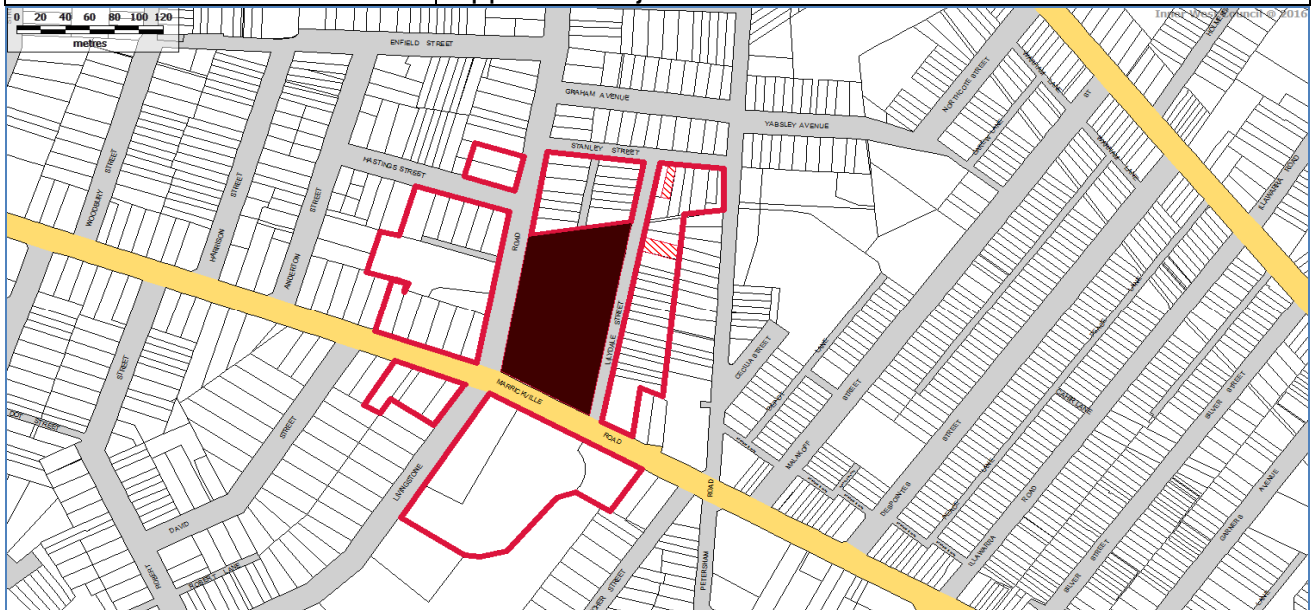







INNER WEST COUNCIL

DEVELOPMENT ASSESSMENT REPORT

Application No.	DA201600475
Address	182-186 LIVINGSTONE ROAD AND 313-319 MARRICKVILLE ROAD, MARRICKVILLE
Proposal	Stage 2 Civil Works
Date of Lodgement	19 September 2016
Applicant	Mirvac Projects Pty Limited
Owner	Inner West Council
Number of Submissions	Two
Value of works	\$4.61M
Reason for determination at Planning Panel	Council is owner of the subject land
Main Issues	Potential disruption to residential amenity as a result of construction traffic
Recommendation	Approval subject to conditions



Subject Site:		Objectors:	
Notified Area:			

1. Executive Summary

This report is an assessment of the Development Application (DA) submitted to Council for civil works at the former Marrickville Hospital site, 182-186 Livingstone Road and 313-319 Marrickville Road, Marrickville.

The application was notified to surrounding properties and two (2) submissions were received.

The application relates to a Council asset, being the former Marrickville Hospital Site and proposed Marrickville Library Site, and accordingly the application was referred to SJB Planning (town planning consultants) to carry out an independent assessment of the application. The application is referred to the Panel for determination given that the Inner West Council is the applicant.

The main issues that have arisen from the application include:

- Potential disruption to residential amenity as a result of construction traffic

The proposed works are acceptable and therefore the application is recommended for approval.

2. Proposal

This Development Application (DA) seeks approval for civil works the site to enable the future development of the Marrickville Community Hub as contemplated in the Delivery Agreement between Council and Mirvac. The civil works under this DA are restricted to the northern part of the site that will accommodate the residential component of the anticipated future development.

The Applicant refers to the works under this DA as the “Stage 2 civil works” and a separate Development Application (201600430) has been lodged which deals with the “Stage 1 civil works” on the southern part of the site as well as remediation of the site (refer to Figure 1).

The Development Application has been supported by a range of reports that fully describe the works, including the following:

- Statement of Environmental Effects prepared by JBA
- Stage 2 Civil Works Plans prepared by BG&E
- Geotechnical Investigation prepared by JK Geotechnics
- Construction Traffic Management Plan prepared by Mirvac Construction

The development includes excavation and retention works. A detailed description follows:

- The retention system for the Stage 2 Civil Works is a combination of bored concrete soldier piled and contiguous piled walls with shotcrete infill panels.
- The works will include temporary ground anchors that extend beyond the Site boundary to Council’s footpath and road assets along the north

western boundary to Livingstone Road and the north eastern boundary to Lilydale Street.

- Temporary ground anchors are also proposed along the northern side of the Stage 2 Civil Works site, however these will be contained within the site boundary.



Figure 1: Shows Stage 1 community facilities area and Stage 2 residential development

3. Site Description

The subject site is known as the former Marrickville Hospital site which is bounded by Marrickville Road, Livingstone Road, Lilydale Street and Hospital Lane, Marrickville. It comprises the following land parcels:

- Lot 2 DP103507
- Lot 2 DP872693
- Lots 36 and 37 DP3164

It is an irregular shaped allotment comprising a site area of approximately 11,502m². The site has street frontages of approximately:

- 172 metres along Lilydale Street;
- 120 metres along Livingstone Road; and
- 80 metres along Marrickville Road.

Access to the site is provided from all street frontages, together with Hospital Lane, which runs south off Stanley Street through the centre of the site.

4. Background

The site operated as the Marrickville Hospital from 1899 until its closure in 1991. Marrickville Council purchased the site from NSW Department of Health in 1995.

Following this purchase, a masterplan was commissioned by Council to guide its redevelopment, prepared by GMU. The masterplan recommended that the site be used to provide substantial new community facilities, in particular a new civic and library complex.

In October 2015, Mirvac was selected by Council as the project developer for the site including development for the purpose of substantial new community facilities ("Community Hub").

Council is currently in receipt of five (5) Development Applications (DAs) relating to the site including this DA.

Though separate applications, the works proposed within each application tend to overlap, and they are invariably interrelated. A brief overview of the four (4) others DAs currently before Council are provided below:

- DA201600434: This is the main DA for the redevelopment of the site including alterations and adaptive reuse of the two (2) former Old Nurses' Quarters' building to include four (4) new apartments, the adaptive reuse of the former Main Ward Block to accommodate a new 'community hub' incorporating a public library and pavilion, the provision of a 255m² leased area in the Northern end of the former Main Ward to be retained by the Council and leased for a future commercial use, a café and children's play area within the Community Hub area, construction of three (3) new residential flat buildings with nine (9) affordable and 212 private dwellings. The application also includes the construction of two (2) separate basements for the Community Hub and residential component; associated landscaping works including the construction of a new public park at the corner of Livingstone Road and Marrickville Road and a children's playground;
- DA201600430: This DA has been lodged concurrently with the current application and deals with the Stage 1 civil works on the 'Community Hub' (southern) portion of the site;
- DA201600533: This DA seeks approval for the subdivision of the site. The subdivision under this DA will effectively create two (2) parcels of land, being the Southern parcel of the site that will accommodate the community facilities and is proposed to be retained within the ownership of Council, and the northern parcel that will accommodate the future residential development proposed to be being undertaken by Mirvac; and
- DA201600582: This DA seeks approval to erect temporary project information signage on the construction hoarding along Livingstone Road, Marrickville Road and Lilydale Street frontages of the former Marrickville Hospital site.

SJB Planning NSW has been engaged by Council to independently assess the respective applications.

The Applicant was sent a letter dated 21 November 2016 requesting additional information and clarification with respect to two matters. The matters included the extent of excavation proposed and its relationship with the future development of the site in accordance with the development proposed under DA201600434 and clarification regarding the potential for the works to require approval under the provisions of *Water Management Act, 2000* and requiring referral to the NSW Office of Water.

The applicant responded to both matters by letter dated 25 November 2016. The Applicant's response also included an amendment to the excavation for the future basement as a result of design refinement, such that the basement has been reduced in size and is proposed to be located further away from Building 4 (the former Nurses Quarters) than originally planned.

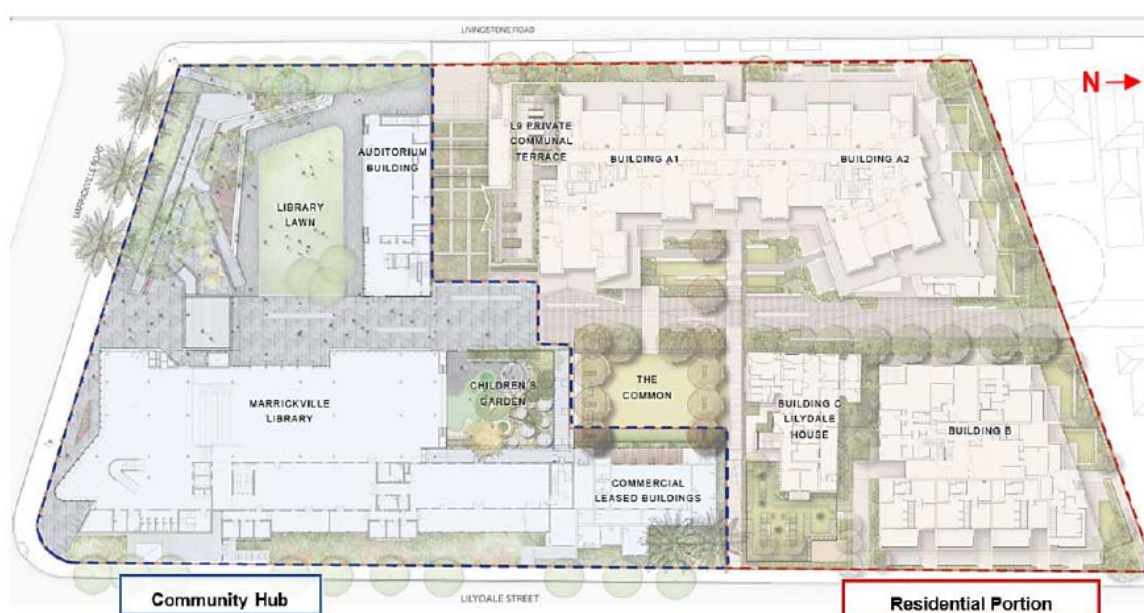


Figure 2 – Marrickville Hospital Site showing Community Hub and Residential Development
 Source: Site Image Landscape Architects + Aspect Studios & JBA

Figure 2: Extract from the DA drawings associated with DA201600434 demonstrating the proposed future development of the site

4(a) Application History

In addition to the current applications submitted to Council, the following applications are relevant to the site and to the master plan project and have previously been approved as preliminary steps in the process of preparing the site for redevelopment.

- D/2012/000139: Demolition of buildings 5 and 6, removal of hazardous materials, decommissioning of services and utilities and tree removal;
- D2014/000640: Demolition of buildings 2, 3 and 7 and tree removal;
- D2104/000640.1: Demolition of buildings 2, 3, 7 and elements of buildings 1 and 4 and tree removal; and
- D2014/000639: Demolition of buildings 8, 9 and 10.

5. Assessment

The following is a summary of the assessment of the application in accordance with Section 79C 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 No 55—Remediation of Land

State Environmental Planning Policy No 55—Remediation of Land

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) provides planning guidelines for investigation and remediation of potentially contaminated land. SEPP 55 requires that remediation works must be carried out in accordance with a Remediation Action Plan (RAP) as approved by the consent authority and any guidelines enforced under the Contaminated Land Management Act 1997.

Consideration of contamination and remediation aspects relating to the entire site has been undertaken as part of the assessment of DA201600430 which was lodged concurrently with the current application. DA201600430, referred to as 'Stage 1 Civil Works DA' is supported by appropriate reports being a Remedial Action Plan prepared by JBS&G Australia and an Interim Audit Advice (Review of Remedial Action Plan) prepared by Ramboll Environ.

The contamination documents have been reviewed and the assessment of DA201600430 has concluded that the site can be made suitable for the proposed use after the completion of the RAP. To ensure that these works are undertaken, conditions have been included in the recommendation of that DA to ensure that the remediation is carried out and that validation of the site is also undertaken.

As such no further assessment of the contamination and remediation aspects of the site are required under this application.

Marrickville Local Environment Plan 2011 (MLEP 2011)

The application was assessed against the following relevant clauses of the Marrickville Local Environmental Plan 2011:

Land Use Table and Zone Objectives (Clause 2.3)

The property is zoned part B2 Local Centre and part R4 High Density Residential under the provisions of MLEP 2011. Refer to Figure 3 below.

The proposed works can be defined as earthworks and remediation which are both forms of development permissible with consent. Additionally, the proposed works are preparatory to the future development of the land for community facilities and residential purposes. As such the works can also be considered to be an ancillary purpose to permissible development.

The objectives of the two zones relate to ensuring future development on the site is appropriate. They do not relate directly to an application for civil works. Notwithstanding, the proposal is not contrary to the objectives of the B2 or R4 zones.

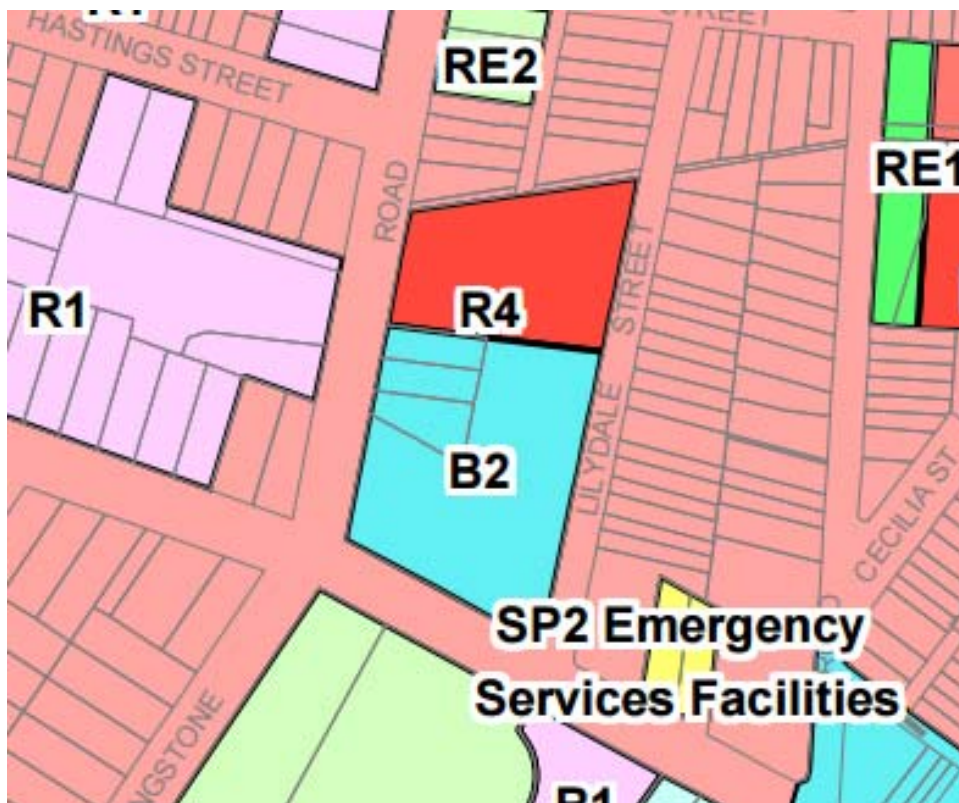


Figure 3: Extract of MLEP 2011 Land Zoning Map

The following provides further discussion of the relevant provisions of MLEP2011.

Preservation of Trees or Vegetation (Clause 5.9)

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

The Development Application does not seek consent to remove any trees from the site. Various Development Consents (i.e. D/2012/000139 and D2014/000640.1) have approved the removal of the majority of trees from the site, although not all. Additionally, Development Consents approving demolition and early works at the site include conditions requiring various tree protection measures for trees that have been identified for retention at the site and at adjoining sites.

Conditions of consent have therefore been included in the recommended conditions of this report which require the retention of all trees that have not been previously approved for removal. The conditions also require the appropriate tree protection measures to be provided. If the implementation of the required tree protection measures are such that they will intersect or overlap with the area identified for excavation and shoring and footing construction, then the conditions of consent require those plans to be amended prior to the issue of a Construction Certification.

Subject to the implementation of those conditions the proposal is satisfactory with respect to the provisions of Clause 5.9.

Heritage Conservation (Clause 5.10):

The site as a whole is an item of local heritage significance, listed in the MLEP2011 as the 'Former Marrickville Hospital Site and Victorian Cottage, including interiors' (I101). The site is within the Civic Precinct Heritage Conservation Area (C30).

The Main Ward Block (Building 1) and Nurses' Quarters (Building 4) are located along Lilydale Street and present as two storey face brick structures with gabled tiled roofs. These buildings are to be adaptively reused as part of the future development of the site. Approval has been granted previously for the removal of all other buildings on the Site (refer to Site History).

The application was referred Council's Heritage Officer for comment. The Heritage Officer has indicated support for the application subject to the imposition of various conditions of consent which have all been included in the recommended conditions of this report.

The development proposal does not impact upon the heritage sensitivities of the site and the proposal is consistent with the provisions of Clause 5.10.

Acid Sulfate Soils (Clause 6.1):

The property is identified as land being affected by Class 5 acid sulfate soils on the MLEP 2011 Acid Sulfate Soils Map. The proposed works will not result in the lowering of any groundwater that may be present in the area. The development is reasonable having regard to acid sulfate soils.

Earthworks (Clause 6.2):

This clause requires that any assessment of significant earthworks properly consider the following matters:

- “(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,*
- (b) the effect of the proposed development on the likely future use or redevelopment of the land,*
- (c) the quality of the fill or the soil to be excavated, or both,*
- (d) the effect of the proposed development on the existing and likely amenity of adjoining properties,*
- (e) the source of any fill material and the destination of any excavated material,*
- (f) the likelihood of disturbing relics,*
- (g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.”*

Council can be satisfied that these matters have been considered in an appropriate fashion.

The purpose of the works is to give effect to future development of the site which is the subject of an approved masterplan. An overarching DA has been submitted which proposed uses and development at the site which is general consistent with the masterplan.

The proposed excavation in the current DA is consistent with the basement design within the overarching DA. It is noted that should the overarching DA be approved in a modified form or be refused, then any excavation undertaken in accordance with an approval of this current DA may need rectification works. This matter was raised with the applicant who responded by letter dated 25 November 2016 which included the following statement:

“Mirvac and Council have entered into a Delivery Agreement for the redevelopment of the subject site. Under this Delivery Agreement, Council have appointed Mirvac as the developer in respect of the project.

The assurances and guarantees already provided by Mirvac to Council under this Delivery Agreement are significant. Some provisions include:

- Prior to Mirvac appointing a contractor for the Stage 1 Civil Works, there is a provision in the Delivery Agreement for Council to approve a contractor that Mirvac propose to appoint to undertake works on the site (including the Stage 1 Civil Works the subject of this application).*
- The Delivery Agreement requires that a Tripartite Agreement (in the form of a Contractor Side Deed) will be entered into between Council, Mirvac and the contractor approved by Council to ensure that the Council activities (including the Stage 1 Civil Works) are carried out in accordance with the Delivery Agreement. The Contractor Side Deed is for the benefit of Council.*
- The agreed form of the Contractor Side Deed (attached to the Delivery Agreement) includes provisions relating to developer default. One such default includes the instance that the developer abandons the Council activities. The Delivery Agreement, and notably, the Contractor Side Deed includes significant express indemnities provided by the developer and the approved contractor to Council.*

Should DA201600434 be refused or the design significantly amended following the commencement of the civil works, Mirvac assume the risk of undertaking modifications to the proposed civil works to accommodate such design.

Mirvac understand that a determination of DA201600434 is anticipated to occur in March 2017 at which point the excavation works will not be completed and mitigation measures may be implemented if required.

Mirvac is a leading, diversified, listed Australian property group with great experience and a strong delivery reputation. With more than 40 years of experience in the property industry, Mirvac have a proven development capability and our customer / client service reputation is paramount to the longevity and success of the group. Mirvac are wholly invested in the successful delivery of this significant civic project for Marrickville.”

Given the Delivery Agreement and “developer default” provisions in place, it is considered that additional conditions of consent relating to site rectification works are not required.

In terms of the potential impacts of the proposed development on the existing and likely amenity of adjoining properties, appropriate conditions have been recommended which require the implementation of appropriate construction management practices and dilapidation reporting.

It is therefore considered through the range of plans and technical reports submitted with the Development Application, and subject to the recommended conditions of consent, all of the potential issues raised by Clause 6.2 have been addressed.

5(b) Draft Environmental Planning Instruments

There are no relevant Draft Environmental Planning Instruments.

5(c) Development Control Plans

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

Part	Compliance
Part 2.23 Acid sulphate soils – requires compliance with Clause 6.21 of the MLEP2011.	Yes
Part 2.24 Contaminated land – requires appropriate consideration of potential contamination consistent with the requirements of SEPP55.	Yes – Remediation has been proposed and assessed under DA201600430 - refer to discussion under Part 5(a) of this Report with respect to SEPP 55.
Part 2.25 Stormwater management – requires stormwater to be managed so as to negate the possibility of flooding, through the storage of stormwater where appropriate and the control of major development drainage systems Part 8 – Heritage	Yes – Conditions of consent have been recommended by Council’s Development Engineer which will ensure that the development satisfies the provisions of Part 2.25 of the DCP. Matters relating to heritage are addressed under

Part 9 – Strategic Context	<p>Part 5(a) of this report.</p> <p>The property is located in the Marrickville Hospital site - Masterplan Area MA 40.8 in Section 9.40.5.8 of the Marrickville Development Control Plan 2011.</p> <p>The proposal is considered to be consistent with the Masterplan in that the proposal includes bulk excavation for the basement car park for the purpose of a future Community Hub.</p> <p>In that respect car parking will be required to service the residential component of any future development, consistent with the requirements of the masterplan and Council's off-street parking requirements. The location of the excavation (and therefore basement) is consistent with the location of the residential precinct as identified on the Masterplan in the DCP.</p>
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5(d) The Likely Impacts

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

The potential environmental issues of site contamination, acid sulphate soils, stormwater management have all been adequately assessed in the supporting reports submitted with the development application.

Potential off site impacts that could arise from the development are those associated with the construction process, in particular construction traffic management within the adjacent roads.

It is considered that this matter has been dealt with in a satisfactory fashion with a comprehensive Construction Traffic Management Plan having been submitted. This plan has thoroughly reviewed the site conditions and put forward a suite of recommendations, that if adopted will ensure impacts are minimised to the functions of adjacent roads. The Plan includes erosion and sedimentation controls, work zones and control measures, hours of operation, site access points, truck routes, site inductions, a site safety plan and a regime of site inspections and record keeping. The Plan aims to ensuring a robust framework for the management and minimisation of construction related impacts.

In addition to the implementation of the submitted Plan, general construction management conditions have also been recommended as conditions of consent which deal with issues such as dust suppression, noise mitigation and waste management and the like.

The Applicant has identified that the proposed excavation is for the purpose of the basement car park for the residential component of the proposed development under DA201600434.

The depth and area of the proposed excavation indicates that the excavation is for the purpose of two basement levels and that is consistent with the proposed development under DA201600434. Importantly, the location of the proposed basement excavation is consistent with the location of the residential precincts as identified in Part 9.40.5.8 “Former Marrickville Hospital site – Masterplan Area (MA 40.8)” of the DCP.

Additionally, the applicant has provided appropriate assurance that in the event that there are any design changes to DA201600434, or, if that DA is refused, the excavation will be rectified accordingly.

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

The proposed development has the aim of preparing the site for future development. The extent of the proposed works is consistent with development as envisaged for the site under. Until the work envisaged by this proposal is undertaken, the site will not be suitable for the planned residential and community facility development and as such the site is considered suitable for the proposal.

5(f) Any submissions

The application was notified in accordance with the Marrickville Development Control Plan for a period of 21 days from 20 September 2016 to 11 October 2016 to surrounding properties. A total of two (2) submissions were received.

It is noted that one of the two submissions related to the development proposed under DA201600434 and not the proposed excavation and civil works under this application.

The following issues raised in submissions have been discussed in this report:

- Construction management – see Section 5(d). Importantly, the submitted Construction Traffic Management Plan acknowledges that there should be no heavy vehicle usage of Lilydale Street and Stanley Street, quite narrow residential streets.

Notwithstanding the above, and given that the application and the Construction Traffic Management Plan does not outline the implications or impacts associated with the use of Lilydale Street and Stanley Street for construction vehicles, a condition of consent has been included which requires the Construction Traffic Management Plan to be amended and provided to Council for approval prior to any use of Lilydale Street or Stanley Street for construction vehicles (temporary or otherwise).

5(g) The Public Interest

The public interest is best served by the consistent application of the requirements of the relevant Environmental Planning Instruments, and by Council ensuring that any adverse effects on the surrounding area and the environment are appropriately managed. The motivation behind this development proposal is the need to prepare the site to accommodate a scheme that will deliver significant public benefit.

The proposal therefore is in the public interest.

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.

- Heritage Officer
- Development Engineer
- Environmental Services
-

Each officer has recommended approval of the application subject to appropriate conditions of consent. All of the conditions recommended by the officers have been incorporated into the recommended conditions of consent of this report.

6(b) External

The application was not referred to any external bodies.

It is noted that the question has arisen with respect to clarification of whether the development requires an approval under the *Water Management Act 2000*.

The Applicant has responded by indicating that Mirvac is dealing directly with the NSW Office of Water over their obligations under the *Water Management Act 2000* in respect of these works.

It is noted that in respect of a development for which consent is required under the *Environmental Planning and Assessment Act 1979*, as well as approval by another approval body, it is for an applicant to decide whether to seek one integrated approval (as Integrated Development) under the *Environmental Planning and Assessment Act 1979* or seek separate approvals under the relevant legislation.

In this respect a condition of consent has been recommended which requires the applicant to obtain the necessary approvals from the NSW Office of Water under the *Water Management Act, 2000* in relation to the works.

7. Section 94 Contributions

A Section 94A levy of \$46,810.08 would be required for the development under Marrickville Section 94/94A Contributions Plan 2014 and a condition requiring the above levy to be paid has been included in the recommendation.

8. Conclusion

The proposal generally complies with the aims and objectives 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 adjoining premises provided the work is undertaken in a responsible manner in accordance with the submitted traffic management plan and best practice site management processes. The application is considered suitable for approval subject to the imposition of appropriate conditions.

9. Recommendation

That Council, as the consent authority pursuant to s80 of the Environmental Planning and Assessment Act 1979, grant consent to Development Application No: DA201600475 at 182-186 Livingstone Road and 313-319 Marrickville Road, Marrickville subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

GENERAL

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

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared By	Date Submitted
Detail Survey Ref No.: 078-12G T01 [8] Sheets 1 to 4 inclusive	Detail Survey Over Lot 2 D.P. 872693, Lot 36 & 37 D.P.3164, Lot 2 D.P. 103507	2/5/2016	Craig and Rhodes	19/09/2016
EW2001 Revision A	Structural Notes Sheet 1	16/8/2016	BG & E	19/09/2016
EW2002 Revision A	Structural Notes Sheet 2	16/8/2016	BG & E	19/09/2016
EW2010 Revision B	Bulk Excavation and Shoring	16/11/2016	BG & E	25/11/2016
Geotechnical Certificate for Proposed Mixed Use Development Ref No.: 26279Vlet		9/05/2016	JK Geotechnics	19/09/2016
Geotechnical Investigation Ref: 26279VTrpt Marrickville Rev 1		12/06/2013	JK Geotechnics	19/09/2016
Design Certification – Stage 2 Civil Works DA Shoring Design Project No: S15240		16/11/2016	BG & E	25/11/2016
L03 – Potential Acid Sulfate Soil Advice for the Former Marrickville Hospital Redevelopment JBS&G 51365-104476		15/8/2016	JBS&G	19/09/2016
Historic Archaeological Considerations		3/8/2016	Casey and Lowe Pty Ltd	19/09/2016

Marrickville Community Hub Development Project 313–319 Marrickville Road, Marrickville				
Marrickville Hospital Site Archaeological Testing Results Permit - 2013/S140/12		14/10/2013	Casey and Lowe Pty Ltd	19/09/2016
Construction Traffic Management Plan Revision A		22/4/2016	Mirvac	19/09/2016

and details submitted on 19 September 2016 with the application for development consent and as amended by the following conditions.

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

(a) the plans and/or information approved under this consent; or

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

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

3. Any water (including water from excavations) that is to be discharged to Council's stormwater system shall comply with the ANZECC Guidelines for Marine and Freshwater Quality for protection of aquatic ecosystems (95% protection level for marine ecosystems). Any water that does not comply shall be discharged to sewer, with the appropriate licences to be obtained; or disposed off-site to a suitably licensed facility.
4. The person acting on this consent shall engage a qualified archaeologist to monitor the excavation. Evidence of such appointment is to be provided to the satisfaction of Council's Heritage Officer prior to the issue of a Construction Certificate.
5. The archaeologist shall brief contactors and staff on the potential archaeological remains they may encounter.

The archaeologist shall undertake a program of intermittent monitoring in areas where the report by Casey and Lowe entitled Marrickville Hospital Site Archaeological Testing Results- Permit 2013/S140/12 indicates that deposits may be found. This may be on an on-call basis.

If deep structural features such as wells, cesspits, or rubbish dumps are encountered under the modified remains of Howlison's 1881 residence and are found to contain substantial amounts of artefacts, additional archaeological work is to be undertaken to determine whether the deposits meet the threshold for local significance.

Artefacts recovered from the site are to be catalogued and analysed by the archaeologist.

A final report by the archaeologist on the results of the monitoring and recording of any archaeological features and of any artefacts is to be submitted to the satisfaction of Council's Heritage Officer prior to the issue of an Occupation Certificate.

Should any relics as defined by the *Heritage Act 1977* be discovered during excavation, the requirements of the Act are to be complied with.

6. The approved Traffic Management Plan is to be amended and provided to Council for approval prior to any use of Lilydale Street or Stanley Street for construction vehicles (temporary or otherwise).

Any such amendment to the Construction Traffic Management Plan is to identify, at a minimum, the following aspects:

- i) the type and size of vehicles to use Lilydale Street and or Stanley Street;
 - ii) the frequency of use;
 - iii) the days of the week and the hours of the day for which Lilydale Street and or Stanley Street will be used;
 - iv) access points and proposed construction vehicle routes;
 - v) traffic management and safety measures; and
 - vi) arrangements proposed to alert residents in Lilydale Street and or Stanley Street of the use.
7. All trees at the site that have not been approved for removal under any current Development Consent applicable to the site or any valid Council issued tree removal permit, and that are covered by Part 2.20 of Marrickville Development Control Plan 2011 – Tree Management, must be retained.

An Arboricultural Report is required to be prepared by an arborist, who has a minimum AQF Level 5 qualification in arboriculture and submitted to and approved by Council prior to the issue of a Construction Certificate. The report is to identify all trees within the vicinity of the works that have been approved for removal from the site and all trees that are required to be retained at the site and at adjacent sites, quoting the applicable Development Consent and/or Tree Permit references where relevant.

The Arboricultural Report shall identify the Tree Protection Zones for each tree to be retained and the tree protection measures proposed for those trees to ensure they will be retained and protected.

If any of the identified Tree Protection Zones or tree protection measures overlap or intersect the areas identified for excavation, remediation or shoring and footing construction on the approved plans then those plans are to be amended by way of a Section 96 Application To Modify a Consent to ensure the protection of the trees that have not been approved for removal. Any amendments are to occur prior to the issue of a Construction Certificate.

BEFORE COMMENCING DEMOLITION, EXCAVATION AND/OR BUILDING WORK

8. The person acting on this consent must obtain the necessary approvals from the NSW Office of Water under Sections 89, 90, 91 of the *Water Management Act, 2000* in relation to the works prior to the issue of a Construction Certificate.
9. The person acting on this consent shall apply as required for all necessary permits including crane permits, ground anchors approvals, road opening permits, hoarding permits, footpath occupation permits and/or any other approvals under Section 68 (Approvals) of the Local Government Act, 1993 or Section 138 of the Roads Act, 1993.
10. Prior to the commencement of works, an arborist, who has a minimum AQF Level 5 qualification in arboriculture and who does not prune or remove trees in the Marrickville LGA, shall be engaged as project arborist for the duration of demolition and construction.
11. Prior to the commencement of works, including demolition and excavation, protection measures shall be established in accordance with the recommendations of Arboricultural Report required by this Consent.
12. Prior to the commencement of works, the project arborist shall certify in writing to the Principal Certifying Authority that the tree protection measures comply with the recommendations contained in the Arboricultural Report required by this Consent.
13. Where it is proposed to carry out works in public roads or Council controlled lands, a road opening permit shall be obtained from Council before the carrying out of any works in public roads or Council controlled lands. Restorations shall be in accordance with the Inner West Council's Restorations Code. Failure to obtain a road opening permit for any such works will incur an additional charge for unauthorised works as noted in Council's adopted fees and charges.
14. The person acting on this consent shall provide details of the means to secure the site and to protect the public from the construction works. Where the means of securing the site involves the erection of fencing or a hoarding on Council's footpath or road reserve the person acting on this consent shall submit a hoarding application and pay all relevant fees before commencement of works.

15. A detailed Traffic Management Plan to cater for construction traffic shall be submitted to and approved by Council before commencement of works. Details shall include proposed truck parking areas, construction zones, crane usage, truck routes etc. In addition The Traffic Management Plan shall include detailed plans of the proposed construction accesses that indicate the location of any affected trees, and utility services such as power poles.
16. Council's stormwater drainage line adjacent to the northern boundary of the site being inspected by Closed Circuit Television (CCTV) and a CD copy provided to Council before commencement of works to determine the condition of the pipe before commencement of works. The stormwater line shall be reinspected upon completion of the works and a copy provided to Council.
17. A Soil and Water Management Plan must be prepared in accordance with Landcom Soils and Construction, Volume 1, Managing Urban Stormwater (Particular reference is made to Chapter 9, "Urban Construction Sites") and submitted to and accepted by the PCA. A copy of this document must be submitted to and accepted by PCA before work commences. The plan must indicate:
 - a) Where the builder's materials and waste are to be stored;
 - b) Where the sediment fences are to be installed on the site;
 - c) What facilities are to be provided to clean the wheels and bodies of all vehicles leaving the site to prevent the tracking of debris and soil onto the public way; and
 - d) How access to the site will be provided.All devices must be constructed and maintained on site while work is carried out.
18. The person acting on this consent shall submit a dilapidation report including colour photos showing the existing condition of the footpath, kerb and roadway adjacent to the site before commencement of works.
19. No work must commence until:
 - a) A PCA has been appointed. Where an Accredited Certifier is the appointed, Council shall be notified within 2 days of the appointment; and
 - b) A minimum of 2 days written notice given to Council of the intention to commence work.
20. A Construction Certificate must be obtained before commencing building work. Building work means any physical activity involved in the construction of a building. This definition includes the installation of fire safety measures.
21. Sanitary facilities must be provided at or in the vicinity of the work site in accordance with the WorkCover Authority of NSW, Code of Practice 'Amenities for Construction'. Each toilet must be connected to the sewer, septic or portable chemical toilet before work commences. Facilities must be located so that they will not cause a nuisance.

22. All demolition work must:
 - a) Be carried out in accordance with the requirements of Australian Standard AS 2601 'The demolition of structures' and the Occupational Health and Safety Act and Regulations; and
 - b) Where asbestos is to be removed it must be done in accordance with the requirements of the WorkCover Authority of NSW and disposed of in accordance with requirements of the Department of Environment, Climate Change and Water.
23. Where any loading, unloading or construction is to occur from a public place, Council's Infrastructure Services Division must be contacted to determine if any permits or traffic management plans are required to be obtained from Council before work commences.
24. A waste management plan must be prepared in accordance with Part 2.21 of Marrickville Development Control Plan 2011 – Site Facilities and Waste Management and submitted to and accepted by the PCA before work commences.
25. The site must be enclosed with suitable fencing to prohibit unauthorised access. The fencing must be erected as a barrier between the public place and any neighbouring property, before work commences. Enquiries for site fencing and hoardings in a public place, including the need for Council approval, can be made by contacting Council's Infrastructure Services Division.
26. A rigid and durable sign must be erected in a prominent position on the site, before work commences. The sign must be maintained at all times until all work has been completed. The sign is to include:
 - a) The name, address and telephone number of the PCA;
 - b) A telephone number on which Principal Contractor (if any) can be contacted outside working hours; and
 - c) A statement advising: 'Unauthorised Entry To The Work Site Is Prohibited'.

BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

27. Payment to Council of \$32,315.00 before to the issue of a Construction Certificate as a Building Security Deposit (B.S.D.) to provide security against damage to Council's infrastructure. Council may utilise part or all of the B.S.D. to restore any damages, and Council may recover, in any court of competent jurisdiction, any costs to Council for such restorations.
28. Before the issue of a Construction Certificate the owner or builder shall sign a written undertaking that they shall be responsible for the full cost of repairs to footpath, kerb and gutter, or other Council property damaged as a result of construction of the proposed development. Council may utilise part or all of any Building Security Deposit (B.S.D.) or recover in any court of competent jurisdiction, any costs to Council for such repairs.

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

29. Before the issue of a Construction Certificate the owner or builder shall sign a written undertaking that they shall be responsible for the full cost of repairs to footpath, kerb and gutter, or other Council property damaged as a result of construction of the proposed development. Council may utilise part or all of any Building Security Deposit (B.S.D.) or recover in any court of competent jurisdiction, any costs to Council for such repairs.
30. Upon the completion of all remediation works approved as part of Determination No. 201600430 and before the issue of a Construction Certificate the person acting on this consent must submit to Council a Validation Report and Site Audit Statement demonstrating that the site has been remediated and is suitable for the proposed developments and that contamination is managed or no longer a concern.
31. A levy of \$46,810.08 has been assessed as the contribution for the development under Section 94A of the Environmental Planning and Assessment Act 1979 and Marrickville Section 94/94A Contributions Plan 2014 (a copy of which may be inspected at the offices of the Council).

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

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

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

(LEVY PAYMENT REFERENCE NO. DC001700)

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

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

SITE WORKS

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

All trucks and vehicles associated with the excavation and construction, including those delivering to or removing material from the site, only having access to the site during the hours referred to in this condition. No waste collection skips, spoil, excavation or demolition material from the site or building materials associated with the construction of the development being deposited on the public road, footpath, public place or Council owned property without Council's approval, having first been obtained. The developer must ensure that all contractors associated with the development are fully aware of these requirements.

33. During any construction works and activities, no injury must be caused to the amenity of the neighbourhood by the emission of noise, smoke, smell, vibration, gases, vapours, odours, dust, particular matter, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health, the exposure to view of any unsightly matter or otherwise.
34. The placing of any materials on Council's footpath or roadway is prohibited, without the consent of Council. The placement of waste storage containers in a public place requires Council approval and must comply with Council's Policy - 'Placement of Waste Storage Containers in a Public Place'. Enquiries are to be made with Council's Infrastructure Services Division.
35. If during site works there are significant unexpected occurrences, site works shall immediately cease. A suitably qualified environmental consultant shall be engaged to assess the site and determine if remediation is required in accordance with the NSW Environmental Protection Authority's Guidelines for Consultants Reporting on Contaminated Sites 2011.

Any unexpected occurrences and management plans to address these occurrences shall be reported to and approved by Council. Note that Council may request that a NSW EPA Accredited Site Auditor review any proposed alterations to the approved remedial action plan.

36. Any soil excavated soil to be removed from the site shall be classified and disposed in accordance with the NSW Environmental Protection Authority's Waste Classification Guidelines 2014.

BEFORE THE ISSUE OF THE OCCUPATION CERTIFICATE

37. All works required to be carried out in connection with drainage, crossings, alterations to kerb and guttering, footpaths and roads resulting from the development shall be completed before the issue of the Occupation Certificate. Works shall be in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications".
38. The existing stone kerb adjacent to the site is of local heritage value and is to be preserved at no cost to Council. Any damage to the stone kerb will require the replacement of the damaged individual stone units before the issue of the Occupation Certificate. Any sandstone kerb and guttering approved for removal shall be carefully stored on site until such time that restoration is required at the completion of the works.

39. All works required to be undertaken on public roads shall be designed and constructed in accordance with Council's Standard Plans, AUS-SPEC#2- "Roadworks Specifications" and Council's Stormwater and On Site Detention Code. The works shall be supervised and certified by a qualified civil engineer who is listed under the Institution of Engineers, Australia "National Professional Engineers Register" (NPER) and shall state that the works have been constructed in accordance with the above requirements before the issue of the Occupation Certificate. In addition, full works-as-executed plans in PDF or CAD format (dwg or dxf files), prepared and signed by a registered surveyor, shall be submitted to Council upon completion of the works. Where the works include the installation of stormwater drainage pipes, a CCTV inspection of the completed new pipework shall be undertaken and a CD copy provided to Council. Before commencement of works details of the supervising engineer shall be submitted to Council.
40. Prior to issue of the Occupation Certificate the person acting on this consent shall obtain from Council a compliance Certificate(s) stating that all Road, Footpath and Civil Works on Council property required to be undertaken as a result of this development have been completed satisfactorily and in accordance with Council approved plans and specifications.

ADVISORY NOTES

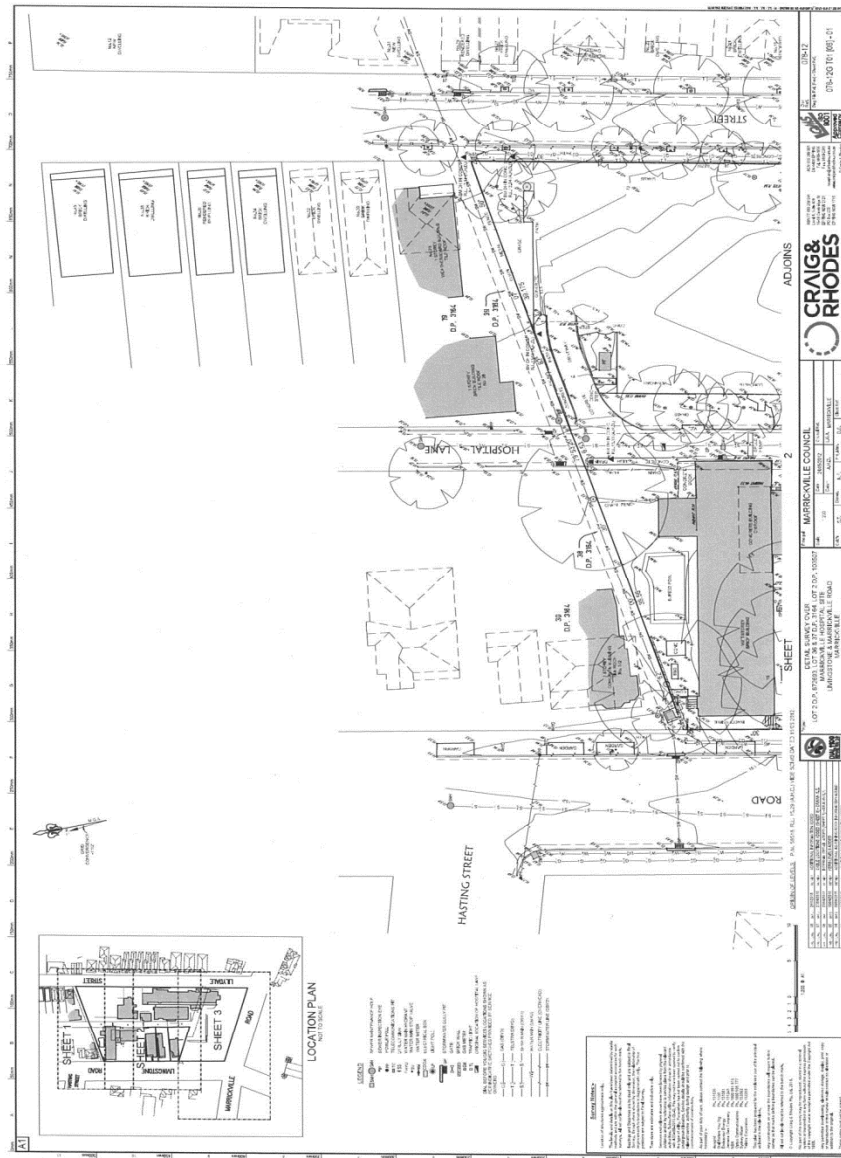
- A complete assessment of the application under the provisions of the Building Code of Australia has not been carried out.
- Contact "Dial Before You Dig" before commencing any building activity on the site.
- Useful Contacts

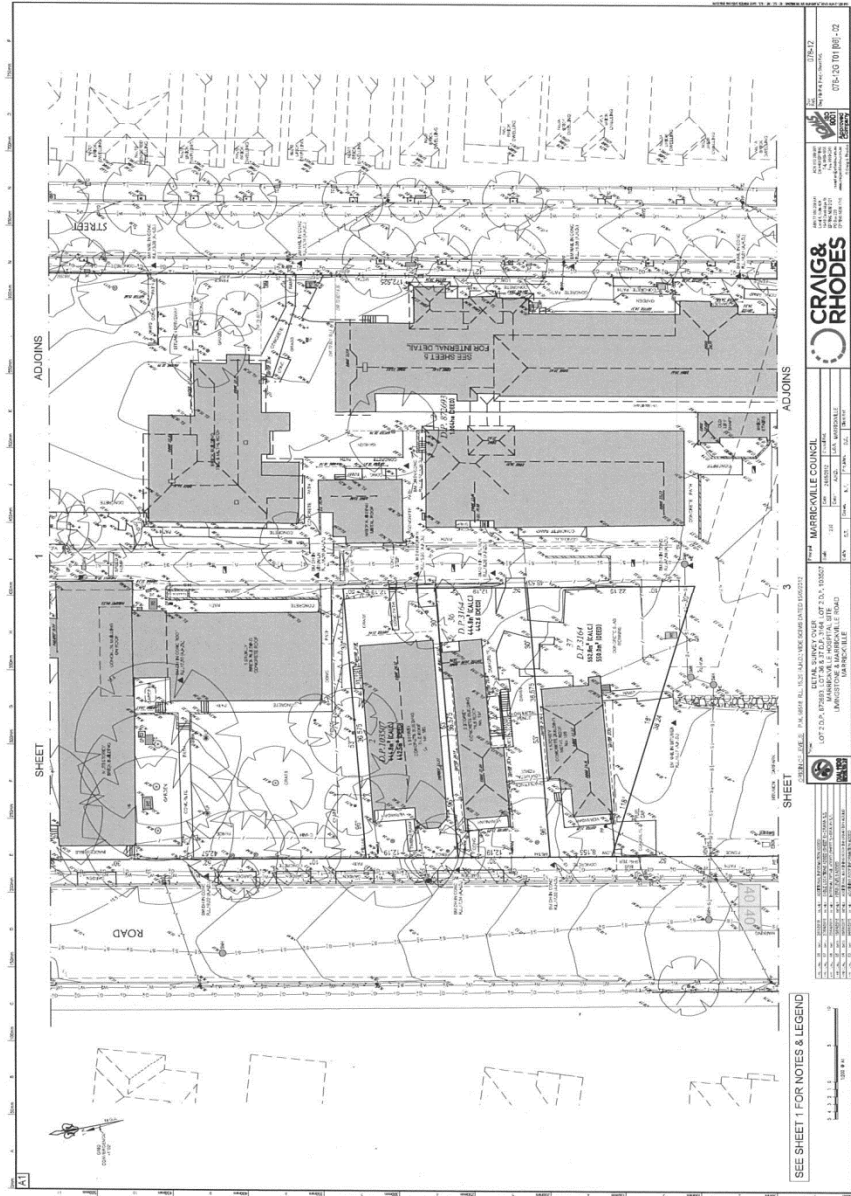
BASIX Information	1300 650 908 weekdays 2:00pm - 5:00pm www.basix.nsw.gov.au
Department of Fair Trading	13 32 20 www.fairtrading.nsw.gov.au Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Before You Dig	1100 www.dialbeforeyoudig.com.au
Landcom	9841 8660 To purchase copies of Volume One of "Soils and Construction"
Long Service Payments Corporation	131441 www.lspc.nsw.gov.au
NSW Food Authority	1300 552 406 www.foodnotify.nsw.gov.au

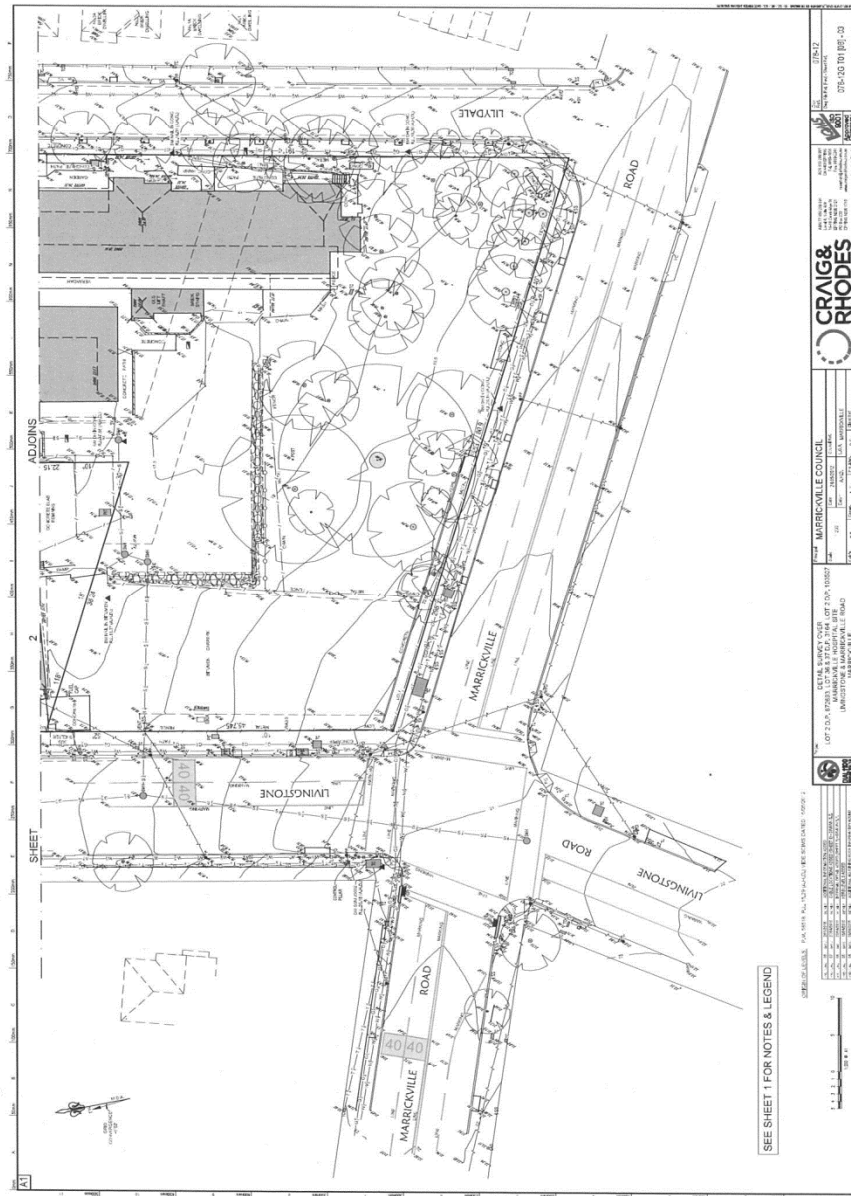
NSW Government	www.nsw.gov.au/fibro www.diysafe.nsw.gov.au Information on asbestos and safe work practices.
NSW Office of Environment and Heritage	131 555 www.environment.nsw.gov.au
Sydney Water	13 20 92 www.sydneywater.com.au
Waste Service - SITA Environmental Solutions	1300 651 116 www.wasteservice.nsw.gov.au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

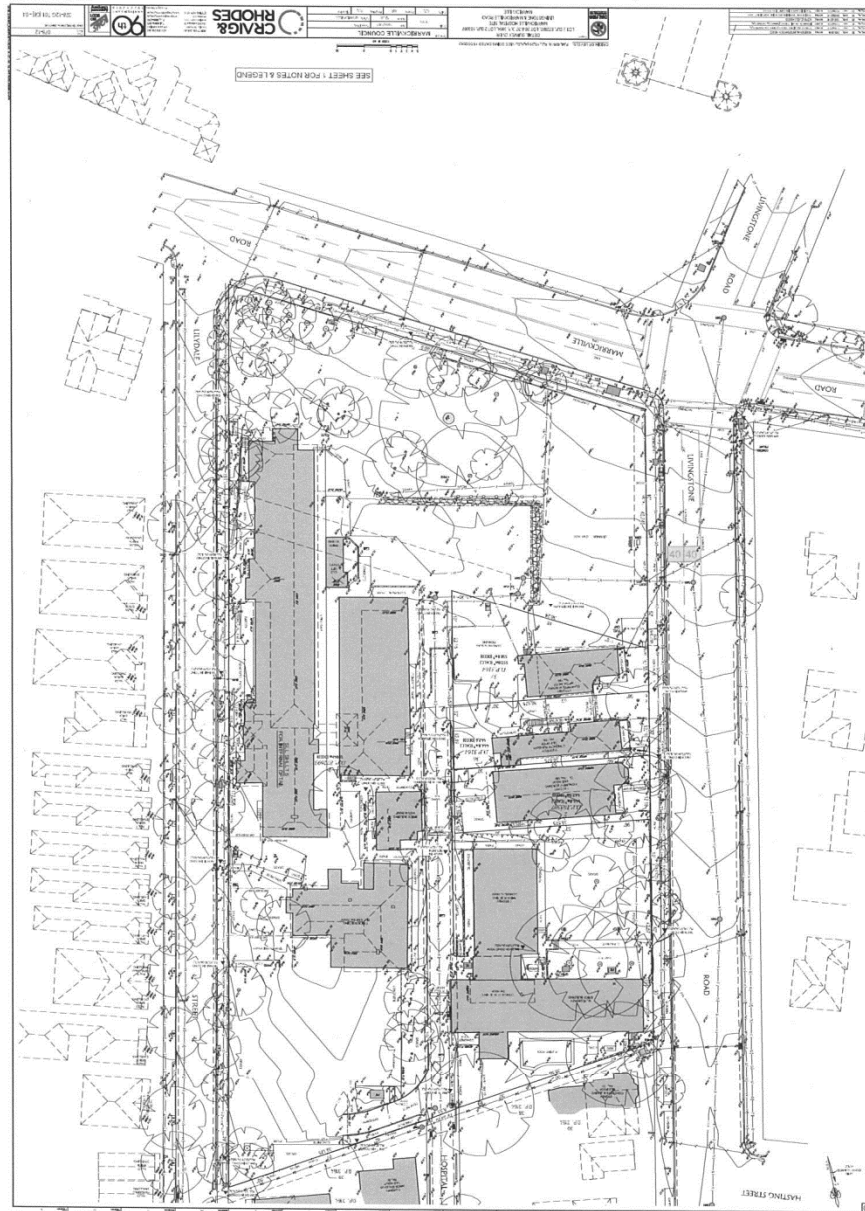
- B. THAT** those persons who lodged submissions in respect to the proposal be advised of the Council's determination of the application.

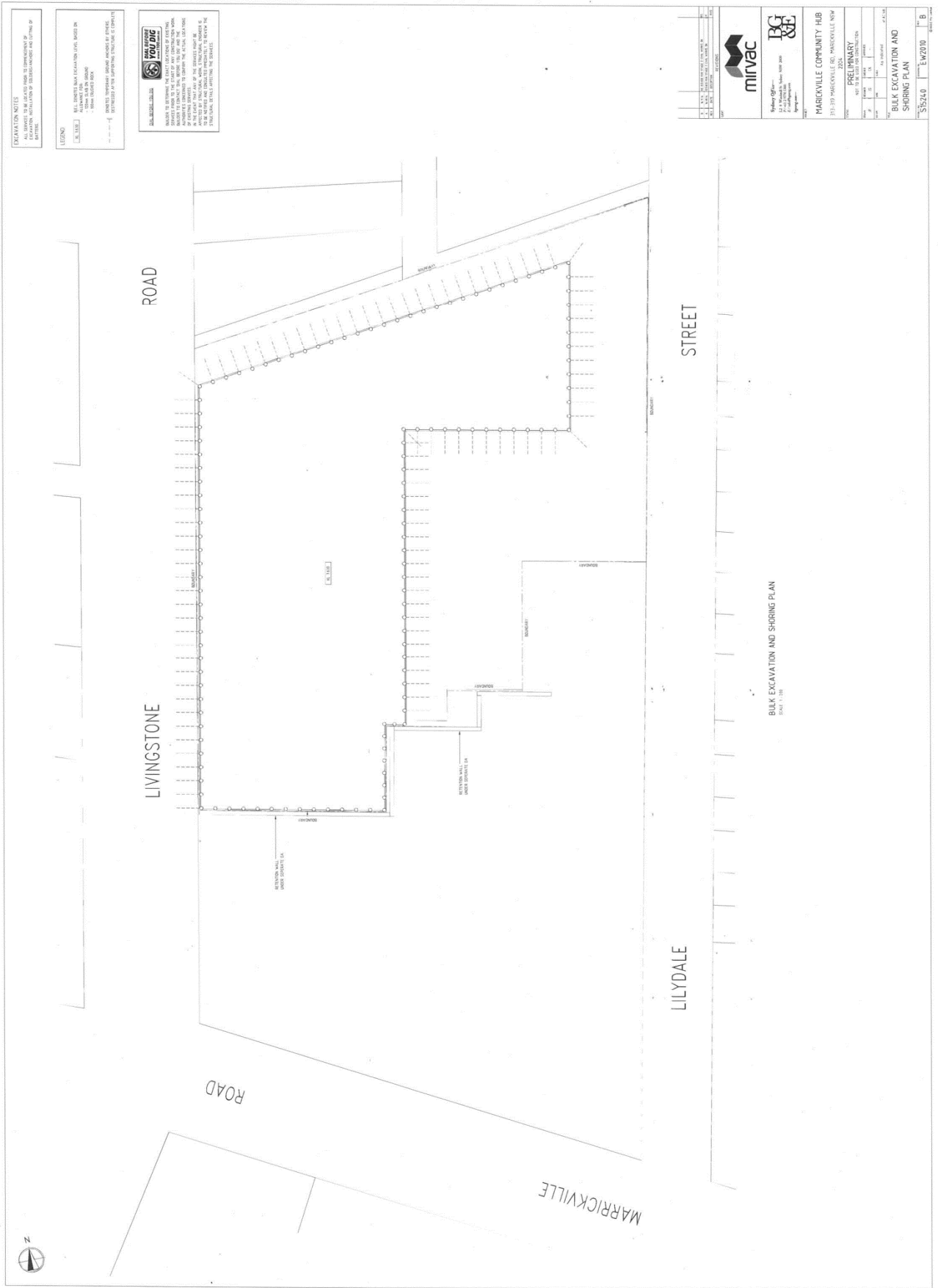
Attachment B – Plans of proposed development











EXCAVATION NOTES
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LEGEND
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YOU DIG
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mirvac
 mirvac logo and contact information.

PG&E
 PG&E logo and contact information.

MARRICKVILLE COMMUNITY HUB
 21-23 MARRICKVILLE RD, MARRICKVILLE NSW
 2204

PROJECT: MARRICKVILLE COMMUNITY HUB
 SHEET: 10 OF 10
 DATE: 10/11/2016

BULK EXCAVATION AND SHORING PLAN
 SCALE: 1:100
 SHEET NO: EW/210

