution is the contribution applicable as at 17 April 2019.

***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. DC002574)

b) 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	$93,943.78
Plan Administration	$18,110.94
Recreation Facilities	$748,043.54
Road/Access Dedication - Petersham	$52,449.52
Traffic Facilities	$11,104.14

c) 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.

d) 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.

163. Detailed site stormwater construction plans generally in accordance with concept plans SC000 (Rev A), SC200 (Rev A), SC201 (Rev A), SC202 (Rev A), SC203 (Rev A), SC204 (Rev A), SC205 (Rev A), SC206 (Rev A), SC207 (Rev A) and SC08 (Rev A), by Neil Lowry & Associates P/L shall be amended and/or additional information provided as follows;
    a. Detailed calculations for sizing of the OSD system to be provided for assessment (this shall include the DRAINS files);
    b. For sites greater than 1000sqm the allowable discharge will be limited to the equivalent fully pervious discharges for the site area;
    c. Details of the 1 in 100 year overflow routes in case of failure\blockage of the site drainage system shall be provided. This shall include any existing overland flow routes from upstream;
    d. Construction details for direct connection to Council's stormwater drainage system. Details shall include a long section of the pipe detailing all utility services, bedding and road restoration detail;
    e. A WSUD Strategy Report and a MUSIC model (including .sqz file) shall be provided to ensure the treatment measures proposed meet Council's water quality targets;
    f. A detailed WSUD maintenance plan outlining how all elements of the water quality treatment facility will be maintained and to record annual inspections/maintenance works to be undertaken; and
    g. 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 shall be fully "tanked" so as not to allow the ingress of seepage or groundwater.

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

164. The vehicular access and associated vehicle standing areas shall be designed in accordance with Australian Standard AS/NZS 2890.1-2004 *Parking Facilities: Off-street car parking*, Australian Standard AS 2890.2-2002 *Parking Facilities: Commercial vehicle facilities*, AS/NZS 2890.6-2009 *Parking facilities: Off-street parking for people with disabilities* so that:-
    a) The layout and minimum dimensions of any standing area comply with clause 2.4 of AS/NZS 2890.1-2004 such that:-

(i) car spaces adjacent to walls or fences are increased in width by an additional 300mm;
(ii) end spaces are provided with an additional 1m aisle extension; and
(iii) the location of columns within the carpark complies with figure 5.1 of AS/NZS 2890.1-2004;

b) The vehicular crossing on Fisher Street shall be relocated to be a minimum of 6m from the corner (tangent point) of Fisher and Regent Streets in accordance with Figure 3.1 of AS2890.1:2004. The 6m must measure at the kerb and take into account a 1m splay on the vehicular crossing.

c) At the property boundary the access from the road to a standing area is (as near as practicable) perpendicular to the line of the adjacent road;

d) The relative surface levels of the internal access from the road being controlled so that:-
(i) the surface levels at the property boundary match "alignment levels";
(ii) the change in grade for any 2m length of accessway does not exceed 1 in 8 (12.5%) unless suitable transitions are provided in accordance with AS2890.1;
(iii) the maximum grade at any point does not exceed 1 in 5 (20%) or in the case of ramps greater than 20m in length 1 in 6 (16.7%); and
(iv) the maximum grade at the property boundary does not exceed 1 in 20 (5%) within 6m of the property boundary;

e) The vehicle egress is designed such that there are no obstructions to lines of sight, along the footpath and the roadway for drivers of egressing vehicles; and

Details of compliance with the above requirements including long sections of the ramps shall be submitted to and approved by ~~Council~~ the Certifying Authority before the issue of a Construction Certificate.

165. A final acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines".

166. 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.

167. 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. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate(s) until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.

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

NB: The required payment is based on the estimated cost of building and construction works and the long service levy rate, set by the Long Service

Payments Corporation. The rate set by the Long Service Payments Corporation is currently of 0.35% of the cost of the building and construction work.

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

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

169. 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.

170. 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.

171. 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.

172. 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.

173. 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.

174. Plans fully reflecting the selected commitments listed in the relevant BASIX Certificates 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).

175. Noise attenuation measures must be incorporated into the development complying with Australian Standard 2021:2015, 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 2021:2015, 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".

176. 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).

177. 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~~ the Certifying Authority before the issue of a Construction Certificate.

178. 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.

179. 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(s).

180. Where a condition of consent requires Sydney Trains or Transport for NSW endorsement the Principal Certifying Authority is not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged Construction Certificates dealing with specific works and compliance conditions can be issued subject to written agreement from those entities to which the relevant condition(s) applies.

181. No work is permitted within the rail corridor, or its easements, at any time unless prior approval or an Agreement has been entered into with Sydney Trains. Where the Applicant proposes to enter the rail corridor, the Principal Certifying Authority shall not issue a Construction Certificate until written confirmation has been received from Sydney Trains confirming that its approval has been granted.

182. 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 relating to the registered club or commercial tenancy (not including the basement), whichever is first. 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).

183. 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.

184. 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.
185. 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.

186. 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.

187. 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.

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

189. 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.

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 relating to the registered club or commercial tenancy (not including the basement), whichever is first.

BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE FOR 'STAGE 3' OF THE DEVELOPMENT (SITE 1)

190. This condition is imposed in accordance with Section 7.11 of the Environmental Planning and Assessment Act 1979.

a) Before the issue of a Construction Certificate the Council must be paid a monetary contribution of ~~$1,871,573.92~~ $1,284,864.46 indexed in accordance with Marrickville Section 94/94A Contributions Plan 2014 ("CP").

The above contribution is the contribution applicable as at 17 April 2019.

***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. DC002575)

b) 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~~	~~$190,138.72~~
~~Plan Administration~~	~~$36,697.72~~
~~Recreation Facilities~~	~~$1,514,012.08~~
~~Road/Access Dedication - Petersham~~	~~$106,155.88~~
~~Traffic Facilities~~	~~$24,569.52~~
Community Facilities	$177,521.55
Plan Administration	$25,193.06
Recreation Facilities	$1,140,996.77
Road/Access Dedication - Petersham	$-22,666.79
Traffic Facilities	$-36,180.13

c) 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.

d) 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.

~~**NB: No 'credit' for the existing RSL club has been applied as no documentation has been provided confirming its GFA.**~~

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

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

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

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

192. 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.

193. Detailed site stormwater construction plans generally in accordance with concept plans SC000 (Rev A), SC100 (Rev A), SC101 (Rev A), SC102 (Rev A), SC103 (Rev A), SC104 (Rev A), SC105 (Rev A), SC106 (Rev A), SC107 (Rev A), SC108 (Rev A), SC109 (Rev A), SC110 (Rev A), SC111 (Rev A), SC112 (Rev A), SC113 (Rev A) and SC114 (Rev A) by Neil Lowry & Associates P/L shall be amended and/or additional information provided as follows;

a. Detailed calculations for sizing of the OSD system to be provided for assessment (this shall include the DRAINS files);
b. For sites greater than 1000sqm the allowable discharge will be limited to the equivalent fully pervious discharges for the site area;
c. Details of the 1 in 100 year overflow routes in case of failure\blockage of the site drainage system shall be provided. This shall include any existing overland flow routes from upstream;
d. Construction details for direct connection to Council's stormwater drainage system. Details shall include a long section of the pipe detailing all utility services, bedding and road restoration detail;
e. A WSUD Strategy Report and a MUSIC model (including .sqz file) shall be provided to ensure the treatment measures proposed meet Council's water quality targets;
f. A detailed WSUD maintenance plan outlining how all elements of the water quality treatment facility will be maintained and to record annual inspections/maintenance works to be undertaken; and
g. 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 shall be fully "tanked" so as not to allow the ingress of seepage or groundwater.

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

194. 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.

195. The vehicular access and associated vehicle standing areas shall be designed in accordance with Australian Standard AS/NZS 2890.1-2004 *Parking Facilities: Off-street car parking*, Australian Standard AS 2890.2-2002 *Parking Facilities: Commercial vehicle facilities*, AS/NZS 2890.6-2009 *Parking facilities: Off-street parking for people with disabilities* so that:-
   a) The layout and minimum dimensions of any standing area comply with clause 2.4 of AS/NZS 2890.1-2004 such that:-
      (i) car spaces adjacent to walls or fences are increased in width by an additional 300mm;
      (ii) end spaces are provided with an additional 1m aisle extension; and
      (iii) the location of columns within the carpark complies with figure 5.1 of AS/NZS 2890.1-2004;
   b) At the property boundary the access from the road to a standing area is (as near as practicable) perpendicular to the line of the adjacent road;
   c) The relative surface levels of the internal access from the road being controlled so that:-
      (i) the surface levels at the property boundary match "alignment levels";
      (ii) the change in grade for any 2m length of accessway does not exceed 1 in 8 (12.5%) unless suitable transitions are provided in accordance with AS2890.1;
      (iii) the maximum grade at any point does not exceed 1 in 5 (20%) or in the case of ramps greater than 20m in length 1 in 6 (16.7%); and
      (iv) the maximum grade at the property boundary does not exceed 1 in 20 (5%) within 6m of the property boundary;

d) The vehicle egress is designed such that there are no obstructions to lines of sight, along the footpath and the roadway for drivers of egressing vehicles; and

Details of compliance with the above requirements including long sections of the ramps shall be submitted to and approved by ~~Council~~ the Certifying Authority before the issue of a Construction Certificate.

196. 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.

197. 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.

198. 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.

199. Plans fully reflecting the selected commitments listed in the relevant BASIX Certificates 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).

200. Noise attenuation measures must be incorporated into the development complying with Australian Standard 2021:2015, 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 2021:2015, 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".

201. 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).

202. 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.

203. 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.

204. 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(s).

205. Where a condition of consent requires Sydney Trains or Transport for NSW endorsement the Principal Certifying Authority is not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged Construction Certificates dealing with specific works and compliance conditions can be issued subject to written agreement from those entities to which the relevant condition(s) applies.

206. No work is permitted within the rail corridor, or its easements, at any time unless prior approval or an Agreement has been entered into with Sydney Trains. Where the Applicant proposes to enter the rail corridor, the Principal Certifying Authority shall not issue a Construction Certificate until written confirmation has been received from Sydney Trains confirming that its approval has been granted.

207. 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 relating to the registered club or commercial tenancy (not including the basement), whichever is first. 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).

208. 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.

209. 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 relating to the residential components, registered club or commercial tenancy (not including the basement), whichever is first.

210. 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.

211. 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 relating to the public domain works with all works completed before to the issue of an Occupation Certificate relating to the residential component, registered club or commercial tenancy, whichever is first.

212. 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.

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

of the proposed development. Council may utilise part or all of any Building Security Deposit (B.S.D.) or recover in any court of competent jurisdiction, any costs to Council for such repairs.

214. 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.

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 relating to the registered club or commercial tenancy (not including the basement), whichever is first.

214a. A final acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines".

214b. 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.

214c. 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. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate(s) until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.

SITE WORKS

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

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

217. 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.

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

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

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

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

220. 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.

221. All vehicles carrying materials to, or from the site must have their loads covered with tarpaulins or similar covers.

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

223. All waste dockets from the recycling and/or disposal of any demolition and construction waste generated from the works must be retained on site.

224. Tree protection measures detailed in the council-approved tree protection plan and in Section 4 of Australian Standard Protection of Trees on Development Sites AS 4970—2009 shall be implemented and complied with for the duration of works including site preparation, demolition, construction and landscaping (except where these conditions permit otherwise). Prohibited activities as detailed in AS 4970—2009 shall not be permitted within any designtated Tree Protection Zone (TPZ) unless approved under

this consent and these conditions. Any reasonable directions in writing by the Project Arborist relating to tree protection shall be complied with.

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

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

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

228. Following completion of construction and prior to the issue of the Occupation Certificate, new trees shall be planted as detailed in the approved landscape plan.

229. The new trees shall be planted in accordance with the following criteria:
    a) The new trees shall be located in accordance with the approved landscape plan.
    b) The species of trees and planting stock sizes shall be as detailed in the approved landscape plan.
    c) The planting stock shall comply with the Australian Standard *Tree Stock for Landscape Use* AS 2303-2015.
    d) The new trees shall be planted in accordance with the tree planting detail included in the Marrickville Street Tree Master Plan 2014. Note that planting holes for trees shall not be excavated deeper than the root ball and that new trees shall not be tied to stakes.
    e) The new trees shall be planted by a qualified horticulturist or arborist, with a minimum qualification of Certificate 3.
    f) Each new tree shall be maintained in a healthy and vigorous condition until it attains a height of 5 metres, from which time it is protected by Council's Development Control Plan (DCP).
    g) If any tree dies or needs to be removed before that time it shall be replaced with a similar tree in accordance with these conditions at the expense of the applicant.

230. 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.

231. 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 sites inclusive of footpath paving, kerb, street trees, landscaping, stormwater drainage shall be reconstructed and upgraded in accordance with the Street Tree Masterplan and the Marrickville Public Domain Design Guide; The works shall generally in accordance with Public Domain Plans C00 (Rev A), C01 (Rev B), C02 to C33 (Rev A) and SK34 (Rev C) submitted by ACE Engineers Pty Ltd;
    b) Widening and reconstruction of Fozzard Lane. The design of the road pavement shall be supported by geotechnical investigation.
    c) The construction of heavy duty vehicular crossings to all vehicular access locations and removal of all redundant vehicular crossings to the site;
    d) Provision of a median strip to control left in/left out movements at the Trafalgar Street vehicular access.
    e) The swept path of the longest vehicle (including garbage trucks, building maintenance vehicles and removalists) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS;
    f) A long section, along both sides of the proposed vehicular crossing and ramp, drawn at a 1:20 natural scale shall be provided at all vehicular access locations and the loading dock. The long sections shall also include headroom details and ground clearance templates to ensure that vehicles are able to satisfactorily to access the respective sites;
    g) The redesign and construction of the pedestrian refuge at the intersection of Trafalgar and Regent Streets;
    h) 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. Existing and design long sections shall be provided at the top of kerb, invert of kerb and boundary; and
    i) 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. Cross sections must include existing and design levels for back of footpath; top of kerb; kerb invert; kerb lip; road level 1m from kerb lip and road centre line;
    j) Street tree and planting details; and
    k) Details of all existing and proposed signage and line marking.

232. 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.

233. 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.

BEFORE THE ISSUE OF THE AN OCCUPATION CERTIFICATE FOR EACH STAGE

234. 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".

235. 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.

236. 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.

237. 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.

238. 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.

239. 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.

240. The existing road pavement in Regent Street shall be re-sheeted using a 40mm Mill and Fill treatment from Trafalgar Street to New Canterbury Road upon completion of the stage 3 of the development. Any failed section shall be boxed out and replaced with deeplift asphalt before the Mill and Fill treatment.

241. The use and operation of the car share space must be managed by the owner or contracted by the owner to a car share operator to the satisfaction of Council. The use and operation of the car share space must be accommodated in the titling and management of the Residential Development, including covenants, building or strata management statement, by laws and other instruments before the issue of an Occupation Certificate, and must provide for:
    a) Free use of the car share space;
    c) Public access at all times to the car share vehicle; and
    d) Insurances, including public liability.

242. 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.

243. A Positive Covenant under Section 88B or 88E, whichever is relevant to the subject development, of the Conveyancing Act, shall be created on the title of the property detailing the following (at the Applicant's full cost):

(a) surface flow path;
(b) finished pavement and ground levels;
(c) prevent the erection of any structures or fencing;
(d) on-site stormwater detention and/or retention system.

The wording in the Instrument shall be submitted to and approved by the Inner West Council prior to lodgement at the Land Titles Office and prior to the release of the Occupation Certificate (a typical document is available from Council's Development Assessment Engineer). The Instrument shall be registered prior to the completion of development.

The following documents shall be submitted to Council as part of the Positive Covenant process and requirements, for the site OSD/OSR system:

i) Work-As-Executed Plans
A "Work-as-Executed" plan prepared and signed by a registered surveyor shall be submitted to the Inner West Council's Development Assessment Engineer at the completion of the works showing the location of the detention basin with finished surface levels, contours at 0.2 metre intervals and volume of storage available. Also the outlet pipe from the detention basin to its connection to Council's drainage system, shall be shown together with the following information:
(a) location;
(b) pipe diameter;
(c) gradient;
(d) pipe material i.e. PVC or EW etc;
(e) orifice size;
(f) trash screen at orifice;
(g) emergency overflow dimensions and RL;
(h) all buildings (including floor levels) and finished ground and pavement surface levels.

ii) Engineer's Certificate
A qualified practising Civil Engineer shall certify on the completion of drainage works in respect of:
(a) the soundness of the storage structure;
(b) the capacity of the detention storage;
(c) the emergency overflow system being in place;
(d) the works being constructed in accordance with the Development Application Consent and Council's Stormwater Management DCP/Code;
(e) the freeboard from maximum water surface level to the finished floor and garage levels are at or above the minimum required in Council's Stormwater Management DCP/Code;
(f) basement car park pumps are class one zone two.

iii) Restriction-As-To-User
A "Restriction-as-to-User" shall be placed on the title of the subject property to indicate the location and dimensions of the detention area. This is to ensure

that works, which could affect the function of the stormwater detention system, shall not be carried out without the prior consent in writing of the Council.
Such restrictions shall not be released, varied or modified without the consent of the Council.
A typical document is available from Council's Development Assessment Engineer.

iv) A Maintenance Schedule.
A typical document is available from Council's Development Assessment Engineer.

244. 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 relevant Occupation Certificate.

Video inspection (CCTV) shall be carried out of completed stormwater drainage works that are to revert to Council and a copy provided to Council to support the certification of those works.

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.

245. Prior to the issue of the relevant Occupation Certificate, the Principal Certifying Authority must ensure that the vehicle access and off street parking facilities have been constructed in accordance with the approved design and relevant Australian Standards.

Certification by a qualified practicing Civil Engineer that the vehicular access and off street parking facilities have been constructed in accordance the development consent and with relevant Australian Standards must be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

246. The existing overhead power cables along the Regent Street, Fisher Street and Trafalgar Street frontages of the sites must be relocated underground with appropriate street lighting and new steel standard poles being installed at no cost to Council and before the issue of an Occupation Certificate. The street lighting shall be designed in accordance with Australian Standard AS1158-Road Lighting and the Network Standards of Ausgrid. Lighting on the adjacent classified roads must meet the lighting category required by RMS. In addition the design shall also comply with AS4282 to ensure that no injury is caused to the amenity of the surrounding area by light overspill or obtrusive light. Plans shall be submitted to and approved by Council before submission to Ausgrid for implementation.

247. The applicant shall provide security, in a manner satisfactory to Council for the proper maintenance of the public domain works in an amount of $45,000.00 for a period of twelve (12) months from the date of completion of the public domain works as surety for the proper maintenance of these works.

248. Before the issue of the Occupation Certificate, The Council must be provided with evidence which establishes that a plan of subdivision has been registered by the Land and Property Information Authority which results in the road widening of Fozzard Lane

as detailed in the Draft DP (Revision 3 dated 12/2/18) submitted by Daw and Walton Consulting Surveyors

249. A second Dilapidation Report addressing the public infrastructure identified in the pre-work Dilapidation 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 the relevant Occupation Certificate.

250. Prior to issue of the Relevant 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.

251. 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 Vehicle Crossing and Public Domain Works' form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, before commencement of works.

BEFORE OCCUPATION OF THE BUILDING FOR 'STAGE 1' OF THE DEVELOPMENT (SITE 3)

252. Prior to the Occupation of Stage 1 of the development the signalised intersection at Trafalgar Street and Regent Street shall be upgraded to provide a pedestrian crossing on the western side of the intersection to facilitate the increased pedestrian movements generated by the development and to provide safe and direct access to Petersham Railway Station from the new Bus Stop location and the new RSL Club. Detailed design plans shall be submitted for the approval of RMS and Council before the installation of the new traffic signals.

253. Prior to the Occupation of Stage 1 of the development the person acting on this consent shall seek approval from the State Transit Authority (STA) for the proposed relocation of the bus stop and shelter as detailed on SK34 (Rev C) submitted by ACE Engineers Pty Ltd. The person acting on this consent must also liaise with Council's bus shelter service provider to organise the relocation/new shelter at no cost to Council. A plan of the proposed bus shelter relocation with signposting alterations shall be submitted to Council's Traffic Committee for approval before implementation of the works.

254. The separate lots comprising the development on Site 3 must be consolidated into one lot and under one title and registered at the NSW Department of Lands before the issue of an Occupation Certificate.

255. 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
Cooling Towers - Public Health Act 2010 and Public Health Regulation 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.

256. 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.

257. A validation report prepared by a suitably qualified and experienced person shall be submitted to Council. The report is to confirm that the underground petroleum storage system has been removed, replace or decommissioned in accordance with The Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008, The Protection Environment Operations Act 1997 and Australian Standard AS4976-2008: The removal and disposal of underground petroleum storage tanks.

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.

258. To ensure minimal impacts on surrounding properties commercial waste and recyclable material generated by the premises must not be collected between the hours 10pm and 7am.

259. 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 for Stage 1 (Site 3) until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

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

a) A copy of the determination;
b) Copies of any documents that were lodged with the Occupation Certificate application;
c) A copy of Occupation Certificate, if it was issued;
d) A copy of the record of all critical stage inspections and any other inspection required by the PCA;
e) A copy of any missed inspections; and

f) A copy of any compliance certificate and any other documentary evidence relied upon in issuing the Occupation Certificate.

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

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

262. The building identification and apartment numbering of each site must be provided ans supported by Council before the issuing of any Occupation Certificate.

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

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

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

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

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

266. 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.

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.

267. 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.

268. 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.

269. 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).

270. 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.

271. 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 2021:2015, 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

    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.

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

273. Council must be notified of bin requirements three months prior to the occupation of the residential component of a development to ensure timely delivery.

274. Council will place an order for the required bins. Delivery will occur once the applicant has completed a Request for New Service, which includes the submission of an Occupation Certificate.

275. 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.

276. 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.

277. 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.

278. 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 thein 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.

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

280. 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.

281. 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".

282. 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.

283. 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.

284. 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.

285. 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.

286. 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.

287. 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.

288. Prior to the issue of any interim / final Occupation Certificate, certification from an appropriately qualified environmental consultant is to be provided stipulating that the requirements of the following contamination reports:

Title	Prepared by	Date
Remediation Action Plan	EI Australia	9 April 2019

have been complied with throughout excavation, demolition & development work stages. The certification shall also include:

a) A validation and site monitoring report prepared in accordance with relevant guidelines issued under the Contaminated Land Management Act 1997 must be submitted to the Council within one month from completion of the remediation work.
b) A detailed survey of all sites used for landfill disposal must be prepared within one month from completion of the remediation work, and submitted to Council.
c) Identification of the extent and depth of all fill material in relation to existing roadways and buildings. The survey must also include a detailed survey of all site used as landfill disposal pits, identifying boundaries and depth of disposal pits in relation to existing roadways and buildings.

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.

289. 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.

290. A validation report shall be prepared by a suitably qualified Environmental Consultant and be submitted to Council upon completion of remediation works and prior to the site being occupied. The validation report shall be prepared in accordance with relevant NSW Environment Protection Authority guidelines, including the guidelines 'Consultants Reporting on Contaminated Sites' and shall include :
    - Description and documentation of all works performed
    - Results of validation testing and monitoring
    - Validation results if any imported fill was transferred to site
    - Demonstrate how all agreed clean-up criteria and relevant regulations have been satisfied
    - Confirmation and justification as to the suitability of the site for the proposed use and the potential for off site migration of any residual contaminates.

291. A report prepared by a suitably qualified Acoustic Consultant shall be submitted to Council certifying that the development complies with the requirements of (as relevant):

    - State Environmental Planning Policy (Infrastructure) 2007
    - ANEF - the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021—2000
    - conditions of development consent; and

    The report shall include post construction validation test results.

    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 Occupation Certificate.

292. During the first sixty (60) days of trading /public entertainment being provided at the premises, the following acoustic measures must be undertaken:

    a) A suitably qualified acoustic consultant must be appointed to:

        i) measure and verify the noise emanating from the premises; and

        ii) if necessary, make recommendations to ensure that the noise emanating from the premises complies with the noise criteria.

    b) The noise measurements must be:

        i) undertaken without the knowledge of the applicant, manager or operator of the premises; and

    ii) taken on at least three (3) different occasions on three (3) different days of the week (excluding Monday, Tuesday and Wednesday) from 11pm until the end of the public entertainment or close of business, whichever occurs first, and

        iii) submitted to Council within seven (7) days of testing.

c) If the acoustic consultant recommends that additional treatment or works be undertaken those recommendations must be:

i) submitted to Council with the noise measurements; and

ii) implemented to the acoustic consultant's satisfaction before the end of the first sixty (60) days of public entertainment provided on the premises.

d) If the acoustic consultant's recommendations are not implemented in accordance with this condition, the relevant element of trading (ie outdoor area access)/ public entertainment on the premises must cease until such time as the recommendations are implemented and verified.

293. 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 to other premises as defined in the Environment Protection Authority's Technical Guidelines for Assessing Vibration.

293a. If required by Sydney Trains, prior to the issue of the Occupation Certificate, 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.

293b. 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.

293c. Prior to the issue of an Occupation Certificate (whether an interim or final Occupation Certificate), a report must be prepared and submitted to the Certifying Authority, Council and Sydney Trains certifying that the completed development meets the requirements of 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 a 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 that internal noise levels meet the required dB(A) levels. Where it is found that internal noise levels are greater than the required dB(A) level, necessary corrective measures must be carried out to ensure that internal noise levels are compliant with the requirements of this consent.

BEFORE OCCUPATION OF THE BUILDING FOR 'STAGE 2' OF THE DEVELOPMENT (SITE 2)

294. You shall obtain an Occupation Certificate from your PCA before you occupy or use the building. The PCA must notify the Council of the determination of the Occupation

Certificate and forward the following documents to Council within two (2) days of the date of the Certificate being determined:

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

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

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

296. The building identification and apartment numbering of each site must be provided ans supported by Council before the issuing of any Occupation Certificate.

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

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

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

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

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

300. 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.

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.

301. 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.

302. 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.

303. 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).

304. 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.

305. 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 2021:2015, 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.

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

307. Council must be notified of bin requirements three months prior to the occupation of the residential component of a development to ensure timely delivery.

308. Council will place an order for the required bins. Delivery will occur once the applicant has completed a Request for New Service, which includes the submission of an Occupation Certificate.

309. 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.

310. 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.

311. 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.

312. 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 thein 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.

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

314. 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.

315. 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".

316. 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.

317. 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.

318. 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.

319. 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.

320. 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.

321. 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.

322. Prior to the issue of any interim / final Occupation Certificate, certification from an appropriately qualified environmental consultant is to be provided stipulating that the requirements of the following contamination reports:

Title	Prepared by	Date
Remediation Action Plan	EI Australia	9 April 2019

have been complied with throughout excavation, demolition & development work stages. The certification shall also include:
a) A validation and site monitoring report prepared in accordance with relevant guidelines issued under the Contaminated Land Management Act 1997 must be submitted to the Council within one month from completion of the remediation work.
b) A detailed survey of all sites used for landfill disposal must be prepared within one month from completion of the remediation work, and submitted to Council.

c) Identification of the extent and depth of all fill material in relation to existing roadways and buildings. The survey must also include a detailed survey of all site used as landfill disposal pits, identifying boundaries and depth of disposal pits in relation to existing roadways and buildings.

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.

323. 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.

324. A validation report shall be prepared by a suitably qualified Environmental Consultant and be submitted to Council upon completion of remediation works and prior to the site being occupied. The validation report shall be prepared in accordance with relevant NSW Environment Protection Authority guidelines, including the guidelines 'Consultants Reporting on Contaminated Sites' and shall include :
    - Description and documentation of all works performed
    - Results of validation testing and monitoring
    - Validation results if any imported fill was transferred to site
    - Demonstrate how all agreed clean-up criteria and relevant regulations have been satisfied
    - Confirmation and justification as to the suitability of the site for the proposed use and the potential for off site migration of any residual contaminates.

325. A report prepared by a suitably qualified Acoustic Consultant shall be submitted to Council certifying that the development complies with the requirements of (as relevant):

- State Environmental Planning Policy (Infrastructure) 2007
- ANEF - the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021—2000
- conditions of development consent; and

The report shall include post construction validation test results.

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 Occupation Certificate.

326. ~~During the first sixty (60) days of trading /public entertainment being provided at the premises, the following acoustic measures must be undertaken:~~

~~a) A suitably qualified acoustic consultant must be appointed to:~~

~~i) measure and verify the noise emanating from the premises; and~~

~~ii) if necessary, make recommendations to ensure that the noise emanating from the premises complies with the noise criteria.~~

~~b) The noise measurements must be:~~

~~i) undertaken without the knowledge of the applicant, manager or operator of the premises; and~~

~~ii) taken on at least three (3) different occasions on three (3) different days of the week (excluding Monday, Tuesday and Wednesday) from 11pm until the end of the public entertainment or close of business, whichever occurs first, and~~

~~iii) submitted to Council within seven (7) days of testing.~~

~~c) If the acoustic consultant recommends that additional treatment or works be undertaken those recommendations must be:~~

~~i) submitted to Council with the noise measurements; and~~

~~ii) implemented to the acoustic consultant's satisfaction before the end of the first sixty (60) days of public entertainment provided on the premises.~~

~~d) If the acoustic consultant's recommendations are not implemented in accordance with this condition, the relevant element of trading (ie outdoor area access)/ public entertainment on the premises must cease until such time as the recommendations are implemented and verified.~~

327. 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 to other premises as defined in the Environment Protection Authority's Technical Guidelines for Assessing Vibration.

BEFORE OCCUPATION OF THE BUILDING FOR 'STAGE 3' OF THE DEVELOPMENT (SITE 1)

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

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

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

a) All preconditions to the issue of an Occupation Certificate specified in this development consent have been met;

b) The building owner obtains a Final Fire Safety Certificate certifying that the fire safety measures have been installed in the building and perform to the performance standards listed in the Fire Safety Schedule; and
c) An Occupation Certificate has been issued.

330. The building identification and apartment numbering of each site must be provided ans supported by Council before the issuing of any Occupation Certificate.

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

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

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

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

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

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.

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.

334. 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.

335. 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.

336. 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).

337. 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.

338. 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 2021:2015, 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.

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

340. Council must be notified of bin requirements three months prior to the occupation of the residential component of a development to ensure timely delivery.

Council will place an order for the required bins. Delivery will occur once the applicant has completed a Request for New Service, which includes the submission of an Occupation Certificate.

341. 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.

342. 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.

343. 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 thein 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.

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

345. 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.

346. 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".

347. 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.

348. 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.

349. 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.

350. 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.

351. 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.

352. 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.

353. Prior to the issue of any interim / final Occupation Certificate, certification from an appropriately qualified environmental consultant is to be provided stipulating that the requirements of the following contamination reports:

Title	Prepared by	Date
Remediation Action Plan	EI Australia	9 April 2019

have been complied with throughout excavation, demolition & development work stages. The certification shall also include:

a) A validation and site monitoring report prepared in accordance with relevant guidelines issued under the Contaminated Land Management Act 1997 must be submitted to the Council within one month from completion of the remediation work.
b) A detailed survey of all sites used for landfill disposal must be prepared within one month from completion of the remediation work, and submitted to Council.
c) Identification of the extent and depth of all fill material in relation to existing roadways and buildings. The survey must also include a detailed survey of all site used as landfill disposal pits, identifying boundaries and depth of disposal pits in relation to existing roadways and buildings.

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.

354. 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.

355. A validation report shall be prepared by a suitably qualified Environmental Consultant and be submitted to Council upon completion of remediation works and prior to the site being occupied. The validation report shall be prepared in accordance with relevant NSW Environment Protection Authority guidelines, including the guidelines 'Consultants Reporting on Contaminated Sites' and shall include :
    - Description and documentation of all works performed
    - Results of validation testing and monitoring
    - Validation results if any imported fill was transferred to site
    - Demonstrate how all agreed clean-up criteria and relevant regulations have been satisfied
    - Confirmation and justification as to the suitability of the site for the proposed use and the potential for off site migration of any residual contaminates.

356. A report prepared by a suitably qualified Acoustic Consultant shall be submitted to Council certifying that the development complies with the requirements of (as relevant):

    - State Environmental Planning Policy (Infrastructure) 2007
    - ANEF - the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021—2000
    - conditions of development consent; and

    The report shall include post construction validation test results.

    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 Occupation Certificate.

357. ~~During the first sixty (60) days of trading /public entertainment being provided at the premises, the following acoustic measures must be undertaken:~~

    ~~a) A suitably qualified acoustic consultant must be appointed to:~~

    ~~i) measure and verify the noise emanating from the premises; and~~

    ~~ii) if necessary, make recommendations to ensure that the noise emanating from the premises complies with the noise criteria.~~

    ~~b) The noise measurements must be:~~

    ~~i) undertaken without the knowledge of the applicant, manager or operator of the premises; and~~

    ~~ii) taken on at least three (3) different occasions on three (3) different days of the week (excluding Monday, Tuesday and Wednesday) from 11pm until the end of the public entertainment or close of business, whichever occurs first, and~~
    ~~iii) submitted to Council within seven (7) days of testing.~~

    ~~c) If the acoustic consultant recommends that additional treatment or works be undertaken those recommendations must be:~~

~~i) submitted to Council with the noise measurements; and~~

~~ii) implemented to the acoustic consultant's satisfaction before the end of the first sixty (60) days of public entertainment provided on the premises.~~

~~d) If the acoustic consultant's recommendations are not implemented in accordance with this condition, the relevant element of trading (ie outdoor area access)/ public entertainment on the premises must cease until such time as the recommendations are implemented and verified.~~

358. 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 to other premises as defined in the Environment Protection Authority's Technical Guidelines for Assessing Vibration.

358a. Prior to the issue of an Occupation Certificate (whether an interim or final Occupation Certificate), a report must be prepared and submitted to the Certifying Authority, Council and Sydney Trains certifying that the completed development meets the requirements of 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 a 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 that internal noise levels meet the required dB(A) levels. Where it is found that internal noise levels are greater than the required dB(A) level, necessary corrective measures must be carried out to ensure that internal noise levels are compliant with the requirements of this consent.

ONGOING CONDITIONS OF CONSENT

359. All bins are to be brought back inside within 12 hours of being emptied

360. All businesses must have written evidence of all valid and current contracts and/ or tip dockets for the disposal and/ or processing of all waste streams generated from the site.

361. The building manager/strata title manager or body corporate is responsible for ensuring all residential tenants are kept informed regarding Council's services, and best practice waste and recycling source separation.

362. An Environmental Management Plan (EMP) shall be prepared for the approved development.

The plan shall be prepared by a suitably qualified person and shall be to the satisfaction of Council and shall address:

Risk assessment of all Environmental Aspects and impacts to site and other potentially impacted properties

The impacts must at minimum consider the following areas:

- Hazardous Substances
- Water
- Air
- Noise

- Vibration
- Waste & Litter
- Land
- Community
- Environmental Protection objectives and control strategies
- Environmental conditions using measurable indicators and standards
- Emergency Response Plan
- Environmental monitoring and reporting plan

The plan must be submitted to Council and correspondence obtained stating that the plan satisfies the condition obtained by Council, prior to the release of an Occupation Certificate.

363. 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

364. Suitably constructed waste disposal containers with securely fitting lids must be kept on the property for the storage of any clinical, contaminated or related waste prior to the final disposal of the material at a facility approved by the Environmental Protection Authority.

ADVISORY NOTES

- The Disability Discrimination Act 1992 (Commonwealth) and the Anti-Discrimination Act 1977 (NSW) impose obligations on persons relating to disability discrimination. Council's determination of the application does not relieve persons who have obligations under those Acts of the necessity to comply with those Acts.

- A complete assessment of the application under the provisions of the Building Code of Australia has not been carried out.

- The approved plans must be submitted to the Customer Centre of any office of Sydney Water before the commencement of any work to ensure that the proposed work meets the requirements of Sydney Water. Failure to submit these plans before commencing work may result in the demolition of the structure if found not to comply with the requirements of Sydney Water.

- The vehicular crossing and/or footpath works are required to be constructed by your own contractor. You or your contractor must complete an application for 'Construction of a Vehicular Crossing & Civil Works' form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, before commencement of works.

- Contact "Dial Before You Dig" before commencing any building activity on the site.

- Useful Contacts

  BASIX Information ☎ 1300 650 908 weekdays 2.00pm-5.00pm

	www.basix.nsw.gov.au
Department of Fair Trading	☎ 13 32 20 www.fairtrading.nsw.gov.au Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Before You Dig	☎ 1100 www.dialbeforeyoudig.com.au
Landcom	☎ 9841 8660 to purchase copies of Volume One of "Soils and Construction"
Long Service Payments Corporation	☎ 13 14 41 www.lspc.nsw.gov.au
NSW Government	www.nsw.gov.au/fibro and www.diysafe.nsw.gov.au Information on asbestos and safe work practices.
NSW Office of Environment & Heritage	☎ 131 555 www.environment.nsw.gov.au
Sydney Water	☎ 13 20 92 www.sydneywater.com.au
Waste Services NSW - SITA Environmental Solutions	☎ 1300 651 116 www.wasteservice.nsw.gov.au
Water Efficiency Labelling and Standards (WELS)	www.waterrating.gov.au
WorkCover Authority of NSW	☎ 13 10 50 www.workcover.nsw.gov.au Enquiries relating to work safety and asbestos removal and disposal.

- The subject property lies within the 20-25 Australian Noise Exposure Forecast (ANEF) Contour (2029), as advised by the Commonwealth Department of Aviation, and it would be advisable to noise attenuate the proposed development in accordance with Australian Standard AS 2021 'Acoustics - Aircraft noise intrusion - Building siting and construction'.

Pursuant to Clause 100(4) of the Regulations under the Act, Council will notify you in writing if Part A of this Consent has been satisfied and the date from which this Consent operates.

Under Section 8.7 of the Act you may, within twelve (12) months of receipt of this notice, appeal to the Land and Environment Court if you are dissatisfied with the Sydney Central Planning Panel's determination.

All conditions imposed by the Sydney Eastern City Planning Panel must be observed. Breach of a condition is a breach of the Act and may also constitute an offence.