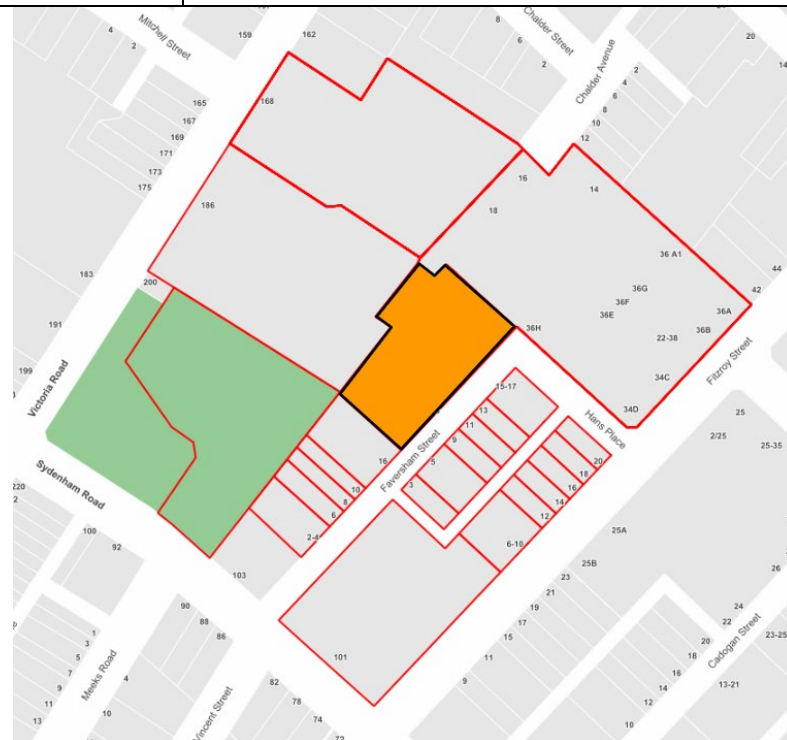






INNER WEST

DEVELOPMENT ASSESSMENT REPORT

Application No.	DA/2022/0057
Address	18-28 Faversham Street MARRICKVILLE NSW 2204
Proposal	Demolition of the existing building and construction of a development containing a light industrial uses, food and drinks premises and specialist retail premise with parking, landscaping and associated works.
Date of Lodgement	08 February 2022
Applicant	Toga Pty Ltd
Owner	Mrs Dina Danias
Number of Submissions	Initial: 0
Value of works	\$26,965,925.00
Reason for determination at Planning Panel	Variation in HOB development standard of 10% Application the subject of a VPA
Main Issues	4.6 variation to the height of buildings development standard.
Recommendation	Approved with Conditions
Attachment A	Recommended conditions of consent
Attachment B	Plans of proposed development
Attachment C	Clause 4.6 Exception to Development Standards
Attachment D	Architectural Excellence & Design Review Panel Meeting Minutes & Recommendations



LOCALITY MAP

Subject Site		Objectors		↑ N
Notified Area		Supporters		

1. Executive Summary

This report is an assessment of the application submitted to Council for demolition of the existing building and construction of a development containing a light industrial uses, food and drinks premises and specialist retail *premise* with parking, landscaping and associated works at 18-26 Faversham Street MARRICKVILLE.

The application was notified to surrounding properties and no submissions were received in response.

The main issues that have arisen from the application include:

- Height of buildings development standard variation.
- Consideration of clause 6.20 Design Excellence.
- Undergrounding of services.
- Waste Management.

The non-compliances are acceptable given the approved development to the rear of the site and therefore the application is recommended for approval.

2. Proposal

The application originally sought development consent for demolition of the existing building and construction of a mixed use building containing:

- Ground floor food and drink premises and specialised retail;
- Three levels of light industrial / warehouse tenancies with mezzanines;
- Basement with parking (11 spaces) and storage;
- 53 car parking spaces;
- 3 motorcycle spaces;
- Roof top solar panels; and
- Associated landscaping works.

After requests for additional information from Council and Water NSW the applicant amended the proposal to seek consent for demolition of the existing building and construction of a mixed use building containing:

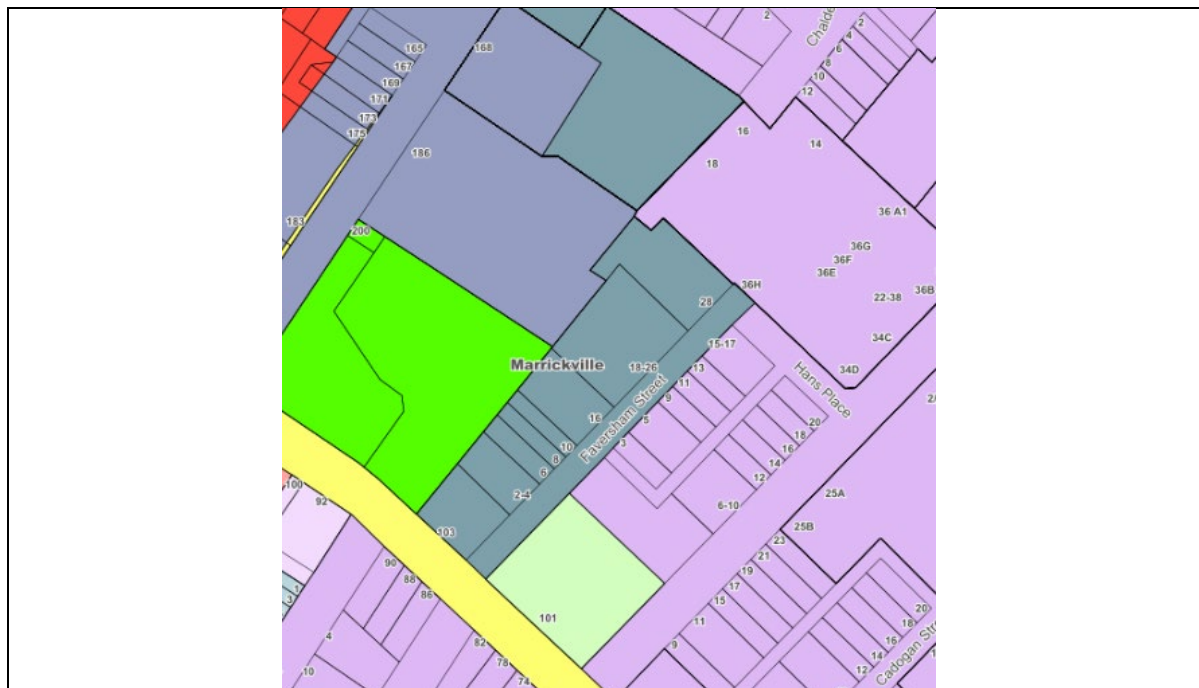
- Ground floor food and drink premises and specialised retail;
- Three levels of light industrial / warehouse tenancies with mezzanines;
- Basement with parking (11 spaces) and storage;
- 45 car parking spaces;
- 3 motorcycle spaces;
- Green roof; and
- Associated landscaping works.

3. Site Description

The subject site is located on the north-western side of Faversham Street. The site consists of 6 allotments (Lot 4 DP 226899 and Lots 152-155 DP 761) and is irregular in shape. The site has a total area of 3,415sqm.

The site has a frontage to Faversham Street of approximately 76.2 metres. There is a Sydney Water culvert on the southern boundary. Lot 4 in DP226899 is the dominant tenement for a right of footway and easements for drainage water, sewerage and to retain encroachments to the adjoining lot 100 in DP 1274755.

The site currently contains industrial buildings. The adjoining sites contain one and two storey industrial buildings.



Zoning map of the site and surrounds.

4. Background

4(a) Site history

The following application outlines the relevant development history of the subject site and any relevant applications on surrounding properties.

Subject Site

Application	Proposal	Decision & Date
PDA/2021/0286	New light industrial development with ground-floor industrial/specialised retail and upper level light industrial/warehouses.	Advice given 13/09/2021
PDA201300095	To carry out alterations to existing industrial to existing industrial building and use the building for the purposes of recording and rehearsal studios, storage and maintenance of theatrical equipment, CD recording and distribution, creative industries and caretaker's residence	Advice given 09/09/2013

D577/96	To erect two flush wall signs each measuring 1.5m x 0.5m	Approved 09/12/1996
D297/96	Blending water treatment chemicals and assembly water treatment equipment.	Approved 18/07/1996
BA-B235/96	Alterations to existing factory	Approved 10/05/1996
BA-B312/93	Internal walls	Approved 30/03/1996
D506/94	Textile warehouse and bond store with associated office and showroom.	Approved 04/01/1995

Surrounding Sites

Application	Proposal	Decision & Date
DA201900096 - 182-198 Victoria Road and 28-30 Faversham Street, Marrickville	Demolition and construction of a 6 to 12 storeys mixed-use development including basement parking, ground floor retail, 272 residential apartments and associated public domain and landscaping works.	Approved - 5/03/2020

4(b) Application history

The following table outlines the relevant history of the subject application.

Date	Discussion / Letter / Additional Information
10 May 2022	AEDRP meeting on the proposal
24 May 2022	Water NSW requests additional information
20 June 2022	Applicant responds to Water NSW Request
26 July 2022	Applicant submits amendments in response to AEDRP recommendations
8 August 2022	Council requests additional information relating to engineering issues
16 August 2022	Applicant responds to Council request for additional information relating to engineering issues

5. Assessment

The following is a summary of the assessment of the application in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

5(a) Environmental Planning Instruments

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

- *State Environmental Planning Policy (Resilience and Hazards) 2021*

The following provides further discussion of the relevant issues:

5(a)(i) State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 Remediation of land

Section 4.16 (1) of the SEPP requires the consent authority 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.”*

In considering the above, there is evidence of contamination on the site.

The applicant has provided a report and Remediation Action Plan that concludes:

The proposed development includes a mixed use retail and light industrial building including retail shops, warehouses and overlying a one level basement. The remediation goal is to render the site suitable for the proposed development upon completion of the remediation and validation works. This would be achieved by remediating the impacted fill via classification, removal and validation works.

Therefore, it is considered that the site will be made **suitable** for the proposed development, subject to the implementation of the remediation and validation works in accordance with this RAP. No recommendations for further works are proposed pending successful implementation of the RAP.

On the basis of this report the consent authority can be satisfied that the land will be suitable for the proposed use and that the land can be remediated.

5(a)(i) Marrickville Local Environment Plan 2011 (MLEP 2011)

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

- Clause 1.2 - Aims of the Plan
- Clause 2.3 - Zone objectives and Land Use Table
- Clause 2.7 - Demolition
- Clause 4.3 - Height of buildings
- Clause 4.4 - Floor space ratio
- Clause 4.5 - Calculation of floor space ratio and site area
- Clause 4.6 - Exceptions to development standards
- Clause 5.21 - Flood Planning
- Clause 6.2- Earthworks
- Clause 6.5 - Development in areas subject to aircraft noise
- Clause 6.6 - Airspace operations
- Clause 6.17 - Development on certain land at Victoria Road, Marrickville

- Clause 6.18 - Arrangements for designated State public infrastructure in relation to development on certain land at Victoria Road, Marrickville
- Clause 6.20 – Design Excellence

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

Standard	Proposal	non compliance	Complies
Height of Building Maximum permissible: 20 m	22 m	2m or 10%	No
Floor Space Ratio Maximum permissible: 2:1 or 6,830 sqm	1.78:1 or 6,143 sqm	N/A	Yes

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

The site is zoned B5 under the *MLEP 2011*. The *MLEP 2011* defines the developments uses as:

“specialised retail premises means a building or place the principal purpose of which is the sale, hire or display of goods that are of a size, weight or quantity, that requires—

- (a) a large area for handling, display or storage, or
- (b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire,

but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale, hire or display of other goods referred to in this definition.

Note—Examples of goods that may be sold at specialised retail premises include automotive parts and accessories, household appliances and fittings, furniture, homewares, office equipment, outdoor and recreation equipment, pet supplies and party supplies.

Specialised retail premises are a type of **retail premises...**”

“food and drink premises means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following—

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) a pub,
- (d) a small bar.”

“light industry means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following—

- (a) high technology industry,
- (b) home industry,
- (c) artisan food and drink industry,
- (d) creative industry.

Note—Light industries are a type of *industry...*”

The development is permitted with consent within the land use table. The development is consistent with the objectives of the B5 zone.

It is noted that the application seeks consent for the use of the area labeled ‘food and beverage/ market’. This term is a group term that includes the uses of a pub and a small bar for which sufficient information to assess has not been provided. A condition of consent is included in the recommendation that restricts the use of these areas to a restaurant or café or take away food and drink premises.

Clause 4.6 Exceptions to Development Standards

As outlined in the table above, the proposal results in a breach of the following development standard:

- Clause 4.3 - Height of buildings

The applicant seeks a variation to the height of buildings development standard under clause 4.3 of the *MLEP 2011* by 10% (2 metres).

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

In order to demonstrate whether strict numeric compliance is unreasonable and unnecessary in this instance, the proposed exception to the development standard has been assessed against the objectives and provisions of clause 4.6 of the *Marrickville Local Environmental Plan 2011* below.

A written request has been submitted to Council in accordance with clause 4.6(4)(a)(i) of the *MLEP 2011*. In justifying the proposed contravention of the development standard which is summarised as follows:

- The objectives of the standard are achieved despite the non-compliance. – Wehbe Test 1 to demonstrate compliance is unreasonable and unnecessary in the circumstances of the case;
- The variation to the height is driven by planning grounds related to flooding and design and character outcomes in the Victoria Road Precinct controls;
- Compliance with flood planning controls contributes to 1.16m or 5.3% of the variation;
- The remainder is driven by the greater floor height that includes a mezzanine improving light and ventilation;
- No additional amenity impacts result from the variation;
- Environmental planning grounds for the variation are achieved;

- The proposal is a contextually appropriate outcome;
- The proposal is consistent with the objectives of the standard in that it:
 - aligns with the desired future character statement in clause 9.47.3 of the DCP;
 - the proposal has been carefully designed to minimise the height impacts and cause no greater amenity impacts;
 - Is an appropriate transition from the adjoining development from Wicks Place to the east and in the context of the development allowed on the surrounding sites as shown below:



Figure 3 Subject site – Section – Faversham St to Wicks Place, development interface (Place Studio)

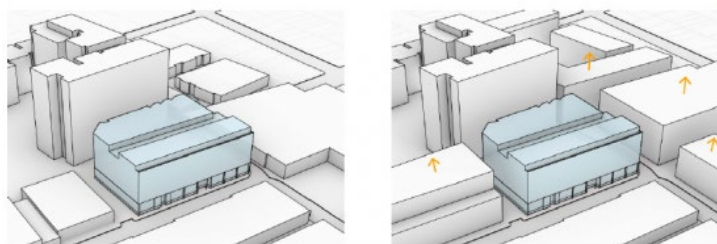


Figure 4 Existing and future built form context (Place Studio)

- The design of the development does not create additional solar impacts on the adjoining Wicks Park or the residential development under construction at Wicks Place.
- The area of the greatest variation has been setback so that it is almost imperceptible.
- The proposal is in the public interest as it achieves the objectives of the zone by:
 - providing a mix of uses and configurations that support the viability of centres; and
 - supports urban renewal of the site consistent with the LEP and DCP controls.

The applicant’s written statement adequately demonstrates compliance with the development standard is unreasonable and unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.

It is considered the development is in the public interest because it is consistent with the objectives of the B5 zone, in accordance with clause 4.6(4)(a)(ii) of the *MLEP 2011* for the following reasons:

- The proposal provides for an appropriate mix of uses that support the viability of centres;
- The proposal supports urban renewal of the site with an appropriate land use and density that reflect the existing and future capacity of the transport network;
- The height variation will not be perceivable from the street by lay persons;
- The proposal is consistent with the desired future character of the area as expressed in the site specific controls in part 9.47 of the MDCP 2011;
- The proposal does not result in unreasonable solar impacts to adjoining buildings or Wicks Park.
- The proposal provides for an appropriate transition from the development approved to the rear to the development that is envisaged in the desired future character and provides for an appropriate transition of land use intensity.

Clause 6.2 - Earthworks

Appropriate conditions are included with regard to the fill, excavation, drainage, and the amenity of adjoining properties with regard to the required earthworks.

The proposal is considered acceptable subject to Clause 6.2 of MLEP 2011.

Clause 6.3 - Flood Planning

The subject site is identified as being flood affected in the 1% AEP Event (100-year ARI) and is also subject to high hazard flooding and overland flow impacts. As a result, the provisions under Clause 6.3 of the MLEP 2011 and Parts 2.22 Flood Management and 9.47.9 Stormwater Management (Victoria Road) of the MDCP 2011, respectively.

A Flood Management report was submitted the application. The application was referred to Council's Development Engineer who concluded that the proposal as amended is acceptable subject to the imposition of conditions.

In addition, a Flood Emergency Management Plan in accordance with the MDCP 2011 has been developed for the proposal. Its implementation will be enforced by a consent condition, which has been included in the recommendation.

Clause 6.5 - Development in areas subject to aircraft noise

The site is partly in ANEF Contour 25-30 and 30-35. The development is likely to be adversely affected by aircraft noise and involves the erection of a new building. The clause therefore applies. The application is accompanied by an acoustic report that satisfactorily addresses the issues of aircraft noise and appropriate conditions of consent are included in the recommendation.

Clause 6.6 - Airspace operations

The proposed development does not penetrate the aircraft Limitation or Operations Surfaces for the site.

Clause 6.17 - Development on certain land at Victoria Road, Marrickville

The proposal satisfies the clause as follows:

The obligation under this clause to prepare a site-specific Development Control Plan for the land to which this DA applies has been satisfied by Amendment No. 10 of the Marrickville DCP 2011. This relates to an amendment to Part 9.47 Victoria Road Precinct of MDCP 2011.

Clause 6.18 - Arrangements for designated State public infrastructure in relation to development on certain land at Victoria Road, Marrickville

The application was lodged with the approved and signed Deed of Adherence to Planning Agreement dated 1 November 2021 demonstrating that satisfactory arrangements for designated public infrastructure have been made. As a result, the proposal is considered acceptable with regard to Clause 6.18.

Clause 6.20 – Design Excellence

The proposed development is for a new building that exceeds 14 metres in height. The development is therefore subject to the design excellence clause. In considering the if the proposal exhibits design excellence, Attachment 1 contains the Architectural Excellence & Design Review Panel Meeting Minutes and Recommendations which have been largely addressed with the exception of those that conflict with engineering and servicing requirements of the site.

It is acknowledged that the subject precinct is in transition from a lower density industrial precinct to a mixed use and business/light industry precinct, which sees a significant uplift in height ad FSR across the precinct.

The proposed design responds adequately to the surrounding area through incorporating adequate materials, massing, setbacks, articulation and façade treatments which respond to the character of the area. Additionally the topmost floor fronting Faversham Street is setback to reduce its scale from the public domain.,

The masonry base along the Faversham Street frontage reinterprets the industrial elevations of the surrounding industrial area while still providing adequate visual and pedestrian connectivity to the ground floor uses. 2 shades of pre-cast concrete are proposed to provide a variable substrate for the façade blades

The development incorporates an appropriate material palette that includes traditional masonry combined with contemporary elements for the upper floors. The provision of a green roof also softens the development.

The matters in clause 6.20(4) have been considered by the Architectural Excellence and Design Review Panel and the applicant has adequately addressed all outstanding matters satisfying the design excellence provisions identified in clause 6.20 of MLEP 2011.

5(b) Draft Environmental Planning Instruments

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

Draft Environmental Planning Instruments	Compliance
Draft State Environmental Planning Policy (Environment) 2018	Yes
Draft State Environmental Planning Policy (Remediation of Land) 2018	Yes
Draft State Environmental Planning Policy (Environment) 2017	Yes

5(c) Inner West Local Environmental Plan 2022 (IWLEP 2022)

The *IWLEP 2022* was gazetted on the 12th of August 2022. As per Section 1.8A – Savings provisions, of this plan, as the subject development application was made before the commencement of this Plan, the application is to be determined as if the *IWLEP 2022* had not commenced.

Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* requires consideration of any Environmental Planning Instrument (EPI), and (1)(a)(ii) also requires consideration of any EPI that has been subject to public consultation. The subject application was lodged on 08 February 2022, on this date, the *IWLEP 2022* was a draft EPI, which had been publicly exhibited and was considered imminent and certain.

Notwithstanding this, the amended provisions of the draft EPI do not alter the provisions applicable in the assessment of the application.

5(d) Development Control Plans

The application has been assessed and the following provides a summary of the relevant provisions of Marrickville Development Control Plan 2011.

MDCP 2011 Part of MDCP 2011	Compliance
Part A.26- Plan of Management (PoM)	Yes
Part 2.1 – Urban Design	Yes
Part 2.3 – Site and Context Analysis	Yes
Part 2.5 – Equity of Access and Mobility	Yes
Part 2.6 – Acoustic and Visual Privacy	Yes
Part 2.7 – Solar Access and Overshadowing	Yes
Part 2.8 – Social Impact	Yes
Part 2.9 – Community Safety	Yes
Part 2.10 – Parking	Yes – see discussion
Part 2.16 – Energy Efficiency	Yes
Part 2.17 – Water Sensitive Urban Design	Yes
Part 2.18 – Landscaping and Open Space	No – see discussion
Part 2.20 – Tree Management	Yes
Part 2.21 – Site Facilities and Waste Management	No – see discussion
Part 2.24 – Contaminated Land	Yes
Part 2.25 – Stormwater Management	Yes
Part 3 – Subdivision and Amalgamation	Yes
Part 5 – Commercial and Mixed Use Development	Yes
Part 6 – Industrial Development	No – see discussion
Part 9 – Strategic Context -Victoria Road Precinct – Precinct 47	No – see discussion

The following provides discussion of the relevant issues:

Part 2.10 – Parking

The site is located within parking area 2 and the applicable carparking rates are articulated in the below table:

Use	1 space per	Area of use	Required spaces
light industrial	250sqm	4377.32sqm	17.5
specialised retail premises	125sqm	594sqm	4.75
Food and drink premises.	80sqm	686sqm	8.575

The total required parking spaces under table 1 in part 2.10.5 of MDCP 2011 is 31 spaces. The proposal provides 45 car parking spaces and exceeds the requirement. The proposal also includes 3 motorcycle spaces.

The proposal provides for 38 Bike spaces for staff and 5 bike spaces for visitors. The proposal provides for suitable end of trip facilities within the basement.

Part 2.18 – Landscaping and Open Space

The proposed development does not provide the continuous landscape area to the front of the property required by C28 of part 2.18.11.8 of MDCP 2011. This control is inconsistent with the requirements for setbacks of the specific control C60 in Part 9.47.11.3 of MDCP 2011. In the event of an inconsistency between controls the site specific controls prevail and as a result assessment against the objectives of this control is not necessary.

Part 2.21 – Site Facilities and Waste Management

The proposed development does not provide for waste rooms for the industrial units. The waste management plan indicates that each tenancy will require a waste room of 3sqm. C31 of part 2.21.2.6 of MDCP requires that waste containers are stored in waste rooms or areas that meet the requirements of Appendix 4 of the part 2.21 of MDCP 2011. In considering the non-compliance with this control the applicable objective to consider is O4 in Part 2.21.1.1 of MDCP 2011. The lack of a dedicated waste room for the industrial tenancies means that the proposal is not consistent with the objective. As a result a design change condition of consent is recommended that requires waste rooms to be shown in compliance with Appendix 4 of the part 2.21 of MDCP 2011. Having regard to the size of the tenancies, this can be easily accommodated.

Part 6 – Industrial Development

Part 6.1.2.4 Site Layout and Amenities

The floor plans indicate that unit numbers 1.08, 1.09, 1.10, 1.11, 2.08, 2.09, 2.10, 2.11, 3.09, 3.10, 3.11 and 3.12 all lack exterior windows on each level to allow natural light and ventilation as is required by control C12 in part 6.1.2.4 of MDCP 2011. The ESD report indicates that the mezzanine areas of the building have air-conditioning. The section plan indicates that windows are provided to the mezzanine areas to the attached industrial units.

Control C13 also requires a staff room for the industrial units. The proposal does however provide for amenities suitable for the size of the industrial units. Given the nature of the industrial units and the size of the mezzanine areas it is apparent that the industrial units are capable of compliance with the control upon fit out of the tenancy.

The applicable objectives to be considered in relation to the above non-compliances is O14-O17 in part 6.1.2.4 of MDCP 2011. In considering these objectives it is noted that:

- The proposal provides for a coherent site layout that provides a functional efficient and attractive work environment,
- The design minimises adverse environmental impacts on surrounding land.
- The proposed development is compatible with the streetscape and addresses the public domain.
- The proposal is considered to provide an appropriate level of amenity for persons working within the buildings.

Having regard to the above the proposal is consistent with the objectives in O14-O17 in Part 6.1.2.4 of MDCP 2011 and acceptable on merit.

Part 6.1.2.5 Building height

The proposed development does not comply with control C14 in Part 6.1.2.5 of MDCP 2011 in that the height of the proposed development exceeds the height of industrial developments in the immediate vicinity. It should be noted that the application is subject to a 4.6 variation and the height of buildings development standards nominate a height within the *MLEP 2011* (and *IWLEP 2022*) far in excess of the height of the surrounding industrial buildings. Due to the operation of section 3.43(5) of the *EPA Act 1979* control C14 in part 6.1.2.5 of MDCP 2011 cannot be enforced.

Part 6.1.2.6 Building design and appearance

C 27 of part 6.1.2.6 of MDCP 2011 requires that where industrial development adjoins land zoned or used for residential purposes the external walls abutting must be constructed in 230mm or 280mm cavity brickwork. The proposed development is instead clad in in verdigris

colour façade blades over precast concrete. The materiality of the proposal has been selected in conjunction with the materiality of the adjoining residential development as they are being developed by the same developer. The use of materials in this instance was considered by the Architectural Excellence and Design Review Panel. The applicable objectives in consideration of this control are O21-O22 in Part 6.1.2.6. In considering these objectives it is noted:

- The proposed development achieves a high standard of design and finish.
- The development enhances the streetscape.
- Objective O23 is not applicable as the existing building is not federation or inter war warehouse/ factory building. This objective is also not appropriate as the development controls envisage a desired future character that cannot be achieved through an adaptive reuse.

The proposal is consistent with the applicable objectives in O21-O22 and acceptable on merit.

Part 9.47 – Strategic Context -Victoria Road Precinct – Precinct 47

The proposed development is consistent with the desired future character statement within Part 9.47.3 of MDCP. The proposed development is consistent with the Masterplan shown below.



Indicative Masterplan within 9.47.5 of MDCP 2011

The proposal is also consistent with the movement network map as is required by C7 of Part 9.47.7 of MDCP 2011 as is indicated below;



Extract of the Movement network map

The setbacks of the proposal are consistent with the setbacks expressed within the Ground and upper level setbacks map as is required by C60 in Part 9.47.11.3 of MDCP 2011. An extract of which is detailed below:



Extract of Ground and upper level setbacks map

The design of the site generally provides for an active street frontage to the rear and north eastern side of the site as is required by C66 of Part 9.47.11.4 of MDCP 2011. The proposal complies with the remainder of the controls related to active street frontages.

The proposal does not provide for undergrounding of power lines as is required by C73 of Part 9.47.12 of MDCP 2011. The proposal seeks to retain overhead powerlines using a bunding arrangement. The applicable objectives for consideration of this control are O60-O62 in Part 9.47.12 of MDCP 2011. In considering these objectives it is noted:

- That the provision bundled powerlines does not provide a high level of visual and aesthetic amenity within the precinct as compared with under grounding.
- The use of bundled powerlines does not ensure service reliability in the provision of utilities in the precinct as undergrounding would provide.
- Bundling of powerlines does not ensure enhanced levels of public safety within the precinct to the extent that undergrounding would.

Having regard to the above, the proposal is inconsistent with the objectives O60-O62 in Part 9.47.12 of MDCP 2011 and a condition is included in the recommendation requiring undergrounding of the powerlines.

5(e) Voluntary Planning Agreement

The site is the subject of a voluntary planning agreement between the Minister for Planning and Public Spaces and TR Faversham Development Pty Ltd. The VPA requires transfer of certain lots. The VPA is silent on the subject of development contributions.

5(f) The Regulations

The *EPA Regulations 2021* have been considered and do not present an impediment to a grant of development consent.

5(g) The Likely Impacts

The assessment of the Development Application demonstrates that, subject to the recommended conditions, the proposal will have an acceptable impact in the locality.

5(h) The suitability of the site for the development

The site is considered to be suitable for the proposed development.

5(i) Any submissions

The application was notified in accordance with the Community Engagement Framework for a period of 14 days to surrounding properties.

No submissions were received in response to the notification.

5(h) The Public Interest

The public interest is best served by the consistent application of the requirements of the relevant environmental planning instruments, and by the consent authority ensuring that any adverse effects on the surrounding area and the environment are appropriately managed. This has been achieved in this instance.

6 Referrals

6(a) Internal

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

- Building Certification
- Development Engineering
- Environmental Health
- Urban Forests
- Waste Management

6(b) External

The application was referred to the following external bodies and issues raised in those referrals have been discussed in section 5 above.

- Ausgrid
- Roads and Maritime Services
- Air Services Australia
- Department of Planning and Environment – Water
- Water NSW

7. Section 7.11 Contributions/7.12 Levy

Section 7.11 contributions are payable for the proposal.

The carrying out of the development would result in an increased demand for public amenities and public services within the area. A contribution of \$258,188.00 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.

8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in *Marrickville Local Environmental Plan 2011* and Marrickville Development Control Plan 2011. The development will not result in any significant impacts on the amenity of the adjoining premises/properties or the streetscape and is considered to be in the public interest. The application is considered suitable for approval subject to the imposition of appropriate conditions.

9. Recommendation

- A. The applicant has made a written request pursuant to clause 4.6 of the *Marrickville Local Environmental Plan 2011* seeking to vary the height of building development standard. After considering the request, and assuming the concurrence of the Secretary has been given, the Panel 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.
- B. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent to Development Application No. DA/2022/0057 for demolition of the existing building and construction of a development containing a light industrial uses, food and drinks premises and specialist retail premises with parking, landscaping and associated works. at 18-26 Faversham Street, Marrickville subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

CONDITIONS OF CONSENT

DOCUMENTS RELATED TO THE CONSENT

1. Documents related to the consent

The development must be carried out in accordance with plans and documents listed below:

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
DA_101 Revision D	Ground Floor Plan	15/08/2022	Place Studio
DA_102 Revision D	First Floor Plan	15/08/2022	Place Studio
DA_103 Revision D	First Floor Mezzanine Plan	15/08/2022	Place Studio
DA_104 Revision D	Second Floor Plan	15/08/2022	Place Studio
DA_105 Revision D	Second Floor Mezzanine Plan	15/08/2022	Place Studio
DA_106 Revision D	Third Floor Plan	15/08/2022	Place Studio
DA_107 Revision D	Third Floor Mezzanine Plan	15/08/2022	Place Studio
DA_108 Revision D	Roof Plan	15/08/2022	Place Studio
DA_200 Revision B	East Elevation	30/06/2022	Place Studio
DA_201 Revision C	West Elevation	15/08/2022	Place Studio
DA_202 Revision B	South Elevation	30/06/2022	Place Studio
DA_203 Revision C	North Elevation	15/08/2022	Place Studio

DA_300 Revision B	Section 1	30/06/2022	Place Studio
DA_301 Revision B	Section 2	30/06/2022	Place Studio
DA_302 Revision B	Section 3	30/06/2022	Place Studio
DA_310 Revision A	Overall Facade Sections	24/06/2022	Place Studio
DA_311 Revision A	Facade Section Callout	24/06/2022	Place Studio
Issue C	Ground Landscape Plan	17/11/2021	Turf Design Studio
Issue C	Level 1 -2 Landscape	17/11/2021	Turf Design Studio
Issue C	Level 3 Landscape	17/11/2021	Turf Design Studio
Issue C	Materials Palette Planting Palette	17/11/2021	Turf Design Studio
E24098.SITEB.E01_Rev0	Preliminary Site Investigation	11/11/2021	El Australia
E2761-3	Remediation Action Plan	February 2022	Foundation Earth Sciences
	Letter from Foundation Earth Sciences	25/8/2022	Ben Buckley
E24098.SITEB.E01_Rev0	Preliminary Geotechnical Report	11/10/2021	El Australia
S2021329 Issue 0	Da Report for ESD Services	10/11/2021	EMF Griffiths
	Plan of Management	November 2021	The Planning Studio
TM208-01F02 (r1)	Acoustic Assessment for Development Application	15/11/2021	Renzo Tonin & Associates
3369 Revision E	Operational Waste Management Plan	11/11/21	Elephants Foot

As amended by the conditions of consent.

DESIGN CHANGE

2. Design Change

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans demonstrating the following:

- a. Each light industrial tenancy to have a waste room with an area of at least 3m² and being capable of containing at least a 1x 660L MGB (waste) 1x 240L MGB (recycling). This area shall be illustrated on the plans. The waste rooms must comply with the requirements of Appendix 4 of the part 2.21 of MDCP 2011.
- b. A door is to be provided to the specialised retail tenancy to the corridor to the waste room and loading dock

FEES

3. Section 7.11 (Former Section 94) Contribution

Prior to the issue of a Construction Certificate works written evidence must be provided to the Certifying Authority that a monetary contribution of \$258,188.00 indexed Marrickville Section 94/94A Contributions Plan 2014 ("CP") has been paid to the Council.

The above contribution is the contribution applicable as at 05/09/2022. *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.

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:

Public Amenities Type:	Contribution \$
Recreation Facilities	\$243,524.69
Community Facilities	\$8,064.88

Plan Administration	\$6,598.43
TOTAL	\$258,188.00

A copy of the CP can be inspected at any of the Inner West Council Services Centres or viewed online at:

<https://www.innerwest.nsw.gov.au/develop/planning-controls/section-94-contributions>

Payment methods:

The required contribution must be paid either *by BPAY (to a maximum of \$500,000); unendorsed bank cheque (from an Australian Bank only); EFTPOS (Debit only); credit card (Note: A 1% credit card transaction fee applies to all credit card transactions; cash (to a maximum of \$10,000).* It should be noted that personal cheques or bank guarantees cannot be accepted for the payment of these contributions. **Prior to payment contact Council's Planning Team to review charges to current indexed quarter, please allow a minimum of 2 business days for the invoice to be issued before payment can be accepted.**

*NB A 0.75% credit card transaction fee applies to all credit card transactions.

4. Long Service Levy

Prior to the issue of a Construction Certificate, written evidence must be provided to the Certifying Authority that the long service levy in accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* has been paid at the prescribed rate of 0.35% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$25,000 or more.

5. Security Deposit - Custom

Prior to the commencement of demolition works or prior to the issue of a Construction Certificate, the Certifying Authority must be provided with written evidence that a security deposit and inspection fee has been 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:	\$269,659.00
Inspection Fee:	\$700.00

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

The inspection fee is required for the 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 initial 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.

GENERAL CONDITIONS

6. Tree Protection

No trees on public property (footpaths, roads, reserves etc.) are to be removed or damaged during works unless specifically approved in this consent or marked on the approved plans for removal.

Prescribed trees protected by Council's Management Controls on the subject property and/or any vegetation on surrounding properties must not be damaged or removed during works unless specific approval has been provided under this consent.

Any public tree within five (5) metres of the development must be protected in accordance with Council's *Development Fact Sheet—Trees on Development Sites*.

No activities, storage or disposal of materials taking place beneath the canopy of any tree (including trees on neighbouring sites) protected under Council's Tree Management Controls at any time.

The trees identified below are to be retained and protected in accordance with the conditions of consent or approved Tree Protection Plan throughout the development (note: tree numbers must correspond with approved Tree Protection Plan if conditioned) :

Botanical/Common Name	Location
4 x <i>Fraxinus griffithii</i> (Evergreen Ash)	Public footpath

Details of the trees must be included on all Construction Certificate plans and shall be annotated in the following way:

- a. Green for trees to be retained;

7. Project Arborist

Prior to the commencement of any demolition or construction works within close proximity to protected trees a Project Arborist must be engaged for the duration of the site preparation, demolition, construction and landscaping to supervise works. Details of the Project Arborist must be submitted to the Certifying Authority before work commences.

8. Car Parking

The development must provide and maintain within the site:

- a. 45 car parking spaces must be paved and line marked;
- b. 1 car parking spaces, for persons with a disability must be provided and marked as disabled car parking spaces;
- c. 3 off-street motorcycle parking spaces must be provided, paved, line marked and maintained at all times;
- d. 43 Bicycle storage capacity within the site;
- e. 1 Loading dock.

9. Erosion and Sediment Control

Prior to the issue of a commencement of any works (including any demolition works), the Certifying Authority must be provided with an erosion and sediment control plan and specification. Sediment control devices must be installed and maintained in proper working order to prevent sediment discharge from the construction site.

10. Standard Street Tree Protection

Prior to the commencement of any work, the Certifying Authority must be provided with details of the methods of protection of all street trees adjacent to the site during demolition and construction.

11. Verification of Levels and Location

Prior to the pouring of the ground floor slab or at dampcourse level, whichever is applicable or occurs first, the Principal Certifier must be provided with a survey levels certificate prepared by a Registered Surveyor indicating the level of the slab and the location of the building with respect to the boundaries of the site to AHD.

12. Noise – Consultant’s Recommendations

All noise emission criteria, assumptions and recommendations contained in the acoustic report prepared by Renzo Tonin & Associates, reference TM208-01F02 (R1), dated 15 November 2021 must be implemented and complied with at all times.

13. Contamination – Remedial Action Plan (No Site Auditor Engaged)

The site is to be remediated and validated in accordance with the recommendations set out in the Remedial Action Plan, prepared by Foundation Earth Sciences, reference E2761-3, dated February 2022, the *Contaminated Land Management Act 1997* and the *State Environmental Planning Policy No 55*.

14. Use of food and drink premises

Consent is only granted for the use of the area indicated as 'food and beverage / market' on the floor plans as a 'restaurant or café' or as 'take away food and drink premises' as defined by the *Inner West Local Environmental Plan 2022*.

15. Water NSW General Terms of Approval

The development must be carried out in accordance with the following General Terms of Approval from Water NSW:

Dewatering

GT0115-00001

Groundwater must only be pumped or extracted for the purpose of temporary construction dewatering at the site identified in the development application. For clarity, the purpose for which this approval is granted is only for dewatering that is required for the construction phase of the development and not for any dewatering that is required once construction is completed.

GT0116-00001

Before any construction certificate is issued for any excavation under the development consent, the applicant must: 1. apply to WaterNSW for, and obtain, an approval under the Water Management Act 2000 or Water Act 1912, for any water supply works required by the development; and 2. notify WaterNSW of the programme for the dewatering activity to include the commencement and proposed completion date of the dewatering activity Advisory Note: 3. An approval under the Water Management Act 2000 is required to construct and/or install

the water supply works. For the avoidance of doubt, these General Terms of Approval do not represent any authorisation for the take of groundwater, nor do they constitute the grant or the indication of an intention to grant, any required Water Access Licence (WAL). A WAL is required to lawfully take more than 3ML of water per water year as part of the dewatering activity. 4. A water use approval may also be required, unless the use of the water is for a purpose for which a development consent is in force.

GT0117-00001

A water access licence, for the relevant water source, must be obtained prior to extracting more than 3ML per water year of water as part of the construction dewatering activity. Advisory Notes: 1. This approval is not a water access licence. 2. A water year commences on 1 July each year. 3. This approval may contain an extraction limit which may also restrict the ability to take more than 3ML per water year without further information being provided to WaterNSW. 4. Note that certain water sources may be exempted from this requirement - see paragraph 17A, Schedule 4 of the Water Management (General) Regulation 2018.

GT0118-00001

If no water access licence is obtained for the first 3ML / year (or less) of water extracted, then, in accordance with clause 21(6), Water Management (General) Regulation 2018, the applicant must: (a) record water taken for which the exemption is claimed, and (b) record the take of water not later than 24 hours after water is taken, and (c) make the record on WAL exemption form located on WaterNSW website "Record of groundwater take under exemption", and (d) keep the record for a period of 5 years, and (e) give the record to WaterNSW either via email to Customer.Helpdesk@waterNSW.com.au or post completed forms to - PO Box 398 Parramatta NSW 2124 (i) not later than 28 days after the end of the water year (being 30 June) in which the water was taken, or (ii) if WaterNSW directs the person in writing to give the record to WaterNSW on an earlier date, by that date.

GT0119-00001

All extracted groundwater must be discharged from the site in accordance with Council requirements for stormwater drainage or in accordance with any applicable trade waste agreement.

GT0120-00001

The design and construction of the building must prevent: (a) any take of groundwater, following the grant of an occupation certificate (and completion of construction of development), by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation; (b) obstruction to groundwater flow, by using sufficient permanent drainage beneath and around the outside of the watertight structure to ensure that any groundwater mounding shall not be greater than 10 % above the pre-development level; and (c) any elevated water table from rising to within 1.0 m below the natural ground surface.

GT0121-00001

Construction phase monitoring bore requirements GTA: a) A minimum of three monitoring bore locations are required at or around the subject property, unless otherwise agreed by

WaterNSW. b) The location and number of proposed monitoring bores must be submitted for approval, to WaterNSW with the water supply work application. c) The monitoring bores must be installed and maintained as required by the water supply work approval. d) The monitoring bores must be protected from construction damage.

GT0122-00001

Construction Phase Monitoring programme and content: a) A monitoring programme must be submitted, for approval, to WaterNSW with the water supply work application. The monitoring programme must, unless agreed otherwise in writing by WaterNSW, include matters set out in any Guide published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no Guide is current or published, the monitoring programme must include the following (unless otherwise agreed in writing by WaterNSW): i. Pre-application measurement requirements: The results of groundwater measurements on or around the site, with a minimum of 3 bore locations, over a minimum period of 3 months in the six months prior to the submission of the approval to WaterNSW. ii. Field measurements: Include provision for testing electrical conductivity; temperature; pH; redox potential and standing water level of the groundwater; iii. Water quality: Include a programme for water quality testing which includes testing for those analytes as required by WaterNSW; iv. QA: Include details of quality assurance and control v. Lab assurance: Include a requirement for the testing by National Association of Testing Authorities accredited laboratories. b) The applicant must comply with the monitoring programme as approved by WaterNSW for the duration of the water supply work approval (Approved Monitoring Programme)

GT0123-00001

(a) Prior to the issuing of the occupation certificate, and following the completion of the dewatering activity, and any monitoring required under the Approved Monitoring Programme, the applicant must submit a completion report to WaterNSW. (b) The completion report must, unless agreed otherwise in writing by WaterNSW, include matters set out in any guideline published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no guideline is current or published, the completion report must include the following (unless otherwise agreed in writing by WaterNSW): 1) All results from the Approved Monitoring Programme; and 2) Any other information required on the WaterNSW completion report form as updated from time to time on the WaterNSW website. c) The completion report must be submitted using "Completion Report for Dewatering work form" located on WaterNSW website www.waternsw.com.au/customer-service/waterlicensing/dewatering

GT0150-00001

The extraction limit shall be set at a total of 3ML per water year (being from 1 July to 30 June). The applicant may apply to WaterNSW to increase the extraction limit under this condition. Any application to increase the extraction limit must be in writing and provide all information required for a hydrogeological assessment. Advisory note: Any application to increase the extraction limit should include the following: - Groundwater investigation report describing the groundwater conditions beneath and around the site and subsurface conceptualisation - Survey plan showing ground surface elevation across the site - Architectural drawings showing

basement dimensions - Environmental site assessment report for any sites containing contaminated soil or groundwater (apart from acid sulphate soils (ASS)) - Laboratory test results for soil sampling testing for ASS - If ASS, details of proposed management and treatment of soil and groundwater. Testing and management should align with the NSW Acid Sulphate Soil Manual.

GT0151-00001

Any dewatering activity approved under this approval shall cease after a period of two (2) years from the date of this approval, unless otherwise agreed in writing by WaterNSW (Term of the dewatering approval). Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.

GT0152-00001

This approval must be surrendered after compliance with all conditions of this approval, and prior to the expiry of the Term of the dewatering approval, in condition

GT0151-00001.

Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.

GT0155-00001

The following construction phase monitoring requirements apply (Works Approval): a. The monitoring bores must be installed in accordance with the number and location shown, as modified by this approval, unless otherwise agreed in writing with WaterNSW. b. The applicant must comply with the monitoring programme as amended by this approval (Approved Monitoring Programme). c. The applicant must submit all results from the Approved Monitoring Programme, to WaterNSW, as part of the Completion Report

16. Amended Landscape Plan

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with an amended landscape plan. The plan must include:

- a. Amending the landscape plan to be consistent with the approved architectural plans;
- b. The design must provide a minimum 15% canopy cover at maturity;
- c. Location, numbers, type and supply of trees, with reference to AS2303:2018—*Tree stock for landscape use* (if applicable);
- d. A minimum of four (4) new dicot trees must be included in the design to south adjacent to the private driveway. The trees species must attain a minimum mature height of eight (8) metres and canopy spread of three to five (3-5) metres. Dicot species that might be considered are *Elaeocarpus eumundi* (Eumundi Quandong), *Backhousia citriodora* (Lemon Myrtle), or similar.
- e. New trees must be planted in natural ground. It must be demonstrated that there is sufficient soil volume to allow maturity to be achieved (refer to Council's *Development Fact Sheet—Trees on Development Sites* for further information).
- f. Details of planting specification and maintenance programme.

17. Boundary Alignment Levels

Alignment levels for the site at all pedestrian and vehicular access locations must match the existing back of footpath levels at the boundary.

18. Dry-weather Flows

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 must be designed to be "tanked" preventing the ingress of seepage or groundwater.

19. Rock Anchors

This consent does not grant consent for any rock anchors on the road reserve or Council land.

20. Undertake Maintenance works

The applicant shall, within fourteen (14) days of notification of 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 and Council may recover any costs in excess of the security from the applicant.

PRIOR TO ANY DEMOLITION**21. Dilapidation Report**

Prior to any works commencing (including demolition), the Certifying Authority and owners of identified properties, must be provided with a colour copy of a dilapidation report prepared by a suitably qualified person. The report is required to include colour photographs of all the adjoining properties to the Certifying Authority's satisfaction. In the event that the consent of the adjoining property owner cannot be obtained to undertake the report, copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the Certifying Authority before work commences.

22. Advising Neighbours Prior to Excavation

At least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

23. Construction Fencing

Prior to the commencement of any works (including demolition), 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.

24. Resource Recovery and Waste Management Plan - Demolition and Construction

Prior to any demolition works, the Certifying Authority must be provided with a Resource Recovery and Waste Management Plan - Demolition and Construction that includes details of materials that will be excavated and their proposed destination or reuse.

25. Hoardings

The person acting on this consent must 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. An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling onto public property.

Separate approval is required from the Council under the *Roads Act 1993* to erect a hoarding or temporary fence or awning on public property.

26. Construction Traffic Management Plan – Detailed

Prior to Any Demolition, the Certifying Authority, must be provided with a detailed Construction Traffic Management Plan (CTMP), prepared by an appropriately qualified Traffic Management Consultant with Transport for NSW accreditation. The Certifying Authority must approved by the CTMP prior to the commencement of any works, including demolition. The Certifying Authority must ensure that the CTMP instructs vehicles to use State and Regional and Collector Roads to the maximum extent with the use of Local Roads as final approach to the development site via the most suitable direct route.

The following matters should be addressed in the CTMP (where applicable):

- a. Description of the demolition, excavation and construction works;
- b. Site plan/s showing the site, roads, footpaths, site access points and vehicular movements;
- c. Construction vehicles shall access the site via Hans Place or from the right of way off Victoria Road unless otherwise approved by Council.

- d. Size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site);
- e. Proposed route(s) from the arterial (state) road network to the site and the proposed route from the site back to the arterial road network;
- f. Impacts of the work and vehicular movements on the road network, traffic and pedestrians and proposed methods to safely manage pedestrians and construction related vehicles in the frontage roadways;
- g. Any Traffic Control Plans (TCP's) proposed to regulate traffic and pedestrian movements for construction activities (such as concrete pours, crane installation/removal etc.);
- h. Proposed hours of construction related activities and vehicular movements to and from the site;
- i. Current/proposed approvals from other Agencies and Authorities (including Roads and Maritime Services, Police and State Transit Authority);
- j. Any activities proposed to be located or impact upon Council's road, footways or any public place;
- k. Measures to maintain public safety and convenience;
- l. Any proposed road and/or footpath closures;
- m. Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site;
- n. Locations of work zones (where it is not possible for loading/unloading to occur on the site) in the frontage roadways accompanied by supporting documentation that such work zones have been approved by the Local Traffic Committee and Council;
- o. Location of any proposed crane and concrete pump and truck standing areas on and off the site (and relevant approvals from Council for plant on road);
- p. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
- q. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected;
- r. On-site parking area for employees, tradespersons and construction vehicles as far as possible;
- s. Proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period; and
- t. How it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.
- u. Swept Paths for the proposed construction vehicles to demonstrate that the needed manoeuvres can be achieved without causing any nuisance.

PRIOR TO CONSTRUCTION CERTIFICATE

27. Site Hoarding to Minimise Impact on Street Trees

If applicable, prior to the issue of a Construction Certificate, the Certifying Authority must be provided with details certified by a suitably qualified Arborist demonstrating that site hoarding to be install along the public footpath is designed and installed requiring no pruning for 4 x *Fraxinus griffithii* (Evergreen Ash) street trees.

28. Tree Planting in the Public Domain

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a Public Domain/Street Tree Planting Plan, prepared in liaison with a Consulting Arborist, and evidence that the works on the Road Reserve have been approved by Council under Section 138 of the *Roads Act 1993* incorporating the following requirements:

- a. New crossovers, paving and kerbs must not have a detrimental impact on street trees;
- b. One (1) new tree shall be located within the existing crossover to be demolished. The species of tree selected shall be *Fraxinus griffithii* (Evergreen Ash);
- c. The tree is to be planted in the middle of the first and third trees, from south;
- d. All planting stock size shall be minimum 100 litres;
- e. The planting stock shall comply with AS 2303—*Tree Stock for Landscape Use*;
- f. The new tree shall be planted by a qualified horticulturist or arborist, with a minimum qualification of Certificate 3 in Horticulture or Arboriculture;
- g. New tree pits dimensions 1m x 3m and staking detail shall be in accordance with Detail 6 on page 133 of the *Marrickville Street Tree Master Plan 2014* (available online);
- h. Groundcovers should be proposed. Please see page 18 of 2.18 Landscaping and Open Spaces of Marrickville DCP 2011 for possible species selection.

29. Enclosure of Fire Hydrant

Prior to the issue of a Construction Certificate, the Certifying Authority is to be provided with plans indicating that all fire hydrant and sprinkler booster valves and the like are enclosed in accordance with the requirements of AS 2419.1 2005.

30. Sydney Water – Tap In

Prior to the issue of a Construction Certificate, the Certifying Authority is required to ensure approval has been granted through Sydney Water's online 'Tap In' program to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met.

Note: Please refer to the web site <http://www.sydneywater.com.au/tapin/index.htm> for details on the process or telephone 13 20 92

31. Acoustic Report – Aircraft Noise

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans detailing the recommendations of an acoustic report prepared by a suitably qualified Acoustic Engineer demonstrating compliance of the development with the relevant provisions of Australian Standard AS 2021:2015 Acoustics – Aircraft noise intrusion – Building siting and construction.

32. Consolidation of Lots

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with evidence that the separate lots comprising the development have been consolidated into one lot and under one title and registered at NSW Land Registry Services.

33. Concealment of Plumbing and Ductwork

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans detailing the method of concealment of all plumbing and ductwork (excluding stormwater downpipes) within the outer walls of the building so they are not visible.

34. Future Food Use - Mechanical Ventilation Provision

Prior to the issue of a Construction Certificate, the mechanical exhaust systems and/or shafts must be designed to allow for the discharge of effluent air above roof level and must be designed with capacity to accommodate exhaust ducts and mechanical ventilation systems for all commercial tenancies proposed with the potential to become a food premises in future. Systems must be designed in accordance with AS1668.2 – The Use of Ventilation and Air-conditioning in Buildings – Mechanical Ventilation in Buildings, and AS1668.1 – The Use of Mechanical Ventilation and Air-Conditioning in Buildings – Fire and Smoke Control in Multi-compartment Buildings.

35. Green Roofs, Walls and Facades Report

Prior to the issue of Construction Certificate, the Certifying Authority is to be provided with a report prepared by a suitably qualified person demonstrating that the proposed landscape plan and details of any green roofs, wall and facades are consistent with [Inner West Councils Green Roof, Walls and Facades Technical Guidelines](#) including but not limited to using species selected from the suggested species list, water proofing and drainage.

36. Waste Transfer Route

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a plan demonstrating that the path of travel between the bin storage area/bulky waste storage area and the designated waste/recycling collection point is has 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.

37. Stormwater Drainage System – Major Developments

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with stormwater drainage design plans incorporating on site stormwater detention and/or on site retention/ re-use facilities (OSR/OSD) and Stormwater Quality Improvement Devices (SQIDS), certified by a suitably experienced Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) that the design of the site drainage system complies with the following specific requirements:

- a. The design must be generally in accordance with the stormwater drainage concept plan on Drawing No. C01, C03, C04 C05 and C20 Rev P1 prepared by TTW and dated 11/11/2021, as amended to comply with the following;
- b. Stormwater runoff from all surface areas within the property must be collected in a system of gutters, pits and pipelines and be discharged together with overflow pipelines from any rainwater tank(s) by gravity to Council's/Sydney Water piped drainage system via the OSD/Water quality filtration system;
- c. Comply with Council's Stormwater Drainage Code, Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2018 'Stormwater Drainage' and Council's DCP.
- d. Charged or pump-out stormwater drainage systems are not permitted including for roof drainage other than for the pump-out of subsurface flows and surface flows from the driveway from the basement;
- e. The on-site detention system must be designed for all storm events from the 1 in 5 years to the 1 in 100 year storm event, with discharge to a Council controlled storm water system limited to fully pervious (state of nature) conditions with the maximum allowable discharge to Council's street gutter limited to 25 litres/second (20 years ARI/100years ARI);
- f. Storage for the 1-year ARI storm event must be provided fully below ground;
- g. Details of the Height vs Storage and Height vs Discharge relationships must be submitted;
- h. Pipe and channel drainage systems including gutters must be designed to convey the one hundred (100) year Average Recurrence Interval (ARI) flows from the contributing catchment to the OSD/OSR tanks;
- i. Details of the 1 in 100-year ARI overflow route in case of failure/blockage of the drainage system must be provided;
- j. A pump-out system for drainage of surface flows from the basement ramp is permitted for the basement area only and must be designed in accordance with the following criteria:
 1. Comply with all relevant Australian Standards;

- 2. An overflow, flashing light and audible alarm is to be provided to warn of pump failure;
- 3. A maintenance regime for the pump system must be provided, including provision for regular maintenance and servicing at least every 6 months;
- 4. The proposed pump system must consist of two (2) pumps, connected in parallel, with each pump being capable of emptying the holding tank at a rate equal to the rate of inflow for the one-hour duration, 100-year Average Recurrence Interval (ARI) storm event. The holding tank must be capable of holding one hour's runoff from one-hour duration 20-year ARI storm event;
- 5. Where OSD facilities are required by this consent, the pump system must be discharged to the OSD storage tank;
- k. The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands;
- l. No nuisance or concentration of flows to other properties;
- m. The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system;
- n. An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets;
- o. Only a single point of discharge is permitted;
- p. All redundant pipelines within footpath area must be removed and footpath/kerb reinstated;
- q. Water quality filtration basket(s) with screening bag or similar primary treatment device(s) must be installed on the site stormwater drainage system such that all water entering the site stormwater drainage system is filtered by the device(s);
- r. Stormwater quality improvement devices must be installed such that stormwater flows leaving the site meet the following environmental targets:

Pollutant	Baseline Pollution (kg/ha/yr)	Annual Load	Retention Criteria
Gross Pollutants, including trash, litter and vegetation matter greater than 5mm	500		90% reduction of average annual load
Total Suspended solids, including sediment and other fine material less than 5mm	900		85% reduction of average annual load

Total Phosphorous	2	65% reduction of average annual load
Total Nitrogen	15	45% reduction of average annual load
Hydrocarbons (Oil and Grease)		90% reduction of average annual load – no visible discharge
Toxicants		100% containment of toxicants

- s. A water balance model must be submitted to accompany the water re-use proposal;
- t. A WSUD Strategy Report must be provided to ensure the treatment measures proposed to meet Council’s water quality targets. For sites with a GFA greater than 2000sqm a MUSIC model (including .sqz file) must be included with the report;
- u. 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.
- v. Dry-weather flows of any seepage or ground 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 must be fully “tanked” so as not to allow the ingress of seepage or groundwater.

38. Structural and Geotechnical Report

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with an integrated structural and geotechnical report and structural plans that address the design of the proposed basement, prepared certified as compliant with the terms of this condition by a qualified practicing Structural and Geotechnical Engineer(s) who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng). The report and plans must be prepared/ amended to make provision for the following:

- a. The basement must be fully tanked to prevent the ingress of subsurface flows;
- b. Retaining walls must be entirely self-supporting in the event that excavation is undertaken within the road reserve adjacent to the property boundary to the depth of the proposed structure;
- c. Any existing or proposed retaining walls that provide support to the road reserve must be adequate to withstand the loadings that could be reasonably expected from within the constructed road and footpath area, including normal traffic and heavy construction and earth moving equipment, based on a design life of not less than 50 years;

- d. All components of the basement, including footings, must be located entirely within the property boundary;
- e. No adverse impact on surrounding properties including Council's footpath and road;
- f. The existing subsurface flow regime in the vicinity of the development must not be significantly altered as a result of the development;
- g. Recommendations regarding the method of excavation and construction, vibration emissions and identifying risks to existing structures or those on adjoining or nearby property; and
- h. Provide relevant geotechnical/ subsurface conditions of the site, as determined by a full geotechnical investigation.

39. Public Domain Works – Prior to Construction Certificate

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a public domain works design, prepared by a qualified practising Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) and evidence that the works on the Road Reserve have been approved by Council under Section 138 of the *Roads Act 1993* incorporating the following requirements:

- a. The public domain along all frontages of the site inclusive of footpath paving, kerb, street trees, landscaping, street furniture, etc. must be reconstructed and upgraded in accordance with the Street Tree Master plan and the Public Domain Design Guide or scheme;
- b. The construction of heavy duty vehicular crossings to all vehicular access locations and removal of all redundant vehicular crossings to the site;
- c. Removal of culvert type inlet structure (south eastern boundary of the site) to the Sydney Water stormwater system and replacement with standard kerb inlet structures to Sydney Water's and Council's requirements so as to improve vehicle and pedestrian safety;
- d. New footpath and kerb and gutter along the frontage of the site. The kerb type (concrete or stone) must be consistent with the majority of kerb type at this location as determined by the Council Engineer;
- e. 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 must be set at 2.5%. These sections will set the alignment levels at the boundary.

All works must be completed prior to the issue of an Occupation Certificate.

40. Parking Facilities – Major (including basement)

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans certified by a suitably qualified Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CEng) or current Registered

Professional Engineer qualifications with Professionals Australia (RPEng) demonstrating that the design of the vehicular access, off-street parking facilities and associated vehicle standing areas comply with Australian Standard AS/NZS 2890.1-2004 Parking Facilities: Off-street car parking, Australian Standard AS 2890.2-2018 Parking Facilities: Commercial vehicle facilities, AS/NZS 2890.3-2015 Parking facilities: Bicycle Parking, AS/NZS 2890.6-2009 Parking facilities: Off-street parking for people with disabilities and the following specific requirements:

- a. The driveway off Faversham Street to the underground parking is to 500mm above the 1%AEP to be 2.93m and that the landing of the stairs to the underground parking located adjacent to the driveway off Faversham Street is 500mm above the 1%AEP to be 2.92m, as stated in TTW letter dated 16 August 2022, Ref. 211259CAAB
- b. A minimum of 2200mm headroom must be provided throughout the access and parking facilities. Note that the headroom must be measured at the lowest projection from the ceiling, such as lighting fixtures, and to open garage doors;
- c. Headroom at a 'sag' type grade change must be measured in accordance with Figure 5.3 of AS/NZS 2890.1-2004;
- d. Minimum headroom of 2500mm must be provided above any disabled parking space(s);
- e. The longitudinal profile of the access and any ramps within the parking facilities must comply with the Ground Clearance requirements of AS/NZS 2890.1-2004 for a B99 design vehicle. Longitudinal sections must be provided along each outer edge of all ramps;
- f. Longitudinal sections must be provided along both sides of the vehicular access ramp(s) and throughout the path of travel for a MRV utilising the loading bay. The sections must demonstrate that minimum headroom of 4500mm is provided;
- g. 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; End spaces are provided with an additional 1m aisle extension;
 - 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.
- h. 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;
- i. 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 access way 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.

- j. The vehicle egress is designed such that there are no obstructions to lines of sight, along with the footpath and the roadway for drivers of egressing vehicles;
- k. The curved section of the ramp is designed in accordance with AS/NZS 2890.1-2004 with grades measured along the inside radius;
- l. All loading docks and parking bays are designed such that all vehicular movements to and from the proposed development are in a forward direction;
- m. The entry security door must be set back a minimum of 5500mm from the property boundary;
- n. Loading / unloading facilities must be provided on-site in accordance with the requirements of AS2890.2 – 2002;
- o. A bicycle storage area must be provided to accommodate the numerical requirements of DCP and be designed in accordance with relevant provisions of AS 2890.3-2015;

41. Flood Risk Management Plan

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a Flood Risk Management Plan prepared and certified by a suitably qualified Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng). The Plan must be prepared/amended to make provision for the following:

- a. The plan must be generally in accordance with the recommendations of the Flood Risk Management Plan prepared by TTW, Report No. 211259CAAB and dated 11/11/2021;
- b. 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 must be assessed for the 100-year ARI and Probable Maximum Flood (PMF) storm events. The precautions must 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. 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. A flood evacuation strategy; and
 - 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.
- c. All works must be designed to comply with the Standard for Construction of Buildings in Flood Hazard Areas in accordance with Section 3.10.3 of the Building Code of Australia. Note that some terms defined in this standard have equivalent meaning to terms used in Council's Development Control Plan as listed below:
 - i. Building Code of Australia;
 - ii. Defined flood level (DFL) 100-year Average Recurrence Interval flood level;

- iii. Defined flood event (DFE) 100-year Average Recurrence Interval flood; and
- iv. Flood hazard level (FHL) Flood Planning Level (FPL).

42. Driveway Long Section

The vehicular crossing and driveway ramp to the site shall be designed to satisfy the ground clearance template (Figure C1) from 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 or 1:25 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 a minimum of 3 metres into the property. The long section approved by Council shall define the Alignment Levels at the property boundary. The long section shall show both existing surface levels and proposed surface levels with changes.

43. Dilapidation Report – Pre-Development – Major

Prior to the issue of a Construction Certificate or any demolition, the Certifying Authority must be provided with a dilapidation report on the visible and structural condition of the following public infrastructure:

- a. Full width of Faversham Street, including road pavement, stormwater drainage infrastructure, kerb and gutter and footpath for the full frontage of the site; and
- b. Full width of Hans Place adjacent the site, including road pavement, stormwater drainage infrastructure, kerb and gutter and footpath, between Fitzroy Street and Faversham Street.
- c. The dilapidation report is to be prepared by a practising Civil/Structural Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng).

44. Power Pole Relocation

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with evidence that the power and any Ausgrid services are relocated to a position clear (minimum 1m measured at the kerb) of the proposed vehicular crossing.

DURING DEMOLITION AND CONSTRUCTION

45. Inspections by Project Arborist

The trees to be retained must be inspected, monitored and treated by the Project Arborist during and after completion of development works to ensure their long-term survival. Regular

inspections and documentation from the Project Arborist to the Certifying Authority are required at the following times or phases of work:

Time of Inspection	Key stage/ Hold point
Prior to commencement of works	<ul style="list-style-type: none"> • Inspection and sign off installation of tree protection measures.
During Works	<ul style="list-style-type: none"> • Supervise all site preparation and demolition works within the TPZ; • Supervise hoarding installation; • Supervise all excavation, trenching works, landscaping works and tree/planting replenishment within the TPZ; • Supervise all tree work.

46. Limited Root Pruning

No tree roots of 30mm or greater in diameter located within the specified radius of the trunks of the following tree/s must be severed or injured in the process of any works during the construction period:

Botanical/Common Name	Radius in metres
4 x <i>Fraxinus griffithii</i> (Evergreen Ash) - Public footpath	2m

All excavation within the specified radius of the trunks must be hand dug to a depth of one (1) metre under direct supervision of the Project Arborist and then by mechanical means as agreed by the Project Arborist. If tree roots less than 30mm diameter are required to be severed for the purposes of constructing the approved works, they must be cut cleanly using a sharp and *fit for purpose tool*. The pruning must be undertaken by a practicing Arborist.

47. Tree Protection

To protect the following trees, trunk and branch protection must be installed prior to any works commencing in accordance with the approved *Tree Protection Plan* and/or with Council's *Development Fact Sheet—Trees on Development Sites*:

Botanical/Common Name/Location
4 x <i>Fraxinus griffithii</i> (Evergreen Ash)

48. Construction Hours – Class 2-9

Unless otherwise approved by Council, excavation, demolition, construction or subdivision work must only be permitted during the following hours:

- a. 7:00am to 6.00pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm);
- b. 8:00am to 1:00pm on Saturdays with no demolition works occurring during this time; and
- c. at no time on Sundays or public holidays.

Works may be undertaken outside these hours where they do not create any nuisance to neighbouring properties in terms of dust, noise, vibration etc. and do not entail the use of power tools, hammers etc. This may include but is not limited to painting.

In the case that a standing plant or special out of hours permit is obtained from Council for works in association with this development, the works which are the subject of the permit may be carried out outside these hours.

This condition does not apply in the event of a direction from police or other relevant authority for safety reasons, to prevent risk to life or environmental harm.

Activities generating noise levels greater than 75dB(A) such as rock breaking, rock hammering, sheet piling and pile driving must be limited to:

- a. 8:00am to 12:00pm, Monday to Saturday; and
- b. 2:00pm to 5:00pm Monday to Friday.

The person acting on this consent must not undertake such activities for more than three continuous hours and must provide a minimum of one 2 hour respite period between any two periods of such works.

“Continuous” means any period during which there is less than an uninterrupted 60 minute respite period between temporarily halting and recommencing any of that intrusively noisy work.

49. Contamination – New Evidence

Any new information revealed during demolition, remediation or construction works that have the potential to alter previous conclusions about site contamination must be immediately notified to the Council and the Certifying Authority.

50. Imported Fill Materials

All imported fill on the site shall be validated as Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM), in accordance with NSW Environment Protection Authority guidelines, 'Consultants Reporting on Contaminated Sites' (August 2011) to ensure the imported fill is suitable for the proposed land use.

All fill imported onto the site shall be validated by either one or both of the following methods:

- a. Imported fill be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
- b. Sampling and analysis of the fill material be conducted in accordance with NSW Environment Protection Authority's Contaminated Land Sampling Design Guidelines Parts 1 & 2 (2022).

51. Documentation of Demolition and Construction Waste

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

PRIOR TO OCCUPATION CERTIFICATE**52. Project Arborist Certification**

Prior to the issue of any Occupation Certificate, the Principal Certifier is to be provided with certification from the project arborist the requirements of the conditions of consent related to the Tree Planting in the Public Domain, landscape plan and the role of the project arborist have been complied with.

53. Planting of Street Trees and Ground Covers

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with written evidence from Council that the following works on the Road Reserve have been completed in accordance with the requirements of the approval under Section 138 of the *Roads Act 1993* including:

1. The trees, tree pits and ground covers must be inspected by Council's Public Tree Coordinator before and after planting.
2. A copy of a maintenance agreement with a practicing Horticulturist or Arborist for a minimum period of twelve (12) months commencing on the planting date. Maintenance includes, but is not limited to, watering, weeding, removal of rubbish

from tree base, pruning, fertilizing, pest and disease control and any other operations to maintain a healthy robust tree.

3. At the end of the twelve (12) month maintenance period, written approval must be obtained from Council before hand-over of any street tree to Council.
4. If a street tree has been replaced due to maintenance deficiencies during the twelve (12) month maintenance period, the twelve (12) month maintenance period will start again from the date that the street tree is replaced (up to three (3) occurrences)

54. Aircraft Noise

Prior to the issue of any Occupation Certificate, the Principal Certifier must be provided with a report prepared and submitted by an accredited Acoustics Consultant certifying that the final construction meets AS2021-2015 with regard to the noise attenuation measures referred to in the "Prior the Issue of a Construction Certificate" Section of this Determination. 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.

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 being prepared and submitted to the Principal Certifier in accordance with this condition.

55. Shopping Trolley Management Plan

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with a shopping trolley management plan for the specialised retail tenancy which specifies a management system that will be used to ensure that shopping trolleys are not abandoned on the surrounding area.

56. Section 73 Certificate

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with a Section 73 Certificate under the *Sydney Water Act 1994*.

57. Verification and Maintenance of Green Roofs, Walls and Facades Works

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority is to be provided with written evidence demonstrating that the works have been carried out in accordance with the Green Roofs, Walls and Facades Report that was submitted at Construction Certificate Stage and a maintenance plan that is consistent with the [Inner West Councils Green Roof, Walls and Facades Technical Guidelines](#).

58. Noise – Acoustic Report

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with an acoustic report prepared by suitably qualified acoustic consultant which demonstrates and certifies that noise and vibration emissions from the development comply with the relevant provisions of the *Protection of the Environment Operations Act 1997*, NSW Environment Protection Authority's Noise Policy for Industry and Noise Guide for Local Government, and conditions of Council's approval (including all recommendations of the acoustic report prepared by Renzo Tonin & Associates, reference TM208-01F02 (R1), dated 15 November 2021). The acoustic verification report is to be prepared by a suitably qualified and experienced acoustic consultant and any recommendations must be consistent with the approved plans.

59. Contamination – Disposal of Soil

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with a validation report confirming that all off site disposal of soil has been classified, removed and disposed of in accordance with the NSW DECC Waste Classification Guidelines, Part 1: Classifying Waste (EPA 2014), Protection of the Environment Operations (Waste) Regulation 2014 and the *Protection of the Environmental Operations Act 1997*.

60. Contamination – Validation (No Site Audit Statement Required)

Prior to the issue of an Occupation Certificate, the Principal Certifier and Council must be provided with a Site Validation Report prepared by a suitably qualified environmental consultant with experience in land contamination.

The Validation report must be prepared in accordance with relevant NSW Environment Protection Authority guidelines, including the guidelines *Consultants Reporting on Contaminated Sites* and must confirm that the site has been remediated in accordance with the Remedial Action Plan and clearly state that the site is suitable for the proposed use.

61. Public Domain Works

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with written evidence from Council that the following works on the Road Reserve have been completed in accordance with the requirements of the approval under Section 138 of the *Roads Act 1993* including:

- a. Light/Heavy duty concrete vehicle crossing(s) at the vehicular access location(s);
- b. The redundant vehicular crossing to the site must be removed and replaced by kerb and gutter and footpath. Where the kerb in the vicinity of the redundant crossing is predominately stone (as determined by Council's Engineer) the replacement kerb must also be in stone;

- c. The existing concrete footpath across the frontage of the site must be reconstructed; and
- d. Other works subject to the *Roads Act 1993* approval.

All works must be constructed in accordance with Council's standards and specifications and AUS-SPEC#2-"Roadworks Specifications".

62. No Encroachments

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any encroachments on to Council road or footpath resulting from the building works have been removed, including opening doors, gates and garage doors with the exception of any awnings or balconies approved by Council.

63. Undergrounding Power – Major development

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that the existing overhead power cables along Faversham Street frontage of the site have been relocated underground in accordance with Control C73 Part 9.47 of Marrickville Council DCP 2011, with appropriate street lighting and new steel standard poles. The street lighting must be designed in accordance with Australian Standard AS1158-Road Lighting and the Network Standards of Ausgrid and must meet the lighting category required by Council and RMS. In addition the design must also comply with AS4282 to ensure that no injury is caused to the amenity of the surrounding area by light overspill or obtrusive light. All pillars must be located within the property boundary (with appropriate easements) so as not further reduce the width of the footpath available for pedestrians.

64. Parking Signoff – Major Development

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with certification from a qualified practising Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) that the vehicle access and off street parking facilities have been constructed in accordance with the development consent and relevant Australian Standards and the following has been implemented within the property.

- a. The car park has been completed, line marked and all signage relating to car parking erected;
- b. A notice has been clearly displayed at the Faversham Street frontage to indicate that visitor parking is available within the property with access from Faversham Street;
- c. Sign(s) have been erected that clearly indicate(s) to the drivers of vehicles both on and off the property which driveway they are to use to enter or leave the subject land;

- d. Sign(s) have been erected that clearly indicate to the drivers of vehicles both on and off the property the location and means of access to the car parking area(s).

65. Public Domain - Major Developments

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with the works-as-executed plan(s), certified by a Registered Surveyor, that show the as built details in comparison to those shown on the plans approved with the public domain and Roadworks Permit with all relevant levels and details indicated must be marked in red on a copy of the Council stamped plans.

66. Dilapidation Report – Post-Development

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with a second Dilapidation Report addressing the public infrastructure identified in approved predevelopment dilapidation report, including a photographic survey, structural condition and CCTV inspections which was compiled after the completion of works. As the report details public infrastructure, a copy is to be furnished to Council at the same time.

67. Operation and Management Plan

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with an Operation and Management Plan has been prepared and implemented for the on-site detention and/or on-site retention/re-use facilities and stormwater quality improvement device(s) and pump(s). The Plan must set out the following at a minimum:

- a. The proposed maintenance regime, specifying that the system is to be regularly inspected and checked by qualified practitioners; and
- b. The proposed method of management of the facility, including procedures, safety protection systems, emergency response plan in the event of mechanical failure, etc.

68. Easements, Restrictions on the Use of Land and Positive Covenants

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with evidence that Easements, Restrictions on the Use of Land and Positive Covenants under Section 88B or 88E, whichever is relevant to the subject development, of the *Conveyancing Act 1919*, has been created on the title of the property detailing the following :

- a. Right of carriage way along the northern property boundary;
- b. Restrictions on the Use of Land to prevent the erection of any structures or fencing along the northern property boundary;
- c. Positive Covenant related to on-site stormwater detention and/or retention system;
- d. Positive Covenant related to stormwater quality improvement devices; and
- e. Positive Covenant related to Stormwater Surface Flow Paths.

The wording in the Instrument must be in accordance with Councils Standard wording.

69. Basement/Retaining Wall Signoff – Major Development

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must be provided with certification from a suitably experienced structural and geotechnical engineer, who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng), that the basement and driveway has been constructed in accordance with the development consent and relevant Australian Standards and that the basement is fully tanked construction such that pump-out of subsurface flows is not required.

70. Redundant Vehicle Crossing

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that all redundant vehicular crossings to the site have been 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". Where the kerb in the vicinity of the redundant crossing is predominantly stone the replacement kerb must also be in stone.

71. Heavy Duty Vehicle Crossing

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that heavy duty concrete vehicle crossing/s, in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" has been constructed at the vehicular access locations.

72. Works as Executed – Site Stormwater Drainage System

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with Certification by a suitably qualified Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) that:

- a. The stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards; and
- b. Works-as-executed plans of the stormwater drainage system certified by a Registered Surveyor, to verify that the drainage system has been constructed, OSD/OSR system commissioned and stormwater quality improvement device(s) and any pump(s) installed in accordance with the approved design and relevant Australian Standards have been submitted to Council. The works-as-executed plan(s) must show the as built details in comparison to those shown on the drainage plans approved with the

Construction Certificate. All relevant levels and details indicated must be marked in red on a copy of the Principal Certifier stamped Construction Certificate plans.

73. Stormwater Drainage and Road Works – Certification

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with Certification by a qualified Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) that:

- a. All works required to be undertaken on public roads must be designed and constructed in accordance with Council's approved plans;
- b. Video inspection (CCTV) in accordance with WSA 05-2013 Conduit Inspection Reporting Code of Australia has been carried out of completed stormwater drainage works that are to revert to Council by an accredited operator;
- c. Full works-as-executed plans in PDF and CAD format (dwg or dxf files), prepared and signed by a Registered Surveyor have been submitted to Council; and
- d. Certification by a Registered Surveyor that the as-built Council Stormwater pipeline is located totally within the drainage easement.

74. Maintenance Bond

The applicant shall provide security, in a manner satisfactory to Council, for the proper maintenance of the Road and Footpath works in an amount of \$27,000.00 for a period of twelve (12) months from the date of completion of the public domain works as surety for the proper maintenance of the public domain works.

ON-GOING

75. Hours of Operation

- a. The hours of operation of the specialised retail and food and drink premises must not exceed the following:

Day	Hours
Monday to Saturday	6:00am - 10:00pm
Sundays and Public Holidays	7:00am - 9:00pm

- b. The hours of operation of the light industrial tenancies must not exceed the following:

Day	Hours
Monday to Saturday	6:00am - 10:00pm
Sundays and Public Holidays	7:00am - 7:00 pm

76. Green Roofs, Walls and Facades Establishment

The plantings within the Green Roofs, Walls and Facades as part of this consent are to be maintained in a healthy and vigorous condition for 12 Months from the issue of an Occupation Certificate. If any of the planting are found faulty, damaged, dying or dead within 12 months of the issue of an Occupation Certificate they must be replaced with the same species within one (1) month (up to 3 occurrences).

77. Plan of Management

The development must at all times be operated in accordance with the approval Plan of Management for the premises prepared by The Planning Studio dated November 2021. If there is any inconsistency between the Plan of Management and the conditions of this consent, the conditions of consent shall prevail to the extent of that inconsistency.

78. Bin Storage

All bins are to be stored within the site.

79. Documentation of Businesses Waste Services

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.

80. Operation and Management Plan

The Operation and Management Plan for the on-site detention and/or on-site retention/re-use and/or stormwater quality improvement devices and Pump facilities, approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times.

81. Vehicles Leaving the Site

All vehicles must enter and exit the site in a forward direction.

82. Loading/unloading on site

All loading and unloading are to be conducted within the site at all times. Any designated loading bay/dock area is to remain available for loading/unloading purposes at all times. No storage of goods or parking of cars is to be carried out in these areas.

ADVISORY NOTES**Arborists standards**

All tree work must be undertaken by a practicing Arborist. The work must be undertaken in accordance with AS4373—*Pruning of amenity trees* and the Safe Work Australia Code of Practice—*Guide to Managing Risks of Tree Trimming and Removal Work*. Any works in the vicinity of the Low Voltage Overhead Network (including service lines—pole to house connections) must be undertaken by an approved Network Service Provider contractor for the management of vegetation conflicting with such services. Contact the relevant Network Service Provider for further advice in this regard.

Tree Protection Works

All tree protection for the site must be undertaken in accordance with Council's *Development Fact Sheet—Trees on Development Sites* and AS4970—*Protection of trees on development sites*.

Prescribed Conditions

This consent is subject to the prescribed conditions of consent within clause 98-98E of the *Environmental Planning and Assessment Regulations 2021*.

Notification of commencement of works

At least 7 days before any demolition work commences:

- a. The Council must be notified of the following particulars:
 - i. the name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
 - ii. the date the work is due to commence and the expected completion date; and
- b. A written notice must be placed in the letter box of each directly adjoining property identified advising of the date the work is due to commence.

Storage of Materials on public property

The placing of any materials on Council's footpath or roadway is prohibited, without the prior consent of Council.

Toilet Facilities

The following facilities must be provided on the site:

- a. Toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees; and
- b. A garbage receptacle for food scraps and papers, with a tight fitting lid.

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

Infrastructure

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. 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 must be undertaken before occupation of the site.

Other Approvals may be needed

Approvals under other acts and regulations may be required to carry out the development. It is the responsibility of property owners to ensure that they comply with all relevant legislation. Council takes no responsibility for informing applicants of any separate approvals required.

Failure to comply with conditions

Failure to comply with the relevant provisions of *the Environmental Planning and Assessment Act 1979* and/or the conditions of this consent may result in the serving of penalty notices or legal action.

Other works

Works or activities other than those approved by this Development Consent will require the submission of a new Development Application or an application to modify the consent under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

Obtaining Relevant Certification

This development consent does not remove the need to obtain any other statutory consent or approval necessary under any other Act, such as (if necessary):

- a. Application for any activity under that Act, including any erection of a hoarding;
- b. Application for a Construction Certificate under the *Environmental Planning and Assessment Act 1979*;
- c. Application for an Occupation Certificate under the *Environmental Planning and Assessment Act 1979*;
- d. Application for a Subdivision Certificate under the *Environmental Planning and Assessment Act 1979* if land (including stratum) subdivision of the development site is proposed;
- e. Application for Strata Title Subdivision if strata title subdivision of the development is proposed;
- f. Development Application for demolition if demolition is not approved by this consent;
or
- g. Development Application for subdivision if consent for subdivision is not granted by this consent.

Disability Discrimination Access to Premises Code

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.

National Construction Code (Building Code of Australia)

A complete assessment of the application under the provisions of the National Construction Code (Building Code of Australia) has not been carried out. All building works approved by this consent must be carried out in accordance with the requirements of the National Construction Code.

Notification of commencement of works

Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the PCA (not being the council) has given the Council written notice of the following information:

- a. In the case of work for which a principal contractor is required to be appointed:
 - i. The name and licence number of the principal contractor; and
 - ii. The name of the insurer by which the work is insured under Part 6 of that Act.

- b. In the case of work to be done by an owner-builder:
 - i. The name of the owner-builder; and
 - ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

Dividing Fences Act

The person acting on this consent must comply with the requirements of the *Dividing Fences Act 1991* in respect to the alterations and additions to the boundary fences.

Permits from Council under Other Acts

Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent must 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; and
- 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. A lease fee is payable for all occupations.

Noise

Noise arising from the works must be controlled in accordance with the requirements of the *Protection of the Environment Operations Act 1997*.

Amenity Impacts General

The use of the premises must 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 must not give rise to the transmission of a vibration nuisance or damage other premises.

Fire Safety Certificate

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

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

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

Construction of Vehicular Crossing

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, prior to commencement of works.

Lead-based Paint

Buildings built or painted prior to the 1970's may have surfaces coated with lead-based paints. Recent evidence indicates that lead is harmful to people at levels previously thought safe. Children particularly have been found to be susceptible to lead poisoning and cases of acute child lead poisonings in Sydney have been attributed to home renovation activities involving the removal of lead based paints. Precautions should therefore be taken if painted surfaces are to be removed or sanded as part of the proposed building alterations, particularly where children or pregnant women may be exposed, and work areas should be thoroughly cleaned prior to occupation of the room or building.

Dial before you dig

Contact "Dial Prior to You Dig" prior to 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 Prior to You Dig	1100		www.dialprior toyoudig.com.au
Landcom	9841 8660		To purchase copies of Volume One of "Soils and Construction"
Long Service Corporation	Payments 131441		www.lspc.nsw.gov.au
NSW Food Authority	1300 552 406		www.foodnotify.nsw.gov.au
NSW Government			www.nsw.gov.au/fibro www.diysafe.nsw.gov.au
			Information on asbestos and safe work practices.
NSW Office of Environment and Heritage	131 555		www.environment.nsw.gov.au
Sydney Water	13 20 92		www.sydneywater.com.au
Waste Service - Environmental Solutions	SITA 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.

Asbestos Removal

A demolition or asbestos removal contractor licensed under the Work Health and Safety Regulations 2011 must undertake removal of more than 10m² of bonded asbestos (or otherwise specified by WorkCover or relevant legislation).

Removal of friable asbestos material must only be undertaken by a contractor that holds a current Class A Friable Asbestos Removal Licence.

Demolition sites that involve the removal of asbestos must display a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos has been removed from the site to an approved waste facility.

All asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations (Waste) Regulation 2014. All receipts detailing method and location of disposal must be submitted to Council as evidence of correct disposal.

Food Premises - Design Construction & Fitout

The design, construction, fitout and operation of any food premises within the development must be in accordance with the following:

- a. *Food Act 2003*;
- b. *Food Regulation 2010*;
- c. Australia and New Zealand Food Standards Code;
- d. Australian Standard AS 4674 – 2004 (Design, construction and fit-out of food premises);
- e. Australian Standard AS 1668 Part 1 – 1998; and
- f. Australian Standard AS 1668 Part 2 – 2012.

Permits

Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent must 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 veranda over the footpath;
- h. Partial or full road closure; and
- i. Installation or replacement of private stormwater drain, utility service or water supply.

If required contact Council's Road Access team to ensure the correct Permit applications are made for the various activities. Applications for such Permits must be submitted and approved by Council prior to the commencement of the works associated with such activity.

Easement and Covenant Process

The following documents must be submitted to Council as part of the Easement and Covenant process and requirements, for the site on-site detention/on-site retention/reuse facilities (OSD/OSR) and stormwater quality improvement devices (SQIDS):

- a. Work-As-Executed Plans

A "Work-as-Executed" plan prepared and signed by a Registered Surveyor must be submitted to the Council's Development Assessment Engineer at the completion of the works showing the location of the detention basin and SQIDS 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 the Council's drainage system must be shown together with the following information: location; pipe diameter; gradient; pipe material, i.e. PVC or RCP etc.; pits sizes; orifice size; trash screen at orifice; emergency overflow dimensions and RL; all buildings (including floor levels) and finished ground and pavement surface levels and full details of SQIDS.

- b. Engineer's Certificate

A qualified practising Civil Engineer must certify on the completion of drainage works in respect of:

- c. The soundness of the storage structure;
 - d. The capacity of the detention storage;
 - e. The emergency overflow system being in place;
 - f. The works being constructed in accordance with the Development Application Consent and Council's Stormwater Management DCP/Code;
 - g. 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;
 - h. Basement car park pumps are class one zone two; and
 - i. OSR pumps and SQIDS have been installed and commissioned.
- c. Restriction-As-To-User
- A "Restriction-as-to-User" must be placed on the title of the subject property to indicate the location and dimensions of the detention area and stormwater quality improvement device(s) (SQIDS). This is to ensure that works, which could affect the function of the stormwater detention system and SQIDS, must not be carried out without the prior consent in writing of the Council.
- Such restrictions must not be released, varied or modified without the consent of the Council.
- A typical document is available from Council's Development Assessment Engineer.
- d. A Maintenance Schedule.

Subsurface drainage pump-out systems

Where it is demonstrated by detailed geotechnical investigation that the groundwater flows are minimal or intermittent, a pump out system for groundwater may be considered. An application for modification of development consent with supporting documentation must be submitted. Where this option is to be pursued dry-weather flows of any seepage water will not be permitted through kerb outlets and must be connected directly to a Council stormwater system in accordance with Council requirements.

Insurances

Any person acting on this consent or any contractors carrying out works on public roads or Council controlled lands is required to 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.

Public Domain and Vehicular Crossings

The vehicular crossing and/or footpath works are required to be constructed by your contractor. You or your contractor must complete an application for *Design of Vehicle Crossing and Public Domain Works – Step 1* form and *Construction of Vehicle Crossing and Public Domain Works – Step 2* form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, before commencement of works.

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 must be at no cost to Council

Any damage caused during construction to Council assets on the road reserve or on Council or Crown land must be repaired at no cost to Council.

Any driveway crossovers or other works within the road reserve must be provided at no cost to Council.

No consent is given or implied for any Encroachments onto Council's road or footpath of any service pipes, sewer vents, boundary traps, downpipes, gutters, eaves, awnings, stairs, doors, gates, garage tilt up panel doors or any structure whatsoever, including when open.

Rock Anchors

If you are seeking to use temporary anchors, you must make a request for approval for a Permit under Section 138 of the Roads Act 1993. The submission would need to be supported by an engineering report prepared by a suitably qualified Structural Engineer, with supporting details addressing the following issues:

- a. Demonstrate that any structures within the road reserve are of adequate depth to ensure no adverse impact on existing or potential future service utilities in the road reserve. All existing services must be shown on a plan and included on cross-sectional details where appropriate.
- b. Demonstrate how the temporary anchors will be removed or immobilised and replaced by full support from structures within the subject site by completion of the works.
- c. The report must be supported by suitable geotechnical investigations to the efficacy of all design assumptions.

Electrical Substations

Should the proposed development require the provision of an electrical substation, such associated infrastructure must be incorporated wholly within the development site and may be the subject of an application for modification of consent.

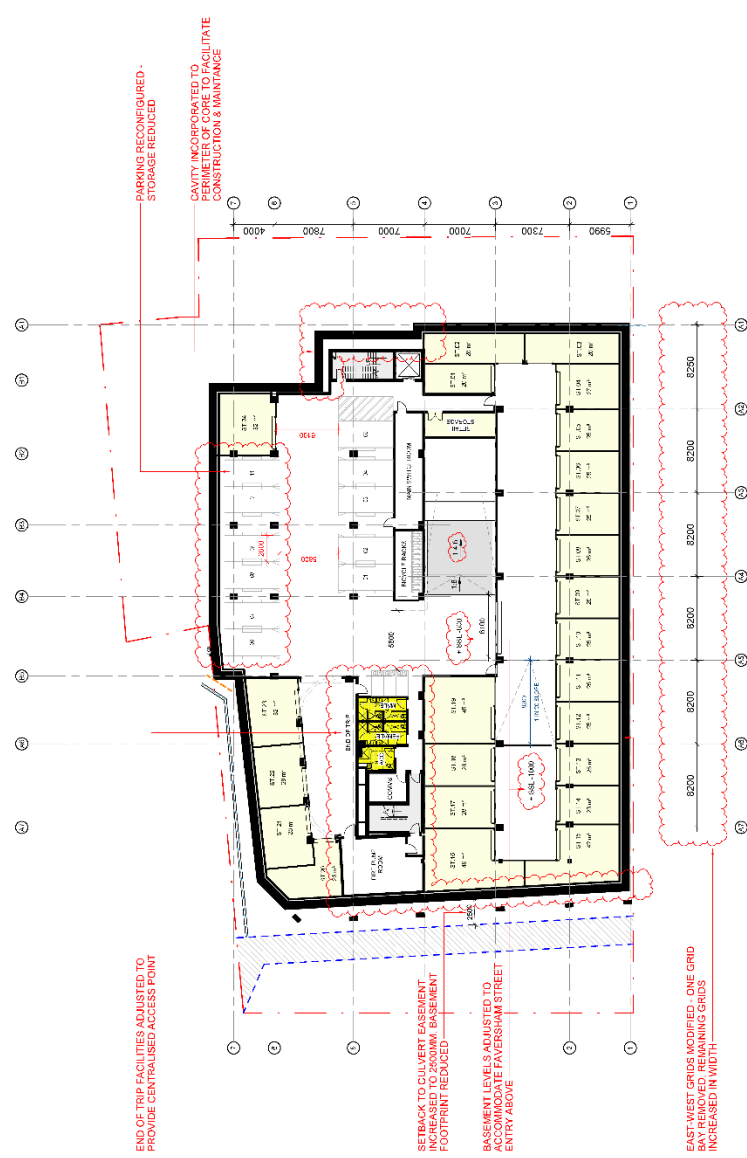
Attachment B – Plans of proposed development

CLIENT: TR Faversham
 ARCHITECT: PLACE
 5 T U D I O
 10/110, 112, 114, 116, 118, 120, 122, 124, 126, 128, 130, 132, 134, 136, 138, 140, 142, 144, 146, 148, 150, 152, 154, 156, 158, 160, 162, 164, 166, 168, 170, 172, 174, 176, 178, 180, 182, 184, 186, 188, 190, 192, 194, 196, 198, 200, 202, 204, 206, 208, 210, 212, 214, 216, 218, 220, 222, 224, 226, 228, 230, 232, 234, 236, 238, 240, 242, 244, 246, 248, 250, 252, 254, 256, 258, 260, 262, 264, 266, 268, 270, 272, 274, 276, 278, 280, 282, 284, 286, 288, 290, 292, 294, 296, 298, 300, 302, 304, 306, 308, 310, 312, 314, 316, 318, 320, 322, 324, 326, 328, 330, 332, 334, 336, 338, 340, 342, 344, 346, 348, 350, 352, 354, 356, 358, 360, 362, 364, 366, 368, 370, 372, 374, 376, 378, 380, 382, 384, 386, 388, 390, 392, 394, 396, 398, 400, 402, 404, 406, 408, 410, 412, 414, 416, 418, 420, 422, 424, 426, 428, 430, 432, 434, 436, 438, 440, 442, 444, 446, 448, 450, 452, 454, 456, 458, 460, 462, 464, 466, 468, 470, 472, 474, 476, 478, 480, 482, 484, 486, 488, 490, 492, 494, 496, 498, 500, 502, 504, 506, 508, 510, 512, 514, 516, 518, 520, 522, 524, 526, 528, 530, 532, 534, 536, 538, 540, 542, 544, 546, 548, 550, 552, 554, 556, 558, 560, 562, 564, 566, 568, 570, 572, 574, 576, 578, 580, 582, 584, 586, 588, 590, 592, 594, 596, 598, 600, 602, 604, 606, 608, 610, 612, 614, 616, 618, 620, 622, 624, 626, 628, 630, 632, 634, 636, 638, 640, 642, 644, 646, 648, 650, 652, 654, 656, 658, 660, 662, 664, 666, 668, 670, 672, 674, 676, 678, 680, 682, 684, 686, 688, 690, 692, 694, 696, 698, 700, 702, 704, 706, 708, 710, 712, 714, 716, 718, 720, 722, 724, 726, 728, 730, 732, 734, 736, 738, 740, 742, 744, 746, 748, 750, 752, 754, 756, 758, 760, 762, 764, 766, 768, 770, 772, 774, 776, 778, 780, 782, 784, 786, 788, 790, 792, 794, 796, 798, 800, 802, 804, 806, 808, 810, 812, 814, 816, 818, 820, 822, 824, 826, 828, 830, 832, 834, 836, 838, 840, 842, 844, 846, 848, 850, 852, 854, 856, 858, 860, 862, 864, 866, 868, 870, 872, 874, 876, 878, 880, 882, 884, 886, 888, 890, 892, 894, 896, 898, 900, 902, 904, 906, 908, 910, 912, 914, 916, 918, 920, 922, 924, 926, 928, 930, 932, 934, 936, 938, 940, 942, 944, 946, 948, 950, 952, 954, 956, 958, 960, 962, 964, 966, 968, 970, 972, 974, 976, 978, 980, 982, 984, 986, 988, 990, 992, 994, 996, 998, 1000

CLIENT: TR Faversham
 ARCHITECT: PLACE
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PROJECT: #2021022
 18-30 FAVERSHAM ST
 MARRICKVILLE

DRAWING TITLE: BASEMENT FLOOR PLAN
 SHEET NUMBER: DA-100
 DATE: 10/2021



PARKING RECONFIGURED - STORAGE REDUCED

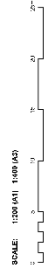
CAVITY INCORPORATED TO FACILITATE CONSTRUCTION & MAINTNANCE

END OF TRIP FACILITIES ADJUSTED TO PROVIDE CENTRALISED ACCESS POINT

SETBACK TO CULVERT EASEMENT INCREASED TO 2500MM. BASEMENT FOOTPRINT REDUCED

BASEMENT LEVELS ADJUSTED TO ACCOMMODATE FAVERSHAM STREET ENTRY ABOVE

EAST-WEST GRIDS MODIFIED - ONE GRID REMOVED. REMAINING GRIDS INCREASED IN WIDTH



SCALE: 1:200 (A1) 1:100 (A2)

PRELIMINARY
NOT FOR CONSTRUCTION
DEVELOPMENT APPLICATION

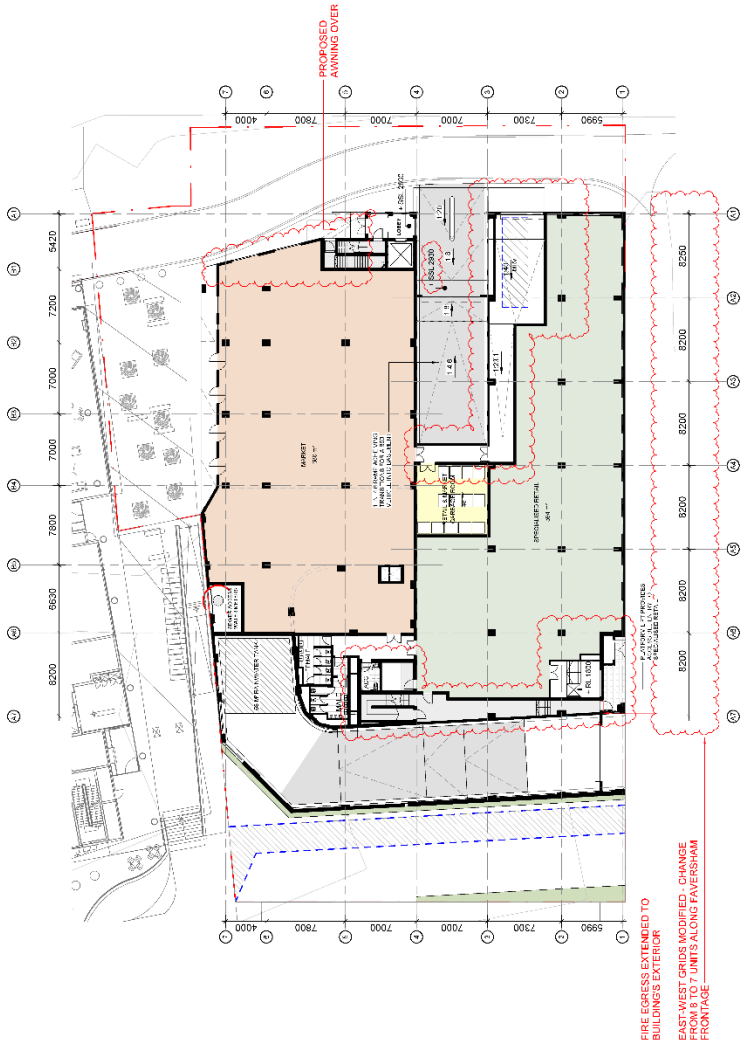
DRAWN BY: J. HARRIS
 CHECKED BY: J. HARRIS
 DATE: 10/10/2023
 PROJECT: 18-30 FAVERSHAM ST MARRICKVILLE
 SHEET: DA 101

CLIENT: TR Faversham
 ARCHITECT: **PLACE**
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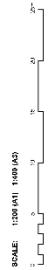


SCALE: 1:200 @ A1
 PROJECT: #2031023
 18-30 FAVERSHAM ST
 MARRICKVILLE

DRAWING TITLE: GROUND FLOOR PLAN
 SHEET NUMBER: DA 101
 REV: D



SIDE GARDEN EXTENDED TO BUILDING'S EXTERIOR
 EAST WEST GRIDS MODIFIED - CHANGE FROM 18 TO 7 UNITS ALONG FAVERSHAM FRONTAGE



DRAWING DATE: 10/10/2023
 DRAWING NUMBER: DA 101

PRELIMINARY
 NOT FOR CONSTRUCTION
 DEVELOPMENT APPLICATION

DRAWN BY: J. HARRIS
 CHECKED BY: J. HARRIS
 DATE: 10/10/2023
 PROJECT: 18-30 FAVERSHAM ST MARRICKVILLE
 SHEET: DA 102
 TITLE: FIRST FLOOR PLAN

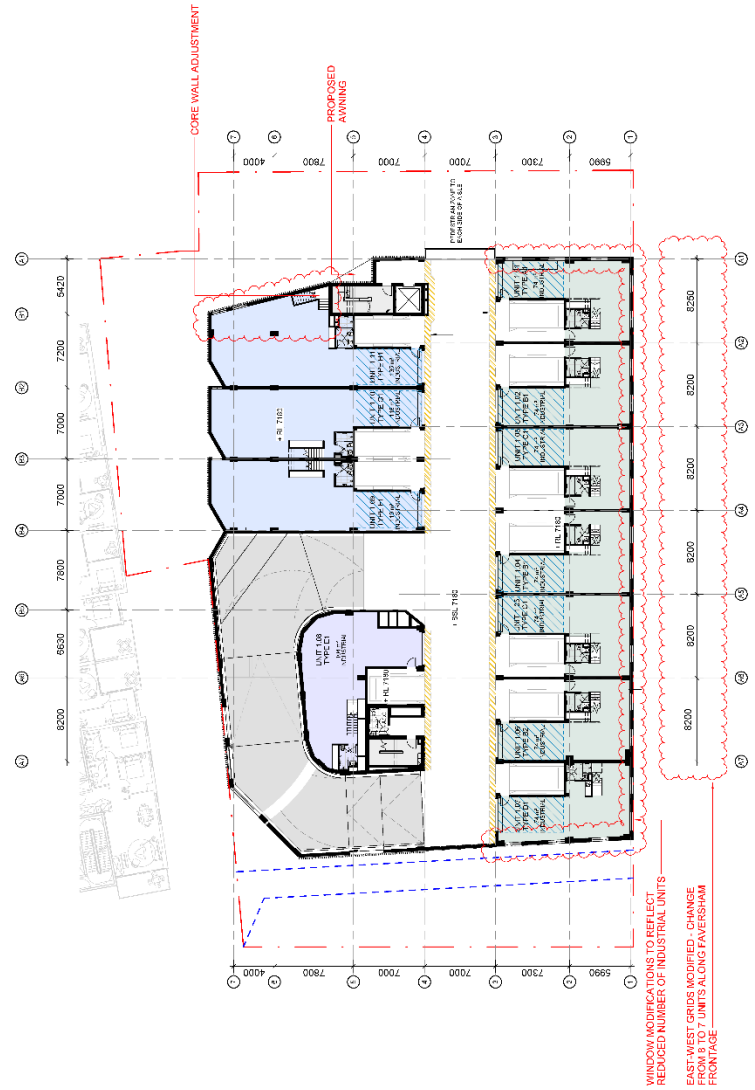
CLIENT: TR Faversham
 ARCHITECT: **PLACE**
 5 T U D I C
 10/100 FAYERSHAM ST, MARRICKVILLE NSW 2167
 TEL: (02) 9550 1234
 WWW.PLACEARCHITECTS.COM.AU



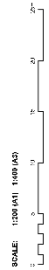
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 PROJECT: #2031023
 18-30 FAVERSHAM ST
 MARRICKVILLE

DRAWING TITLE:
FIRST FLOOR PLAN

SHEET NUMBER	REV
DA 102	D



PRELIMINARY
NOT FOR CONSTRUCTION
DEVELOPMENT APPLICATION



DRAWING NO: DA 102
 PROJECT: 18-30 FAVERSHAM ST MARRICKVILLE

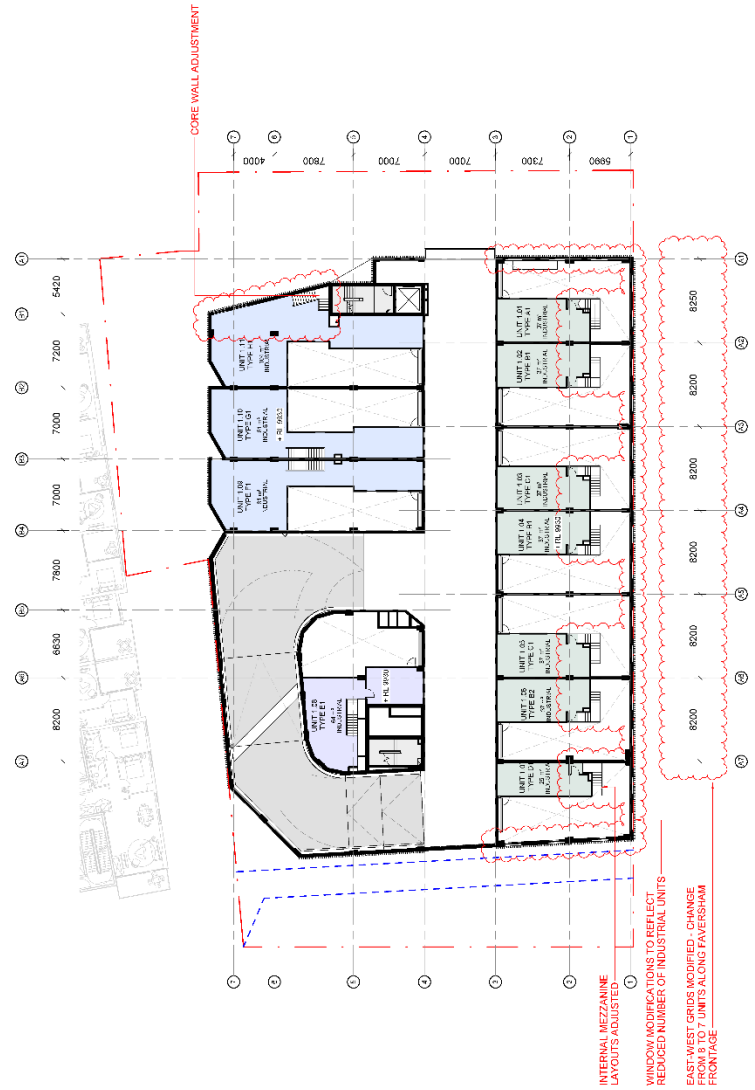
PLUCC Pty Ltd
 1/100 Faversham Street, Marrickville NSW 2150
 Tel: (02) 9550 1234
 Fax: (02) 9550 1235
 Email: info@plucc.com.au
 Website: www.plucc.com.au

CLIENT: TR Faversham
 ARCHITECT: **PLUCC**
 5 T U D I C
 100 Faversham Street, Marrickville NSW 2150
 Tel: (02) 9550 1234
 Fax: (02) 9550 1235
 Email: info@plucc.com.au
 Website: www.plucc.com.au

PROJECT: #2031023
 18-30 FAVERSHAM ST
 MARRICKVILLE

DRAWING TITLE: **FIRST FLOOR
 MEZZANINE PLAN**
 SHEET NUMBER: **DA 103**
 REV: **D**

DATE: 15/08/2023
 DRAWN BY: J. BROWN
 CHECKED BY: J. BROWN
 APPROVED BY: J. BROWN



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 DEVELOPMENT APPLICATION**

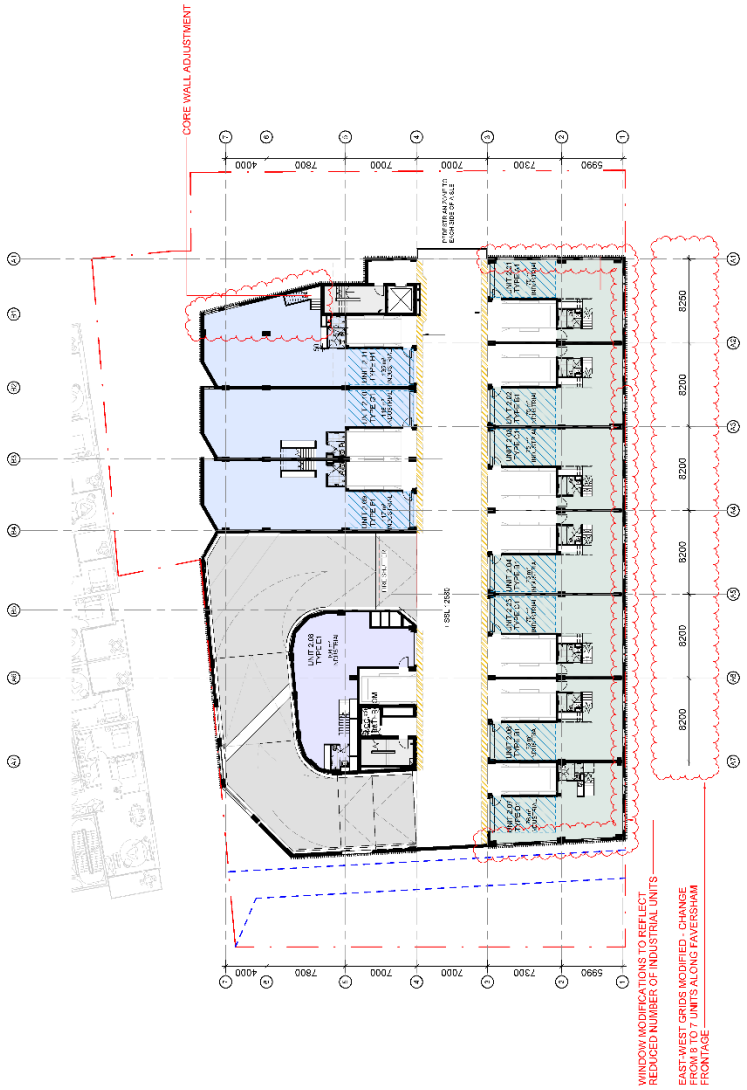
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 CHECKED BY: J. HARRIS
 DATE: 10/10/2023
 PROJECT: 18-30 FAVERSHAM ST
 SHEET: DA 104

CLIENT: TR Faversham
 ARCHITECT: **PLACE**
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 10/10/2023

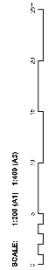


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 18-30 FAVERSHAM ST
 MARRICKVILLE

DRAWING TITLE: SECOND FLOOR PLAN
 SHEET NUMBER: DA 104
 REV: D



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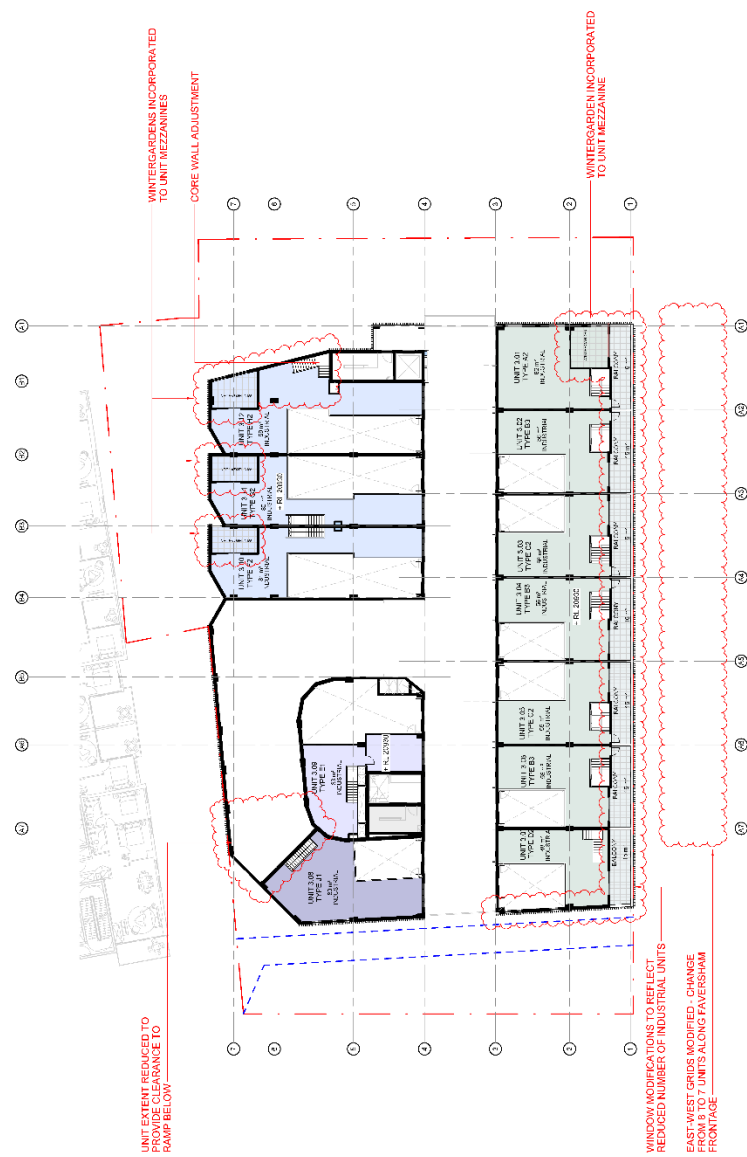
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 MARRICKVILLE

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 SHEET NUMBER: DA 107
 DATE: 10/10/2023
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 APPROVED BY: [Name]

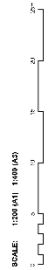
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PROJECT: #2031023
 18-30 FAVERSHAM ST
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DRAWING TITLE: THIRD FLOOR MEZZANINE PLAN
 SHEET NUMBER: DA 107
 DATE: 10/10/2023
 REVISED BY: [Name]



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DRAWING NO. DA 107
 DATE: 10/10/2023

DRAWN BY: J. HARRIS
 CHECKED BY: J. HARRIS
 DATE: 10/10/2023
 PROJECT: 18-30 FAVERSHAM ST MARRICKVILLE
 SHEET: DA 108
 TITLE: ROOF PLAN

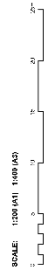
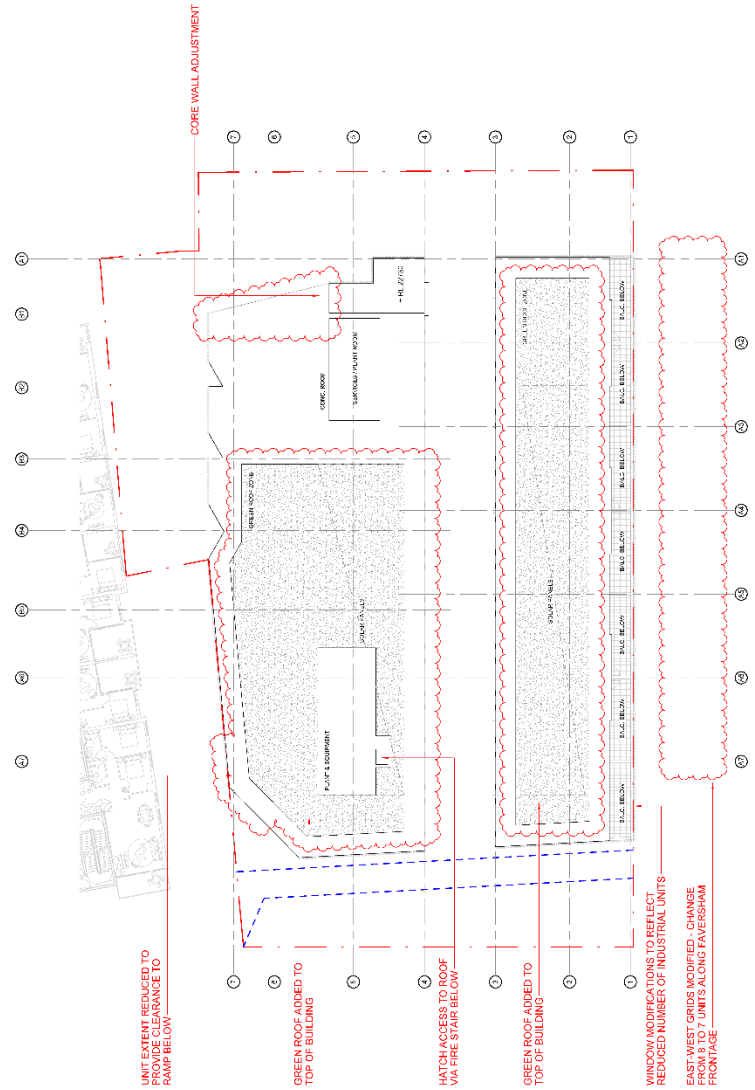
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 ARCHITECT: PLACE
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 10/10/2023



SCALE: 1:200 @ A1
 PROJECT: #2031023
 18-30 FAVERSHAM ST
 MARRICKVILLE

DRAWING TITLE: ROOF PLAN
 SHEET NUMBER: DA 108
 REV: D

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DEVELOPMENT APPLICATION



SCALE: 1:200 (A1) 1:100 (A2)
 DATE: 10/10/2023

DRAWN BY: J. HARRIS
 CHECKED BY: J. HARRIS
 DATE: 10/10/2023
 PROJECT: 18-30 FAVERSHAM ST MARRICKVILLE
 SHEET: DA 200 EAST ELEVATION

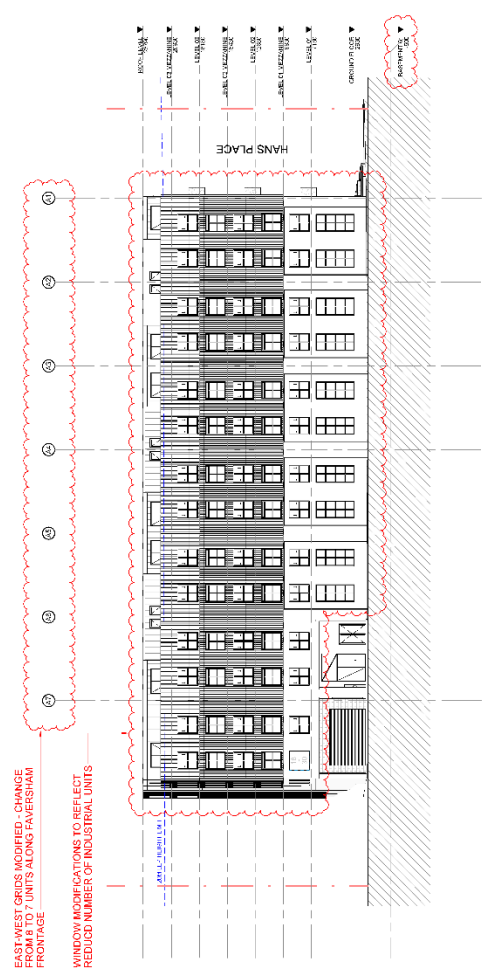
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 ARCHITECT: PLACE STUDIO
 SCALE: 1:200 @ A1

PROJECT: #2031023
 18-30 FAVERSHAM ST
 MARRICKVILLE

DRAWING TITLE: EAST ELEVATION

SHEET NUMBER: DA 200
 REV: B

**PRELIMINARY
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 DEVELOPMENT APPLICATION**

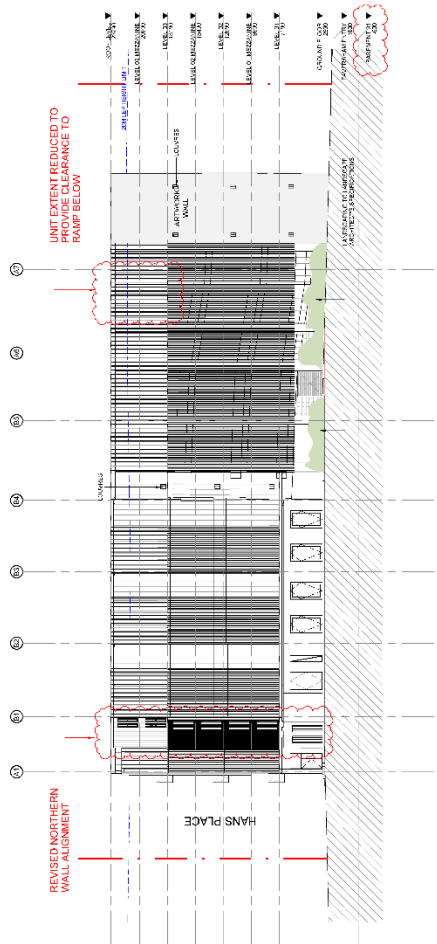


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 CHECKED BY: [Name]
 DATE: [Date]
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CLIENT: TR Faversham
 ARCHITECT: PLACE
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 [Address]
 [Phone]
 [Email]

SCALE: 1:200 @ A1
 PROJECT: #2021022
 18-30 FAVERSHAM ST
 MARRICKVILLE

DRAWING TITLE: WEST ELEVATION
 SHEET NUMBER: DA 201
 REV: C

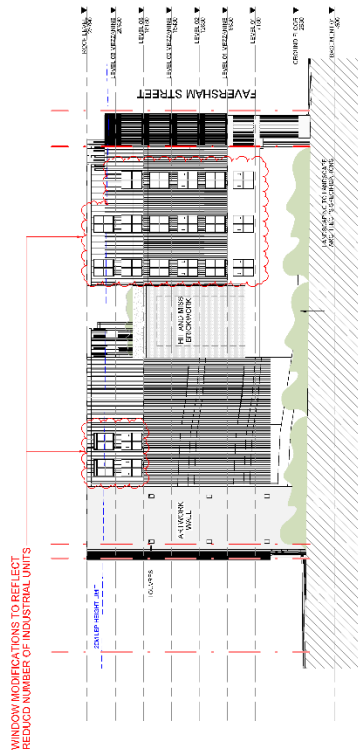


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NOT FOR CONSTRUCTION
DEVELOPMENT APPLICATION



SCALE: 1:200 (A1) 1:100 (A2)
 DATE: 10/10/2021

1. The client is responsible for ensuring that the information provided to the architect is accurate and complete. The architect is not responsible for the accuracy or completeness of the information provided to the architect.



CLIENT: TR Faversham
 ARCHITECT: PLACE STUDIO
 5 T U D I C
 18-30 FAVERSHAM ST
 MARRICKVILLE NSW 2204
 PH: 02 9550 1234
 WWW.PLACESTUDIO.COM.AU

SCALE: 1:200 @ A1
 PROJECT: #2021022
 18-30 FAVERSHAM ST
 MARRICKVILLE

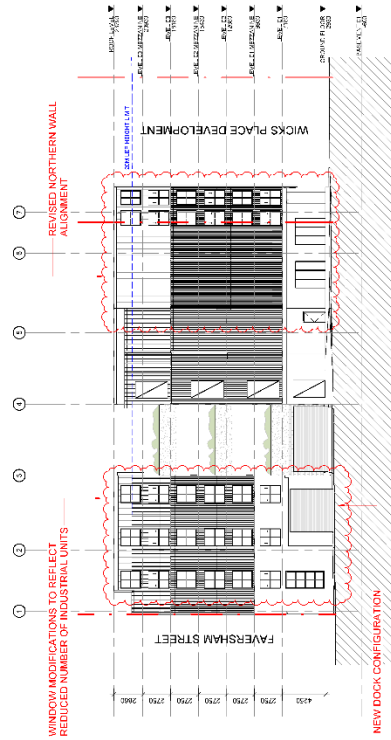
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 Version: 1.0
 Date: 15/03/2023

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 DATE: [Date]
 SCALE: [Scale]
 SHEET NUMBER: [Number]



CLIENT: TR Faversham
 ARCHITECT: **PLACE**
 STUDIO

SCALE: 1:200 @ A1
 PROJECT: #2021022
 18-30 FAVERSHAM ST
 MARRICKVILLE

DRAWING TITLE: NORTH ELEVATION
 SHEET NUMBER: DA 203
 REV: C

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 DEVELOPMENT APPLICATION**



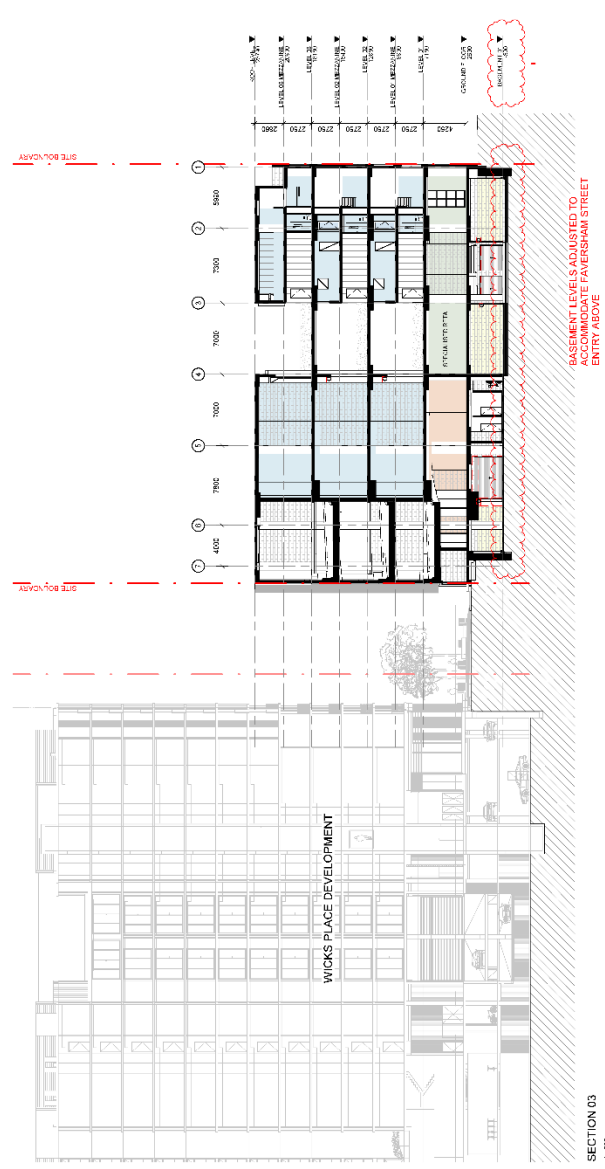
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 ARCHITECT: PLACE STUDIO
 SHEET NUMBER: DA 302
 DATE: 2023
 DRAWING TITLE: SECTION 3
 SCALE: 1:200 @ A1

CLIENT: TR Faversham
 ARCHITECT: PLACE
 STUDIO
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 18-30 FAVERSHAM ST, WARRICKVILLE VIC 3023
 PH: 03 9450 1234
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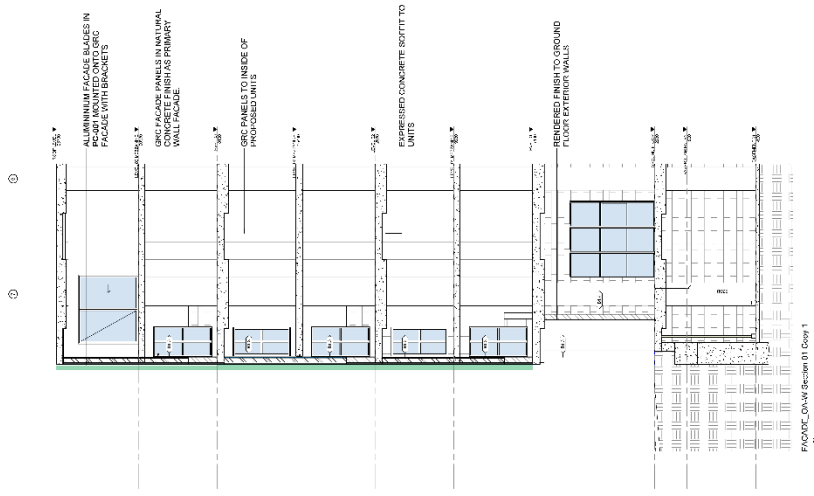
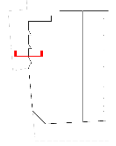
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 18-30 FAVERSHAM ST
 WARRICKVILLE

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 DATE: 2023

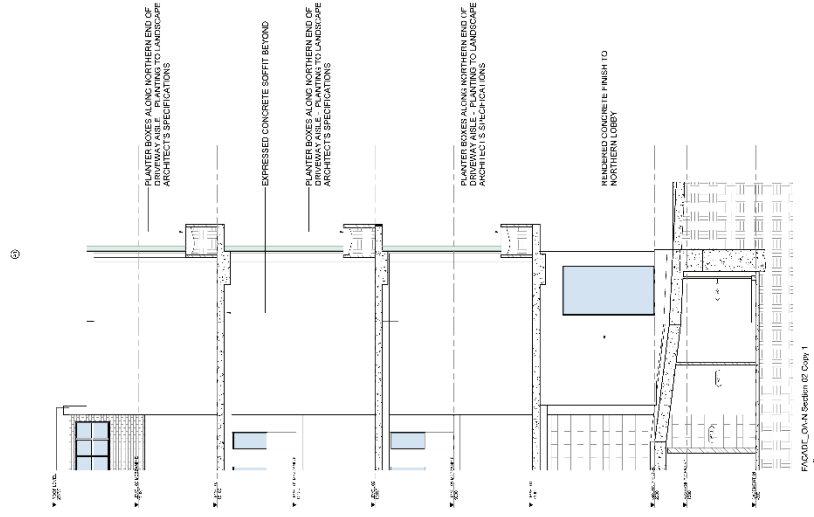
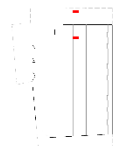


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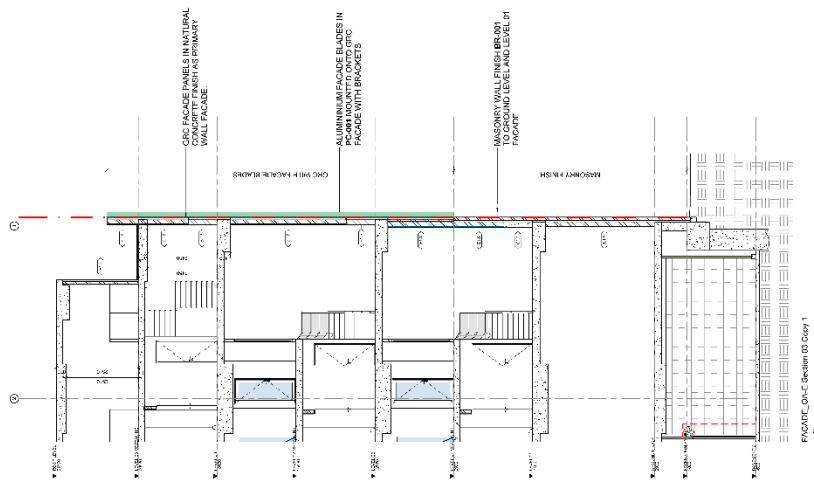
DRAWING NO: DA 302
 DATE: 2023



FACADE_LOOK Section 01 Copy 1



FACADE_LOOK Section 02 Copy 1



FACADE_LOOK Section 03 Copy 1

NOT FOR CONSTRUCTION
DEVELOPMENT APPLICATION

PROJECT LOCATION
18-20 FAVERSHAM ST
MARRICKVILLE
COUNCIL: MARRICKVILLE

PROJECT NO.
DA_310

DATE
15/12/2023

SCALE
1:100

PROJECT NO.
DA_310

DATE
15/12/2023

SCALE
1:100

PROJECT LOCATION
18-20 FAVERSHAM ST
MARRICKVILLE
COUNCIL: MARRICKVILLE

PROJECT NO.
DA_310

DATE
15/12/2023

SCALE
1:100

PROJECT NO.
DA_310

DATE
15/12/2023

SCALE
1:100

PROJECT LOCATION
18-20 FAVERSHAM ST
MARRICKVILLE
COUNCIL: MARRICKVILLE

PROJECT NO.
DA_310

DATE
15/12/2023

SCALE
1:100

PROJECT NO.
DA_310

DATE
15/12/2023

SCALE
1:100

PROJECT LOCATION
18-20 FAVERSHAM ST
MARRICKVILLE
COUNCIL: MARRICKVILLE

PROJECT NO.
DA_310

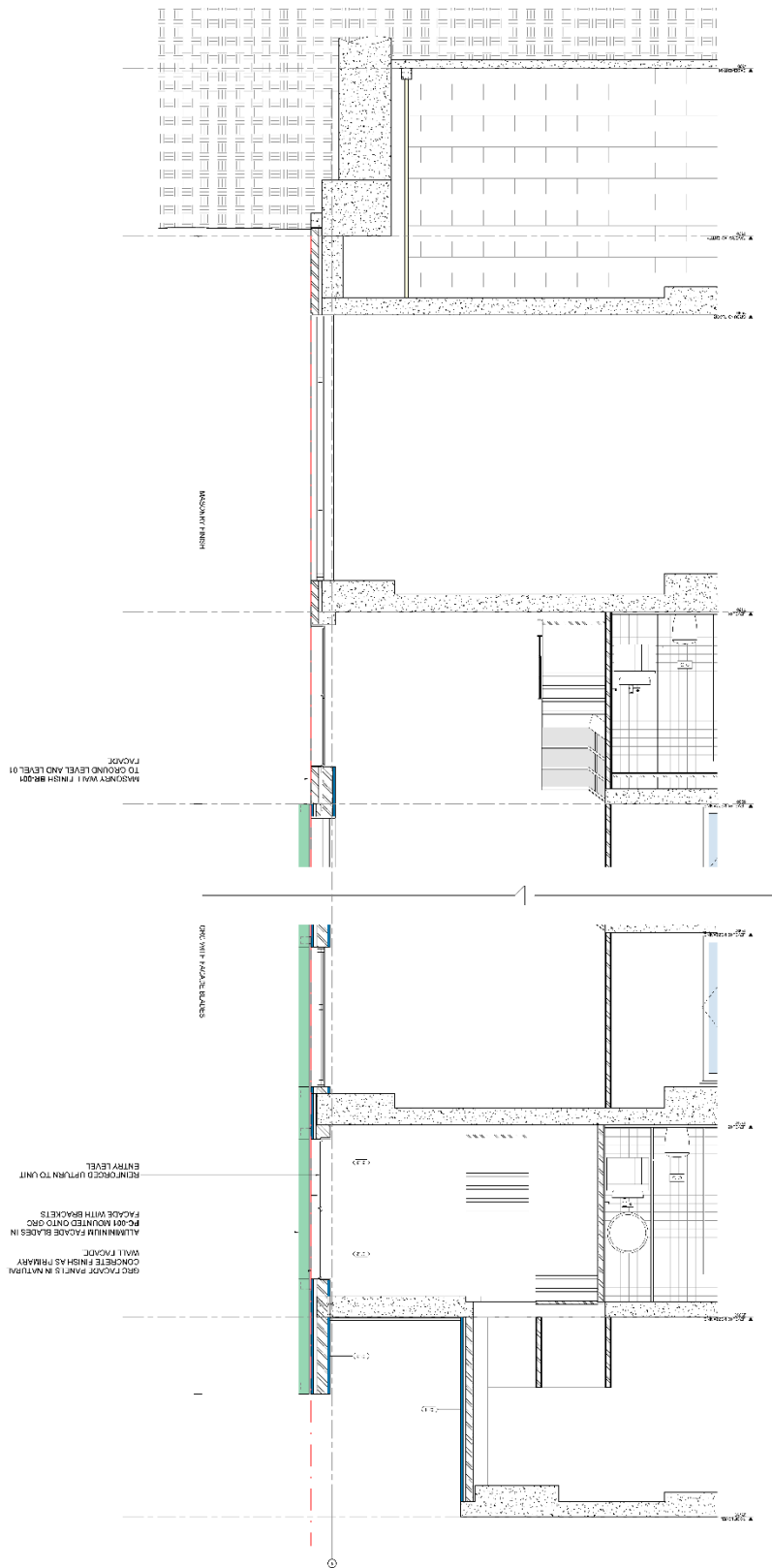
DATE
15/12/2023

SCALE
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PROJECT NO.
DA_310

DATE
15/12/2023

SCALE
1:100



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DEVELOPMENT APPLICATION

PROJECT NO: 18-30
 FACADE SECTION CALLOUT
 DA 311
 18-30 FAVERSHAM ST
 MARRICKVILLE
 DA 311
 18-30 FAVERSHAM ST
 MARRICKVILLE
 DA 311

18-30 FAVERSHAM ST
 MARRICKVILLE
 DA 311
 18-30 FAVERSHAM ST
 MARRICKVILLE
 DA 311

GROUND LANDSCAPE PLAN

- KEY**
- ① Public art wall
 - ② Bicycle parking (10 spaces)



- LEGEND**
- Site boundary
 - Extent of works
 - P1 - 600x300 Concrete Unit paving to match through site link
 - P1B - 6 shades of grey 600x300 Concrete Unit paving
 - Road by others
 - Pa1 - Climbing Planting
 - Pa2 - Underforey Planting
 - La: Tree species - refer planting palette
 - Existing trees to be retained



18-30 FAVERSHAM STREET | LANDSCAPE DA

PREPARED BY TURF DESIGN STUDIO
ISSUE C - 17 NOVEMBER 2021

Document Set ID: 36807711
Version: 1, Version Date: 12/09/2022

LEVEL 1 - 2 | LANDSCAPE

Planter along the northern facade line on level 1,2&3 celebrates the facade with understory that cascades down into Hans Place. Complementing the climbing plants on ground level creating a greenery around the building.

INDICATIVE PLANTING PALLETTE

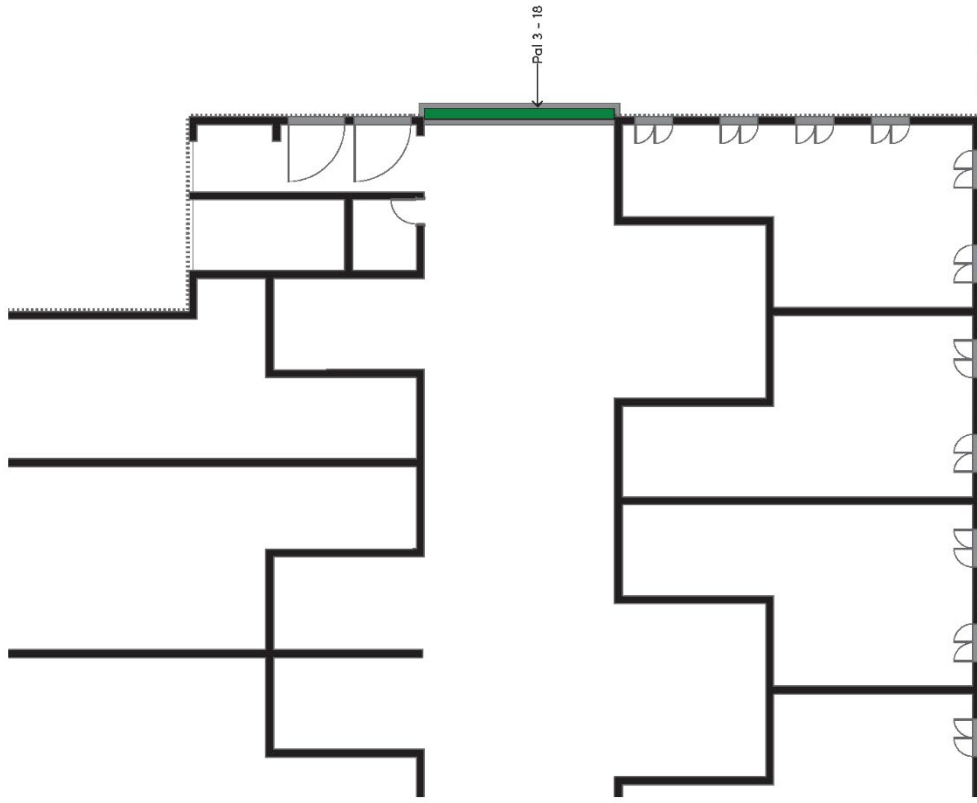


Refer planting palette For species and Quantities



18-30 FAVERSHAM STREET | LANDSCAPE DA

Document Set ID: 36807711
Version: 1, Version Date: 12/09/2022



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LEVEL 3 | LANDSCAPE

INDICATIVE PLANTING PALLETTE



Refer planting palette For species and Quantities



18-30 FAVERSHAM STREET | LANDSCAPE DA

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MATERIALS PALETTE

PAVING



600X300 CONCRETE UNIT PAVING



600X300.6 SHADES OF GREY 600X300 CONCRETE UNIT PAVING

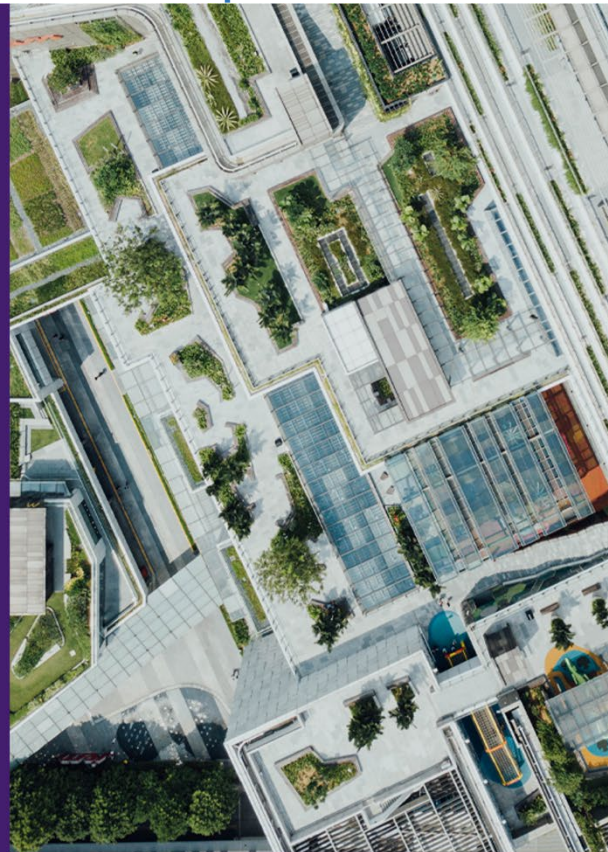
PLANTING PALETTE

CODE	BOTANICAL NAME	COMMON NAME	MATURE HEIGHT	MATURE SPREAD	POT SIZE	DENSITY	QUANTITY
TREES							
La	Leviston australis	Cabbage Tree Palm	0.65m	0.8m	6-9m	As Shown	5
GROUND LEVEL							
CLIMBERS - PAL - 1							
Tt	Tracheloerpermum 'Tricolor'	Tricolor Jasmine	0.4m	0.8m	140mm	400 centres	228
Hs	Hibbertia scandens	Snake Vine	0.4m	2m	140mm	400 centres	
UNDERSTOREY - PAL - 2							
Cg	Cordyline glauca	Ti Plant	1.5m	0.8m	300mm	500 centres	
Pr	Philodendron 'Rejo Congo'	Rejo Congo	0.65m	0.8m	300mm	500 centres	
Px	Philodendron 'Xanadu' (street variegates)	Xanadu	0.9m	0.9m	200mm	500 centres	174
Ss	Senecio serpens (to 45cm)	Blue Chalksticks	0.3m	1m	140mm	500 centres	
Ta	Tracheloerpermum caudatum	Asian Jasmine	0.2m	2m	140mm	400 centres	
Tt	Tracheloerpermum 'Tricolor'	Tricolor Jasmine	0.4m	0.8m	140mm	400 centres	
LEVEL 1-3							
Cascade - PAL - 3							
Cg	Carpobrotus glaucescens	Pigs Face	0.2m	2m	140mm	400 centres	
Hs	Hibbertia scandens	Snake Vine	0.4m	2m	140mm	400 centres	
Mp	Myoporum paniculatum	Creeping Boobialla	0.2m	3m	140mm	400 centres	78
Sp	Scaevola 'Purple Fusion'	Fan Flower	0.3m	2m	140mm	400 centres	
Rp	Rosmarinus officinalis 'Prostratus'	Creeping Rosemary	0.5m	2m	140mm	400 centres	

INDICATIVE CHARACTER IMAGES



Attachment C- Clause 4.6 Exception to Development Standards



18-30 Faversham
Street, Marrickville

Revised Clause 4.6 Variation Request
- Height of Buildings

On behalf of
TR Faversham Developments / Toga
Group / Rebel Property
August 2022

Document Set ID: 36807710
Version: 1, Version Date: 12/09/2022

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1 Introduction

This Clause 4.6 Variation Request seeks to allow a variation to the Height of Buildings development standard associated with the Development Application at 18-30 Faversham Street Marrickville (the site). The DA seeks approval for:

- Demolition of the existing industrial building on site;
- Basement level with 11 car spaces, end of trip facilities, storage cages and waste storage;
- Ground-floor Specialised Retail [615.28m²] and Markets / food and drink facilities [697.84m²], general GFA – not allocated to a use [452.1m²];
- Three storeys of light industrial units / warehouses, each with mezzanines [34 units] totaling 4377.32m² of GFA. One onsite parking and 1 loading space per unit;
- Rooftop including vegetation, PV and Plant;
- A total of 45 car parking spaces (11 in the basement and 34 from the units) and vehicular access from Faversham Street (industrial units) and Hans Place (basement parking and loading).

The Clause 4.6 Variation Request seeks to vary one development standard within the Marrickville Local Environmental Plan 2011 (MLEP2011):

- Clause 4.3 – Height of Buildings

This Clause 4.6 Variation Request demonstrates that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case and that the justification is well founded. The variation allows for a development that represents the orderly and economic use of the land in a manner which is appropriate when considering the site's context and existing building, and as such, is justified on environmental planning grounds.

This Clause 4.6 Variation Request demonstrates that, notwithstanding the non-compliances, the proposed development:

- Achieves the objectives of the development standard in Clause 4.3 of MLEP 2011, despite the non-compliance with the numerical standard in Clause 4.3;
- Achieves the objectives of the B5 Business Development zone under MLEP 2011;
- Will deliver a development that is appropriate for its context, despite the numerical breach to development standard 4.3, and therefore has sufficient environmental planning grounds to permit the variation; and
- Is in the public interest.

As a result, the DA may be approved as proposed in accordance with the flexibility afforded under Clause 4.6 of the MLEP 2011.



2 Clause 4.6 Exceptions to Development Standards

Clause 4.6 of the MLEP 2011 aims to provide an appropriate degree of flexibility in applying certain development standards to achieve better outcomes for and from development. Specifically, the objectives of this clause are:

- To provide flexibility in the application of a development standard; and
- To achieve better outcomes for and from development.

Clause 4.6 requires that a consent authority be satisfied of three matters before granting consent to a development that contravenes a development standard:

- That the applicant has provided a written request that has adequately demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case;
- That the applicant has provided a written request that has adequately demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard; and
- That the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

The consent authority's satisfaction as to those matters must be informed by the objectives of Clause 4.6, which are:

- providing flexibility in the application of the relevant control; and
- to achieve better outcomes for and from development.

Clause 4.6 of the MLEP 2011 reads as follows:

Clause 4.6 Exceptions to development standards

(1) *The objectives of this clause are as follows:*

- (a) to provide an appropriate degree of **flexibility in applying certain development standards** to particular development,*
- (b) to **achieve better outcomes for and from development by allowing flexibility** in particular circumstances.*

(2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*

(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**.
- (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.
- (5) In deciding whether to grant concurrence, the Secretary must consider:
- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
 - (b) the public benefit of maintaining the development standard, and
 - (c) any other matters required to be taken into consideration by the Secretary before granting concurrence.

3 The Development Standard to be varied

This Clause 4.6 Variation Request has been prepared in a written format, seeking to justify the variation to the following development standard in the MLEP2011:

- Clause 4.3 (Height of Buildings) – which permits a maximum Height of Buildings of 20m for the site. Refer to Figure below.



Figure 1 Subject site – Height Standard (Clause 4.3 MLEP2011)



Clause 4.3 states:

4.3 Height of buildings

- (1) The objectives of this clause 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.
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

4 Extent of Variation to the Development Standard

The subject application proposes a maximum building height of 22m in the 20m height control area, which is a maximum 10% variation to the height control.

As the site is currently built over, the ‘existing ground level’ has been calculated from the ground level of the existing building and extrapolated up to the highest point of the building, which is RL 23.79.

The Figure below shows the building’s Section from Faversham Street to Wicks Place development. The point at which the existing ground level is lowest RL1.79 is at the site’s interface with Faversham Street. Therefore, the Section below shows the greatest extent of variation to the control. The 20m height plane is shown hatched across the site.

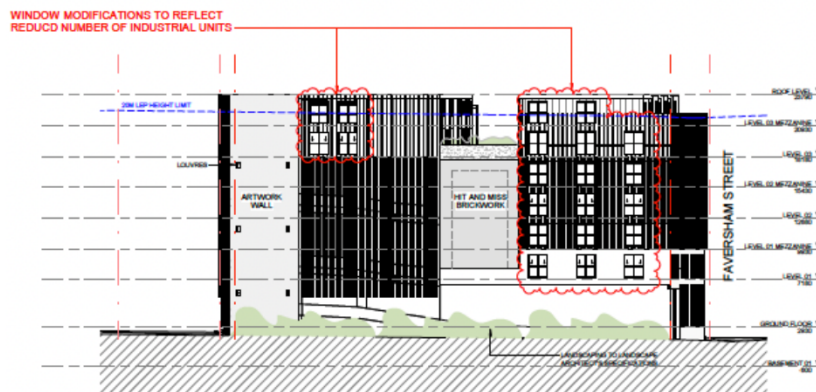


Figure 2 Subject site – Section – Faversham St to Wicks Place (Place Studio)

However, as the existing ground-level rises from Faversham Street towards Wicks Place, the variation reduces to approximately 1.01m or 5%. Refer to the Figure above.



The majority of the breach occurs due to the fact that the building is required to be set approximately 1m above the existing ground plane on Faversham Street to comply with site flooding requirements.

It is also noted that the proposed development still is beneath the maximum permitted FSR of 2:1, with a proposed 1.78:1 ratio.

4.1 Objectives of the Standard

The objectives of the Standard 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.

4.2 Objectives of the Zone

The Objectives of the B5 Business Development zone are as follows:

- To enable a mix of business and warehouse uses, and specialised retail premises that require a large floor area, in locations that are close to, and that support the viability of, centres.
- To support urban renewal and a pattern of land use and density that reflects the existing and future capacity of the transport network.

5 Assessment

5.1 Clause 4.6(3)(a) – compliance with the development standard is unreasonable or unnecessary in the circumstances of the case

1. Compliance with the height standard is unreasonable and unnecessary as the objectives of the FSR development standard are achieved notwithstanding non-compliance with the numerical standard (Wehbe 1# test):
 - 1.1. As detailed in *Williams v Ku-ring-gai Municipal Council* [2017] NSWLEC 1098, *Wehbe v Pittwater Council* [2007] NSWLEC 827 at [44]-[48], a number of approaches could be used to establish that compliance with a development standard is unreasonable or unnecessary.
 - 1.2. Furthermore, Preston CJ in *Wehbe v Pittwater Council* (2007) 156 LGERA 446 [42]-[51] outlined five common ways in which an applicant might demonstrate that compliance with a development standard is unreasonable and unnecessary which are summarised below:

Test 1. The objectives of the standard are achieved notwithstanding non-compliance with the standard;



Test 2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;

Test 3. The underlying objective or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;

Test 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 compliance with the standard is unnecessary and unreasonable; or

Test 5. The compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.

- 1.3. These five ways to demonstrate that compliance is unreasonable or unnecessary are not exhaustive, and it may be sufficient to establish only one way.
- 1.4. With respect to the subject application, we consider that the proposed development meets the requirements of Wehbe Test 1 and therefore compliance with the development standard is unreasonable and unnecessary when considered holistically with the development outcome being sought.

5.1.1 Wehbe Test 1 – Objectives of the Standard are achieved

2. Objective (a) to establish and maximum height of buildings.
 - 2.1. The maximum building height of 20m has been established for the site.
 - 2.2. The site is also subject to a height in storeys control of 5-storeys, however, the subject application proposes only 4 storeys. The variation to the height in metres control at its greatest impact is 2m or 10%, of which 1.14m is caused by the need to lift the future ground floor higher than current in order to meet required flooding controls.
 - 2.3. No additional floorspace is proposed as a result of the development. Rather, the proposed FSR of 1.78:1 is below the FSR maximum. This also demonstrates that the height variation is driven by site flooding circumstances, and more contemporary and better designed approaches to light industry and warehouse developments being implemented in the wider Sydney area, rather than a desire for more floor space.
3. Objective (b) to ensure building height is consistent with the desired future character of an area.
 - 3.1. The subject site is within the Victoria Road Precinct (Precinct 47), and identified specifically within the 'Wicks Park' sub-precinct. The development closely aligns with the Desired Future Character of the area, as identified in Clause 9.47.3 (Desired Future Character) of the DCP in that it:
 - 3.1.1. Will enhance existing Faversham Street with a high-quality design and active ground-floor interface that also provides the link with the Hans Place share zone between Faversham Street and Victoria Road;



- 3.1.2. Incorporates a range of sustainable measures to enhance the streetscape, including the Sydney Water Easement and through-connection to Wicks Park, which will *“provide opportunities for incidental, casual social interaction amongst employees, residents and visitors”*;
- 3.1.3. Will *“enable a broader mix of businesses that meets the requirements of the local employment profile and changing demographics in the Inner West LGA”*. It will do this through the specific design elements attached to the proposal, in the form of taller light industry/warehouse units that include voluminous void areas adjacent office components, with additional light and ventilation that will encourage a genuine mix of light industry and business users, both traditional and emerging.
- 3.1.4. The additional proposed height does not increase the density or intensity of the development beyond a compliant one. Rather it enables the delivery of a high-quality connection and focal point in the Wicks Park sub-precinct, which better aligns with Council’s vision of a creative and vibrant hub.
- 3.1.5. Has been designed with excellence of design as a focal point, and adopting, where appropriate, design cues, from existing industrial buildings likely to be retained in the Marrickville area, as well as the adjacent Wicks Place development.
- 3.1.6. With particular regard to the ‘Wicks Park Sub-precinct’, the proposal particularly aligns with the stated aim *“a business development zone will encourage new enterprises and creative uses along Faversham Street.”* The proposed design of these units and warehouses better enable a genuine mix of creative and other emerging industries to be co-located given the variety of unit options available.
- 3.2. The development proposed is consistent with the desired future character of this particular mixed use sub-precinct despite the modest variation to the height control. The proposal has been carefully designed to minimise consequent height impacts, and is compatible with its immediate western mixed-use neighbour (Wicks Place), whilst ensuring no additional environmental impacts to Wicks Park to the south-west or other surrounding developments.
- 3.3. The Figure below shows the built form transition from the subject proposal to the western neighbour, with the variation considered immaterial compared to a compliant envelope when viewing from Wicks Place to the east. It is also demonstrated in this Figure that the variation to the height control is lowest adjacent to the more sensitive mixed use interface, being only 1.01m.
- 3.4. It is also noted that the subject precinct is in a transition, with the adjoining site planning controls permitting higher density development than the current circumstances, also shown in the Figures below.



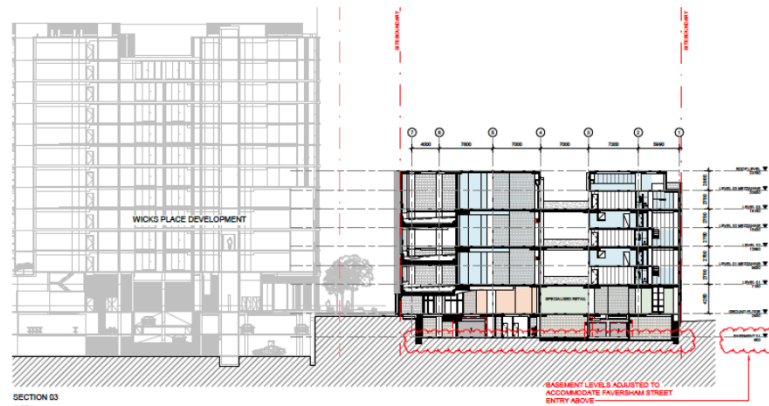


Figure 3 Subject site – Section – Faversham St to Wicks Place, development interface (Place Studio)

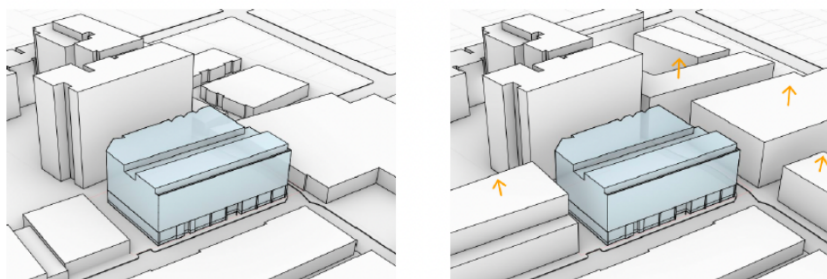


Figure 4 Existing and future built form context (Place Studio)

4. Objective (c) to ensure buildings and public areas continue to receive satisfactory exposure to the sky and sunlight.
 - 4.1. The design of the proposed development includes careful consideration to the amenity of the adjoining and nearby developments. The proposal has a highly articulated design to reduce its bulk and scale. The proposed top floor is setback from the building edge to Faversham Street, which is the point at which the height variation is greatest.
 - 4.2. The application is accompanied by Sun Eye drawings showing the solar impact of both a compliant 20m height control and the proposed development. These are taken for every hour between 9am and 3pm on June 21st. The diagrams show that the proposal does not create any impact on the adjoining public domain of Wicks Park, nor on the residential component of the Wicks Place development.
 - 4.3. Critically these diagrams also show that the proposal creates no additional environmental impact, particularly as it relates to sky and sunlight beyond that of a compliant building.



- 4.4. The development is largely within the height control, with the variation of 1.14m largely driven by the requirement to lift the floor levels to meet flooding requirements. Given that it also creates no additional solar or sky reductions to surrounding buildings beyond that of a compliant envelope, it is demonstrated that the proposal is strongly consistent with Objective (c), despite the variation to the numerical standard.
5. Objective (d) to nominate heights that will provide an appropriate transition in built form and land use intensity.
- 5.1. As noted earlier, the additional height beyond the 'height in metres' control does not create any increase in land use intensity, and will appear as an appropriate transitional building from Faversham Street to the Wicks Place mixed use development to the west. In particular, the variation to the height control of 2m will appear immaterial from persons viewing the built form from either the mixed use development, or from surrounding public domain such as Wicks Park or Faversham Street.
- 5.2. The proposal will continue to sit below the maximum FSR permitted for the site of 2:1, which demonstrates that the variation has not been driven by density or land use intensity reasons. Rather, the variation has been driven by the need to increase the ground-floor by up to 1.14m at Faversham Street to manage flood requirements. The remainder of the slight variation results from a design intent to deliver an improved product to the market that will deliver higher-quality industry that better aligns itself with the Future Character of Precinct 47.
- 5.3. The area with the greatest variation to the height along Faversham Street has been deliberately set back to reduce the appearance of the built form above the height control from Faversham street to the point that it will be almost imperceptible. The variation proposed at the interface between Wicks Place and the site is only 1.01m and will not be perceptible from the residential units or through-site link to Wicks Park.

5.2 Clause 4.6(3)(b) – sufficient environmental planning grounds to justify contravening the development standard

6. There are sufficient environmental planning grounds to justify contravening the development standard for the following reasons:
- 6.1. The variation to the height in metres control, has been driven by particular planning grounds related to flooding, and design drivers that better deliver the design and character outcomes sought in Council's Victoria Road Precinct DCP controls (Precinct 47)
- 6.2. Firstly, the identification of the site as a flood planning area has resulted in the ground-floor of the building being set higher than currently in place to ensure flood planning controls are delivered. This has consequential effects to the remainder of the building and contributes approximately 1.16m or 5.3% of the variation being sought.
- 6.3. The remainder of the height variation has been driven by a contemporary approach to light-industrial / warehouse developments where greater floor



height that includes mezzanine and void areas delivers significantly better design and functional outcomes for these buildings. This includes improved natural light and ventilation and greater diversity of product. The additional height delivered through this design does not increase the intensity of land use. Rather, it provides a better quality product to the market that will better enable Council to deliver its vision for this precinct as a creative and vibrant hub, with mix of uses including technology, business enterprise, creative enterprise and boutique showrooms.

6.4. Despite the variation to the height control, the development creates no additional amenity impacts beyond a compliant scheme as is demonstrated by the overshadowing plans and sun eye view diagrams appended to the application. The additional height will also not create any additional acoustic or pollution impacts given the building's function and design, and will not appear to be different than a compliant building when viewed from the public domain or surrounding development.

7. Accordingly, it is considered that there are sufficient environmental planning grounds to justify contravening the development standards, as the development allow for the promotion and coordination of the orderly and economic use and development of the land for business, light industry/warehouses, specialised retail and markets/food and drink premises.

8. In addition, it is noted that the proposed development will still produce a contextually appropriate outcome consistent with the objectives of the height of buildings development standard, despite the non-compliance with the numerical height provision.

5.3 Clause 4.6(4)(a)(i) – consent authority is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3)

9. As demonstrated above, the proposed development has satisfied the matters required to be demonstrated in Clause 4.6(3) by providing a written request that demonstrates;

9.1. Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and

9.2. There are sufficient environmental planning grounds to justify contravening the development standard.

In accordance with the findings of Commissioner Preston in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118, the Consent Authority under Clause 4.6(4)(a)(i) must only be satisfied that the request adequately addresses the matters in Clause 4.6(3).



5.4 Clause 4.6(4)(a)(ii) – the proposed development is in the public interest because it is consistent with the objectives of the particular and the objectives for development within the zone in which the development is proposed to be carried out

10. The proposed development is in the public interest as it is consistent with the objectives of the development standard. The objectives of the development standard are addressed below under the relevant headings:

11. The objectives of the particular standard

11.1. It has been demonstrated elsewhere in this report that the development achieves the objectives of Clauses 4.3, of the MLEP2011 notwithstanding the non-compliance with the standard.

12. The objectives for development within the zone in which the development is proposed to be carried out. Consistency with the objectives of the B5 zone is described below:

12.1. To enable a mix of business and warehouse uses, and specialised retail premises that require a large floor area, in locations that are close to, and that support the viability of, centres: The subject development strongly meets this objective by delivering a mix of specialised retail, market/food and drink premises, light industry/warehouse units that also include office mezzanine areas. The layout has been undertaken so that, depending on market demand, individual units are capable of consolidation in certain circumstances where needed by users. This will deliver a strong mix of uses and sizes in a location close to Sydenham Station and the Sydenham centre.

12.2. To support urban renewal and a pattern of land use and density that reflects the existing and future capacity of the transport network: The development will support urban renewal and the pattern of land use and density clearly established by the local LEP and detailed Victoria Road Precinct DCP controls (Precinct 47) for the affected block. The development complies with the FSR control for the site and therefore does not represent a density beyond that already envisaged for the transport network in the area. In addition, the site's delivery will enable a new shared zone from Victoria Road to Faversham Street through the delivery of Hans Place, as well as a new pedestrian connection to Wicks Park. Both of these interventions will significantly improve and support the existing and future capacity of the transport network.

6 Matters of significance for State or regional environmental planning

13. The proposed development will not create any impacts related to matters of State and Regional significance identified in the Greater Sydney Regional Plan, the or the Eastern City District Plan.

7 Secretary's concurrence

14. The Planning Circular PS 18-003, issued on 21 February 2018 (Planning Circular), outlines that all consent authorities may assume the Secretary's concurrence



under clause 4.6 of the Standard Instrument (Local Environmental Plans) Order 2006 (with some exceptions). The MLEP2011 is a standard instrument LEP and accordingly, the relevant consent authority may assume the Secretary's concurrence in relation to clause 4.6 (5). This assumed concurrence notice takes effect immediately and applies to pending development applications.

15. We note that under the Planning Circular this assumed concurrence is subject to some conditions - where the development contravenes a numerical standard by greater than 10%, the Secretary's concurrence may not be assumed by a delegate of council. This restriction however does not apply to decisions made by a local planning panel, as they are not legally delegates. The proposed development will be assessed by a local planning panel, and as such the 10% limit does not apply.

8 No public benefit in maintaining the development standard

16. There is no public benefit in maintaining the development standards, due to the reasons outlined in Sections 5 and 6 above.

9 Conclusion

17. The variation to the Height of Buildings development standard should be supported for the following reasons:
 - 17.1. The development achieves the objectives of the development standard in Clause 4.3 of MLEP 2011;
 - 17.2. The development achieves the objectives of the B5 Business Development zone under MLEP 2011;
 - 17.3. There are sufficient environmental planning grounds to permit the variation to the standard under the circumstances; and
 - 17.4. Compliance with the height of buildings development standard is unreasonable or unnecessary under the circumstances and therefore the variation is in the public interest.



Attachment D – Architectural Excellence & Design Review Panel Meeting Minutes & Recommendations



Architectural Excellence & Design Review Panel Meeting Minutes & Recommendations

Site Address:	18-30 Faversham Street Marrickville
Proposal:	A light industrial warehouse building
Application No.:	DA/2022/0057
Meeting Date:	10 May 2022
Previous Meeting Date:	5 October 2021 (PDA/2021/0286)
Panel Members:	Jocelyn Jackson (external member); Garth Paterson (external member); and Vishal Lakhia (internal member) – Chair
Apologies:	-
Council staff:	Glen Hugo
Guests:	-
Declarations of Interest:	None
Applicant or applicant’s representatives to address the panel:	Nicholas Grimes (Bennet Murada Architects) – Architect for the project; Kate Bartlett – Urban Planner

Background:

1. The Architectural Excellence & Design Review Panel reviewed the architectural drawings and 3D views, and discussed the proposal with the applicant through an online conference.
2. The Panel thanks the applicant for considering and thoughtfully responding to the recommendations made at the previous AEDRP meeting. The Panel notes and supports in principle the evident improvement in the architectural expression of the building.

Discussion & Recommendations:

1. The Panel notes the proposed height exceedance of approximately 2m beyond the allowable 20m would result in potential visual impacts on the surrounding public domain and adjacent sites. In order to mitigate the visual impact, the applicant has considered managing the architectural expression in 2 distinct parts – a 2 storey brick building base with a metal sheet cladding for the above levels. Addition of fenestrations to the upper levels create a sense of human scale for the building to its setting. An upper level setback to the building massing addressing Faversham Street is offered to manage visual impact caused by the extent of height exceedance. The Panel supports the applicant’s strategy in principle, once it satisfactorily demonstrates consistency with further recommendations made in this Report.
2. The Panel discussed about the complexity of integrating the subject site with its surrounding public domain (Wicks Park, the proposed pedestrian link and the shared way), and recommends that the applicant undertake a discussion with Council’s public domain team to establish an agreed public domain strategy and plan that resolves ownership and management of all of the ground level spaces around the building. The Panel also recommends that the applicant prepare a CPTED (Crime Prevention through Environmental Design) strategy to be implemented throughout the proposal. A pedestrian lighting plan would be useful in this review as the public realm area will be used by retail users and visitors to mixed use building.

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3. The extent of hard surfaces within and around the proposal is of concern and requires introduction of more generous soft landscaped spaces (supported by deep soil) to allow large canopy trees and shrubs to enhance the outlook and for environmental benefits.
4. The Panel recommends reconfiguration of the ground floor level to create a more generous lobby area with increased greater street presence. The current location of the lobby area appears to be in conflict with the vehicular driveway ramp (providing access to the basement). The Panel also recommends development of the interior architectural quality of the foyer. The Panel restates that the proposal should have a minimum of 2 lifts given the intensity of the proposal and considering some redundancy in a scenario where any single lift is out-of-service or being used for deliveries.
5. The Panel recommends safe pedestrian access paths be identified in the central vehicular spine between the units and that this be shown on the plans.
6. The Panel queried the applicant regarding waste storage and collection for the ground floor retail uses and the above level industrial units. Revised documentation should include a relevant waste management strategy and details within the architectural drawings.
7. The Panel expressed a concern with the extent of internalisation of habitable spaces within the industrial units 1.12, 2.12 and 3.12 as it creates issues for natural light and ventilation to its interior. There are potential NCC compliance issues relating to light and ventilation which should be reviewed by/with a suitably qualified certifier.
8. The Panel encourages commitment to sustainability targets for water, energy and waste efficiency. The applicant is encouraged to include a rooftop photovoltaic system for environmental benefits, including power/lighting to common areas. Provision of rainwater tank should be considered to allow collection, storage and reuse within the site.
9. The applicant is encouraged to consider inaccessible (access restricted to maintenance) green roof/s within the rooftop space for environmental benefits. The applicant should use Council's Green Roof Policy and Guidelines for further details.
10. The applicant should ensure building services elements such as ducts and vertical risers are well-planned and thoughtfully integrated within the building layouts (particularly within the mezzanines) and concealed from the public domain.
11. Revised architectural drawings should confirm location of A/C condenser units and other mechanical equipment. The applicant should ensure these are not located anywhere visually apparent from the public domain.
12. Revised architectural drawings should include details of the proposed design intent for key façade types in the form of 1:20 sections. The drawings should also include a schedule of proposed materials and finishes including the brick format, metal sheet cladding profile and colours, window framing, and other building elements.
13. The Panel appreciates that the applicant is considering a design competition for public art along the south western blank wall. The applicant is encouraged to submit a separate development application for the art work and it should be referred to the Inner west Public Arts team.

Conclusion

The Panel acknowledges that the applicant is working with an emerging typology where industrial units are in a stacked multi-level configuration.

The Panel considers that the proposal, including the LEP height breach (of approximately 2m) should be supported if the applicant satisfactorily demonstrates consistency with further recommendations made in this AEDRP Report.

Attachment 1 – AEDRP Report – Pre DA stage – 5 October 2021



Architectural Excellence & Design Review Panel

Meeting Minutes & Recommendations

Site Address:	18-30 Faversham Street Marrickville
Proposal:	A light industrial warehouse building
Application No.:	PDA/2021/0286
Meeting Date:	5 October 2021
Previous Meeting Date:	None
Panel Members:	Tony Caro (external member); Diane Jones (external member); Niall Macken (internal member); and Vishal Lakhia (internal member) – Chair
Apologies:	-
Council staff:	Matthew Di Maggio
Guests:	-
Declarations of Interest:	None
Applicant or applicant's representatives to address the panel:	John Wilkin (Bennet Murada Architects) – Architect for the project; and Kate Bartlett – Urban Planner

Background:

1. The Architectural Excellence & Design Review Panel reviewed the architectural drawings and 3D views, and discussed the proposal with the applicant through an online conference.

Discussion & Recommendations:

The Panel acknowledges that this form of commercial development is a new typology emerging within inner Sydney. It entails double-height light-industrial units stacked over multiple levels, with vehicular access provided to each unit throughout the building.

The Panel has also reviewed precedents (weblinks provided by applicant) and makes the following comments in relation to the proposal.

1. Urban Design Impact:

- a. The proposed 24m height exceeds the allowable 20m maximum by 20%, due principally to the inefficient allocation of floor area within the building.
- b. Although compliant with the FSR control metric, the small mezzanine spaces located within each unit necessitate 6m high minimum module heights. This circumvents the principal intent of FSR (which is to control building height and bulk), and is further exacerbated by the length of ramps and internal volume required to provide vehicular access that has to traverse 6m vertically between floor levels. The 6m high vehicle aisles on each floor create further unnecessary internal volume.
- c. The Panel therefore recommends compliance with the height control, to reduce the visual impacts of the proposal on the surrounding public domain and adjacent sites.

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- d. The Panel appreciates the complexity of integrating the subject site with its surrounding public domain (proposed pedestrian link and shared way), and recommends that the applicant undertake a discussion with Council’s public domain team to establish an agreed public domain strategy and plan that resolves ownership and management of all of the ground level spaces around the building. The Panel also recommends that the applicant prepare a CPTED (Crime Prevention through Environmental Design) strategy to be implemented throughout the proposal.
- e. The extent of hard surfaces within and around the proposal is of concern and should be reviewed at this point by a suitably qualified landscape architect, to ensure an appropriate balance between built form and landscape. Introduction of more generous soft landscaped spaces (supported by deep soil) for the benefit of all users is recommended.

2. Proposed Typology & Internal Configuration:

- a. The Panel questioned environmental air quality, provision of natural light and ventilation, and acoustics within the building. These are critical design quality issues to be resolved across the various spaces within the building.
- b. The Panel expressed a concern with the extent of internalisation of habitable spaces within the industrial modules and common spaces. The building façade design should foster generous natural light and ventilation to its interior. And in doing so present a sense of human scale through fenestration to its setting.
- c. The Panel suggested that not all light industrial units require bulky storage and height, and this could be deployed to vary façade composition and reduce overall height through a combination of different floor-floor heights.
- d. The building layout prioritises vehicular access and movement over people. The lift lobby is too small, dark, and has safety conflicts with the typical floor driveways. Pedestrian and vehicular movements require a more explicit segregation, to prioritise safety and amenity of people.
- e. The Panel queries the vehicle parking strategy, which appears to allocate internal space within relatively compact tenancies at the expense of efficient/high storage racking space.
- f. The meaning of a 'hi-tech industrial development' (as described by the applicant at the meeting) is unclear. The relationship between light industrial and commercial units offered through the proposal should be clarified. The Panel further notes that compatibility between the users of these boutique light industrial units (eg. a photographers studio or a coffee roaster, compared with bulky storage or a plumbers office) needs to be carefully managed in terms of inter-tenancy environmental impacts, particularly air quality and noise transmission.
- g. As noted above, the Panel is concerned that the proposed spatial planning configuration is inefficient and creates unnecessary building height and volume. Has the applicant considered other combinations, for example, lower level ramp access only, with vehicle lifts or multiple loading docks/goods lifts from Ground Floor as an alternative to reduce the bulk and mass of the proposal?
- h. A more generous, visible and naturally lit lobby should be provided on the ground floor. The panel suggests that the proposal should have a minimum of 2 lifts to accommodate its users.
- i. The Panel also queried the applicant regarding waste storage and collection.

Conclusion
<p>The Architectural Excellence & Design Review Panel thanks the applicant for seeking early feedback at the Pre DA stage.</p> <p>The Panel acknowledges that the applicant is working with an emerging typology where industrial units are in a stacked multi-level configuration, however the review has raised a range of design issues regarding the overarching urban design impacts, building bulk, architectural quality, pedestrian</p>

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and vehicular conflict, and internal amenity. The Panel also considers that the LEP height breach (approximately 4m) should not be supported for the reasons outlined in this report.

At a second review, the Panel would welcome an opportunity to review a revised proposal that responds to the issues raised in this report.