

Concept Approval

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

SCHEDULE 1

PART A: PARTICULARS

Application No.:	MP 09_0191
Proponent:	AMP Capital Investors
Approval Authority:	Minister for Planning & Infrastructure
Land:	34 Victoria Road and 13-55 Edinburgh Road, Marrickville Lot 100 DP 715231 and Lot 1 DP 612551
Project:	Expansion of 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.

The Department has prepared a consolidated version of the consent which is intended to include all modifications to the original determination instrument.

The consolidated version of the consent has been prepared by the Department with all due care. This consolidated version is intended to aid the consent holder by combining all consents relating to the original determination instrument but it does not relieve a consent holder of its obligation to be aware of and fully comply with all consent obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.

Summary of Modifications

MP09_0191	Dates	Decider	Approved by PAC on 19 March 2012
MP09_0191 MOD1	16 April 2013	Director	<p>The modification includes:</p> <ul style="list-style-type: none"> revised elevational design, appearance and use of materials; reduction in parapet height along Smidmore and Edinburgh Streets by 220mm and an increase in parapet height along Murray Street by 900mm; reconfiguration of internal circulation, retail and market area layouts including an increase in supermarket size from 4,300m² to 4,500m² and decrease in mini-major size from 1,991m² to 1,791m² (no change to overall Gross Floor Area); increased building set back from Smidmore Street by 5 metres, together with creation of outdoor seating area, retail activation along Smidmore Street and internal double height void space; expansion of the building footprint to the western portion of the site by approximately 10 metres; modified vehicle access ramp to roof top car parking, together with reconfiguration of car parking layout; reduction in the total car parking provision within Stage 1 from 433 spaces to 411 spaces (-22 spaces); and removal of an additional 21 street trees from Edinburgh Road and 2 trees from Smidmore Street (23 in total) and provision of 18 street trees, 13 trees within the site and other associated landscaping.
MP 09_0191 MOD 2	23 April 2015	Executive Director	<p>The modification includes</p> <ul style="list-style-type: none"> to introduce an early works stage (Stage 1A) to include: upgrades to the façade of the existing building on Victoria Road at the main entry of the Shopping Centre; other associated landscaping, stormwater and traffic management works; and geotechnical investigation works on the Edinburgh Road site.
MP 09_0191 MOD 3	11 Feb 2016	Acting Director	The modification includes: amendments to conditions B17 and E22.A relating to traffic requirements and condition D28 relating to tree management.
MP 09_0191 MOD 4	N/A	N/A	Withdrawn did not proceed
MP 09_0191 MOD 5	27 July 2016	Acting Director	The modification includes changes to Condition B4 by deferring the timing execution of a Voluntary Planning Agreement with Inner West Council
MP 09_0191 MOD 6	31 October 2018	Executive Director	<p>The modification includes:</p> <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 1,661m² GFA construction of a new pedestrian bridge over Smidmore street between Stage 1B and Stage 2 additional car parking level changes to 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
MP 09_0191 MOD 7	18 July 2019	Director	<p>The modification includes:</p> <ul style="list-style-type: none"> Amendment of Conditions B6 and B7 to allow the building security deposit and public domain works bond to be refunded and public domain works to be refunded to the Proponent between development Stages 1A, 1B and 2 Amendment of Condition D1 to allow Council to approve temporary out of hours construction works
MP 09_0191 MOD 8	13 November 2019	Director	<p>The modification includes:</p> <ul style="list-style-type: none"> External modification to the approved building in Stage 1B Reclassification of 1,000m² GLFA from "mini major" to "retail premises and business premises" in Stage 1B Introduction of additional "No stopping" parking restrictions on the eastern side of Murray Street
MP 09_0191 MOD 9	12 April 2020	Director	<p>The modification includes:</p> <ul style="list-style-type: none"> Modification of the roller shutters to the Smidmore Street loading dock Installation of a pergola/shade screen over outdoor seating and adjustment of the façade opening Adjustment of the Edinburgh Road entrance and relocation of the steps behind the glass line Relocation of accessibility car spaces closer to lift entries Deletion of Commitment 9 – Signage from the Proponent's Statement of Commitments
MP 09_0191			The modification includes:

MOD 10			<ul style="list-style-type: none"> • Amendment to Condition B3 – Surrender Development Consents • Amendment to Condition B15 – Local Area Traffic Committee Approval • Amendment to Condition E19 - Noise from Plant
MP 09_0191 MOD 11	7 July 2020	Director	<p>The modification includes:</p> <ul style="list-style-type: none"> • Rearrangement of the GFA • Minor internal and external alterations; • Amendment to conditions E5, E14, E16 and E22 to defer the delivery of the new roundabout at the Edinburgh Road and Sydney Steel Road intersection; and • Removal of one car parking space
MP 09_0191 MOD 12	25 May 2021	Team Leader	<p>The modification includes:</p> <ul style="list-style-type: none"> • Amendment to conditions E5, E14, E16 and E22 to defer the delivery of the new roundabout at the Edinburgh Road and Railway Parade intersection; and • New condition B7A requiring a bond as surety for the delivery of the roundabout

FOR INFORMATION

PART B: NOTES RELATING TO THE DETERMINATION OF MP09_0191

Responsibility for other consents / agreements

The Proponent is responsible for ensuring that all additional consents and agreements are obtained from other authorities as relevant, including (but not limited to) State and Federal airports/ aviation authorities.

Appeals

The Proponent has the right to appeal to the Land and Environment Court in the manner set out in the Act and the Regulation.

Legal notices

Any advice or notice to the approval authority shall be served on the Director General.

FOR INFORMATION

PART C — DEFINITIONS

In this approval:

Act means the *Environmental Planning and Assessment Act 1979* (as amended).

Advisory Notes means advisory information relating to the approved development but do not form a part of this approval.

Department means the Department of Planning & Infrastructure or its successors.

Director General means the Director General of the Department or his nominee.

Edinburgh Road site means Lot 1 DP 612551, 13-55 Edinburgh Road, Marrickville.

Environmental Assessment means the Environmental Assessment prepared by Urbis Pty Ltd and dated 15 July 2010.

GFA means gross floor area.

GLFA means gross leasable floor area.

Minister means the Minister for Planning & Infrastructure.

MP No. 09_0191 means the Major Project described in the Proponent's Environmental Assessment.

Preferred Project Report (PPR) means the Preferred Project Report and Response to Submissions dated prepared by Urbis submitted on 23 December 2010 and includes the Response to PPR Submissions dated 26 May 2011.

Proponent means AMP Capital Investors or any party lawfully acting upon this approval.

Regulation means the Environmental Planning and Assessment Regulation 2000 (as amended).

'Retail premises' and 'business premises' means as defined within the standard instrument for a principal local environmental plan as set out in the Standard Instrument (Local Environmental Plans) Order 2006.

Stage 1/Stage 2 of development means the staging of the development as defined in the Preferred Project Report.

Victoria Road site means Lot 100 DP 715231, 34 Victoria Road, Marrickville.

End of Schedule 1

SCHEDULE 2

TERMS OF APPROVAL

PART A - ADMINISTRATIVE CONDITIONS

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 the 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 (4,448m²), supermarket (4,449m²) and retail [premises and business premises](#) (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 [1623](#) car parking spaces comprising [1,018](#) existing spaces and [605](#) additional car parking spaces

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, 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 Hames Sharley (Project Number 160496)			
<i>Drawing No.</i>	<i>Revision</i>	<i>Name of Plan</i>	<i>Date</i>
EA006	B	Ground Floor Plan Part 3A (2012)	04.04.18
EA007	B	Level 1 Plan Part 3A (2012)	28.09.20
EA008	A	Level 2 Part 3A (2012)	10.11.17
EA009	A	Rooftop car park Level 2A Part 3A (2012)	11.10.17
EA010	A	Roof Plan Part 3A (2012)	11.10.17
EA011A	A	Overall Elevations Sheet 1	11.10.17
EA011B	E	Overall Elevations Sheet 2	28.09.20

EA011C	E	Overall Elevations Sheet 3	11.12.19
EA011E	B	Overall A Elevations Sheet 5	04.04.18
EA011F	E	Overall Elevations Sheet 6	12.12.19
EA011G	A	Overall Elevations Sheet 7	11.10.17
EA011H	B	Overall Elevations Sheet 8	04.04.18
EA013	A	Overall Sections	11.10.17
EA013A	A	Overall Sections Sheet 1	11.10.17
EA013B	A	Overall Sections Sheet 2	11.10.17
EA018	B	Proposed Stage 2 Ground Floor Amendment	04.04.18

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>
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
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 for the S75W Application (MOD 6)

<i>Drawing No.</i>	<i>Revision</i>	<i>Name of Plan</i>	<i>Date</i>
EA106	E	Proposed Ground Floor Plan	11.12.19
EA107	D	Proposed Level 1 Floor Plan	28.09.20
EA108	F	Proposed Level 2 Floor Plan	28.09.20
EA109	G	Proposed Level 2A Floor Plan	28.09.20
EA110	E	Proposed Roof Plan	20.09.20
EA111A	B	Proposed Signage South and North Elevations	04.04.18
EA112A	B	Proposed Signage West and East Elevations	04.04.18
EA113	A	Proposed Long Sections	11.10.17
EA114	A	Proposed Short Sections	11.10.17

EA 119	C	Proposed Public Domain Plan	17.07.19
EA 120	B	Proposed Bridge Plan, Section and Elevation	04.04.18
EA 122	A	Proposed External Finishes	11.10.17
EA 123	A	Ground Floor Plan Shops with Extended Trading Hours	11.10.17
Landscape Plans prepared by Site Image for the S75W Application (MOD 6)(Project Number SS16-3593)			
<i>Drawing No.</i>	<i>Revision</i>	<i>Name of Plan</i>	<i>Date</i>
000	E	Coversheet	09.05.2018
001	E	Landscape Design Statement	09.05.2018
002	E	Landscape Character Plan	09.05.2018
010	E	Tree Removal Plan	09.05.2018
100	E	Landscape Masterplan	09.05.2018
101	E	Landscape Plan	09.05.2018
102	E	Landscape Plan	09.05.2018

except for:

- any modifications which are 'Exempt and Complying Development' as identified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA; and
- otherwise provided by the conditions of this approval.

Development in accordance with staging plan

A2.A The development is to be undertaken in accordance with the three stages as shown on the Construction Staging Plan submitted with the modification request (MP 09_0191 MOD 2), and any reference in this approval to any Stage is a reference to the relevant stage as shown on this plan.

Inconsistencies between documents

A3 In the event of any inconsistency between conditions of this approval and the drawings/documents referred to above, including the proponent's Statement of Commitments, the conditions of this approval prevail.

Prescribed conditions

A4 The proponent shall comply with the prescribed conditions of approval under Clause 98 of the Environmental Planning and Assessment Regulation 2000 in relation to the requirements of the Building Code of Australia.

Compliance with Building Code of Australia

- A5 All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).

Lapsing of approval

- A6 This approval shall lapse 5 years after the determination date shown in this Instrument of Approval, unless the development has been physically commenced.

Mediation

- A7 Where this approval requires further approval from Council or State Authorities, the parties shall not act unreasonably in preventing an agreement from being reached. In the event that an agreement is unable to be reached within 2 months or a timeframe otherwise agreed to by the Director-General, the matter is to be referred to the Director-General for resolution. All areas of disagreement and the position of each party are to be clearly stated to facilitate a resolution.

Limits of the MP09_0191 MOD 6 and MOD 11 Approvals

- 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
 - (d) fit-out and use of a carwash

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.

A9 Minor Works

1. Works that are consistent with the types of development identified in Part 1 of the 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.

End of Part A

FOR INFORMATION

PART B – PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Detailed drawings

- B1 Detailed construction drawings, specifications, and other supporting documentation required for a Construction Certificate are to be in accordance with the terms of this Project approval and comply with the requirements of the Building Code of Australia.

Design modifications

- 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 floor plans and section drawings shall be submitted demonstrating an improved visual impact of roof top structures shall be submitted to the Director General for approval prior to issue of the relevant Construction Certificate.

Surrender of Development Consents

- B3 In accordance with Section 104A of the Environmental Planning & Assessment Act 1979, the proponent must issue a surrender notice to Inner West Council under clause 97(3) of the Environmental Planning & Assessment Regulation 2000 in respect of all development consents applying to the land in existing as at the date of this approval except for the following consents:
- DA 215D/86 – Approved 22nd June 1987
 - DA 650/00 – Approved 8th January 2001

The proponent must issue the surrender notice prior to the issue of the Construction Certificate for [Stage 1B](#) of the approved development. Any such surrender may be expressed conditionally to operate only upon issue of the first Construction Certificate.

Section 94 contributions

- B4 A total monetary contribution of **\$1,231,696.00** has been assessed as the contribution for the development under Section 94 of the Environmental Planning and Assessment Act 1979 and Marrickville Section 94 Contributions Plan 2004 (a copy of which may be inspected at the offices of the Council). The contribution is towards:-
- (a) \$1,202,828.10 for Traffic Management; and
 - (b) \$28,867.88 for Plan Administration.

The payment of the Section 94 contribution may be staged as follows:

- Stage 1A: \$ 14,448.00
- [Stage 1B](#) \$707,978.00
- Stage 2: \$509,270.00

The monetary contributions above are the Council's adopted contributions under the current Fees and Charges Schedule. Under Marrickville Contributions Plan 2004, contributions will be adjusted at the time of payment in line with any change in the Consumer Price Index: All Groups Index Number for Sydney provided by the

Australian Bureau of Statistics. The adjusted contribution payable will be the rate in the Council's adopted Fees and Charges Schedule for the financial year in which the contribution is paid.

The contribution (as adjusted) must be paid to the Council **in cash or by unendorsed bank cheque (from an Australian Bank only) or EFTPOS (Debit only)** before the issue of the relevant Construction Certificate. Under Marrickville Section 94 Contributions Plan 2004 payment of Section 94 contributions **CANNOT** be made by Personal Cheque, Company Cheque or Credit Card.

NB: The above Contributions apply to end of Financial Year 2011/2012 after which the Contributions will be indexed.

Voluntary Planning Agreement – Upgrade local shopping strips

B4.A The Proponent shall enter into a voluntary planning agreement with Inner West Council for the purpose of upgrading local shopping strips within the Inner West GA in accordance with Council's Urban Centres Program.

This agreement shall be based on the following parameters:

- a). A total monetary contribution of \$600,000;
- b). The first contribution of \$300,000 is to be paid prior to the issue of the Construction Certificate for Stage 1B of the development;
- c). The second \$300,000 contribution to be paid in equal instalments over three consecutive years commencing from the date of the issuing of the Construction Certificate from the issuing Construction Certificate from the date of the issuing of the Construction Certificate for Stage 2 of the development; and
- d). The contribution made pursuant to the VPA is over and above any other contribution payable pursuant to this consent.

Evidence of the execution of the VPA between both parties shall be provided to the Department prior to issue of the Construction Certificate for Stage 1B of the development.

Voluntary Planning Agreement – Upgrade local shopping strips – Community facilities

B4.B The Proponent shall enter into a voluntary planning agreement with Marrickville Council to contribute towards community facilities within the Marrickville LGA.

This agreement is to be based on the following parameters:

- a). A total monetary contribution of \$600,000.
- b). The monetary contribution to be directed to a Council capital works fund or program to be used for the development of new community facilities or extensions to existing facilities within the Marrickville LGA.
- c). The contribution is to be paid in two equal instalments, being \$300,000 to be paid prior to the issue of the Construction Certificate for Stage 1B and Stage 2 respectively.
- d). The contributions will be adjusted at the time of payment in line with any change in the Consumer Price Index: All Groups Index Number for Sydney provided by the Australian Bureau of Statistics.
- e). With the agreement of the Proponent and Marrickville Council, the community facilities may be provided in-kind within the development at an equivalent value.
- f). The contribution made pursuant to the VPA is over and above any other contribution payable pursuant to this consent.

Evidence of the execution of the VPA between both parties shall be provided to the Department prior to issue of the Construction Certificate for Stage 1B of the development.

Long Service Levy

- B5 Evidence of payment of the building and construction industry Long Service Leave Scheme, shall be submitted to and accepted by the Certifying Authority before the issue of the relevant Construction Certificate. The required payment is 0.35 % of the value of building and construction work under Section 34 of the Building and Construction Industry Long Service Payments Act 1986.

Protection of Council's infrastructure

- B6 Payment to Council of \$86,700.00 prior to the issue of the Construction Certificate for Stage 1A as a Building Security Deposit (B.S.D.) to provide security against damage to Council's infrastructure. The B.S.D. may be held by Council until all construction under this approval has been completed and Council may utilise part or all of the B.S.D. to restore any damages, and Council may recover, in any court of competent jurisdiction, any costs to Council for such restorations.

The Council shall refund the B.S.D payment to the Proponent following completion of Stage 1A. Payment shall be made again to Council prior to issue of a Construction Certificate for the road works for Stage 1B and prior to issue of a Construction Certificate for Stage 2. The B.S.D payment shall be refunded following completion of each of these individual stages. Works shall not commence if the B.S.D has not been paid.

Prior to the refund of the B.S.D, the Council shall confirm that there is no damage to existing Council's infrastructure. In circumstances where there is damage to Council infrastructure, Council shall have the ability to draw on the B.S.D, to rectify any damage, if it is not rectified by the Proponent in a reasonable timeframe to be agreed between the parties.

- B7 Payment of a Bond, in the sum of \$380,000.00 for the proper performance of road, drainage, traffic management and public utility adjustment works (public domain works) prior to the issue of the Construction Certificate for Stage 1B and refunded following completion of Stage 1B. Payment of the same sum is required prior to issue of a Construction Certificate for Stage 2 and refunded following completion of those works. Stage 2 works shall not commence if a Bond has not been paid. The security may be provided in one of the following methods:-
- (a) in full in the form of a cash bond supported by a legal agreement prepared by Council's Solicitors at the proponent's expense; or
 - (b) by provision of a Bank Guarantee by an Australian Bank in the following terms:
 - (i) the bank must unconditionally pay the guaranteed sum to the Council if the Council so demands in writing.
 - (ii) the bank must pay the guaranteed sum within seven (7) days of demand without reference to the proponent or landowner or other person who provided the guarantee, and without regard to any dispute, controversy, issue or other matter relating to consent or the carrying out of development in accordance with the consent;
 - (iii) the bank's obligations are discharged when payment to the Council is made in accordance with this guarantee or when the Council notifies the bank in writing that the guarantee is no longer required.

Prior to the Bond being refunded at the end of Stage 1B and Stage 2, Council shall confirm that there is no damage to existing Council infrastructure. In circumstances where there is no damage to existing public infrastructure, Council shall have the ability to draw on the Bond to rectify any damage, if it is not rectified by the Proponent in a reasonable timeframe to be agreed between the parties.

- B8 The owner or builder shall sign a written undertaking that they shall be responsible for the full cost of repairs to footpath, kerb and gutter, or other Council property damaged as a result of construction of the proposed development prior to the issue of the relevant Construction Certificate.

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.
- B10 Plans detailing the existing and proposed site drainage network including plans and longitudinal sections of pipeline, the location of pits, pipe invert and pit surface levels, junction details, size and class of pipes, trench conditions and details of surface flow paths together with hydrologic and hydraulic calculations that detail the drainage network and the capacities of the various surface flow regimes being submitted to Council prior to the issue of the relevant Construction Certificate. Where flows are in excess of 100 litres/second, then a hydraulic grade line analysis will be also be required.
- B11 Detailed plans and calculations for the proposed water re-use system shall be submitted to Council prior to the issue of the relevant Construction Certificate.

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](#).

Condition deleted

- [B13 Condition has been deleted](#)

State Transit Authority (STA) 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 **Parade** - 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 issue of the Construction Certificate [for the bus terminal and roundabout for Stage 1B](#).

Local 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. **Condition deleted**
- 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 Parade;
- 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;
- f. **Condition deleted**
- g. the installation of **a** pedestrian 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 Conditions 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**
- j. **“no stopping” restrictions on the eastern side of Murray Street between Edinburgh Road and the Stage 1B loading dock as shown on Drawing No. 16065CAD42-Figure 1 in the letter prepared by TTPP dated 8th May 2019.**

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 **Edinburgh Road** prior to the issue of the relevant Construction Certificate. Details shall include proposed line marking and Shared Zone signage and the provision of pedestrian crossing at no cost to Council.

Traffic Calming in Victoria Road

B17 Prior to issue of a Construction Certificate for Stage 1A of the development the Proponent shall submit detailed plans and specifications for traffic management works to Council for Approval, which are to include:

- (a) works to prevent vehicles over 8.8 metres in length from accessing Victoria Road via the intersection of Victoria Road and Murray Street;
- (b) signage to prevent Shopping Centre delivery vehicles over 6 metres in length to access the site via the intersection of Victoria Road and Murray Street; and

- (c) two thresholds in Victoria Road, at the entry (at the intersection with Murray Street) and in the middle of the block (indicative location west of 37 Victoria Road).

The works shall be at no cost to Council.

Street Lighting

- B18 The proponent shall investigate the provision of new decorative street lighting columns and luminaires for the "Shared Zone" in Smidmore Street. All street lighting along the full frontages of the sites shall be designed in accordance with Australian Standard AS1158-Road Lighting. The design shall also comply with AS4282 to ensure that no injury is caused to the amenity of the surrounding area by light overspill or obtrusive light. Full details and specifications (approved by Ausgrid) shall be submitted to Council for approval prior to the issue of the relevant Construction Certificate. The works shall be at no cost to Council.

Number of Parking Spaces and Dimensions

- B19 In total, 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, between 455 and 493, 411 new car parking spaces and 9 motorcycle spaces shall be provided on-site for that part of the development.

- B20 Accessible spaces shall be provided in accordance with the Building Code of Australia, the Disability Discrimination Act and AS2890.6-2009. All accessible spaces shall be located adjacent to lifts.

- B21 A minimum of 5 car share spaces shall be provided and identified on a plan to be submitted with the construction certificate for the Stage 1A works.

- B22 A minimum of 142 secure bicycle parking spaces for staff and customers are to be provided at ground level. For Stage 1B of the development, not less than a total of 80 bicycle spaces shall be provided for staff and customers.

Details of the layout, design and security of bicycle facilities off-street are to be provided to the Certifying Authority prior to the issue of a relevant Construction Certificate. The parking must comply with the minimum requirements of Australian Standard AS 2890.3 – 1993 *Parking Facilities Part 3: Bicycle Parking*.

The plan shall also include details of the location and number of showers (with change area) and personal lockers available for staff.

- B23 The design, layout, signage, line marking, lighting and physical controls of all new off-street parking facilities (including driveways, grades, headroom clearance, aisle widths, turning paths, sight distance requirements and parking bay dimensions) and loading docks must comply with the minimum requirements of Australian Standard AS 2890.1 - 2004 and AS2890.6-2009

The details must be submitted to and approved by the Certifying Authority prior to the issue of the relevant Construction Certificate.

Loading dock design

- B24 Entry and exit to the loading dock as well as manoeuvrability within the loading dock area shall be designed using the swept path template (with appropriate clearances) for the longest vehicle entering the site in accordance with AUSTROADS.

The details must be submitted to and approved by the Certifying Authority prior to the issue of the relevant Construction Certificate.

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 the 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 in and route plan in accordance with the TMP during construction;
- (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;
- (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 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.

Waste Management Plan

- B26 A Construction and Demolition Waste Management Plan which provides details of specific strategies to salvage and recycle a minimum of 80% of used and unused demolition and construction materials shall be submitted to and approved by the Certifying Authority prior to issue of the relevant Construction Certificate.

All materials excavated from the site (fill or natural) shall be classified in accordance with the Protection of the Environment Operations Act 1997 and the NSW Department of Environment, Climate Change & Water (2008) Waste Classification Guidelines prior to the material being disposed to an approved landfill or to a recipient site.

Operational Waste Management Plan

B27 An Operational Waste Management Plan shall be prepared in accordance with Marrickville Development Control Plan 27 – Waste Management.

The plan must also provide for the separation of recyclables and organic/food waste from general waste.

Garbage and Recycling Facilities

B28 All garbage bins and recycling containers and all waste and recyclable material generated by these premises must be stored in a designate wholly enclosed waste storage area, which satisfies the following requirements:

- a) internal walls that area smooth and impervious;
- b) floors which are finished with impervious materials;
- c) provision of a hose tap connected to a water supply;
- d) graded and drained to a waste disposal system in accordance with Sydney Water's requirements; and
- e) adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour as defined by the *Protection of the Environment Operations Act 1997*.

Detailed plans and specifications for the construction of the waste storage area are to be submitted to the Certifying Authority with the Construction Certificate [for Stage 1B of the development](#) fully satisfying the requirements of this condition.

Geotechnical investigation

B29 Further geotechnical investigation shall be undertaken in accordance with the recommendations detailed in the Geotechnical Report prepared by Douglas Partners Pty Ltd dated November 2010 (Project No. 71645.01-Rev 2) prior to issue of the relevant Construction Certificate.

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.

Wind Impact

B31 The design of the development including entrances to the shopping centre from the street and roof top parking areas shall be designed to ensure that wind conditions allow for an acceptable level of pedestrian amenity in these locations.

The Certifying Authority must ensure that the building plans and specifications submitted by the proponent, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

Sediment Control

B32 A Sediment Control Plan shall be submitted and approved by the Certifying Authority prior to issue of the relevant Construction Certificate. Erosion and sediment control techniques, as a minimum, are to be in accordance with the publication Managing Urban Stormwater: Soils & Construction (4th edition, Landcom, 2004) commonly referred to as the "Blue Book" or a suitable and effective alternative method. The Sediment Control Plan shall incorporate and disclose:

- a) All details of drainage to protect and drain the site during the construction processes;
- b) All sediment control devices, barriers and the like;
- c) Sedimentation tanks, ponds or the like;
- d) Covering materials and methods; and
- e) A schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained.

The Certifying Authority must ensure that the building plans and specifications submitted by the proponent, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition. All works must be undertaken in accordance with the approved Sediment Control plan.

Reflectivity Index of Glazing

B33 The reflectivity index (expressed as a percentum of the reflected light falling upon any surface) of external glazing for windows, walls or roof finishes of the proposed development is to be no greater than 20%. The Certifying Authority must ensure that the building plans and specifications submitted by the proponent, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

Acoustic Treatments

B34 A detailed assessment of selected mechanical plant shall be undertaken by an appropriately qualified acoustic consultant to confirm compliance with noise emission criteria within the DECC Industrial Noise Policy. This assessment is to be submitted to the satisfaction of the Certifying Authority prior to issue of the relevant Construction Certificate.

B35 Plans/details indicating the lining of the underside of the slab over Loading Dock 3 (Murray Street north of Smidmore Street) with a noise absorptive material in accordance with the recommendations of the Noise Emission Assessment prepared by Acoustic Logic Consultancy (Report No. 2010460/0507A/R6/TT dated 4 November 2010) shall be submitted to and approved by the Certifying Authority prior to issue of the relevant Construction Certificate.

Mechanical Ventilation

B36 Prior to the issue of the relevant Construction Certificate details of all mechanical ventilation systems to be installed as part of the relevant works, designed in accordance with Part F4.5 of the Building Code of Australia complying with Australian Standards AS1668.2 and AS3666 *Microbial Control of Air Handling and Water Systems of Building*, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection shall be submitted to the satisfaction of the Certifying Authority.

Substation

- B37 Should the development require the provision of an electrical substation, such associated infrastructure shall be incorporated wholly within the development site. Before proceeding with your development further, you are directed to contact Energy Australia directly with regard to the possible provision of such an installation on the property.

Access for People with Disabilities

- B38 The building must be designed and constructed to provide access and facilities for people with a disability in accordance with the Building Code of Australia. The Certifying Authority must ensure that the building plans and specifications submitted by the proponent, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

Safer by Design

- B39 To minimise the opportunity for crime and in accordance with CPTED principles, the development shall incorporate the following to the satisfaction of the Certifying Authority prior to issue of the relevant construction certificate:

- (a) the internal design of the centre must not include areas of entrapment, particularly in and around public amenities and service corridors;
- (b) clear and unambiguous signage should be used in all areas of the shopping centre including entry/exit points, public amenities and information/help desks. In particular, signage should be provided to indicate:
 - i. traffic direction and pedestrian access in all car parking areas. Signage should be strategically positioned within car parking areas, to facilitate ease of viewing for drivers in all parking bays;
 - ii. security measures and signage which reminds people to lock and remove valuables from vehicles in all car park areas
 - iii. loading docks and in particular signs which restrict public entry; and
 - iv. preferred parking areas for supermarkets and which exits will be open during supermarket trading hours (if longer than normal centre operating hours);
- (c) access control should be provided at entry/exit points to the car park to restrict public after-hours access;
- (d) marked pedestrian walkways and crossings should be provided throughout the car parking areas;
- (e) pedestrian access routes are to be highlighted with higher lighting levels than those installed in the general parking area;
- (f) CCTV shall be installed throughout the site including: all car park areas, driveways, loading docks, the civic place, key entry/exit points, the entrance to public amenities, and near ATMs. Note that CCTV must be of a quality high enough to enable identification of people if required;
- (g) all windows and other external surfaces on the ground floor must be made of toughened glass;
- (h) ceilings and walls within all car parking areas are to be suitably treated to aid brightness, reduce the need for artificial lighting and contribute to way-finding;
- (i) trolley bays are to be conveniently located within the car park and away from the car park periphery to discourage theft and vandalism;
- (j) loading dock areas should be differentiated with a concrete finish, with the surrounding road surface finished with asphalt, to discourage public traffic access;
- (k) to a warning light should flash at each of the loading docks to alert pedestrians when a vehicle will shortly cross the footpath; and

- (l) the location of ATMs should be in areas which:
 - i. ensure good sightlines;
 - ii. are located in places that are well used and have high level of natural surveillance
 - iii. are well lit
 - iv. avoid location adjacent to areas where potential offenders could legitimately congregate, for example seating.

B40 An operational security management plan shall be prepared prior to issue of a Construction Certificate for Stage 1B of the development incorporating measures to maintain safety and security in and around the site to the satisfaction of the Certifying Authority.

A revised operation security management plan shall be prepared prior to the issue of a Construction Certificate for Stage 2 of the development, to address these same matters to the satisfaction of the certifying authority.

Litter

B41 The Proponent shall develop an effective strategy for preventing litter emanating from the site and collecting litter that has emanated from the site from the surrounding area. Such strategy is to be developed in consultation with Council and be submitted to Council for approval within 6 months of the date of this approval.

The Proponent must implement the approved strategy to the satisfaction of Council prior to the issue of an Occupation Certificate for Stage 1A of the development.

Shopping Trolley Management Plan

B42 The Proponent shall prepare a Shopping Trolley Management Plan applying to the existing and expanded shopping centre, to be approved by the Council prior to issue of the first Construction Certificate.

The objective of the plan is to contain trolleys within the site boundary of the shopping centre and on-site car parks, and the area of Smidmore Street between the two halves of the centre, in order to minimise trolley abandonment and negative impacts associated with collection including noise, disturbance and road congestion.

The Plan shall demonstrate how the objective will be met and address, at a minimum, the following:

- a) The proposed method of retaining trolleys on site;
- b) Trolley tracking;
- c) Management measures for trolley recovery from the site perimeter and surrounding streets (including any specific geographical boundary);
- d) Provision of an online and telephone based reporting system for local residents to report abandoned trolleys;
- e) Maintenance of a register of reported trolley abandonment.

The Shopping Trolley Management Plan shall be reviewed and resubmitted to Council for approval prior to the issue of a Construction Certificate for Stage 1A, and again prior to the issue of the Construction Certificates for Stage 1B and Stage 2. The management measures identified in the approved and current Shopping Trolley management Plan are to be implemented and maintained for the life of the project as required under Condition F17 of this approval.

Unless otherwise approved by the Council, [the shopping trolley control mechanism, as outlined in the approved Shopping Trolley Management Plan](#) for the existing Victoria Road shopping centre tenants shall be implemented prior to issue of the first Construction Certificate for Stage 1A or the end of 2014, whichever is the later. Unless modified requirements are implemented pursuant to [Condition F17](#), the system approved under this condition shall be maintained for the life of project.

Lighting

B43 Lighting is to be provided throughout the site in accordance with the following requirements:

- i. all lighting shall be 'vandal proof' or 'vandal resistant' to limit breakage and maintenance issues;
- ii. lighting should provide enough illumination for CCTV to work effectively;
- iii. lighting should take into account all vegetation and landscaping in the car park, pedestrian pathways and street frontages that may act as an entrapment area.
- iv. all lighting inside and outside the shopping centre should be maintained and cleaned regularly
- v. the loading dock areas are to be well lit.
- vi. all entries to centre to be well lit.
- vii. outdoor lighting is to be directed away from neighbouring residential properties and public road ways and incorporate shielding or other measures to minimise light spill; and
- viii. all outdoor lighting shall comply with AS/NZS1158.3.1: 2005 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting, where relevant.

Details demonstrating compliance with the above requirements are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate for the development.

NABERS

B44 The proponent 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 to the satisfaction of the Certifying Authority.

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.](#)

Public Art Strategy

B46 A public art strategy shall be submitted to Council for approval prior to issue of the relevant Construction Certificate for Stage 1B.

End of Part B

FOR INFORMATION

PART C – PRIOR TO CONSTRUCTION

Construction Certificate Required

- C1 A Construction Certificate shall be obtained before commencing building work. Building work means any physical activity involved in the construction of a building (with the exception of demolition work). This definition includes the installation of fire safety measures.

Notify Council of Intention to Commence Works

- C2 In accordance with the provisions of Clause 81A(2) of the Environmental Planning and Assessment Act 1979 the person having the benefit of the project approval shall appoint a Certifying Authority and give at least 2 days notice to Council, in writing, of the persons intention to commence the erection of the building.

Construction Information sign

- C3 A clearly visible all weather sign is required to be erected in a prominent position on the site detailing:
- (a) that unauthorised entry to the work site is prohibited;
 - (b) the excavator's and / or the demolisher's and / or the builder's name;
 - (c) contact phone number for any questions/complaints including an after hours emergency number;
 - (d) licence number;
 - (e) approved hours of site work; and
 - (f) name, address and contact phone number of the Certifying Authority (if other than Council)

ANY SUCH SIGN IS TO BE REMOVED WHEN THE WORK HAS BEEN COMPLETED.

Council may allow exceptions where normal use of the building/s concerned will continue with ongoing occupation, or the works approved are contained wholly within the building.

Licensee Details

- C4 The name, address and contractor licence number of the licensee who has contracted to carry out the work or the name and permit number of the owner-builder who intends to carry out the work shall be furnished in writing to Council.
- NB: Should changes be made for the carrying out of the work Council must be immediately informed.

Other approvals

- C5 The proponent shall apply as required for all necessary permits including crane permits, road opening permits, hoarding permits, footpath occupation permits and/or any other approvals under Section 68 (Approvals) of the Local Government Act, 1993 or Section 138 of the Roads Act, 1993.

Road opening permit

- C6 Where it is proposed to carry out works in public roads or Council controlled lands, a road opening permit shall be obtained from Council before the carrying out of any works in public roads or Council controlled lands. Restorations shall be in accordance

with Marrickville Council's Restorations Code. Failure to obtain a road opening permit for any such works will incur an additional charge for unauthorised works as noted in Council's adopted fees and charges.

Heritage Archival

- C7 The proponent shall prepare an archival photographic record of the Mill House, in its context, documenting the Victoria Road streetscape, the remnant Vicars Walls and the brick paving. The archival photographic record shall be submitted to Council in duplicate prior to commencement of [Stage 1A](#) works on the Victoria Road site, and prepared in accordance with the Marrickville Council Guide to Archival Photographic Records 2012

Site security

- C8 The proponent shall provide details of the means to secure the site and to protect the public from the construction works. Where the means of securing the site involves the erection of fencing or a hoarding on Council's footpath or road reserve the proponent shall submit a hoarding application and pay all relevant fees before commencement of works.
- C9 Public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.

Suitable Screens

- C10 Suitable screens and/or barricades shall be erected during demolition and building work and where required by the certifying authority to reduce the emission of noise, dust, water effluent or other matter from the site.

Suitable footpath crossing provided

- C11 Adequate provision is to be made to ensure that a suitable footpath crossing is provided to the site so as to allow safe pedestrian access along the footpath area AT ALL TIMES.

Access to site

- C12 During excavation and construction, access to the site is to be available in all weather conditions, and stabilised to prevent vehicles tracking soil materials onto public roads.
- C13 During excavation and construction, wash down and shaker areas are to be provided with facilities for the collection and treatment of waste water.

Site Management

- C14 A Site Management Plan shall be submitted to and approved by the Certifying Authority prior to the commencement of work. The site management plan shall include the following measures as applicable.
- Details and contact telephone numbers of the owner, builder and developer and where these details shall be prominently displayed;
 - Location and construction details of protective fencing to the perimeter of the site;
 - Location of site storage areas, sheds and equipment;

- Location of stored building materials for construction;
- Provisions for public safety;
- Dust control measures;
- Site access location and construction;
- Details of methods of disposal of demolition materials;
- Protective measures for tree preservation;
- Provisions for temporary sanitary facilities;
- Location and size of waste containers and bulk bins;
- Soil and Water Management Plans (SWMP); comprising a site plan indicating the slope of land, access controls, location and type of sediment controls and storage/control methods for material stockpiles;
- Construction noise and vibration management.

The site management measures shall be implemented prior to the commencement of any site works and maintained during the construction period. A copy of the approved Site Management Plan shall be conspicuously displayed, maintained on site and be made available to the Certifying Authority /Council officers upon request.

Condition deleted

C15 Condition has been deleted

Operational Delivery Management

C16 Prior to the commencement of **construction of works which are a part of Stage 1B**, the proponent shall prepare and obtain Council approval for an Operational Delivery Management Plan for the existing and proposed loading docks. The Plan shall be prepared in consultation with the Council and, as a minimum, address the following:

- Predicted delivery and servicing traffic volumes, times, types and routes.
- Access arrangements and traffic control for delivery and service vehicles including those over 6m in length.
- Traffic management works and signage to prevent vehicles over 6 metres in length from accessing or leaving the shopping centre via the intersection of Victoria Road and Murray Street. This requirement is also set out in Condition B15(f) and requires Local Area Traffic Committee approval.
- Driver education to ensure that drivers are advised of loading dock operating times; directed to the correct loading dock for their deliveries; and directed via a route that does not involve access to or from the shopping centre via the intersection of Victoria Road and Murray Street.
- Timing of implementation of the Plan for the existing and proposed loading docks across both Stages 1B and 2.

Six months and again at 18 months after commencement of operations of Stage 2 the proponent shall investigate and report to the Council the effectiveness of the Plan, and undertake any reasonable improvements required by the Council to give full effect to the required outcome at no cost to the Council.

Dilapidation Report

C17 The proponent shall submit a dilapidation report including colour photos detailing the existing condition of the footpath and roadway adjacent to the site before commencement of works.

Erosion and sediment control

- C18 Suitable erosion and sediment control measures shall be implemented in accordance with the proponent's Sediment Control Plan and the NSW Department of Housing Manual, "Managing Urban Stormwater Soils & Construction" 2004 prior to any works commencing on site.

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 to 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 horticulturalist or arborist, with a minimum qualification of Certificate 3
- e) the new trees shall be planted by qualified horticulturalist or arborist, with a minimum qualification of Certificate 3
- f) the new trees shall be planted by a qualified horticulturalist or arborist, with a minimum qualification of Certificate 3
- 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 by Council, prior to the issue of the construction certificate for Smidmore Street public domain works.

End of Part C

PART D – DURING CONSTRUCTION

Hours of Work

- D1 All demolition, construction and associated work necessary for the carrying out of the development is restricted to:
- between the hours of 7.00 am to 5.30 pm Mondays to Fridays and 8:00am to 1:00pm, Saturdays for works on the Victoria Road site; and
 - between the hours of 7.00 am to 5.30 pm Mondays to Saturdays, for works on the Edinburgh Road site.

Notwithstanding the above, no work is to be carried out on any Sunday, Public Holiday or any Saturday that falls adjacent to a Public Holiday

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

Extended construction hours may be applied with Council. The requested extended constructions ours may only take place Monday to Friday and excludes Public Holidays which fall on a weekday. The requested extended construction hours must relate to one of the following works:

- pouring large floor or roof slabs, or other concrete pours
- having heavy equipment such as cranes delivered or removed
- works for infrastructure/utilities (such as Sydney Water, assets and electric/gas utilities) that run under the road or footpath
- pedestrian bridge construction
- roadwork construction

An application for extended construction hours must be made to Council a minimum of 72 hours prior to commencement. Within this application to Council the Proponent must demonstrate, to Council's satisfaction that affected neighbors, including those in the immediate vicinity, adjacent or adjoining the development site have been notified by way of written advice.

This written advice must include the following details;

- date/s the extended hours will be utilized
- the purpose of the extended hours – for example pouring a large slab
- address of the development works/site
- contact name and number of appropriate site officer (supervisor or manager), who will be on-site overseeing the works taking place during the extended hours, for enquiries or complaints.

The applicant must provide Council with a copy of the letter and a map or list identifying those affected neighbors who have been notified. Residents will not be required to be re-notified again when the out-of-hours work permit is granted.

At the time of the application, the Proponent must also provide to Council a complaints handling procedure which outlines the steps to be taken to ensure that any concerns

or complaints are logged and responded to and that effective measures are taken to minimize impacts to surrounding properties during out of hours works.

- D2 Notwithstanding the above condition, all remediation works being restricted to between the hours of 7.00am and 6.00pm Mondays to Fridays and 8.00am to 1.00pm Saturdays with no works being carried out on Sundays and Public Holidays or any Saturday that falls adjacent to a Public Holiday.

Mandatory Critical Stage Inspections

- D3 Building work must be inspected by the Certifying Authority on the mandatory critical stage occasions prescribed by the EP&A Act and its Regulations, and as directed by the Certifying Authority.

Progress Survey

- D4 In order to ensure compliance with approved plans, a Survey Certificate, prepared to Australian Height Datum, shall be prepared by a Registered Surveyor showing the following: -

- a) at the completion of excavation, prior to the placement of any footings, showing the completed level of the excavation and its relationship to the boundaries;
- b) prior to placement of concrete at the ground floor level, showing the level of the form work and its relationship to boundaries including relevant footpath and roadway levels;
- c) prior to placement of concrete at each fifth floor level showing the principal level of the formwork and the intended relationship of the completed works to the boundary;
- d) prior to roofing, or completion of the highest point of the building showing the anticipated level of the completed work and its relationship to the boundary; and
- e) at completion, works showing the relationship of the building to the boundary and showing the maximum height of the overall works and the height of the principal roof elements.

Progress certifications in response to points (a) through to (e) shall be provided to the Certifying Authority at the time of carrying out relevant progress inspections. Under no circumstances will work be allowed to proceed should such survey information be unavailable or reveals discrepancies between the approved plans and the proposed works.

Access to Site

- D5 During Demolition, Excavation and Construction, vehicular access to the site is to be available in all weather conditions and paths stabilised to prevent vehicles tracking soil materials onto public roads.
- D6 A clear unobstructed path of travel of not less than 1000mm is to be provided to all exits and paths of travel to exits.
- D7 The placing of any materials on Council's footpath or roadway is prohibited, without the consent of Council. The placement of waste storage containers in a public place requires Council approval and shall comply with Council's Policy – 'Placement of Waste Storage Containers in a Public Place'. Enquiries are to be made with Council's Infrastructure Services Division.

D7.A All demolition and construction vehicles are to be located entirely within the site while unloading and loading, except as otherwise approved in the Construction Traffic Management Plan (CTMP). The proponent is to consult with Council to ensure all demolition and construction vehicles are appropriately managed during all stages of the development.

Demolition

D8 All demolition work must be carried out in accordance with the following:

- (a) compliance with the requirements of Australian Standard AS 2601 'The demolition of structures' with specific reference to health and safety of the public, health and safety of the site personnel, protection of adjoining buildings and protection of the immediate environment;
- (b) all works involving the demolition, removal, transport and disposal of asbestos cement is to be carried out in accordance with the 'Worksafe Code of Practice for Removal of Asbestos' and the requirements of the WorkCover Authority of NSW and the Office of Environment and Heritage;
- (c) all building materials arising from the demolition are to be disposed of in an approved manner in accordance with Marrickville Development Control Plan No. 27 - Waste Management and any applicable requirements of the Office of Environment and Heritage;
- (d) sanitary drainage, stormwater drainage, water, electricity and telecommunications are to be disconnected in accordance with the requirements of the responsible authorities;
- (e) the generation of dust and noise on the site must be controlled;
- (f) the site must be secured to prohibit unauthorised entry;
- (g) suitable provision must be made to clean the wheels and bodies of all vehicles leaving the site to prevent the tracking of debris and soil onto the public way;
- (h) all trucks and vehicles associated with the demolition, including those delivering to or removing material from the site, only having access to the site during work hours nominated by Council and all loads must be covered;
- (i) all vehicles taking materials from the site must be loaded wholly within the property unless otherwise permitted by Council;
- (j) no waste collection skips, spoil, excavation or demolition material from the site being deposited on the public road, footpath, public place or Council owned property without the approval of Council; and
- (k) the proponent is responsible for ensuring that all contractors and sub-contractors associated with the demolition are fully aware of these requirements.

Protection for neighbouring properties

D9 The proponent shall comply with the following requirements in relation to any excavation that extends below the level of the base of the footings of a building on the adjoining allotments, including a public place such as a footway and roadway,

- (a) protect and support the adjoining premises from possible damage from the excavation, and
- (b) where necessary, underpin the adjoining premises to prevent any such damage. Where the proposed underpinning works are not "exempt development", all required consents shall be obtained prior to the required works commencing; and

- (c) at least seven (7) days notice is given to the owners of the adjoining land of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

Where a dilapidation report has not been prepared on any building adjacent to the excavation, the proponent shall be responsible for arranging and meeting the cost of a dilapidation report prepared by a suitably qualified person. The report is to be submitted to and accepted by the Certifying Authority before works continue on site, if the consent of the adjoining property owner can be obtained.

Copies of all letter/s that have been sent via registered mail to the adjoining property owner and copies of any responses received shall be forwarded to the Certifying Authority before work commences.

Protection of Public Places

- D10 The proponent shall provide details of the means to secure the site and to protect the public from the construction works. Where the means of securing the site involves the erection of fencing or a hoarding on Council's footpath or road reserve the proponent shall submit a hoarding application and pay all relevant fees before commencement of works.

Dust Emission and Air Quality

- D11 All vehicles carrying materials to, or from the site must have their loads covered with tarpaulins or similar covers.
- D12 Satisfactory methods and/or devices being employed on the site to prevent the tracking of mud/dirt onto the surrounding streets from vehicles leaving the site.
- D13 Dust suppression measures must be carried out to minimise wind-borne emissions in accordance with the NSW Department of Housing's 1998 guidelines - Managing Urban Stormwater: Soils and Construction.
- D14 Odour suppression measures must also be implemented where appropriate so as to prevent nuisance occurring at adjoining properties.
- D15 The disposal of contaminated soil being carried out in accordance with the requirements of the Office of Environment and Heritage.

Silencing Devices

- D16 Sound attenuating devices shall be provided and maintained in respect of all power-operated plant used during demolition, excavation, earth works and the erection of the structure.

Underground power

- D17 Power supply and all aerial cabling adjacent to the development sites shall be placed underground at no cost to Council.

Service Adjustments

- D18 Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the proponent and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the proponents full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services at the appropriate stage of the development (including water, phone, gas and the like). Council accepts no responsibility whatsoever for any matter arising from its approval of this application involving any influence upon utility services provided by another authority.

Road Reserve Safety

- D19 All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials and plant must not be stored in the road reserve without approval. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site.

Where public infrastructure is damaged, repair works must be carried out in when and as directed by Council officers (at full cost to the proponent). Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (1996) "Traffic Control Devices for Work on Roads". If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.

Noise and Vibration

- D20 Noise and vibration from works is to be mitigated in accordance with industry best practice, to ensure excessive levels of vibration do not occur to minimise adverse effects experienced on any adjoining land.

Site Amenities and Facilities

- D21 Sanitary facilities are to be provided at or in the vicinity of the work site in accordance with the WorkCover Authority of NSW, Code of Practice 'Amenities for Construction'. Each toilet shall be connected to the sewer, septic or portable chemical toilet before work commences.

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

Health and Safety

- D22 The work undertaken must satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements to prepare a health and safety plan. Site fencing must be installed sufficient to exclude the public from the site. Safety signs must be erected that; warn the public to keep out of the site, and provide a contact telephone number for enquiries.

Further information and details regarding occupational health and safety requirements for construction sites can be obtained from the internet at www.workcover.nsw.gov.au

Community Information

- D23 Reasonable measures must be undertaken at all times by the proponent to keep nearby residents informed about the proposed work, such as website updates, signs, leaflets, public meetings and displaying telephone contact numbers, to ensure that adjoining residents are aware of the likely duration and impacts of the construction works on and around the site. All signs shall be prominently displayed at all points of pedestrian entry (and at least one per frontage).

Aboriginal Heritage

- D24 If in undertaking excavations or works, any Aboriginal site or relic is, or is thought to have been found, all works are to cease immediately and the proponent is to contact Aboriginal Heritage Officer for Marrickville Council, and the National Parks and Wildlife Service (NPWS). Any work to a site that is discovered to be the location of an Aboriginal relic, within the meaning of the National Parks and Wildlife Act, requires a permit from the Director of the NPWS.

Waste Disposal

- D25 All records demonstrating the lawful disposal of waste will be retained and kept readily accessible for inspection by regulatory authorities such as Marrickville Council, the Office of Environment & Heritage or WorkCover NSW.
- D26 All builders' refuse, spoil and/or material unsuitable for use in landscape areas shall be removed from the site on completion of the building works.

Tree protection

- D27 No activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order at any time.
- 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) [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,	<i>Corymbia citriodora</i>	Removal

84	(Lemon-scented Gum)	
79, 83	<i>Eucalyptus</i> sp. (Gum Tree)	Removal
88-108 (inclusive)	Various	Removal

Removal or pruning of any other tree on the site shall be the subject of approval by Council.

- D30 Selective branch and canopy pruning of the trees listed in Condition D29 if necessary to accommodate the approved building works shall be undertaken by an experienced and qualified Arborist.

This qualified Arborist shall also verify the tree(s) have been correctly identified prior to the arboricultural works described in Condition D29 being carried out.

For the purpose of this condition a suitably experienced and qualified professional shall hold:

- minimum qualification equivalent (using the Australian Qualification Framework) of NSW TAFE Certificate Level 3 or above in Arboriculture,
- a NSW TAFE Tree Surgery Certificate or its recognised equivalent
- a minimum of 3 years experience in practical Arboriculture including demonstrated experience in tree surgery

Pruning is limited to those branches of trees that will come into direct contact with the built structure.

All pruning shall be carried out to Sections 5, 6 and 7.3.3 of the Australian Standard 4373 - 2007 Pruning of Amenity Trees and the *Workcover Code of Practice for the Amenity Tree Industry* (1998).

Where a tree's canopy or root system has developed across property boundaries, consent to undertake works on the tree does not permit a person acting on the consent to trespass on adjacent lands. Where access to adjacent land is required to carry out approved tree works, Council advises that the owner of a tree must be notified. Notification is the responsibility of the person acting on the consent. Should the tree owner/s refuse access to their land, the person acting on the consent shall meet the requirements of the Access to Neighbouring Lands Act 2000 to gain access.

- D31 Structures are proposed within Tree Protection Zones (TPZ), as identified in the recommendations of the *Arboricultural Impact Assessment Report* prepared by Integrated Vegetation Management (Report No. MA/ME/AIARTPS/E dated November 2010),

The identified location and distribution of the roots shall be carried out through non-destructive investigation, being either through pneumatic, hydraulic, hand digging or ground penetrating radar means.

This exploration shall determine the presence and extent of root spread and any tree sensitive construction techniques and material which should be used for construction in these areas. Any recommendations shall be implemented during construction. A qualified Arborist (refer to description for minimum qualifications in D29) shall determine if root pruning can be undertaken without impacting the stability or long term viability of the tree(s).

Excavations within the TPZ shall be undertaken by hand trenching/hydro vacuum excavation methods to minimize damage to tree roots. Where the qualified Arborist deems root pruning to be acceptable, this work shall be carried by the qualified Arborist and pruned roots shall be cleanly severed with sharp pruning implements to ensure a smooth wound face, free from tears. Severance of structural roots (>25mm) within the Structural Root Zone shall be avoided as it may lead to tree destabilization.

The exposed roots and excavation face shall be protected from direct sunlight, drying out and extremes of temperature by covering with a 10mm thick jute mat that is kept damp at all times. Where roots cannot be pruned tree sensitive construction methods will be required.

Council approval is required for any additional pruning or tree removals other than set out in Condition D29.

- D32 Internal diagnostic testing shall be undertaken on Trees 20, 25 and 29 to determine the presence and extent of any decay in these trees. Recommendations should be made to maximise the retention potential of these trees. No approval to remove these trees is granted by this approval.
- D33 The removal of trees listed in Condition D32 from Council's nature strip shall be undertaken at no cost to Council by an experienced tree removal contractor/arborist holding public liability insurance amounting to a minimum cover of \$10,000,000. Following removal of trees from Council's nature strip, the area shall be rehabilitated to the satisfaction of Council's Development Engineer at no cost to Council.
- D34 The canopy replenishment trees to be planted within the site shall be maintained in a healthy and vigorous condition until they attain a height of 5 metres whereby they will be protected by Council's Tree Preservation Order. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species.

Relocation of 4 Cabbage Palm trees

- D35 The proponent shall provide a strategy for the relocation of the 4 Cabbage Palm trees located within the Edinburgh Road road reserve in consultation with Marrickville Council.

End of Part D

PART E – PRIOR TO ISSUE OF OCCUPATION CERTIFICATE / PRIOR TO OPERATIONS

Occupation Certificate

- E1 A person must not commence occupation or use of the whole or any part of a new building (*new building* includes an altered portion of, or an extension to, an existing building) unless an Occupation Certificate has been issued in relation to the building or part. Only the Certifying Authority appointed for the building work can issue an Occupation Certificate.

Separate Approval required for fit out and use

- E2 The specific fit out and use of individual tenancies within the development shall be the subject of further development approval or complying development certificate, whichever applies, prior to such use or occupation.

Minimum Period between Development Stages

- E3 An Occupation Certificate for Stage 2 of the development must not be granted unless evidence is provided to demonstrate that a minimum of 3 years has passed from the commencement of operations of Stage 1B of the approved development.

Development in accordance with conditions of approval

- E4 All parking (including accessible, motorcycle, bicycle and car share spaces), landscaping, lighting, foot paving, signposting and crime preventions measures (including CCTV) shall be provided in accordance with the conditions of approval prior to issue of the relevant Occupation Certificate.
- E5 All works required to be carried out in connection with drainage, crossings, alterations to kerb and guttering, footpaths and roads resulting from the development, **with the exception of the roundabout construction at the intersection of Edinburgh Road/Sydney Steel Road, and the roundabout at the intersection of Edinburgh Road/Railway Parade** shall be completed before the issue of the **relevant** Occupation Certificate. Works shall be in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications".

Adjustments to Utility Services

- E6 Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development shall be at no cost to Council and undertaken before the issue of the **relevant** Occupation Certificate.

Heritage listing paving

- E7 The existing brick footpath adjacent to the site is of heritage significance identified in the Marrickville Heritage Study. The footpath is to be preserved, with the surface being made level by resetting individual bricks to ensure a maximum level difference of 2mm between bricks, at no cost to Council **prior to issue of an Occupation Certificate for Stage 1A.**

Works within the road reserve

- E8 All works required to be undertaken on public roads shall be constructed in accordance with Council's standard crossing and footpath specifications, AUS-SPEC#2-"Roadworks Specifications" and Council's Stormwater and On Site Detention Code. The works shall be supervised and certified by a qualified civil engineer who is listed under the Institution of Engineers, Australia "National Professional Engineers Register" (NPER) and shall state that the works have been constructed in accordance with the above requirements prior to issue of the relevant occupation certificate before occupation of the site. In addition, full works-as-executed plans in both PDF and CAD format (dwg or dxf files), prepared and signed by a registered surveyor, shall be submitted to Council upon completion of the works.

Condition deleted

- E9 Condition has been deleted

Vehicle crossings

- E10 Heavy duty concrete vehicle crossings, in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" shall be constructed at the vehicular access locations before the issue of the relevant Occupation Certificate and at no cost to Council.
- E11 All redundant vehicular crossings to the site shall be removed and replaced by kerb and gutter and footpath paving in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" before the issue of the relevant Occupation Certificate and at no cost to Council. Where the kerb in the vicinity of the redundant crossing is predominately stone (as determined by Council's Engineer) the replacement kerb shall also be in stone.

Works as Executed - drainage works and ground floor slab

- E12 Before the issue of the relevant Occupation Certificate written verification from a suitably qualified professional civil engineer shall be obtained, stating that all stormwater drainage and related work, and the suspended concrete ground floor slab have been designed and constructed in accordance with the approved plans. In addition, full works -as -executed plans, prepared and signed by a registered surveyor, shall be submitted to Council. These plans shall include levels and location for all drainage structures and works, buildings (including floor levels) and finished ground levels and pavement surface levels.

Damage to Adjoining Properties

- E13 All precautions must be taken to prevent any damage likely to be sustained to adjoining properties. Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.

On completion of the works and prior to the issue of a final Occupation Certificate, a certificate is to be prepared to the effect that no damage has resulted to adjoining premises, and is to be provided to Council and the Principal Certifying Authority.

Alternatively, if damage is identified which is considered to require rectification, the damage shall be rectified or a satisfactory agreement for rectification of the damage is to be made with the affected person/s as soon as possible and prior to the issue of the Occupation Certificate for Stage 2.

Infrastructure Repair and Completion of Works

- E14 Prior to issue of any Occupation Certificate all required works in the road reserve, necessary for each stage of the development, with the exception of the roundabout construction at the intersection of Edinburgh Road/Sydney Steel Road, and the roundabout at the intersection of Edinburgh Road/Railway Parade must be completed in full and any damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) must be fully repaired to the satisfaction of Council Engineers at no cost to Council.

4 Star NABERS Rating

- 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.

Public domain works

- E16 Prior to issue of the Occupation Certificate for each stage of the development, the proponent shall obtain from Council a Certificate(s) of Satisfactory Completion for public domain works stating that all road, footpath, drainage, traffic management, landscaping and civil works on Council property required to be undertaken as a result of this development, with the exception of the roundabout construction at the intersection of Edinburgh Road/Sydney Steel Road, and the roundabout at the intersection of Edinburgh Road/Railway Parade have been completed satisfactorily and in accordance with Council approved plans and specifications.
- E17 The proponent shall provide security, in a manner satisfactory to the Council, for the proper maintenance of all public domain works including drainage in an amount of \$28,000.00 for a period of twelve (12) months from the date of satisfactory completion of the public domain works as surety for the proper maintenance of the works.
- E18 In relation to the public domain works the proponent shall within fourteen (14) days of notification execute any and all maintenance works required by Council. In the event that the proponent fails to undertake such work, Council may undertake the required maintenance works, utilising part or all of the maintenance security and Council may recover any costs in excess of the security from the proponent.

Noise from Plant

- E19 Prior to issue of the final Occupation Certificate for Stage 1B and the Occupation Certificate for Stage 2, a certificate from an Acoustic Engineer is to be submitted to the Certifying Authority certifying that the garbage compacting system, air-conditioning, lift

motors, pumps and plant rooms have been installed so as

- not to exceed more than 5dB(A) above the background level during the day and evening and not exceeding the background level at night (10.00pm to 6.00 am) when measured at the boundary of [any residential property](#),
- [to](#) comply with the DECC Industrial Noise Policy [at the boundary of any commercial or industrial property](#).

Operational Management Plan

E20 Prior to the issue of the first Occupation Certificate, an Operational Management Plan shall be prepared for the shopping centre [and made available on the Marrickville Metro website with an email address and telephone number provided to receive any complaints](#).

[The Operational Management Plan is to address measures to minimise adverse impacts on the surrounding residential area in respect of noise.](#)

[The Operational Management Plan is to include the permitted hours of operation for the specific activities identified in conditions F4, F5, F8 and F9 of this consent and otherwise comprise an amalgamation of the specific management plans required by the following conditions of this consent](#)

- [\(a\) B27 Operational Waste Management;](#)
- [\(b\) B41 Litter Management;](#)
- [\(c\) B40 Operational Security Management;](#)
- [\(d\) B42 Shopping Trolley Management; and](#)
- [\(e\) C16 Operational Delivery Management](#)
- [\(f\) condition deleted](#)
- [\(g\) condition deleted](#)

[The Operational Management Plan is to be updated prior to the issue of an Occupation Certificate for Stage 1B and Stage 2, and at any other time where the management measures identified in the above conditions modify the operation of the Shopping Centre. A Complaints Register shall be maintained for the life of this project.](#)

Condition deleted

E21 [Condition deleted](#)

Traffic improvements [Stage 1B](#)

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 the Council:

- Construction of the new bus terminal in Edinburgh Road;
- Smidmore Street upgrade works including raised pedestrian 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 Council.

Traffic Improvements Stage 1A

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

- i. traffic management works to prevent vehicles over 8.8 metres in length from accessing Victoria Road via the intersection of Victoria Road and Murray Street;
- ii. signage to prevent Shopping Centre delivery vehicles over 6 metres in length to access the site via the intersection of Victoria Road and Murray Street; and
- iii. two thresholds in Victoria Road, at the entry (at the intersection with Murray Street) and in the middle of the block (indicative location west of 37 Victoria Road).

E23 The following works shall be completed to the satisfaction of the Certifying Authority prior to issue of an Occupation Certificate for Stage 2, and shall be at no cost to the Council:

- Construction of a concrete median in Smidmore Street in accordance with the local traffic committee approval; and
- Traffic calming measures in Victoria Road.

Condition deleted

E24 Condition has been deleted

E25 Condition has been deleted

Bus and Taxi Shelters

E26 Elements of the approved bus and taxi shelters that extend into the road reserve beyond property boundaries shall be approved by Council, maintained in a condition satisfactory to Council and at no cost to Council.

Bus Services

E27 The proponent is to consult with the Department of Transport / State Transit Authority in relation to increased demand for bus services as a result of the development and potential provision of additional bus services to the Marrickville Metro Shopping Centre. Consultation is to occur prior to commencement of operations of Stage 1B and Stage 2 of the development.

Evidence of this consultation shall be provided to the Certifying Authority prior to issue of the relevant Occupation Certificate.

Electronic signage and car park identification system

E28 Electronic signage shall be displayed at the entry to each car park identifying the number of vacant spaces within the car park. The signage should be highly visible and readable prior to entering the ramp.

- E29 A suitable parking guidance shall be installed within the customer car parking areas. To indicate where there is available parking.

Signage

- E30 Prior to the issue of an Occupation Certificate for Stage 1B and Stage 2 of the development, appropriate sign(s) shall be provided and maintained within the site at the point(s) of vehicular egress to ensure all vehicles stop before proceeding onto the public way.
- E31 Prior to the issue of an Occupation Certificate for Stage 1B the proponent shall install directional signposting to/from Sydenham and St Peters railway stations in consultation with RailCorp and with the approval of Council (if on Council's land).

Wind conditions

- E32 An appropriately qualified consultant shall confirm wind conditions at the entries to the shopping centre and around the site are acceptable prior to issue of the relevant Occupation Certificate.

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.

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.

Traffic Improvements Prior to the Operation of Stage 1B

- E35 The following works shall be completed to the satisfaction of the Certifying Authority and Council prior to the operation of the Stage 1B retail development, and shall be at no cost to Council:

- Roundabout construction at the intersection of the Edinburgh Road/Sydney Steel Road
- Roundabout at the intersection of Edinburgh Road/Railway Parade

- E36 Prior to the issue of an Occupation Certificate for Stage 1B, a bond in the sum of \$200,000, is to be paid to Council in connection with the public domain works associated with the upgrade of the roundabout at the intersection of Edinburgh Road and Railway Parade. This bond will be refunded following completion of these works.

The security may be provided in one of the following methods:-

- (a) in full in the form of a cash bond supported by a legal agreement prepared by Council's Solicitors at the proponent's expense; or
- (b) by provision of a Bank Guarantee by an Australian Bank in the following terms:
 - (i) the bank must unconditionally pay the guaranteed sum to the Council if the Council so demands in writing.

- (ii) the bank must pay the guaranteed sum within seven (7) days of demand without reference to the proponent or landowner or other person who provided the guarantee, and without regard to any dispute, controversy, issue or other matter relating to consent or the carrying out of development in accordance with the consent;
- (iii) the bank's obligations are discharged when payment to the Council is made in accordance with this guarantee or when the Council notifies the bank in writing that the guarantee is no longer required.

Prior to the Bond being refunded at the completion of the works at the intersection of Edinburgh Road and Railway Parade, Council shall confirm that there is no damage to existing Council infrastructure. In circumstances where there is no damage to existing public infrastructure, Council shall have the ability to draw on the Bond to rectify any damage, if it is not rectified by the Proponent in a reasonable timeframe to be agreed between the parties.

End of Part E

PART F – DURING OPERATIONS/ POST COMPLETION

Operation conditions not applicable to Stage 1A

F1.A All other conditions specified in Part F of this approval do not apply in respect of the works identified as being part of Stage 1A of the approved development.

Noise Impact

- F1 The use of the development must not give rise to offensive noise within the meaning of the Protection of the Environment Operations Act 1997.
- F2 The use of the premises including any plant and equipment shall not give rise to:
- transmission of unacceptable vibration to any place of different occupancy;
 - a sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The source noise level shall be assessed as an LAeq,15min and adjusted in accordance with Environment Protection Authority guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content as described in the NSW Environment Protection Authority's Environmental Noise Control Manual and Industrial Noise Policy 2000 and The Protection of the Environment Operations Act 1997 (NSW).
- F3 Noise and vibration from the use and operation of any plant and equipment and/or building services associated with the premises shall not give rise to 'offensive noise' as defined by The Protection of the Environment Operations Act 1997 (NSW). In this regard the roller door to the car parking entry is to be selected, installed and maintained to ensure their operation does not adversely impact on the amenity of the surrounding neighbourhood.

Hours of Operation

- F4 Trading hours of the shopping centre shall be restricted to between the hours of 7.00am and 10.00pm **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 earlier.

Loading Docks

- F5 No deliveries, loading or unloading associated with the new loading docks are to take place 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.](#)

After completion of Stage 2 the proponent may apply to Council to extend the hours of operation of one or more loading docks from 7pm – 10pm on any day. Relevant factors for consideration include: the effectiveness of the noise attenuation at the loading docks, the effectiveness of control over delivery vehicle access routes, and the provisions of the NSW industrial Noise Policy in force at the time of any such application. Any extension is subject to the approval of Marrickville Council.

- F6 All loading and unloading servicing operations shall be carried out within the confines of the site. The loading dock shall be available for use by vehicles associated with all uses within the building in accordance with the approved Transport Management Plan.
- F7 All loading and unloading in connection with the use being carried out from the loading/unloading docks. The loading/unloading docks and spaces shall be maintained at all times for the loading and unloading of goods and being used exclusively for that purpose and not for storage or any other purpose.

Waste Collection

- F8 Waste and recyclable material, generated by this premises, must not be collected between the hours of 7.00pm and 7:00am on any day.

Roof Top Lighting

- F9 A 12.30 am to dawn curfew on lighting of rooftop or podium level areas shall apply. All lighting shall be appropriately shielded and directed away from any adjacent dwellings.

No Parking in Aisles or Turn Paths

- F10 No vehicles shall be parked at any time within the aisles or turn paths of any parking areas.

Shop fronts

- F11 The shop window display areas being maintained at all times with no roller shutters being installed across the shop fronts.

Civic Place

- F12 The civic place at the Victoria Road entry to the shopping centre is to be used as a passive seating area only.

Advertising

- F13 A separate application shall be submitted to, and approved by, Council prior to the erection of any advertisements or advertising structures.
- F14 No signs or goods to be displayed for sale or stored on the footpath in front of the premises at any time without the prior approval of Council.

Trade Waste

- F15 Trade waste water shall be disposed of in accordance with the permit requirements of Sydney Water Corporation Ltd, Wastewater Source Control Branch.

On-going maintenance

- F16 The development shall be maintained in a high standard to ensure a high level of amenity and safety. In particular the operator of the development shall::
- (a) keep building and walls clean and repaired;
 - (b) ensure secure closure of parking areas and new loading dock areas outside of centre trading hours;
 - (c) maintain parking areas to a high standard with no potholes and free of litter;
 - (d) install attractive displays in windows of vacant stores to avoid creating an abandoned image;
 - (e) keep lines of sight open by maintaining landscaping to allow visual access to all parts of the site;
 - (f) ensure the treatment of all surfaces on the exterior of the building include graffiti resistant paints and/or other surfaces that discourage graffiti up to a height of 6 metres;
 - (g) implement a graffiti removal policy which allows for rapid removal of graffiti along the exterior of the centre and street frontages within a 24 hour period;
 - (h) implement a maintenance and cleaning regime is established which ensures that any damage to the area is rectified promptly and cleaning of the entry area occurs within a 24 hour period;
 - (i) maintain pedestrian pathways free of obstacles;
 - (j) display Information at entrances to the centre advising where to go for help and how to report maintenance or vandalism problems; and
 - (k) provide regular security patrols of the building and the car park area as part of the centre management plan for the development.

Shopping Trolley Management Review

- F17 Independent monitoring reports shall review the Shopping Trolley Management Plan required by Condition B42 of the approval and the effectiveness of its implementation against the Plan objectives, measures, and considering reported instances of trolley abandonment.

These reviews shall be carried out by an independent consultant commissioned by the Council, with all costs to be borne by the Proponent. The reviews shall be reported to both the Council and Proponent on the following occasions, being:

- a) Prior to the issue of the Occupation Certificate for Stage 1A;
- b) Between 6 and 12 months after the issuing of an Occupation Certificate for Stage 1B; and
- c) Between 6 and 12 months after the issuing of an Occupation Certificate for Stage 2.

Should any reviews (required by this Approval) of the Shopping Trolley Management Plan demonstrate that the implemented shopping trolley management system is not operating effectively (to Council's satisfaction), then a trolley disabling system restricting any trolley access beyond the shopping centre entry doors and Smidmore Street shall be implemented within 12 months of the date of receipt of the second independent report, and maintained in perpetuity for the entire shopping centre.

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.

Carwash

- F19 This consent does not approve a carwash on the roof. A separate approval is required for carwash.

End of Part F

FOR INFORMATION

ADVISORY NOTES

Advisory note deleted

AN1 Advisory note deleted

Requirements of Public Authorities for Connection to Services

AN2 The proponent shall comply with the requirements of any public authorities (e.g. Energy Australia, Sydney Water, Telstra Australia, AGL, etc) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services shall be the responsibility of the proponent. Details of compliance with the requirements of any relevant public authorities are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

Advisory note deleted

AN3 Advisory note deleted

Disability Discrimination Act

AN4 This application has been assessed in accordance with the Environmental Planning and Assessment Act 1979. No guarantee is given that the proposal complies with the Disability Discrimination Act 1992. The proponent/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The Disability Discrimination Act 1992 covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS 1428.1 - Design for Access and Mobility. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the Disability Discrimination Act 1992 currently available in Australia.

Commonwealth Environment Protection and Biodiversity Conservation Act 1999

AN5 The Commonwealth Environment Protection and Biodiversity Conservation Act 1999 provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.

This application has been assessed in accordance with the New South Wales Environmental Planning & Assessment Act, 1979. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the proponent's responsibility to consult Environment Australia to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

Sydney Water

AN6 An application will need to be made to Sydney Water for a Certificate under Part 6, Division 9, Section 73 of the Sydney Water Act, 1994 (Compliance Certificate). Evidence that a Compliance Certificate has been applied for (i.e. Notice of

Requirements) will need to be produced to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate. The Section 73 Certificate will need to be submitted to the Certifying Authority prior to the occupation of the development or release of the linen plan.

End of Schedule 2

FOR INFORMATION