

Modification of Minister's Approval

Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning, I approve the modification of the concept approval referred to in Schedule 1, subject to the conditions in Schedule 2.

Anthea Sargent
Executive Director
Key sites and Industry Assessments

Sydney

2018

SCHEDULE 1

Concept Approval:	MP 09_0191 granted by the Planning Assessment Commission Minister for Planning and Infrastructure on 19 March 2012
For the following:	Authorise the use of the existing building for retail and business premises and expand the Marrickville Metro Shopping Centre including a first-floor addition to the existing building at 34 Victoria Road, a new 2 level retail building on at 13-55 Edinburgh Road and two levels of rooftop parking above each building.
Proponent:	AMP Capital Investors
Approval Authority:	Minister for Planning
Land:	34 Victoria Road and 13-55 Edinburgh Road, Marrickville (Lot 100 DP 715231 and Lot 1 DP 612551)
Modification:	MP 09_0191 MOD 6: the modification includes: <ul style="list-style-type: none">• internal and external modifications to the approved building in Stage 1B (Edinburgh Road site) and Stage 2 (the existing shopping centre) including a redistribution of 1,661 GFA• construction of a new pedestrian bridge over Smidmore Street between Stage 1B and Stage 2• additional car parking level• changes to the road alignment and operation of Smidmore street and public domain/landscape works• introduction of signage and public art zones• redistribution of car parking• minor works schedule.

SCHEDULE 2

The Concept approval (MP 09_0191) is modified as follows:

- (a) In Part A, Condition A1 of Schedule 2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

Development description

A1. Development approval is granted only to carrying out the development described in detail below:

- demolition of existing warehouse buildings and associated structures on the Edinburgh Road site
- upon the surrender of development consents required under Condition B3 of this approval, use of the Victoria Road site for retail premises and business premises.
- refurbishment and construction of a first-floor addition to the existing retail building on the Victoria Road site and a construction new building with two **main** levels of retail with **car parking above** on the Edinburgh Road site comprising:
 - a discount department store (5,000m²), supermarket (~~4,500m²~~) **(4,449m²)**, mini major (~~1,791m²~~) **(1,000m²)** and speciality retail **premises and business premises** (~~4,464m²~~) **(6,318m²)**
 - an additional 21,780m² GFA (16,767m² GLFA) to provide a total of 50,705m² GFA (39,700m² GLFA)
 - Authorise the use of ~~4606~~ **1623** car parking spaces comprising ~~4,400~~ **1,018** existing spaces and ~~506~~ **605** additional car parking spaces.

- (b) In Part A, Condition A2 of Schedule 2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

Development in accordance with plans

A2 the development shall be undertaken generally in accordance with:

- the Environmental Assessment dated 15 July 2010 prepared by Urbis Pty Ltd, and except where amended by the Preferred Project Report received by the department on 23 December 2010, including all associated documents and reports **and subsequent modifications**;
- the Draft Statement of Commitments prepared by Urbis Pty Ltd; and
- the following drawings:

Architectural Drawings prepared for the Preferred Project Report by Lend Lease Design (Project Number 160496) Hames Sharley (Project Number 50980)			
<i>Drawing No.</i>	<i>Revision</i>	<i>Name of Plan</i>	<i>Date</i>
EA006	04 <u>B</u>	Proposed Ground Floor Plan <u>Part 3A (2012)</u>	21.12.12 <u>04.04.18</u>
EA007	04 <u>A</u>	Proposed Level 1 Plan <u>Part 3A (2012)</u>	21.12.12 <u>11.10.17</u>
EA008	04 <u>A</u>	Proposed Level 02 <u>Part 3A (2012)</u>	21.12.12 <u>11.10.17</u>
EA009	04 <u>A</u>	Proposed Rooftop car park Level 2A <u>Part 3A (2012)</u>	21.12.12 <u>11.10.17</u>
EA010	04 <u>A</u>	Proposed Roof Plan <u>Part 3A (2012)</u>	21.12.12 <u>11.10.17</u>
EA011A	03 <u>A</u>	Overall Elevations Sheet 1	29.10.2010 <u>11.10.17</u>

<u>EA011B</u>	<u>B</u>	<u>Overall Elevations Sheet 2</u>	<u>04.04.18</u>
EA011C	03 <u>C</u>	Overall Elevations Sheet 3	29.10.2010 <u>04.04.18</u>
EA011D	04	Overall Elevations Sheet 4	21.12.12
EA011E	04 <u>B</u>	Overall Elevations Sheet 5	21.12.12 <u>04.04.18</u>
<u>EA011F</u>	<u>B</u>	<u>Overall Elevations Sheet 6</u>	<u>04.04.18</u>
EA011G	04 <u>A</u>	Overall Elevations Sheet 7	21.12.12 <u>11.10.17</u>
EA011H	04 <u>B</u>	Overall Elevations Sheet 8	21.12.12 <u>04.04.18</u>
EA012	04	Overall Elevations Proposed	21.12.12
EA013	04 <u>A</u>	Overall Sections	21.12.12 <u>11.10.17</u>
EA013A	04 <u>A</u>	Overall Sections Sheet 1	21.12.12 <u>11.10.17</u>
EA013B	04 <u>A</u>	Overall Sections Sheet 2	21.12.12 <u>11.10.17</u>
EA018	04 <u>B</u>	Proposed Ground Floor Plan Stage 1 <u>Stage 2 Ground Floor Amendment</u>	21.12.12 <u>04.04.18</u>
EA019	04	Proposed Level 1 Plan Stage 1	21.12.12
EA020	04	Proposed Stage 1 Level 2 Plan (Smidmore Street Open)	21.12.12
EA024	04	Proposed Level 2A plan Stage 1	21.12.12
Landscape Plans prepared for the Preferred Project Report by Site Image (Job Number: SS10-2128)			
<i>Drawing No.</i>	<i>Revision</i>	<i>Name of Plan</i>	<i>Date</i>
000	D	Title Page	09.11.2010
100	D	Landscape Master Plan	09.11.2010
100	D	Landscape Master Plan – Vision Smidmore Street Treatment	09.11.2010
103	D	Landscape Detail Plan	09.11.2010
104	D	Landscape Detail Plan	09.11.2010
105	D	Landscape Detail Plan	09.11.2010
106	D	Landscape Detail Plan	09.11.2010
107	D	Landscape Detail Plan	09.11.2010
107	D	Landscape Detail Plan – Vision Smidmore Street Treatment	09.11.2010
108	D	Landscape Detail Plan	09.11.2010
108	D	Landscape Detail Plan – Vision Smidmore Street Treatment	09.11.2010
501	B	Landscape Details	01.11.2010
601	B	Landscape Sections & Specification Notes	01.11.2010

602	N	Landscape Sections & Specification Notes	01.11.2010
Architectural Plans prepared by Francis-Jones Morehan Thorp <u>Hames</u> Sharley for the S75W Application (MOD 4 MOD 6)			
<i>Drawing No.</i>	<i>Revision</i>	<i>Name of Plan</i>	<i>Date</i>
EA106	04 <u>B</u>	<u>Proposed</u> Ground Floor Plan	21.12.2012 <u>04.04.18</u>
EA107	04 <u>B</u>	<u>Proposed</u> Level 1 Floor Plan	21.12.2012 <u>04.04.18</u>
EA108	04 <u>B</u>	<u>Proposed</u> Level 2 Floor Plan	21.12.2012 <u>04.04.18</u>
EA109	04 <u>B</u>	<u>Proposed</u> Level 2A Floor Plan	21.12.2012 <u>04.04.18</u>
EA110	04 <u>B</u>	<u>Proposed</u> Roof Plan	21.12.2012 <u>04.04.18</u>
EA111 <u>A</u>	<u>B</u>	<u>Proposed Signage</u> South and North Elevations	21.12.2012 <u>04.04.18</u>
EA112 <u>A</u>	<u>B</u>	<u>Proposed Signage</u> West and East Elevations	21.12.2012 <u>04.04.18</u>
EA113	<u>A</u>	<u>Proposed</u> Long Sections	21.12.2012 <u>11.10.17</u>
EA114	<u>A</u>	<u>Proposed</u> Short Sections	21.12.2012 <u>11.10.17</u>
<u>EA119</u>	<u>B</u>	<u>Proposed Public Domain Plan</u>	<u>04.04.18</u>
<u>EA120</u>	<u>B</u>	<u>Proposed Bridge Plan, Section and Elevation</u>	<u>04.04.18</u>
<u>EA122</u>	<u>A</u>	<u>Proposed External Finishes</u>	<u>11.10.17</u>
<u>EA123</u>	<u>A</u>	<u>Ground Floor Plan Shops with Extended Trading Hours</u>	<u>11.10.17</u>
Landscape Plans prepared by Site Image for the S75W Application (MOD 4 MOD 6) (Project Number SS16-3593)			
<i>Drawing No.</i>	<i>Revision</i>	<i>Name of Plan</i>	<i>Date</i>
000	B <u>E</u>	<u>Coversheet</u>	13.12.2012 <u>09.05.2018</u>
001	G <u>E</u>	<u>Landscape Design Statement</u>	17.12.2012 <u>09.05.2018</u>
002	B <u>E</u>	<u>Landscape Character Plan</u>	13.12.2012 <u>09.05.2018</u>
010	B <u>E</u>	<u>Tree Removal Plan</u>	13.12.2012 <u>09.05.2018</u>
100	B <u>E</u>	<u>Landscape Masterplan</u>	13.12.2012 <u>09.05.2018</u>
G100	<u>B</u>	Colour Landscape Masterplan	13.12.2012

101	<u>B E</u>	<u>Landscape Plan</u>	13.12.2012 <u>09.05.2018</u>
102	<u>B E</u>	<u>Landscape Plan</u>	13.12.2012 <u>09.05.2018</u>

- (c) In Part A, Condition A8 is added by insertion of the **bold and underlined** words / numbers as follows:

Limits of MP09_0191 MOD 6 approval

A8 No approval is granted or implied the following:

- (a) **fit-out and use of a pub, small bar or restaurant* and associated outdoor seating areas**
- (b) **hours of operation for any pub or small bar**
- (c) **removal of trees C, D and E**

Separate applications are to be lodged with the relevant consent authority for fit-out and use of a pub, small bar or restaurant*.

Separate approval for the removal of trees C, D and E will need to be sought from Council under Section 138 of the Roads Act 1993

***Note:** Restaurants with the capacity for more than 50 seats, other than premises where the seating is provided within a common food court or food hall

- (d) In Part A, Condition A9 is added by insertion of the **bold and underlined** words / numbers as follows:

A9 Minor works

1. **Works that are consistent with the types of development identified in Part 1 of Schedule 4 may be undertaken pursuant to this approval without the need for any further modification or approval.**
2. **Development shown on the plans approved in Condition A2 may be undertaken pursuant to this approval without the requirement for any further modification or approval where those works relate only to the relocation of retail premises or business premises floor space, internal to Marrickville Metro Stage 1B site and where the relocation internally of those uses does not result in a change to:**
 - (a) **the works do not change fire egress provisions of the approved building;**
 - (b) **there are no changes to any external space;**
 - (c) **there are no new external spaces or openings in the building proposed;**
 - and**
 - (d) **there is no increase in GFA on site.**
3. **Prior to any works being undertaken in accordance with Part 2 of Schedule 4, a Construction Certificate supported by all relevant technical assessments (provided by a suitably qualified consultant) must be obtained. Works must be carried out in accordance with relevant Australian Standards, the Building Code of Australia and any separate approvals, including those required outside the Environmental Planning and Assessment Act 1979. The Construction Certificate must be consistent with the relevant development**

standards set out in Schedule 4 and the relevant conditions of this or any other approval.

- (e) In Part B, Condition B2 (1) of Schedule 2 is added by the insertion of the **bold and underlined** words / numbers as follows:

Design Modifications for Council approval

B2 (1) The following design modifications shall be incorporated into the Construction Certificate drawings:

- a) the bollards on Smidmore Street shall be square based, or as otherwise agreed to by Council, and designed to withstand vehicle strike; and**
- b) the seating on the southern side of Smidmore Street shall be set back from the footpath to be adjacent to the retained building envelope.**

Revised plans sections and elevations shall be submitted to Council for approval prior to issue of the relevant Construction Certificate for Stage 1B.

- (f) In Part B, Condition B9 of Schedule 2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

Drainage

B9 The proposed stormwater management, including on-site detention, must be designed in accordance with the requirements of Sydney Water and Council. The Certifying Authority must ensure that the plans and specifications submitted by the proponent, referenced on and accompanying the **relevant** Construction Certificate **relating to the drainage works**, fully satisfy the requirements of this condition.

- (g) In Part B, Condition B12 of Schedule 2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

Flooding

B12 The proponent shall prepare a flood risk management plan including a flood emergency response plan in accordance with Council's and Sydney Water's requirements prior to issue of **the relevant** Construction Certificate **for the building**.

- (h) In Part B, delete Condition B13 by ~~striking out~~ the following words/numbers:

~~Roads and Maritime Services (RMS) approval~~

~~B13 The proposed modifications to the existing traffic signals and civil works on Unwins Bridge/Bedwin Road/May Street/Campbell Street shall be designed to meet RMS requirements and endorsed by a suitably qualified practitioner.~~

~~The design requirements shall be in accordance with RMS Road Design Guide and other Australia Codes of Practice. The certified copies of the traffic signal design shall be submitted to RMS for consideration and approval prior to the issue of a Construction Certificate for the stage 1B of the development~~

~~The RMS fees for administration, plan checking, signal works, inspections and project management shall be paid by the proponent prior to commencement of works.~~

~~The proponent will be required to enter into a Works Authorisation Deed (WAD) for the work.~~

- (i) In Part B, Condition B14 of Schedule 2 is amended by the insertion of the bold and underlined words / numbers as follows:

State Transit Authority Approval

B14 The proponent shall submit details/plans to STA for:

- The bus terminal in Edinburgh Road; and
- The roundabouts at the intersections of Edinburgh Road/Sydney Steel Road and Edinburgh Road/Railway Terrace demonstrating that low floor buses are able to U-turn at these locations.

The proponent shall provide evidence of STA's approval of the bus terminal and roundabout design to the Certifying Authority prior to the issue of the **relevant** Construction Certificate **for the bus terminal and roundabout** for Stage 1B.

- (j) In Part B, Condition B15 of Schedule 2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck out~~ words/numbers as follows:

Local Area Traffic Committee Approval

B15 The proponent shall obtain Local Area Traffic Committee approval for the following works as relevant to Stage 1B and Stage 2 respectively and prior to issue of the relevant Construction Certificate:

- (a) ~~concrete median in Smidmore Street to prevent right turns into and out of the proposed car park access ramp;~~
- (b) design of the roundabout at the intersection of Edinburgh Road and Sydney Steel Road;
- (c) redesign of the roundabout at the intersection of Edinburgh Road and Railway Terrace;
- (d) detailed design of the bus terminal in Smidmore Street;
- (e) prohibition of right turn movements from Victoria Road to Edgeware Road during the afternoon peak and Saturday morning peak;
- (g) the installation of ~~a pedestrian traffic signals and a crossing~~ on Smidmore Street between the pedestrian entrances of the two shopping centre buildings, and the provision of proposed signage, line marking, speed zones and other traffic management in the proposed Smidmore Street Shared zone in accordance with Condition B16;
- (h) no parking restrictions to cover the afternoon peak and Saturday morning peak at the following locations:
 - i. northbound approach of Edgeware Road to the intersection with Alice Street and Llewellyn Street (distance of 100 metres);
 - ii. southbound approach of Edgeware Road to the intersection with Alice Street and Llewellyn Street (distance of 50 metres); and
 - iii. westbound approach Alice Street to the intersection with Edgeware Road and Llewellyn Street (distance of 50 metres);
 - iv. eastern side of Edgeware Road between Alice Street and Llewellyn Street (distance of 50 metres);**
 - (v) from Smidmore Road and Edinburgh Road as identified in Figure 8. of the Response to Submissions Report prepared by TTPP dated 15 May 2018: and**
- (i) detailed design of the right turn access from Edinburgh Road to the Edinburgh road car park.**

- (k) In Part B, Condition B16 of Schedule 2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

Shared Zone in Smidmore Street

B16 Detailed plans shall be submitted to and approved by Council for the construction of a proposed "Shared Zone" for that portion of Smidmore Street between Murray Street and ~~the new relocated carpark ramp~~ **Edinburgh Road** prior to the issue of the relevant Construction Certificate. Details shall include proposed line marking and Shared Zone/~~10kph speed limit~~ signage and the provision of pedestrian crossing ~~lights~~ at no cost to Council.

- (l) In Part B, Condition B19 of Schedule 2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

Number of Parking Spaces and Dimensions

B19 In total, ~~4606~~ **1623** car parking spaces (inclusive of any car share spaces required by this approval) and 42 motorcycle spaces shall be provided on-site for the development. For Stage 1B of the development, ~~not less than~~ **between 455 and 493** new car parking spaces and 9 motorcycle spaces shall be provided on-site for that part of the development.

- (m) In Part B, Condition B25 of Schedule 2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

Construction Management Plan (CMP) and Construction Traffic Management Plan (CTMP)

B25 The proponent shall submit, for approval by the Certifying Authority, a detailed Construction Management Plan (CMP) incorporating a Construction Traffic Management Plan (CTMP) prior to issue of the Construction Certificate for each stage of works (each Construction Certificate). The CMP and CTMP shall address:

- a) construction vehicles access to and egress from the site, truck routes and number of trucks;
- b) parking for construction vehicles and construction zones;
- c) locations of the site office, accommodation and the storage of major materials related to the project;
- d) protection of adjoining properties, pedestrians, vehicles and public assets;
- e) location and extent of proposed builder's hoarding, scaffolding and Work Zones;
- f) tree protection management measures for all protected and retained trees;
- g) noise management requirements for plant and equipment;
- h) any request for adjustment to the approved construction working hours and its justification, duration and purpose; ~~and~~
- i) crane usage-;
- j) **general vehicular traffic and bus operations, and measures to ensure safe continuous movement of traffic, cyclists and pedestrians along footways and within the road reserve.**
- k) **coordination with construction traffic from other developments utilising the local road work; and**
- l) **a consultation strategy for liaison with surrounding stakeholders;**

A copy of the updated CMP and CTMP shall be submitted to Council prior to the issues of the construction certificate for **and is to be implemented during the construction phase.**

- (n) In Part B, Condition B30 of Schedule 2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck out~~ words/numbers as follows:

Site Contamination

B30 Site investigation works shall be carried out for the site in accordance with the recommendations of the Limited Stage 2 Contamination Assessment prepared by Douglas Partners (Project No. 71654 Revision 1) dated November 2010, **and the updated Contamination Synthesis Report prepared by Douglas Partners dated October 2017.** Once these works have been carried out a validation report is to be submitted to Council prepared in accordance with the requirements of the NSW EPA's Guidelines for Consultants Reporting on Contaminated Sites to Council's satisfaction.

- (o) In Part B Condition B37 of Schedule 2 is added by the insertion of the **bold and underlined** words / numbers as follows:

Public Art Strategy

B37 A public art strategy shall be submitted to Council for approval prior to issue of the relevant Construction Certificate for Stage 1B.

- (p) In Part B Condition B44 of Schedule 2 is added by the insertion of the **bold and underlined** words / numbers as follows:

NABERS

B44 The proposed development shall prepare a detailed Environmental Sustainability Report for the development including specific measures which will be implemented during construction and operation to achieve an **equivalent** 4-star NABERS Retail Energy and Water rating **for the base building.** The measures identified in this report are to be implemented in the plans and details submitted with the relevant Construction Certificate for the development.

- (q) In Part B Condition B45 of Schedule 2 is added by the insertion of the **bold and underlined** words / numbers as follows:

Road Safety Audit

B45 The right turn access on Edinburgh Road (between Smidmore Street and Sydney Steel Road) from Edinburgh Road to the Edinburgh road car park is approved, subject to the Proponent submitting a road safety audit of the proposed access, including all permissible movements and interactions with movements at adjacent intersections, including Edinburgh Road with Smidmore Street and Edinburgh Road with Sydney Steel Road.

The audit (including any corrective action program to address unacceptable road safety impacts) shall be submitted to the satisfaction of Council, prior to issue of the Construction Certificate for the road works.

- (r) In Part C Condition C19 and Condition C20 of Schedule 2 are added by the insertion of the **bold and underlined** words / numbers as follows:

Replacement of Lemon Scented Gums on Smidmore Street

C19 The proponent shall provide a plan for the removal and replacement of trees 75 to 84 (Lemon Scented Gums and Narrow Leaf Peppermint tree) along Smidmore Street, in accordance with the Marrickville Street Tree Masterplan 2014. Such plan shall include the following requirements:

- a) **the removed trees shall be replaced at 1:2 ratio, or as otherwise agreed to in writing by Inner West Council, at a minimum container size of 400L**
- b) **planting detail and specifications shall incorporate vault style structural soil systems allowing all new trees to have a minimum of 30m³ of soil volume per tree. If evidence identifies that this volume cannot be achieved due to existing services and infrastructure, the Applicant shall agree an appropriate alternative outcome with Council**
- c) **the planting stock shall comply with Australian Standard Tree stock for landscape use AS 2303—2015**
- d) **the new trees shall be planted by a qualified horticulturist or arborist, with a minimum qualification of Certificate 3**
- e) **the new street trees shall be maintained in a healthy and vigorous condition during an establishment period of 24 months**
- f) **if any tree dies or is removed during the establishment period, it shall be replaced with the same species tree in accordance with these conditions at the expense of the applicant**
- g) **upon completion of planting the proponent shall arrange an inspection by Council's Urban Forest Manager to approve the installation. If the trees or planting method are unsatisfactory and not in accordance with conditions they will be rejected and replaced at the expense of the proponent**
- h) **Planting of all trees shall be co-ordinated with the Public domain works on Smidmore Street and shall be completed to the satisfaction of Council prior to issue of the Occupation Certificate for stage 1B.**

The plan shall be submitted to and approved in writing by Council, prior to the issue of the construction certificate for the Smidmore Street public domain works.

- (s) In Part D, Condition D28 and Condition D29 of Schedule 2 are amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

Tree Protection

D28 All trees to be retained shall be protected in accordance with the Tree Protection Specifications outlined in Appendix 6 of the *Arboricultural Impact Assessment Report* prepared by Integrated Vegetation Management (Report No. MA/ME/AIARTPS/E dated 2 November 2010) and ~~Report No. MAR/ME/AIA/B Rev B by Tree IQ dated 17th December 2012)~~ **the Arboricultural Impact Assessment Report prepared by Tree IQ (Report No: MAR/MET75W/AIA/B dated 10th April 2018).**

D29 Approval is given for the following works to be undertaken to trees on the site, as identified in 'Appendix 3 - Site Survey' in the *Arboricultural Impact Assessment Report* prepared by Integrated Vegetation Management (Report No. MA/ME/AIARTPS/E dated 2 November 2010) **and the Arboricultural Impact Assessment Tree Protection Specification (prepared by Tree IQ dated 10th April 2018):**

Tree No.	Name	Approved Works
37	<i>Celtis sinsesis</i> (Nettle Tree)	Removal
48, 56, 57, 58, 59, 60, 67	<i>Ficus microcarpa</i> var. 'Hillii' (Hills Weeping Fig)	Removal
68	<i>Acacia spp</i> (Wattle) – Group of 7	Removal
2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18	<i>Ficus microcarpa</i> var. 'Hillii' (Hills Weeping Fig)	Selective Branch Pruning
75, 76, 77, 78, 80, 81, 82, 84	<i>Corymbia citriodora</i> (Lemon-scented Gum)	Canopy Pruning Removal
79, 83	<i>Eucalyptus sp.</i> (Gum Tree)	Removal
88-108 (inclusive)	<i>Various</i>	Removal

- (t) In Part E, delete Condition E9 by ~~striking out~~ the following words/numbers:

Splay Corners

~~E9 Splay corners shall be created at property corners of the new site, and dedicated to the public for road widening purposes before the issue of an Occupation certificate. The size and location of splay corners shall be as follows:~~

- ~~• Corner Smidmore and Murray Streets – 3m x 3m splay; and~~
- ~~• Corner Murray Street and Edinburgh Road – 3m x 3m splay.~~

- (u) In Part E, Condition E15 of Schedule 2 is amended by the insertion of the **bold and underlined** words / numbers as follows:

NABERS

E15 The development shall include appropriate ESD measures to achieve a design **equivalent** 4-star NABERS Retail Energy and Water rating **for the base building** with appropriate Certification to be provided in this respect prior to the issue of any Occupation Certificate for the relevant part of the building.

- (v) In Part E, Condition E22 of Schedule 2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck out~~ words/numbers as follows:

Traffic Improvements

E22 The following works shall be completed to the satisfaction of the Certifying Authority prior to issue of an Occupation Certificate for Stage 1B of the development, and shall be at no cost to Council:

- Roundabout construction at the intersection of Edinburgh Road/Sydney Steel and Edinburgh Road/Railway Terrace;
- ~~Modification to the intersection of Unwins Bridge Road/Bedwin Road/May Street/Campbell Street in accordance with RMS specifications;~~
- Construction of the new bus terminal in Edinburgh Road;
- Smidmore Street upgrade works including pedestrian ~~lights and~~ crossing, community bus and taxi zones; and
- Amend the street address of Marrickville Metro Shopping Centre to have a Smidmore Street **or Edinburgh Road** address.

The above measures shall be implemented in accordance with the approval of the Local Area Traffic committee and to the satisfaction of Marrickville **Inner West** Council

- (w) In Part E, Condition E33 of Schedule 2 is added by the insertion of the **bold and underlined** words / numbers as follows:

Subdivision

E33 The applicant shall enter into a lease with Council for the new stratum lot airspace above Smidmore Street under Section 149 of the Roads Act, 1993 to allow for the overhead bridge structure(s) over Smidmore Street. The lease must be in place before the issue of the Occupation Certificate for Stage 1B of the development.

- (x) In Part E, Condition E34 of Schedule 2 is added by the insertion of the **bold and underlined** words / numbers as follows:

Summary Schedule of Minor Works

E34 The proponent shall submit a schedule of all Minor Works undertaken under Condition A9 to Council, prior to issue of the Occupation Certificate for Stage 1B.

- (y) In Part F, Condition F4 of Schedule 2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

Hours of Operation

F4 Trading hours of the shopping centre shall be restricted to between the hours of 7.00am and 10.00pm ~~daily~~ **Monday to Sunday.**

Notwithstanding the above, the indoor areas of the restaurant tenancies identified on Plan EA123/A are permitted to operate between 7.00am and 12 midnight.

Outdoor areas of the restaurant tenancies identified on Plan EA123/A are permitted to operate between 7.00am and 10.00pm, and between 10.00pm and 12 midnight for a trial period of two years. The Secretary is to be informed in writing of the date of commencement of the trial hours.

A modification application or development application may be lodged to continue any trial period. The consideration of a proposed continuation and/or extension will be based on the performance of the operator(s) in relation to compliance with approval conditions, any substantiated complaints received, and any views expressed by the NSW Police Force.

Notwithstanding the above, the existing Kmart Tenancy may operate until 12 midnight until the end of 2017 or by no later than the commencement of works for Stage 2 of the Project, whichever is the earlier.

- (z) In Part F, Condition F5 of Schedule 2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

Loading Docks

F5 No loading or unloading at any new or existing loading dock shall occur between the hours of 7.00pm and 7.00am on any day, **apart from Loading Dock No. 4 on Smidmore Street where loading and unloading shall only occur between 5.00am and 11.00am.**

- (aa) In Part F, Condition F18 of Schedule 2 is added by the insertion of the **bold and underlined** words/ numbers as follows:

Signage details

F18 Details of the final signage design, content and illumination (if proposed) within the approved signage zones are to be submitted to Council for approval prior to the installation and display of any signage.

Schedule 3 – Proponent's Statement of Commitments is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

Subject	Commitments	Timing
1. Development Contributions	AMPCI agrees to pay the monetary contributions in accordance with the Marrickville <u>Inner West</u> Council section 94 plan.	Prior to Construction Certificate
2. Transport Management Measures	<p>The proponent agrees to implement the measures outlined in the amended TMAP report prepared by Halcrow (November 2010) accompanying the Preferred Project Application, <u>and as amended by the Traffic Impact Assessment prepared by Transport Planning Partnership (October 2017).</u> These measures include:</p> <p>Road Works</p> <p><i>Intersection Edgeware Rd / Llewellyn St / Alice St</i></p> <ul style="list-style-type: none"> • Extend existing 'No Parking' restriction (currently between 3.30 – 5.30pm, Mondays to Fridays) along the Alice Street approach (50m of kerbside) be extended to 6.00pm to fully cover the weekday evening peak period. <p><i>Intersection of Unwins Bridge Rd/Bedwin Rd/May & Campbell Streets</i></p> <ul style="list-style-type: none"> • Extend the left slip lane in Unwins Bridge Road to 60m by reducing the right turn lane to about 20m. This can be achieved by widening Unwins Bridge Road adjacent to the left slip lane by approximately 800mm. • On May Street, reduce the eastbound provision to one lane and displace three parking spaces on the northern side of the street. Inclusion of a diamond lead phase for right turning traffic from May Street to Bedwin Road. • Reduce eastbound provision on May Street to one lane. Displacing three parking spaces on the northern side of the street. • Retention of parking along southern side of May Street leaving existing parking adjacent to houses intact. <p><i>Edinburgh Road Intersection with Sydney Steel Street and Murray Street</i></p> <ul style="list-style-type: none"> • Roundabouts will be constructed at the intersection of Sydney Steel Road with Edinburgh Road and Railway Parade with Edinburgh Road 	Plans to be provided prior to Construction Certificate

	<ul style="list-style-type: none"> • Maintain existing roundabout at the Murray Street intersection. <p>Note: All traffic works are subject to the approval of Marrickville Inner West Council and/or RTA as appropriate.</p> <p>Provision of New Taxi Rank</p> <p>The provision of a new taxi rank for 3 spaces and a new shelter and seating in Smidmore Street.</p> <p>The provision of an accessible taxi space in accordance with Australian Standard with low height kerb, wheelchair access and accessible paths direct from both shopping centre entrances.</p> <p>Provision of pick/set down area</p> <p>The provision of a pick-up/set down area in Smidmore Street within close proximity to shopping centre entrances.</p> <p>Green Travel Plan</p> <p>The proponent agrees to prepare and implement a Green Travel Plan for the shopping centre.</p> <p>Bicycle Parking & Facilities</p> <p>The proponent agrees to provide the following bicycle parking and associated amenities as part of the overall development.</p> <p>In total 65 bicycle parking spaces for customers and staff are proposed. This provision would then be increased by converting car parking spaces to bicycle spaces if/when it became apparent that the initial provision was insufficient.</p> <p>This bicycle parking and storage will be provided, and showers will be located in the building.</p>	
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	<p>Improvements to Bicycle Routes The proponent agrees to improvements or connections to bike routes (subject to the agreement with Marrickville Inner West Council as outlined in the TMAP dated November 2010 <u>and the Traffic Impact Assessment prepared by Transport Planning Partnership (October 2017).</u></p> <p>Construction of a New Bus Stop/Interchange The proponent agrees to construct a new bus shelter and bus parking area on the frontage to Edinburgh Road to accommodate three buses. The bus stop area will incorporate a shelter, seating and street furniture and associated signage. The proponent will consult with the STA in the final design of the bus stop area.</p> <p>The proponent agrees to provide a bus stop on Smidmore Street for a community bus service subject to Council approval.</p> <p>(The proponent will investigate options with the STA to find suitable locations for further bus parking capacity located in the vicinity of the site, when this is required.)</p>	
3. Car Parking	<p>The proponent agrees to the following measures in respect to the provision and management of car parking:</p> <ul style="list-style-type: none"> • The continued provision of free parking for customers of the centre <u>unless otherwise approved by Inner West Council through a development application or under Section 68 of the Local Government Act 1993;</u> • The implementation of parking availability identification signage at each parking level to improve the efficiency of parking spaces and reduce circulating traffic. • Five car share spaces will be allocated within the centre car park for priority access to the centre's entrance / exit and continued monitoring of demand. This will then be increased by converting car spaces to car share spaces. 	To be implemented as part of the Operational Management Plan to be submitted prior to <u>the relevant</u> Construction Certificate stage.
4. Landscaping and Public Domain	<p>With the agreement of Marrickville Inner West Council, the proponent agrees to the following:</p> <p>The planting of new street trees and pavement works along Edinburgh Road and Murray Street south of Smidmore Street in accordance with the plans prepared by Site Image</p>	Prior to Occupation Certificate or as specified.

	<p>dated November 2010 <u>and 9 May 2018, subject to no major existing services encumbrances within the road reserve; or unless otherwise agreed in writing with Inner West Council further to the provisions of Condition C19.</u></p> <ul style="list-style-type: none"> • Retention of a total of 80 trees within and around the site subject to arborist recommendations. • The proponent agrees that final street tree species selection and specification be undertaken in consultation and agreement with Council. • The retention of existing heritage paving and planting of new street trees and 'rain gardens' along the frontage of Victoria Road in accordance with the plans prepared by Site Image dated November 2010. • The proponent agrees to maintain the rain gardens established within the road reserve in a tidy and working order at no cost to Council. • The proponent agrees to undertake a services survey before the preparation of a final landscape plan for the public domain. The final landscape plan will be prepared and agreed by Council. <p>In respect to the existing fig trees (<i>Ficus carica</i>) planted adjacent to the existing shopping centre on the Murray Street frontage north of Smidmore Street, the proponent agrees to the landscaping works as indicated on plan prepared by Site Image dated November 2010 <u>and 9 May 2018</u>, including:</p> <ul style="list-style-type: none"> • Retention of trees 17 trees (identified as trees 43-55 and 61-64 in Arborist Report dated October 2010), • Replacement planting of 4 trees identified for removal in revised Arborist Report dated October 2010 (being trees nos. 57-60). Replacement trees to be located immediately north of the proposed car park access point, • Removal and replacement of one tree identified for removal in revised in Arborist Report, dated October 2010 (No. 56). <p>With the agreement of Marrickville <u>Inner West</u> Council, the proponent agrees to undertake the following works along Smidmore Street:</p> <ul style="list-style-type: none"> • New planting along northern side of Smidmore Street and new pavement works along the north and south side the street in accordance with plans prepared by Site Image dated November 2010 <u>and 9 May 2018.</u> 	
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	<ul style="list-style-type: none"> • Pavement widening at shop front entrances along north and south side of Smidmore Street. • Retain existing Lemon Scented Gums on the southern side • Creation of a pedestrian crossing between two shopping centre entrances. <p>With the agreement of Marrickville Inner West Council, the proponent also agrees to further public domain works to traffic calm and reduce the carriage way width of Smidmore Street, including:</p> <ul style="list-style-type: none"> • Pavement extension on the southern side of Smidmore Street at eastern to enclose parallel parking bay, • New paving to the Smidmore Street carriageway between Murray Street and the relocated car park ramp. <p>The proponent agrees to undertake the measures as recommended in the revised Arborist report prepared by Integrated Vegetated Management, dated October 2010 <u>and the Arboricultural Impact Assessment prepared by Tree IQ dated 10 April 2018</u>, including:</p> <ul style="list-style-type: none"> • Retention of Trees 1-36, 38–55, 61–66, 68- <u>74, 85</u>-87. • All works within the TPZs will be in accordance with arborist recommendations. 	
5. Infrastructure Management	<p>The proponent agrees to the following measures to mitigate impacts on Sydney Water infrastructure. These include:</p> <ul style="list-style-type: none"> • Undertake due diligence to ascertain whether culvert under the new building at (13-55 Edinburgh Road) requires upgrading. • Upgrade <u>as necessary dependent upon the above due diligence</u> of the culvert under the new building to match or exceed the lifespan of the built over structure, if required. • Undertake a review of the existing flood study results for the local catchment to establish whether there is a requirement to upsize the culvert, • Preparation of a flood risk management plan including a flood emergency response plan, <p>The proponent also agrees to the following:</p> <ul style="list-style-type: none"> • Provision of OSD for new development at 13-55 Edinburgh Road in accordance with Sydney Water and Council requirements, and in accordance with requirements of Sydney Water specified in their letter dated 13 October 2010. 	<p>Prior to the relevant construction certificate stage.</p> <p>Prior to the relevant construction certificate stage.</p>

	<ul style="list-style-type: none"> Undertake further consultation and agreement with Sydney Water to determine storage requirements and permissible discharge. <p>The proponent agrees to provide water sensitive urban design (WSUD) measures in to the development including:</p> <ul style="list-style-type: none"> Provide WSUD measures to new development at 13-55 Edinburgh Road to meet 1997 NSW EPA requirements. Preparation of a detailed WSUD Strategy that will detail available initiatives and include: <ul style="list-style-type: none"> A stormwater quality model; The location, size and configuration of stormwater treatments; A summary of MUSIC parameters. <p>With the agreement of Marrickville Inner West Council, the proponent will investigate and implement two options to address flooding at Victoria Road with respect to the existing heritage paving and street trees. These are:</p> <ul style="list-style-type: none"> Provide drainage from the low point in Victoria Road to an appropriate location on Murray Street, or Provide an overland flow path from the low point on Victoria Road to an appropriate location on Murray Street to achieve a suitable grade. <p>The proponent agrees to the following works with regard to stormwater drainage:</p> <ul style="list-style-type: none"> Appropriate upgrading of road adjacent to intersection of Edinburgh Road and Steel Road to move the low point further west along the road in accordance with Marrickville Inner West Council requirements. All stormwater drainage will be in accordance with ARR, AS3500.3-2003 Stormwater Drainage-Acceptable Solutions and Marrickville Inner West Council Stormwater and On Site Detention Code. Pipe drainage systems will be designed to cater for the twenty (20) year Average Recurrence Interval (ARI) storm. <p>Major event surface flow paths shall be designed to cater for the one hundred (100) year ARI storm.</p> <ul style="list-style-type: none"> Existing sewer mains within Smidmore Street and 13-55 Edinburgh Road to be diverted to be located outside proposed building areas. 	<p>Prior to the relevant construction certificate stage.</p> <p>Prior to the relevant construction certificate stage.</p> <p>Prior to the relevant construction certificate stage.</p>
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	<ul style="list-style-type: none"> Existing water main within Smidmore Street to be terminated (capped) either side of new construction to avoid potential easement. 	
6. Heritage	<p>The proponent agrees to the following:</p> <ul style="list-style-type: none"> No alterations, extension or changes to the exterior of Mill House, <p>The proponent agrees to the following measures and actions recommended in the Heritage Impact Statement prepared by Graham Brooks & Associates dated October 2010:</p> <ul style="list-style-type: none"> An archival photographic recording of 'Mill House, in its context, documenting the Victoria Road streetscape, the remnant Vicars walls and the brick paving, should be made prior to commencement of any works. The design details for this project should be prepared with the input and endorsement of a suitably qualified Heritage Consultant. 	Archival recording shall be undertaken prior to the issue of a Construction Certificate.
7. Environmental Sustainability	<p>The proponent agrees to the following:</p> <p>The new development (Stage 1) will be designed and constructed to achieve Australian 'Best Practice' in environmentally sustainable design and construction for retail centres.</p> <p>A report will be prepared by a Green Star Accredited Professional prior to the issue of the Construction Certificate which confirms that the new development works will be capable of achieving an equivalent minimum best practice rating for the design of the development under the Green Building Council of Australia's (GBCA) Retail v1 tool (or equivalent).</p> <p>The proponent also aims to achieve an equivalent 4 Star NABERS Retail Energy and Water rating for the base building post the refurbishment and expansion of the existing shopping centre.</p>	To be prepared prior to the issued of the relevant Construction Certificate.
8. Management of Lighting Impacts	<p>The proponent will ensure that:</p> <ul style="list-style-type: none"> external lighting will be provided for security that complies with the relevant Australian Standard, including: <ul style="list-style-type: none"> Australian Standard AS4282 - 1997 Control of the obtrusive effects of outdoor lighting. Australian Standard/New Zealand Standards AS1158 – Lighting for Roads and Public Spaces. 	Lighting modelling is to be prepared to demonstrate compliance with the Australian Standards and the avoidance of unreasonable light spill

		on adjoining properties prior to the issue of the relevant Construction Certificate.
9. Signage	Preparation of a signage strategy. Approval of signage details will be subject to a separate development approval.	
10. Shopping Centre Management	<p>The proponent agrees to prepare an Operational Management Plan for the shopping centre and including those sections of the surrounding streets immediately adjacent to the shopping centre being Victoria Road, Murray Street, Bourne Street, Smidmore Street and Edinburgh Road which addresses the following:</p> <ul style="list-style-type: none"> • Trolley management • Cleaning and maintenance of shopping centre grounds and immediate surrounds. • Preparation of a Maintenance Strategy for walking and cycling paths 	Operational Management Plan will be prepared prior to the issue of a Construction Certificate for Stage 1 <u>B</u> works.
11. Waste Management	The proponent agrees to prepare and implement an Operational Waste Strategy which includes recycling/recovery targets for each waste stream appropriate to the size of the development and ensure that all waste, including organic waste is recycled wherever possible.	Operational Waste Strategy will be prepared prior to the issue of a Construction Certificate for Stage 1 <u>B</u> works.
12. Crime Management and Safety	<p>The proponent agrees to implement the following measures: The preparation of an Operational Security Management Plan (OSMP) for the Centre incorporating the following provisions:</p> <ul style="list-style-type: none"> • Access control for the car parking entrances and loading dock entries. • Provision of CCTV cameras to the car park areas, malls and entries to the centre. • Provision of regular security patrols of the centre and car parking areas. • The building entrances will be visible from the street and will not be obscured by landscaping. • The provision of clear signage for vehicle traffic and pedestrians. 	<p>An Operational Security Management Plan will be prepared prior to the issue of a relevant Construction Certificate for Stage 1<u>B</u> works.</p> <p>The proposed lighting, landscaping, security, and management measures will be</p>

	<ul style="list-style-type: none"> • Lighting to be designed in accordance with AS4282 and should be vandal proof or resistant. • Landscaping to be designed and maintained so as to maintain clear sightlines and avoid areas for concealment. • Pedestrian access paths to be lit by higher levels than the general parking areas. • A management regime for on-going maintenance and upkeep of the centre. • Hardwearing materials will be utilised where appropriate in all buildings to minimise opportunities for vandalism. <p>The OSMP may be implemented on a staged basis to reflect the staged construction and operation of the centre.</p>	implemented on a staged basis in accordance with the proposed staged construction.
13. BCA	<p>BCA</p> <p>The proponent agrees to provide a new building as part of the Stage 1 works which is compliant with the BCA 2009 and developing alternate solutions where required. The proponent agrees to provide at least the same level of fire safety to the centre as existing.</p> <p>Fire Safety</p> <p>The proponent agrees to developing alternative solutions which comply with the relevant performance requirements of the BCA.</p> <p>Accessibility</p> <p>The proponent agrees to provide a development which has an equitable and accessible environment for all and complies with the Building Code of Australia (BCA), statutory obligations imposed by the Disability Discrimination Act 1992 (DDA) and relevant Australian Standards.</p>	To be satisfied prior to the issue of each relevant Construction Certificate.
14. Geotechnical ground Water Management	<p>The proponent agrees to the following measures and actions recommended in the Geotechnical Investigation prepared by Douglas Partners dated November 2010 <u>and October 2017</u> being:</p>	The investigations will be carried out on a staged basis and prior to Construction

	<ul style="list-style-type: none"> • Further investigation to be carried out in the previously identified AECs which were not accessible in this round of investigation. This may include additional intrusive sampling in areas likely to be exposed as part of the proposed development and an assessment of human health risk in others areas of the site; • Further groundwater investigation be undertaken to confirm, or otherwise potential widespread groundwater contamination associated with the dry-cleaning operation and the possible historical leakage / spillage of petroleum products at the disused fuel point; • Geophysical investigation be undertaken in the vicinity of the disused fuel point to determine whether there are other USTs present at the warehouse site, apart from those previously identified in the Stage 1 Contamination Assessment; • Additional <i>ex situ</i> assessment of excavated soils to confirm or otherwise the preliminary waste classifications provided in this report; • Further investigation to be undertaken to confirm the extent of the acid sulphate soil in the southern portion of the site; and Development of an Acid Sulphate Soils Management Plan, if required. <p>A remedial action plan will be prepared, and a site audit statement provided (if required pending the outcomes of the further investigations).</p>	Certificate for the relevant stage of works.
15. Construction Management	<p>The proponent agrees to prepare a detailed Construction Environmental Management Plan outlining the following:</p> <p>Stakeholder management</p> <ul style="list-style-type: none"> • Restrictions on construction times <p>Details of construction stages</p> <ul style="list-style-type: none"> • Sediment control plan • Dust control plan • Noise control plan • Vibration control plan • Construction traffic and parking management plan • Site amenities • Waste control plan • Operational management of cranes. 	A Construction Environmental Management Plan shall be prepared prior to the issue of the first Construction Certificate.

<p>16. Acoustic privacy</p>	<p>The proponent agrees to the following measures in accordance with the recommendations of Acoustic Logic in the report dated 4 November 2010 <u>and the Marshall Day Acoustic Report dated 10th October 2017 and the Loading Dock 4 Revised Operating hours Report dated 20 April 2018:</u></p> <p>Restrictions on Hours of Operation & Frequency of Loading Access</p> <ul style="list-style-type: none"> • Loading hours will be limited to between 7am and 10pm daily <u>apart from Loading Dock No. 4 on Smidmore Street where loading and unloading shall only occur between 5.00am and 11.00am.</u> <p>Heavy Vehicle Access The proponent will direct that heavy vehicles access the loading docks via Edinburgh Road and this will be incorporated as part of an Operational Management Plan.</p> <p>Design Measures for Modified Loading Dock fronting Murray Street The proponent agrees to line the underside of the slab over the Loading Dock with noise absorptive material (Anticon building blanket or Tontine Acoustisorb 2 insulation with perforated foil lining).</p> <p>Design of Car Park Ramps A minimum 1.2m high screen around the perimeter to the new ramp on Edinburgh Road and modified ramp on Smidmore Street to provide a line of sight screen between the ramp deck and any nearby residential development. The screen may consist of a masonry wall or other imperforate material.</p> <p>Mechanical Plant A detailed assessment of mechanical plant will be conducted at Construction Certificate stage to determine acoustic treatments (if any) necessary to ensure compliance with acoustic criteria set out in the report.</p>	<p>The proposed measures will be addressed prior to the first Construction Certificate stage or are on-going operational commitments.</p>
<p>17. Development Staging</p>	<p>The proponent commits to stage the project by ensuring that there is a minimum period of 3 years between the commencement of operations of Stage 1B of the project and the commencement of operations associated with Stage 2 of development works.</p>	

SCHEDULE 4
SCHEDULE OF MINOR WORKS
MP09_0191

1. DEFINITIONS

1.1 PERMITTED DEVELOPMENT

For the purposes of this schedule, permitted development is development undertaken within the site as described for this schedule without the need for further planning approval. Permitted development on site requires a construction certificate.

1.2 THE SITE

For the purposes of this schedule, 'the site' means;

13-55 Edinburgh Road, Marrickville, NSW 2204. Legal description - Lot 1 DP 612551 (the site). This is the Marrickville Metro extension site (Stage 1B). These provisions do not affect the existing Marrickville Metro Shopping Centre at 34 Victoria Road, Marrickville.

1.3 INTERNAL TO THE SITE

For the purposes of this schedule, 'internal to the site' means fully within the boundaries of the site and not visible from any part of the public domain surrounding the site.

1.4 DEFINITIONS

The definition of all land uses throughout the schedule are as defined under the Marrickville Local Environmental Plan 2011.

2. PART 1 – EXEMPT DEVELOPMENT

2.1 ACCESS RAMPS

2.1.1 Specified development

The construction or installation of an access ramp is development specified for this schedule.

2.1.2 Development standards

The standards specified for that development are that the development must:

- (a) be not more than 1m above ground level (existing), and
- (b) be located at least 450mm from each side boundary and the rear boundary, and
- (c) not interfere with the functioning of existing drainage fixtures or the natural surface flow of water.

2.2 AERIALS, ANTENNAE AND COMMUNICATION DISHES

2.2.1 Specified development

The construction or installation of an aerial, antenna or a satellite communications dish (including any supporting mast) is development specified for this schedule if the construction or installation does not comprise fire alarm communication link works within the meaning of the Environmental Planning and Assessment Regulation 2000.

2.2.2 Development standards

(1) The standards specified for that development are that:

- (a) if the development is attached to an existing building, either by being mounted on the roof or attached to an external wall of a building:
 - (i) the development must not have a diameter of more than 1.8m if installed for any other purpose, and
 - (ii) the development must not be higher than 1.8m above the highest point of the roof of the building.
- (b) if the development is located at ground level (existing), the development:
 - (i) must not have a diameter of more than 1.8m, and
 - (ii) must not be higher than 1.8m above ground level (existing), and
 - (iii) must be located at least 900mm from each lot boundary.
 - (v) must resist loads in accordance with AS/NZS 1170.0:2002 Structural design actions, Part 0: General Principles and AS/NZS 1170.2:2011 Structural design actions, Part 2: Wind actions, and
 - (vi) must be anchored by a concrete slab or footing designed in accordance with AS 3600—2009 Concrete structures, and
- (c) if the development is a mast or attached to a mast, the mast:
 - (i) must not have a diameter of more than 100mm, if a solid mast or 500mm if constructed as an open lattice frame, and
 - (ii) must not be higher than 10m above ground level (existing) inclusive of the mast and any attachments, and
 - (iii) must be located at least 5m from each lot boundary, if the mast is over 5m in height, and 2m from each lot boundary, if the mast is 5m or less in height, and

- (iv) must not be constructed or installed on or in a heritage item or draft heritage item, and
 - (v) must be located at the rear of the lot if it is not on land within Zone RU1, RU2, RU3, RU4, RU6 or R5, and
 - (vi) must resist loads in accordance with AS/NZS 1170.0:2002 Structural design actions, Part 0: General Principles and AS/NZS 1170.2:2011 Structural design actions, Part 2: Wind actions, and
 - (vii) must be anchored by a concrete slab or footing designed in accordance with AS 3600—2009 Concrete structures.
- (2) For subclause (1), there must be:
- (a) no more than 3 developments per lot, and
 - (b) not more than 1 mast or antenna located at ground level (existing) on the lot.

2.3 AIR CONDITIONING UNITS

2.3.1. Specified development

The construction or installation of an air-conditioning unit is development specified for this schedule.

2.3.2. Development standards

- (1) The standards specified for that development, if for residential uses only, are that the development must:
- (a) not be located on the wall or roof of a building that faces the primary road, or forward of the building line to the primary road, and
 - (b) not be built into any external wall unless the development is more than 3m from each side and rear boundary and 6m from any other building on the lot, and
 - (c) not involve work that reduces the structural integrity of the building, and
 - (d) not reduce the existing fire resistance level of a wall or roof, and
 - (e) be designed so as not to operate:
 - (i) during peak time-at a noise level that is more than 5 dB(A) above the ambient background noise level measured at any property boundary, or
 - (ii) during off peak time-at a noise level that is audible in habitable rooms of adjoining residences, and
- (2) Any opening created by the construction or installation of the development must be adequately waterproofed.

2.4 AUTOMATIC TELLER MACHINES

2.4.1 Specified Development

The construction or installation of an automatic teller machine is development specified for this schedule.

2.4.2 Development Standards

The standards specified for that development are that:

- (a) the development:
 - (i) must be located inside, and only be accessible from within, existing commercial premises, or
 - (ii) must be located inside existing commercial premises within an external wall that is at least 2m from a road, and

- (b) the development must be installed in accordance with AS 3769—1990 Automatic teller machines—User access.

2.5 BLINDS

2.5.1 Specified Development

The construction or installation of any of the following structures over a window or door opening is development specified for this schedule:

- (a) a blind (including a storm blind, security blind or sun blind) or similar structure for any purpose.

2.5.2 Development Standards

The standards specified for that development are that the development must:

- (a) not have an area more than 10m², and
- (b) if it is connected to a fascia-be connected in accordance with a professional engineer's specifications, and
- (c) not be used for advertising.

2.6 BOLLARDS

2.6.1 Specified Development

The construction or installation of a bollard is development specified for this schedule.

2.6.2 Development Standards

The standards specified for that development are that the development must:

- (a) be not higher than 1.4m above ground level (existing), and
- (b) not have a diameter of more than 600mm, and
- (c) not reduce any existing means of entry to, or exit from, any such associated development or the lot on which it is situated.

2.7 CHANGE OF USE OF PREMISES

2.7.1 Specified Development

A change of use from a current use specified in a category in Column 1 of the Table to this clause to a use specified in the corresponding category in Column 2 of the Table to this clause is development specified for this Schedule.

Column 1 – Current Use	Column 2 - New Use
Business Premises	Business Premises
Office Premises	Office Premises
Shop	Shop / Kiosk
Garden Centre	Garden Centre
Landscaping Material Supplies	Landscaping Material Supplies
Hardware and Building Supplies	Hardware and Building Supplies
Plant Nursery	Plant Nursery

2.7.2 Development Standards

The standards specified for that development are that:

- (a) the new use must not involve building alterations, other than alterations that are listed in this schedule, and
- (b) the new use must not result in an increase in the gross floor area of any building within which it is carried out, and
- (c) the new use must not cause the contravention of any existing condition of the most recent development consent (other than a complying development certificate) that applies to the premises relating to hours of operation, noise, car parking, vehicular movement, traffic generation, loading, waste management and landscaping.

2.8 EARTHWORKS, RETAINING WALLS AND STRUCTURAL SUPPORT

2.8.1 Specified Development

Earthworks and the construction or installation of a retaining wall or other form of structural support is development specified for this schedule.

2.8.2 Development Standards

The standards specified for that development are that the development must:

- (a) not be a cut or fill of more than 600mm below or above ground level (existing), and
- (b) be located at least 1m from each lot boundary, and
- (c) be located at least 40m from a waterbody (natural), and
- (d) not redirect the flow of any surface water or ground water or cause sediment to be transported onto an adjoining property, and
- (e) if it is a retaining wall or structural support for excavation or fill, or a combination of both:
 - (i) be not be more than 600mm high, measured vertically from the base of the development to its uppermost portion, and
 - (ii) be separated from any retaining wall or other structural support on the site by at least 2m, measured horizontally, and
 - (iii) be located at least 1m from any registered easement, sewer main or water main, and
 - (iv) have adequate drainage lines connected to the existing stormwater drainage system for the site, and
- (f) if the fill is more than 150mm deep—not occupy more than 25% of the area of the lot, and
- (h) if the fill is imported to the site—be free of building and other demolition waste, and only contain virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the Protection of the Environment Operations Act 1997.

2.9 EMERGENCY WORK AND TEMPORARY REPAIRS

2.9.1 Specified Development

The temporary repair of any damage to a building or structure caused by an event that constitutes a significant and widespread danger to life or property in any zone in an area declared by an order under section 33 of the State Emergency and Rescue Management Act 1989 to be an area where a state of emergency exists is development specified for this schedule.

2.9.2 Development Standards

The standards specified for that development are that the development must:

- (a) be carried out within 6 months of the declaration being made, and
- (b) not change the configuration of the floor space of the building or structure being repaired, and
- (c) not increase the floor space of the building or structure being repaired, and
- (d) be to make the building or structure weatherproof and, if a dwelling.

2.10 FOOTPATHS – OUTDOOR DINING

2.10.1 Specified Development

The use of a footway or public open space within the meaning of the *Roads Act 1993* as an outdoor dining area associated with lawful food and drink premises is development specified for this schedule.

2.10.2 Development Standards

The standards specified for that development are that the development must:

- (a) not be associated with a pub or a small bar, and
- (b) be carried out in accordance with an approval granted under section 125 of the *Roads Act 1993*, including in accordance with any hours of operation to which the approval is subject, and
- (c) be carried out in accordance with any approval granted under section 68 of the *Local Government Act 1993*.

2.11 HOT WATER SYSTEMS

2.11.1 Specified Development

The construction or installation of a hot water heater or a hot water storage tank is development specified for this schedule.

2.11.2 Development Standards

The standards specified for that development are that the development must:

- (a) not be a solar hot water system, and
- (a1) if it uses a heat pump water heater, be designed so as not to operate:
 - (i) during peak time—at a noise level that is more than 5 dB(A) above the ambient background noise level measured at any property boundary, or
 - (ii) during off peak time—at a noise level that is audible in habitable rooms of adjoining residences, and

2.12 MINOR BUILDING ALTERATIONS (INTERNAL)

2.12.1 Specified Development

(1) A minor internal building alteration for the replacement or renovation of:

- a) a doorway, wall, ceiling or floor lining, or
- (b) a deteriorated frame member, including stairs and stairwells, or
- (c) a bathroom or kitchen, or
- (d) a built-in fixture such as a vanity, a cupboard or a wardrobe, or
- (e) an existing sanitary fixture, such as a grease trap or the like, or
- (f) shelving or racking that is not higher than 2.7m, or
- (g) a work station or counter, or
- (h) a shop front of an internal arcade retail or food and beverage tenancy or the like.

(2) The installation of new or replacement insulation material in the ceiling, floor or wall of a building.

2.12.2 Development Standards

The standards specified for that development are that the development must:

- (a) if it is the replacement or renovation of a deteriorated frame member—be of equivalent or improved quality materials, and
- (b) not include a change to the configuration of a room, whether by removal of an existing wall, partition or other means, and
- (c) not cause reduced window arrangements for light and ventilation needs, reduce the size of a doorway or involve the enclosure of an open area, and
- (d) not affect the load bearing capacity (whether vertical or horizontal) of a building, and
- (e) not include a change to the fire resisting components of, or interfere with the entry to, or exit from, or the fire safety measures contained within, a building, and
- (f) if it is the installation of new or replacement insulation material in a dwelling, it must be in accordance with Part 3.12.1 of the Building Code of Australia.

2.13 MINOR BUILDING ALTERATIONS (EXTERNAL)

2.13.1 Specified Development

A minor external non-structural building alteration, such as the following:

- (a) painting, plastering, cement rendering, cladding, attaching fittings or decorative work,
- (b) the replacement of an external window, glazing areas or a door (other than those on bush fire prone land),
- (c) the repair to or replacement of a non-structural wall or roof cladding,
- (d) the installation of a security screen or grill to a door or window or a security door,
- (e) the repair to or replacement of a balustrade,
- (f) restumping or repairing structure foundations without increasing the height of the structure,

2.13.2 Development Standards

The standards specified for that development are that the development must:

- (a) not comprise the making of, or an alteration to the size of, any opening in a wall or roof, such as a doorway, window or skylight, and
- (b) not reduce the existing fire resistance level of a wall or roof, and
- (c) not affect any existing fire resisting components of the building, and
- (d) not affect the means of egress from the building in an emergency, and
- (e) if it is the installation of a security screen or grill to a door or window or a security door:
 - (i) the screen or grill is installed for a door or window that is situated at least 5m from the boundary of any road, or
 - (ii) the security door is installed at least 5m from the boundary of any road.

2.14 MOBILE FOOD AND DRINK OUTLET

2.14.1 Specified Development

The carrying out of the retail sale of food, drinks and related products on land from a mobile outlet such as a food truck, van, cart or other similar vehicle is development specified for this schedule.

2.14.2 Development Standards

The standards specified for that development are that the development must:

- (a) not restrict any vehicular or pedestrian access to or from the land or entry to any building on the land, and
- (b) must operate in accordance with the Guidelines for mobile food vending vehicles (NSW/FA/F1055/1302) published by the NSW Food Authority in February 2013, and any requirements of the Food Act 2003.

2.15 DEMOLITION

2.15.1 Specified Development

The demolition or removal of any works authorised under this major project approval (MP09_0191) is development specified for this schedule.

2.15.2 Development Standards

The standards specified for that development are that the development must be carried out in accordance with AS 2601-2001, The demolition of structures.

3. PART 1 - ADVERTISING AND SIGNAGE

3.1 GENERAL REQUIREMENTS FOR ADVERTISING AND SIGNAGE

3.1.1 General Requirements

(1) To be exempt development under this schedule, development specified in this Division must:

- (a) be approved under section 138 of the Roads Act 1993, if the sign or part of the sign projects over a public road, including a footway, and
- (b) not cover any mechanical ventilation inlets or outlets located on any building on which it is carried out, and
- (c) not obstruct or interfere with any traffic sign, and
- (d) not result in more than 6 business identification signs being constructed or installed in relation to any building.

(2) This clause does not affect any other requirement of any other signage approved under MP09_0191 project approval.

3.2 BUILDING IDENTIFICATION SIGNS

3.2.1 Specified Development

The construction or installation of a building identification sign on the facade of a building for the purpose of identifying or naming a building is development specified for the purposes of this schedule.

3.2.2 Development Standards

The standards specified for that development are that the development must:

- (a) have only one sign displayed on each street frontage, and
- (b) not be more than 2.5m² in area, and
- (c) be mounted flat against an exterior wall or parapet and must not protrude more than 300mm from the face of the wall or parapet, and
- (d) not be located higher than:
 - (i) the parapet or eaves of the building, or
 - (ii) 15m above ground level (existing),whichever is the lower, and
- (e) not cover any window, door or architectural feature, and
- (f) be securely fixed to the building in accordance with:
 - (i) AS/NZS 1170.0:2002, Structural design actions, Part 0: General principles, and
 - (ii) AS/NZS 1170.2:2011, Structural design actions, Part 2: Wind actions, and
- (g) not include any advertising of goods, products or services, and
- (h) if the sign is illuminated:
 - (i) have its means of illumination, including any associated cables, concealed or integrated within the frame of the sign, and
 - (ii) not be animated, flashing or moving, and
 - (iii) comply with AS 4282—1997, Control of the obtrusive effects of outdoor lighting.

3.3 WALL SIGNS

3.3.1 Specified Development

The construction or installation of a business identification sign (including a business identification sign for a home business) that is flat mounted or painted on the exterior wall of an existing building, or on an existing boundary fence or wall, is development specified for the purposes of this schedule.

3.3.2 Development Standards

The standards specified for that development are that the development must:

- (a) not result in more than 4 business identification signs of this type for the building (which may refer to more than 1 business within the building) so long as only one sign is visible on each elevation of the building, and
- (b) be attached to the building in which the business identified in the sign is located, and
- (c) not project beyond the parapet or eaves of the building to which it is attached, and
- (d) not be more than 2.5m above ground level (existing) in a residential zone, and not be more than 8m above ground level (existing) in any other zone, and
- (e) not cover any window, door or architectural feature, and
- (d) be securely fixed to the building in accordance with:
 - (i) AS/NZS 1170.0:2002, Structural design actions, Part 0: General principles, and
 - (ii) AS/NZS 1170.2:2011, Structural design actions, Part 2: Wind actions, and
- (e) if the sign is illuminated:
 - (i) have its means of illumination, including any associated cables, concealed or integrated within the frame of the sign, and
 - (ii) not be animated, flashing or moving, and
 - (iii) comply with AS 4282—1997, Control of the obtrusive effects of outdoor lighting.

3.4 FASCIA SIGNS

3.4.1 Specified Development

The construction or installation of a business identification sign on the existing fascia of the awning of a building is development specified for the purposes of this schedule.

3.4.2 Development Standards

The standards specified for that development are that the development must:

- (a) be mounted flat and securely fixed to the fascia, and
- (b) involve a rigid signboard or a signboard within a rigid frame, and
- (c) not project below, above or beyond the sides of the fascia, and
- (d) be at least 600mm behind the alignment of any kerb within the adjacent road, and
- (e) not be illuminated.

3.5 UNDER AWNING SIGNS

3.5.1 Specified Development

The construction or installation of a business identification sign suspended below the existing awning of a building is development specified for the purposes of this schedule.

3.5.2 Development Standards

The standards specified for that development are that the development must:

- (a) not result in more than one sign of this type for each ground floor tenancy, and
- (b) not be more than 1.5m² in area, and
- (c) not be more than 2.5m in length, and
- (d) be erected with the lower edge at least 2.6m above ground level (existing), and
- (e) be suspended at right angles to the building, and
- (f) not project beyond the awning fascia, and
- (g) be securely fixed to the building in accordance with:
 - (i) AS/NZS 1170.0:2002, Structural design actions, Part 0: General principles, and
 - (ii) AS/NZS 1170.2:2011, Structural design actions, Part 2: Wind actions, and
- (h) if the sign is illuminated:
 - (i) have its means of illumination, including any associated cables, concealed or integrated within the frame of the sign, and
 - (ii) not be animated, flashing or moving, and
 - (iii) comply with AS 4282—1997, Control of the obtrusive effects of outdoor lighting.

3.6 TOP HAMPER SIGNS

3.6.1 Specified Development

The construction or installation of a business identification sign above a display window or attached to the transom of a doorway in an existing building is development specified for the purposes of this schedule.

3.6.2 Development Standards

The standards specified for that development are that the development must:

- (a) not result in more than one sign of this type for each ground floor tenancy, and
- (b) not be more than 2.5m² in area, and
- (c) not be more than 600mm in height, and
- (d) be erected with the lower edge at least 2.1m above ground level (existing), and
- (e) not project below the transom of any doorway, and
- (f) if the sign is illuminated:
 - (i) have its means of illumination, including any associated cables, concealed or integrated within the frame of the sign, and
 - (ii) not be animated, flashing or moving, and
 comply with AS 4282—1997, Control of the obtrusive effects of outdoor lighting.

3.7 WINDOW SIGNS

3.7.1 Specified Development

The construction or installation of a business identification sign inside any window of an existing building is development specified for the purposes of this schedule.

3.7.2 Development Standards

The standards specified for that development are that the development must:

- (a) not cover more than 20% of the surface of the window in which it is displayed or 6m², whichever is the lesser, and

- (b) not be illuminated.

3.8 REPLACEMENT OF IDENTIFICATION SIGNS

3.8.1 Specified Development

The replacement of:

- (a) an existing building identification sign or the content of such a sign, or
 - (b) an existing business identification sign or the content of such a sign,
- is development specified for this schedule.

3.8.2 Development Standards

The standards specified for that development are that the development must:

- (a) replace a lawful sign, and
- (b) not be greater in size than the sign that it replaces, and
- (c) not be a sign that is animated, flashing or illuminated, unless the sign it replaces is the subject of a development consent to be an illuminated sign, and
- (d) not involve any alteration to the structure or vessel on which the sign is displayed, and
- (e) not obstruct or interfere with traffic signs.

3.9 INTERNAL SIGNS

3.9.1 Specified Development

The construction, installation or display of advertisements or signs within site and enclosed by a building is development specified for the purposes of this schedule.

3.9.2 Development Standards

The standards specified for that development are that the development must:

- (a) not be visible from any public place outside the site of the building concerned, and
- (b) be securely fixed and installed in accordance with:
 - (i) AS/NZS 1170.0:2002, Structural design actions, Part 0: General principles, and
 - (ii) AS/NZS 1170.2:2011, Structural design actions, Part 2: Wind actions.

4. PART 1 - TEMPORARY USES AND STRUCTURES

4.1 GENERAL REQUIREMENTS FOR TEMPORARY USES AND STRUCTURES

- (1) To be exempt development under this schedule, development specified in this Division must:
- (a) have the consent in writing of the owner of the land on which the development is carried out.
 - (b) not restrict any car parking required to be provided by a condition of a development consent applying to the land or any vehicular or pedestrian access to or from the land.
 - (c) not redirect the flow of any surface water or ground water, or cause sediment to be transported, onto an adjoining property,
 - (d) not result in damage to any protected tree growing on the land or on adjacent land,
 - (e) if it is the erection of a temporary structure—be erected on a surface that is sufficiently firm and level to sustain the structure while in use,
 - (f) if it is the erection of a temporary structure—be able to resist loads determined in accordance with the following Australian and New Zealand Standards:
 - (i) AS/NZS 1170.0:2002, Structural design actions, Part 0: General principles,
 - ii) AS/NZS 1170.1:2002, Structural design actions, Part 1: Permanent, imposed and other actions,
 - (iii) AS/NZS 1170.2:2011, Structural design actions, Part 2: Wind actions,
 - (g) be covered by a policy of insurance taken out by the person carrying out the development that adequately covers the public liability of the person in respect of the carrying out of the development for an amount approved by the owner of the land on which the development is carried out,
- (2) In this clause, any development standard that specifies a separation distance to a side or rear boundary:
- (a) only applies in respect of a boundary with adjoining land that is under a different ownership, and
 - (b) does not apply in respect of adjoining land that is owned by the council or other public authority if the written consent of the council or other public authority has been obtained.

4.2 SCAFFOLDING, HOARDING AND TEMPORARY CONSTRUCTION SITE FENCES

4.2.1 Specified Development

The construction, installation and removal of a scaffold, hoarding or temporary construction site fence that is used in connection with development is development specified for this schedule.

4.2.2 Development Standards

The standards specified for that development are that the development must:

- (a) enclose the work area, and
- (b) if it is a temporary construction site fence adjoining or on a public place—be designed and installed in accordance with AS 4687—2007, Temporary fencing and hoardings, and
- (c) be removed immediately after the work in relation to which it was erected has finished if no safety issue will arise from its removal.

4.3 TEMPORARY BUILDERS STRUCTURES

4.3.1 Specified Development

The construction or installation of a building site shed, office or associated amenities structure is development specified for this schedule.

4.3.2 Development Standards

The standards specified for that development are that the development must:

- (a) be located on the lot to which the development has been approved under MP09_0191, and
- (b) if it contains plumbing fixtures—have those fixtures connected to an approved waste water treatment device or an approved connection to the sewer, and
- (c) not be used for residential purposes, and
- (d) be removed from the lot immediately after completion of the works for which the development consent was granted.

4.4 TENTS, MARQUEES OR BOOTHS FOR COMMUNITY EVENTS

4.4.1 Specified Development

The construction or installation of a tent, marquee or booth used for a community event is development specified for this schedule.

4.4.2 Development Standards

The standards specified for that development are as follows:

- (a) for all tents, marquees and booths being used at the same time—the development must not have a total floor area exceeding 300m²,
- (b) each tent, marquee or booth must be located at least 3m from any boundary of the land,
- (c) each tent, marquee or booth must be erected so as to provide an unobstructed pedestrian circulation area at least 1.5m wide around the perimeter of the tent, marquee or booth, unless it is attached to or abuts a building with no separation,
- (d) each tent, marquee or booth must be erected at ground level,
- (e) each tent or marquee must have the following number of exits arranged so as to afford a ready means of egress from all parts of the tent or marquee to open space or a road:
 - (i) 1 exit if the tent or marquee has a floor area of not more than 25m²,
 - (ii) 2 exits if the tent or marquee has a floor area of not more than 100m²,
 - (iii) 4 exits in any other case,
- (f) if any tent or marquee will include internal seating, stalls, tables or other obstructions, a clear path of travel to any exit no greater than 40m in length must be provided,
- (g) each tent or marquee must have a width for each exit of at least:
 - (i) if the floor area of the tent or marquee is less than 150m²—850mm, or
 - (ii) in any other case—1m,
- (h) no tent or marquee can have a wall height exceeding 4m,
 - (i) each tent or marquee must have a height as measured from the surface on which the tent or marquee is erected to the highest point of the tent or marquee not exceeding 6m,
- (j) no tent or marquee can contain tiered seating,
- (k) the event must take place only during the following periods:

- (i) 7.30 am to 11.00 pm on Monday, Tuesday, Wednesday or Thursday,
 - (ii) 7.30 am to 12.00 am on Friday or Saturday,
 - (iii) 8.00 am to 8.00 pm on Sunday,
- (l) each tent, marquee or booth must not remain on the land for more than 7 days after the event,
- (m) arrangements must be made for the removal of any waste or recyclable materials likely to be generated as a result of the event.

4.5 STAGE OR PLATFORMS FOR COMMUNITY EVENTS

4.5.1 Specified Development

The construction or installation of a stage or platform used for a community event is development specified for this schedule.

4.5.2 Development Standards

The standards specified for that development are as follows:

- (a) the stage or platform must not have a floor area exceeding 50m²,
- (b) the stage or platform must be located at least 3m from any boundary of the land,
- (c) the stage or platform must be erected at ground level,
- (d) the stage or platform must have a height, as measured from the surface on which the tent or marquee is erected to the floor of the stage or platform, not exceeding 2m,
- (e) a notice indicating the actual distributed and concentrated load for which the stage or platform has been designed must be conspicuously displayed on the stage or platform,
- (f) the community event must take place only during the following periods:
 - (i) 7.30 am to 11.00 pm on Monday, Tuesday, Wednesday or Thursday,
 - (ii) 7.30 am to 12.00 am on Friday or Saturday,
 - (iii) 8.00 am to 8.00 pm on Sunday,
- (g) the stage or platform must not be erected on the land for more than 7 days,
- (h) the stage or platform must not remain on the land for more than 2 days after the event,
- (i) arrangements must be made for the removal of any waste or recyclable materials likely to be generated as a result of the event.

5. PART 2 – COMPLYING DEVELOPMENT

5.1 BUILDING ALTERATIONS (INTERNAL)

5.1.1 Specified Complying Development

An internal alteration to a building is development specified for this schedule.

5.1.2 Development Standards

(1) The standards specified for that development are as follows:

- (a) the alteration must not result in an increase in the gross floor area of any building within which it is carried out, except if the increase is required for the alteration to comply with the Premises Standards,
- (b) the alteration must not involve the conversion of any area that is excluded from the measurement of gross floor area of the building (such as a basement, plant room, car parking space, loading space or void),
- (c) if the alteration involves food and drink premises, the alteration must be carried out in accordance with AS 4674—2004, Design, construction and fit-out of food premises,
- (d) the alteration must not relate to the cooking of food at the premises by barbecue or charcoal methods,
- (e) if the alteration involves a loading dock, the alteration must not:
 - (i) reduce the number or capacity of the trucks accommodated, or
 - (ii) reduce the area for goods handling, or
 - (iii) reduce the area for waste handling (including any recycling area), or
 - (iv) reduce the manoeuvring area of the loading dock or access driveway,
- (f) if the alteration involves the amalgamation of retail premises located in a building, the amalgamation must not result in 1 retail premises having more than 50% of the total floor area of the building that is used for the purposes of retail premises.

(2) The following requirements of the Building Code of Australia are also standards specified for that development:

- (a) if the building that is being altered is subject to an alternative solution relating to a fire safety requirement—the alteration must be consistent with that alternative solution,
- (b) if the alteration involves an area of more than 500m² of commercial premises, or an area of more than 1,000m² of premises used for light industry or a warehouse or distribution centre—that area must:
 - (i) comply with the requirements set out in DP2–DP5 of Volume 1 of the Building Code of Australia, and
 - (ii) comply with the number of sanitary and other facilities set out in FP2.1, FP2.5 and FP2.6 of Volume 1 of the Building Code of Australia, and
 - (iii) comply with the light and ventilation requirements set out in FP4.1–FP4.5 of Volume 1 of the Building Code of Australia,
- (c) if the building is a mixed-use development that also contains a Class 2, 3 or 4 portion—the altered area must be separated from the Class 2, 3 or 4 portion by building elements that comply with the fire resistance performance requirements set out in CP2 and CP8 of Volume 1 of the Building Code of Australia.

5.2 CHANGE OF USE OF PREMISES

5.2.1 Specified Development

A change of use from a current use specified in a category in Column 1 of the Table to this clause to a use specified in the corresponding category in Column 2 of the Table to this clause is development specified for this Schedule.

Column 1 – Current Use	Column 2 - New Use
Specialised Retail Premises	Landscaping Material Supplies
Landscaping Material Supplies	Hardware and Building Supplies
Hardware and Building Supplies	Vehicle Sales or Hire Premises
Vehicle Sales or Hire Premises	Garden Centre
Garden Centre	Plant Nursery
Business Premises	Medical Centre
Office Premises	Shop
Shop	Food and Drink Premises
Food and Drink Premises	Kiosk
Kiosk	Business Premises
Medical Centre	Office Premises

5.2.2 Development Standards

(1) The standards specified for that development are that:

- (a) the new use must be a lawful use,
- (b) the current use must not be an existing use within the meaning of section 4.65 of the Act,
- (c) the new use must not be any of the following:
 - (i) a funeral home,
 - (ii) sex services premises,
 - (iii) restricted premises,
 - (iv) retail premises where firearms within the meaning of the *Firearms Act 1996* are sold,
 - (v) a roadside stall,
 - (vi) a market,
 - (vii) food and drink premises with the capacity for more than 50 seats, other than premises where the seating is provided within a common food court or food hall,
 - (viii) a pub,
 - (viv) a small bar.
- (d) if the new use is food and drink premises – the premises must comply with AS4674-2004 Construction and Fit-out of Food Premises.
- (e) the new use must not cause the contravention of any existing condition of the most recent development consent (other than a complying development certificate) that applies to the premises relating to hours of operation, noise, car parking, loading, vehicular movement, traffic generation, waste management or landscaping.

- (f) car parking must be provided in accordance with any existing condition relating to car parking that applies to the use of the land.
- (2) The following requirements of the Building Code of Australia are also standards specified for that development:
 - (a) if the new use involves an area of more than 500m² of commercial premises
 - (i) comply with the requirements set out in DP2–DP5 of Volume 1 of the Building Code of Australia, and
 - (ii) comply with the number of sanitary and other facilities set out in FP2.1, FP2.5 and FP2.6 of Volume 1 of the Building Code of Australia, and
 - (iii) comply with the light and ventilation requirements set out in FP4.1–FP4.5 of Volume 1 of the Building Code of Australia.

5.3 FIRST USE OF PREMISES

5.3.1 Specified Complying Development

(1) The first use of a part of a building that is within the site boundary is development specified for this schedule if the use is not for any of the following:

- (a) a funeral home,
- (b) sex services premises,
- (c) restricted premises,
- (d) retail premises where firearms within the meaning of the Firearms Act 1996 are sold,
- (e) food and drink premises with the capacity for more than 50 seats, other than where the seating is provided within a common food court or food hall,
- (f) a pub,
- (g) a small bar,
- (h) an entertainment facility,
- (i) a registered club,
- (j) a tertiary institution
- (k) an artisan food and drink industry
- (l) a roadside stall
- (m) local distribution premises

(2) If development specified in subclause (1) is to be provided with water supply or sewerage services (or both) by a water utility, to comply with this schedule the applicant must obtain a notice or other form of written advice, that specifies the works or other requirements to be completed as part of the development from the relevant water utility or an entity authorised to provide such a notice or advice by the utility.

5.3.2 Development Standards

(1) The standards specified for that development are that the development:

- (a) must not result in an increase to the gross floor area of the building, and
- (b) must not cause the contravention of any existing condition of the most recent development consent (other than a complying development certificate) that applies to the premises relating to hours of operation, noise, car parking, loading, vehicular movement, traffic generation, waste management or landscaping, and
- (c) car parking must be provided:

- (i) in accordance with any existing condition relating to car parking that applies to the use of the land.
- (2) The following requirements of the Building Code of Australia are also standards specified for that development:
 - (a) if the new use involves an area of more than 500m² of commercial premises
 - (i) comply with the requirements set out in DP2–DP5 of Volume 1 of the Building Code of Australia, and
 - (ii) comply with the number of sanitary and other facilities set out in FP2.1, FP2.5 and FP2.6 of Volume 1 of the Building Code of Australia, and
 - (iii) comply with the light and ventilation requirements set out in FP4.1–FP4.5 of Volume 1 of the Building Code of Australia,

5.4 MECHANICAL VENTILATION SYSTEMS

5.4.1 Specified Complying Development

The construction, installation or alteration of a mechanical ventilation system on a building that is used for any purpose (other than a dwelling house) is development specified for this schedule.

5.4.2 Development Standards

The standards specified for that development are that the development must:

- (a) be located at least 3.5m behind the building line from any lot boundary, and
- (b) be designed so as not to emit noise exceeding an LAeq of 5 dB(A) above background noise when measured at any lot boundary, and
- (c) be located not more than 1m above the ridge of a pitched roof or 3m above a flat roof, and
- (d) not relate to the cooking of food at the premises by barbecue or charcoal methods.

5.5 SHOP FRONTS AND AWNINGS

5.5.1 Specified Complying Development

An external alteration to, or the repair or replacement of, an existing shop front or awning, or the construction of a new awning, on a building that is used for any purpose other than for the purpose of a dwelling house is development specified for this schedule.

5.5.2 Development Standards

The standards specified for that development are that the development must:

- (a) not result in an increase in the gross floor area of the building, and
- (b) not reduce the area of the window or other clear glass of the shop front, and
- (c) not reduce the level of transparency of the shop front, such as by using obscure glazing, and
- (d) not reduce the existing level of access to the building for people with a disability, and
- (e) in the case of the replacement of an awning or the construction of a new awning—be no less than 2.7m high at any point measured above ground level (existing), and
- (f) in the case of the replacement of an existing awning fascia—have a vertical depth for the replacement fascia not greater than the vertical depth of the existing awning fascia, and
- (g) in the case of the construction of a new awning—have a vertical depth for the awning fascia not greater than the average of the vertical depths of the immediately adjoining awning fascias or, if there are no adjoining awning fascias, 350mm, and
- (h) be no more than 3m in depth measured horizontally from the facade of the building to which it is attached, and

- (i) be no closer than 450mm to the edge of any kerb or alignment of any path on which vehicles travel, and
- (j) be designed and certified by a professional engineer.

5.6 SKYLIGHTS AND ROOF WINDOWS

5.6.1 Specified Complying Development

The construction or installation of a skylight or roof window on a building within the site boundary is development specified for this schedule.

5.6.2 Development Standards

The standards specified for that development are that the development must:

- (a) be constructed or installed so that any opening created is adequately weather proofed.

5.7 PROJECTING WALL SIGNS

5.7.1 Specified Complying Development

The construction or installation of a business identification sign or building identification sign that projects from the exterior wall of an existing building is development specified for the purposes of this schedule.

5.7.2 Development Standards

(1) The standards specified for that development are that the development must:

- (a) not result in more than 4 business identification signs (which may refer to more than 1 business within the building) or building identification signs (or both) of this type for the building so long as only one sign is visible on each elevation of the building, and
- (b) not project beyond the parapet or eaves of the building to which it is attached, and
- (c) be no more than 1.5m² in area and not project more than 0.75m horizontally from the facade of the building, and
- (d) be securely fixed to the wall in accordance with:
 - (i) AS/NZS 1170.0:2002, Structural design actions, Part 0: General principles, and
 - (ii) AS/NZS 1170.2:2011, Structural design actions, Part 2: Wind actions, and
- (f) if the sign is illuminated:
 - (i) have its means of illumination, including any associated cables, concealed or integrated within the frame of the sign, and
 - (ii) not be animated, flashing or moving, and
 - (iii) comply with AS 4282—1997, Control of the obtrusive effects of outdoor lighting.

5.8 FREESTANDING PYLON AND DIRECTORY BOARD SIGNS

5.8.1 Specified Complying Development

The erection of a business identification sign or building identification sign that is displayed on a freestanding structure that is mounted on the ground on one or more supports is development specified for this schedule.

5.8.2 Development Standards

The standards specified for that development are that the development must:

- (a) not result in more than one such freestanding sign for each street frontage of the lot on which the development is located that is more than 15m in width, and

- (b) not be higher than 6m from ground level (existing), and
- (c) not have an area for the sign of more than 8m² unless paragraph (d) applies, and
- (d) if the development is located on premises with more than one commercial tenant—not have an area for the sign of more than 16m², and
- (e) not be located within 3m of any protected tree, and
- (f) be constructed and installed in accordance with:
 - (i) AS/NZS 1170.0:2002, Structural design actions, Part 0: General principles, and
 - (ii) AS/NZS 1170.2:2011, Structural design actions, Part 2: Wind actions, and
- (g) not obstruct the visibility sight lines of, or interfere with, any traffic control device, including traffic control lights, and
- (h) if the sign is illuminated:
 - (i) have its means of illumination, including any associated cables, concealed or integrated within the frame of the sign, and
 - (ii) not be animated, flashing or moving, and
 - (iii) comply with AS 4282—1997, Control of the obtrusive effects of outdoor lighting.

5.9 ANCILLARY DEVELOPMENT

5.9.1 Specified Complying Development

Development, or the carrying out of works, that is or are ancillary to the use of land is development specified for this Schedule.

5.9.2 Development Standards

The standards specified for that development are that the development must:

- (a) have an area of not more than 100m², or 15% of the area of the site on which the development is carried out, whichever is the lesser, and
- (b) not have a building height of more than 5m, and
- (c) be located at least 1m behind the building line of any road frontage (except where the development is a front awning on a building), and
- (d) be located at least 3m from any boundary adjoining land on which a dwelling is located, and
- (e) not be located over a registered easement, and
- (f) not reduce vehicular access to, parking on or loading or unloading on or from, the lot, and
- (g) not reduce the landscaped area of the lot, and
- (h) satisfy the requirements contained in an applicable development control plan applying to the land concerning its drainage systems and not interfere with the functioning of existing drainage fixtures or flow paths, and
- (m) in the case of a garbage bin enclosure:
 - (i) not have a floor area more than 5m², and
 - (ii) not be higher than 3m if roofed or 1.5m above ground level (existing) if not roofed.

5.10 EARTHWORKS, RETAINING WALLS AND STRUCTURAL SUPPORT

5.10.1 Specified Complying Development

Earthworks and the construction or installation of a retaining wall or other form of structural support are development specified for this schedule.

5.10.2 Development Standards

(1) Excavation The standards specified for excavation work are that the work must:

- (a) be structurally sound, and
- (b) if the land is not identified as Class 3 or 4 on the Acid Sulfate Soils Map—not be more than 3m below ground level (existing), and
- (c) if the land is identified as Class 3 or 4 on the Acid Sulfate Soils Map—not be more than 1m below ground level (existing), and
- (d) be carried out at least 40m from any waterbody (natural), and
- (e) not result in a building being located over a registered easement, and

(2) Fill The standards specified for fill are that the fill must:

- (a) not raise the ground level (existing) more than 2m, and
- (b) be structurally sound, and
- (c) be located at least 40m from any waterbody (natural).

(3) Structural supports Earthworks that are more than 1m above or below ground level (existing) are structurally sound only if they have structural support that:

- (a) a professional engineer has certified as structurally sound, including in relation to (but not limited to) the ability to withstand the forces of lateral soil load, and
- (b) has adequate drainage lines connected to an existing stormwater drainage system for the site, and
- (c) does not redirect the flow of any water or cause sediment to be transported onto an adjoining property, and
- (d) is not higher than 3m, and
- (e) is separated from any other structural support on the site by at least 2m, measured horizontally, and
- (f) is not located over a registered easement.

5.11 DRIVEWAYS, HARD STAND SPACES, PATHWAYS AND PAVING

5.11.1 Specified Development

The following development is specified for this schedule:

- (a) the construction or installation of pathways or paving,
- (b) the construction or installation of a driveway associated with access to a hard stand space, loading bay or car park,
- (c) the construction or installation of a hard stand space, whether open or part of the undercover car park.

5.11.2 Development Standards

The standards specified for that development are that the development must:

- (a) satisfy the requirements of any applicable development control plan concerning its drainage systems and not interfere with the functioning of existing drainage fixtures or flow paths, and
- (b) not require a cut or fill of greater than 2m from ground level (existing), and
- (c) if it is a driveway or hard stand space:
 - (i) be constructed in accordance with AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking or AS 2890.2—2002, Parking facilities, Part 2: Off-street commercial vehicle facilities and RMS Australian Standard Supplements, Australian Standard—AS2890, Parking Facilities, Parts 1–6 issued by Roads and Maritime Services, and
 - (ii) be designed to allow all vehicles to turn around within the site and exit in a forward direction, and
 - (iii) be designed and certified by a professional engineer, and
- (d) if it is a driveway—have the consent required for a driveway under section 138 of the Roads Act 1993 from the appropriate roads authority, and
- (e) if the development is a hard stand space:
 - (i) be associated with a driveway, and
 - (ii) be located at least 3m from any boundary that adjoins a residential zone, and
- (f) if it is a pathway or paving area to be used for pedestrian access—be designed or constructed in accordance with AS 1428.1—2009, Design for access and mobility, Part 1: General requirements for access—New building work.

End of Modification

(MP 09_0191 MOD 6)