

# Concept Approval

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

As delegate of the Minister for Planning and Infrastructure under delegation executed on 14 September 2011, we the Planning Assessment Commission of New South Wales (the Commission) determine:

- (a) to approve the concept plan referred to in Schedule 1, subject to the terms of approval in Schedule 2 and the Proponent's Revised Statement of Commitments in Schedule 3, pursuant to Section 75O of the *Environmental Planning and Assessment Act 1979*;
- (b) pursuant to Section 75P(1)(b) of the *Environmental Planning and Assessment Act 1979*, all future development on the site be subject to Part 4 of the *Environmental Planning and Assessment Act 1979*; and
- (c) pursuant to section 75P(1)(c) of the *Environmental Planning and Assessment Act 1979*, that no further environmental assessment is required for the development, as set out in Schedule 1, and pursuant to Section 75J of the *Environmental Planning and Assessment Act 1979*, subject to conditions of approval as set out in Schedule 2.

Member of the Commission

Member of the Commission

Member of the Commission

Sydney

2011

### SCHEDULE 1

#### PART A: PARTICULARS

<b>Application No.:</b>	MP09_0191
<b>Proponent:</b>	AMP Capital Investors
<b>Approval Authority:</b>	Minister for Planning & Infrastructure
<b>Land:</b>	34 Victoria Road and 13-55 Edinburgh Road, Marrickville Lot 100 DP 715231 and Lot 1 DP 612551
<b>Project:</b>	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.

## **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.

## 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).

**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

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## 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
- 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 levels of retail on the Edinburgh Road site comprising:
  - a discount department store (5,000m<sup>2</sup>), supermarket (4,300m<sup>2</sup>), mini major (1,991m<sup>2</sup>) and specialty retail (4,464m<sup>2</sup>)
  - an additional 21,780m<sup>2</sup> GFA (16,767m<sup>2</sup> GLFA) to provide a total of 50,705m<sup>2</sup> GFA (39,700m<sup>2</sup> GLFA)
- 528 additional car parking spaces to provide a total of 1628 spaces in two levels of roof top parking over both buildings

##### 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;
- the Draft Statement of Commitments prepared by Urbis Pty Ltd; and
- the following drawings:

<b>Architectural Drawings prepared for the Preferred Project Report by Lend Lease Design (Project Number 160496)</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
EA006	03	Proposed Ground Floor Plan	29.10.2010
EA007	03	Proposed Level 1 Plan	29.10.2010
EA008	03	Proposed Level 2	29.10.2010
EA009	03	Proposed Rooftop car park Level 2A	29.10.2010
EA010	03	Proposed Roof Plan	29.10.2010
EA011A	03	Overall Elevations Sheet 1	29.10.2010
EA011B	03	Overall Elevations Sheet 2	29.10.2010
EA011C	03	Overall Elevations Sheet 3	29.10.2010
EA011D	03	Overall Elevations Sheet 4	29.10.2010
EA011E	03	Overall Elevations Sheet 5	29.10.2010
EA011F	03	Overall Elevations Sheet 6	29.10.2010

EA011G	03	Overall Elevations Sheet 7	29.10.2010
EA011H	03	Overall Elevations Sheet 8	29.10.2010
EA012	03	Overall Elevations Proposed	29.10.2010
EA013	03	Overall Sections	29.10.2010
EA013A	03	Overall Sections Sheet 1	29.10.2010
EA013B	03	Overall Sections Sheet 2	29.10.2010
EA018	03	Proposed Ground Floor Plan Stage 1	29.10.2010
EA019	03	Proposed Level 1 Plan Stage 1	29.10.2010
EA020	03	Proposed Stage 1 Level 2 Plan (Smidmore Street Open)	29.10.2010
EA021	03	Proposed Level 2A plan Stage 1	29.10.2010
<b>Landscape Plans prepared for the Preferred Project Report by Site Image (Job Number: SS10-2128)</b>			
<b><i>Drawing No.</i></b>	<b><i>Revision</i></b>	<b><i>Name of Plan</i></b>	<b><i>Date</i></b>
000	D	Title Page	09.11.2010
100	D	Landscape Master Plan	09.11.2010
100	D	Landscape Master Plan – Vision Smidmore Street Treatment	09.11.2010
101	D	Landscape Detail Plan	09.11.2010
102	D	Landscape Detail Plan	09.11.2010
103	D	Landscape Detail Plan	09.11.2010
104	D	Landscape Detail Plan	09.11.2010
105	D	Landscape Detail Plan	09.11.2010
106	D	Landscape Detail Plan	09.11.2010
107	D	Landscape Detail Plan	09.11.2010
107	D	Landscape Detail Plan – Vision Smidmore Street Treatment	09.11.2010
108	D	Landscape Detail Plan	09.11.2010
108	D	Landscape Detail Plan – Vision Smidmore Street Treatment	09.11.2010
501	B	Landscape Details	01.11.2010
601	B	Landscape Sections & Specification Notes	01.11.2010
602	N	Landscape Sections & Specification Notes	01.11.2010

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.

### **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.

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**End of Part A**

## 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 The following design modifications shall be incorporated into the Construction Certificate drawings:
- (a) the travelator core on the northern façade of the building on the Victoria Street site shall be relocated to a more central location on the roof;
  - (b) the rooftop plant on the eastern façade of the building on the Victoria Street site shall be no higher than the parapet and designed to integrate into the façade. If the plant is higher than the parapet it shall be relocated to a more central location within the site on the roof; and
  - (c) all roof top plant shall be provided with screening and finishes to integrate with the building facades.

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.

### Section 94 contributions

- B3 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) \$1,180,324.30 for Traffic Management; and
  - (b) \$28,327.79 for Plan Administration.

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

- Stage 1: \$722,4256.00
- 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.**

## Long Service Levy

- B4 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

- B5 Payment to Council of **\$86,700.00** prior to the issue of the relevant Construction Certificate as a Building Security Deposit (B.S.D.) to provide security against damage to Council's infrastructure. Council may utilise part or all of the B.S.D. to restore any damages, and Council may recover, in any court of competent jurisdiction, any costs to Council for such restorations.
- B6 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 relevant Construction Certificate. 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.
- B7 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

- B8 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 issued Construction Certificate, fully satisfy the requirements of this condition.
- B9 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 also be required.



- B10 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**

- B11 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 a Construction Certificate.

### **Roads and Maritime Services (RMS) Approval**

- B12 The proposed modifications to the existing traffic signals and civil works on Unwins Bridge Road/Bedwin Road/May Street/Campbell Street shall be designed to meet RMS requirements and endorsed by a suitably qualified practitioner.

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

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

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

### **State Transit Authority (STA) Approval**

- B13 The proponent shall submit details/plans to STA for:
- (a) the bus terminal in Edinburgh Road; and
  - (b) the roundabouts at the intersections of Edinburgh Road/Sydney Steel Road and Edinburgh Road/Railway Terrace - demonstrating that low floor buses are able to u-turn at these locations.

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

### **Local Traffic Committee Approval**

- B14 The proponent shall obtain local traffic committee approval for the following works prior to issue of the relevant Construction Certificate:
- (a) concrete median in Smidmore Street to prevent right turns into and out of the proposed car park access ramp;
  - (b) design of the roundabout at the intersection of Edinburgh Road and Sydney Steel Road;
  - (c) redesign of the roundabout at the intersection of Edinburgh Road and Railway Terrace;
  - (d) detailed design of the bus terminal in Smidmore Street;
  - (e) prohibition of right turn movements from Victoria Road to Edgeware Road during the afternoon peak and Saturday morning peak;
  - (f) 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); and
- (g) provision of proposed signage, line marking, speed zones and other traffic management in the proposed Smidmore Street Shared zone and Victoria Road in accordance with Conditions B15 and B16.

### **Shared zone in Smidmore Street**

- B15 Detailed plans shall be submitted to and approved by Council for the construction of a proposed “Shared Zone” for that portion of Smidmore Street between Murray Street and the new relocated carpark ramp prior to the issue of the relevant Construction Certificate. Details shall include proposed line marking and Shared Zone/10kph speed limit signage.

### **Traffic Calming in Victoria Road**

- B16 The proponent shall submit detailed plans and specifications for traffic calming measures including 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). Traffic calming measures shall be approved by Council prior to issue of a Construction Certificate for Stage 2 of the development.

### **Street Lighting**

- B17 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.

### **Number of Parking Spaces and Dimensions**

- B18 In total, 1628 car parking spaces and 32 motorcycle spaces shall be provided on-site for the development. For Stage 1 of the development, not less than 433 new car parking spaces and 9 motorcycle spaces shall be provided on-site for that part of the development.
- B19 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.
- B20 A minimum of 5 car share spaces shall be provided.
- B21 A minimum of 142 secure bicycle parking spaces for staff and customers are to be provided at ground level. For Stage 1 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.

- B22 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**

- B23 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)**

- B24 The proponent shall submit, for approval by the Certifying Authority, a detailed Construction Management Plan (CMP) prior to the issue of the Construction Certificate for each stage of works (each Construction Certificate). The CMP shall address:
- (a) Construction vehicles access to and egress from the site in and route plan in accordance with the TMP during construction
  - (b) Parking for construction vehicles
  - (c) Locations of 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 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.

A copy of the CMP shall be submitted to Council.

### **Waste Management Plan**

- B25 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.

- B26 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**

B27 An appropriate area shall be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises. The following requirements shall be met:

- a) All internal walls of the storage area shall be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained with a tap in close proximity to facilitate cleaning;
- b) Include provision for the separation and storage in appropriate categories of material suitable for recycling; and
- c) include provision for separate storage and collection of organic/food waste.

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.

## **Geotechnical investigation**

B28 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**

B29 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. 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**

B30 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**

B31 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**

- B32 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**

- B33 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.
- B34 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**

- B35 Prior to the issue of the relevant Construction Certificate details of all mechanical ventilation systems 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**

- B36 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**

- B37 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

B38 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) 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.

B39 An operational security management plan shall be prepared prior to issue of a Construction Certificate incorporating measures to maintain safety and security in and around the site to the satisfaction of the Certifying Authority.

## **Lighting**

B40 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.

## **Environmental Sustainability**

B41 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 a 4 star NABERS Retail Energy and Water rating. 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.

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**End of Part B**

## **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 A archival photographic record of the Mill House, in its context, documenting the Victoria Road streetscape, the remnant Vicars Walls and the brick paving, shall be made and submitted to Council prior to commencement of works on the Victoria Road site.

### **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;
  - 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.

### **Traffic Management Plan**

C15 A detailed Traffic Management Plan to cater for construction traffic shall be submitted to and approved by Council before commencement of works. Details shall include proposed truck parking areas, construction zones, proposed hoarding or scaffolding to protect the public, crane usage, truck routes, number of trucks and access arrangements etc. All demolition and construction vehicles are to be wholly contained within the site and vehicles must enter the site before stopping.

### **Dilapidation Report**

C16 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**

C17 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.

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**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:
- i. 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
  - ii. 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.

- 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.

### **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.

## **Construction Noise**

- D16 Construction noise shall be controlled to comply with the requirements as set in the DECCW Interim Construction Noise Guideline. Noise levels shall not exceed the rated background level by more than 10dB(A) at the most sensitive receiver during the standard construction hours. A noise monitoring plan shall be implemented during construction. Where noise levels may be exceeded appropriate measures to control excessive noise shall be implemented immediately.

## **Silencing Devices**

- D17 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**

- D18 Power supply and all aerial cabling adjacent to the development sites shall be placed underground at no cost to Council.

## **Service Adjustments**

- D19 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**

- D20 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**

- D21 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**

- D22 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**

- D23 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](http://www.workcover.nsw.gov.au)

## **Community Information**

- D24 Reasonable measures must be undertaken at all times by the proponent to keep nearby residents informed about the proposed work, such as by way of signs, leaflets, public meetings and telephone contact numbers, to ensure that adjoining residents are aware of the likely duration and impacts of the construction works on the site.

## **Aboriginal Heritage**

- D25 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 North Sydney 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**

- D26 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.
- D27 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**

- D28 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.
- D29 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 Integrated Vegetation Management (Report No. MA/ME/AIARTPS/E dated 2 November 2010).

D30 Approval is given for the following works to be undertaken to trees on the site:

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</i> spp (Wattle) – Group of 7	Removal
2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18	<i>Ficus microcarpa</i> var. 'Hillii' (Hills Weeping Fig)	Selective Branch Pruning
75, 76, 77, 78, 80, 81, 82, 84	<i>Corymbia citriodora</i> (Lemon-scented Gum)	Canopy Pruning
79, 83	<i>Eucalyptus</i> sp. (Gum Tree)	Canopy Pruning

Removal or pruning of any other tree on the site is not approved.

D31 Selective branch and canopy pruning of the trees listed in Condition D32 if necessary to accommodate the approved building works shall be undertaken by an experienced and qualified Arborist. 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.

D32 Exploratory root trenching shall be undertaken in accordance with the recommendations of the *Arboricultural Impact Assessment Report* prepared Integrated Vegetation Management (Report No. MA/ME/AIARTPS/E dated 2 November 2010) for all trees where works (construction or landscape) will be carried out within the tree protection zone (TPZ). This investigation 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.



- D33 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.
- D34 If tree roots are required to be severed for the purposes of constructing the approved works, they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist with a minimum qualification of Horticulture Certificate or Tree Surgery Certificate.
- D35 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.
- D36 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.

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**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.

### **Development in accordance with conditions of approval**

- E2 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.
- E3 All works required to be carried out in connection with drainage, crossings, alterations to kerb and guttering, footpaths and roads resulting from the development shall be completed before the issue of the Occupation Certificate. Works shall be in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2- "Roadworks Specifications".

### **Adjustments to Utility Services**

- E4 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 Occupation Certificate.

### **Heritage listing paving**

- E5 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.

### **Works within the road reserve**

- E6 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 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.

## **Splay Corners**

- E7 Splay corners shall be created at property corners of the new site, and dedicated to the public for road widening purposes before the issue of an Occupation Certificate. The size and location of the splay corners shall be as follows;
- Corner of Smidmore and Murray Streets - 3m x 3m splay; and
  - Corner of Murray Street and Edinburgh Road - 3m x 3m splay.

## **Vehicle crossings**

- E8 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 Occupation Certificate and at no cost to Council.
- E9 All redundant vehicular crossings to the site shall be removed and replaced by kerb and gutter and footpath paving in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" before the issue of the Occupation Certificate and at no cost to Council. Where the kerb in the vicinity of the redundant crossing is predominately stone (as determined by Council's Engineer) the replacement kerb shall also be in stone.

## **Works as Executed - drainage works**

- E10 Before the issue of the Occupation Certificate written verification from a suitably qualified professional civil engineer shall be obtained, stating that all stormwater drainage and related work has 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**

- E11 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 a final Occupation Certificate.

## **Infrastructure Repair and Completion of Works**

- E12 Prior to issue of any Occupation Certificate all required works in the road reserve, necessary for each stage of the development, 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**

- E13 The development shall include appropriate ESD measures to achieve a 4 star NABERS Retail Energy and Water rating 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**

- E14 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 have been completed satisfactorily and in accordance with Council approved plans and specifications.
- E15 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.
- E16 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**

- E17 Prior to issue of the final Occupation Certificate, a certificate from an Acoustic Engineer is to be submitted to the Certifying Authority certifying that the 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 the property, and will comply with the DECC Industrial Noise Policy.

#### **Operational Management Plan**

- E18 An Operational Management Plan shall be prepared for the development particularly addressing measures to minimise adverse impacts on the surrounding residential area in respect of:
- (a) noise;
  - (b) litter;
  - (c) graffiti/vandalism;
  - (d) trolleys;
  - (d) crime prevention; and
  - (e) complaints handling.

## **Traffic improvements**

- E19 The following works shall be completed to the satisfaction of the Certifying Authority prior to issue of an Occupation Certificate for the first stage of the development:
- Roundabout construction at the intersection of Edinburgh Road/Sydney Steel Road and Edinburgh Road/Railway Terrace;
  - Modification to the intersection of Unwins Bridge Road/Bedwin Road/May Street/Campbell Street in accordance with RTA specifications;
  - Construction of the new bus terminal in Edinburgh Road;
  - Smidmore Street upgrade works including raised pedestrian threshold, community bus and taxi zones; and
  - Installation of regulatory signposting in accordance with the local traffic committee approval.
- E20 The following works shall be completed to the satisfaction of the Certifying Authority prior to issue of an Occupation Certificate for the second stage of the development:
- Construction of a concrete median in Smidmore Street in accordance with the local traffic committee approval; and
  - Traffic calming measures in Victoria Road.

## **Upgrade of shopping strips within the Marrickville LGA**

- E21 The proponent shall enter into a voluntary planning agreement with Marrickville Council to participate in the upgrade of local shopping strips within the Marrickville LGA in accordance with Council's Urban Centres Program. This agreement shall be based on the following parameters:
- (a) a monetary contribution equal to the amount of 50 cents to every dollar generated from the Urban Centres Special Rate as defined in the Marrickville Council Operational Plan and Budget 2011-12;
  - (b) The contribution is to be made for a period of 3 consecutive years from the date of occupancy of the first stage of the development; and
  - (c) The contribution is to be capped at a maximum of \$100,000 per annum.

Evidence of the execution of the VPA between both parties shall be provided to the Director General prior to issue of a final Occupation Certificate for Stage 1 of the development.

## **Bus and Taxi Shelters**

- E22 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**

- E23 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 1 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**

- E24 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.
- E25 A suitable parking guidance shall be installed within the customer car parking areas. To indicate where there is available parking.

### **Signage**

- E26 Prior to the issue of an Occupation Certificate, 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.
- E27 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**

- E28 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.

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**End of Part E**

## **PART F – DURING OPERATIONS/ POST COMPLETION**

### **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.

### **Loading Docks**

- F4 No deliveries, loading or unloading associated with the new loading docks are to take place between the hours of 10:00 pm and 7:00 am on any day.
- F5 All loading and unloading 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.
- F6 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**

- F7 Waste and recyclable material, generated by this premises, must not be collected between the hours of 10:00 pm and 7:00 am on any day.

### **Roof Top Lighting**

- F8 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**

- F9 No vehicles shall be parked at any time within the aisles or turn paths of any parking areas.

### **Separate Approval required for fit out and use**

- F10 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.

### **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.

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**End of Part F**



## **ADVISORY NOTES**

### **Compliance Certificate, Water Supply Authority Act, 2000**

AN1 Prior to issuing a subdivision certificate, a Compliance Certificate shall be provided to the approval authority showing that the development has met with the detailed requirements of the relevant water supply authority for the region that the subject site is located within.

The developer shall obtain the Compliance Certificate from the relevant local water supply authority and produce this to the satisfaction of:

- (a) the certifying authority before release of the Construction Certificate,
- (b) the approval authority before the release of the subdivision certificate, and
- (c) the certifying authority prior to occupation.

### **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.

### **Compliance with Building Code of Australia**

AN3 The proponent is advised to consult with the Certifying Authority about any modifications needed to comply with the BCA prior to submitting the application for a Construction Certificate.

### **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.

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**End of Schedule 2**

**SCHEDULE 4**  
**Proponent's Statement of Commitments**



## Draft Statement of Commitments for Preferred Project 34 Victoria Road and 13-55 Edinburgh Road, Marrickville

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

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Subject	Commitments	Timing
	<p>Note: All traffic works are subject to the approval of Marrickville Council and/or RTA as appropriate.</p> <p><b>Provision of New Taxi Rank</b> The provision of a new taxi rank for 3 spaces and a new shelter and seating in Smidmore Street.</p> <p>The provision of an accessible taxi space in accordance with Australian Standard with low height kerb, wheelchair access and accessible paths direct from both shopping centre entrances.</p> <p><b>Provision of pick/set down area</b> The provision of a pick up/set down area in Smidmore Street within close proximity to shopping centre entrances.</p> <p><b>Green Travel Plan</b> The proponent agrees to prepare and implement a Green Travel Plan for the shopping centre.</p> <p><b>Bicycle Parking &amp; Facilities</b> The proponent agrees to provide the following bicycle parking and associated amenities as part of the overall development.</p> <p>In total 65 bicycle parking spaces for customers and staff are proposed. This provision would then be increased by converting car parking spaces to bicycle spaces if/when it became apparent that the initial provision was insufficient.</p> <p>This bicycle parking and storage will be provided and showers will be located in the building.</p> <p><b>Improvements to Bicycle Routes</b> The proponent agrees to improvements or connections to bike routes (subject to the agreement with Marrickville Council) as outlined in the TMAP dated November 2010.</p> <p><b>Construction of a New Bus Stop/Interchange</b> The proponent agrees to construct a new bus shelter and bus parking area on the frontage</p>	

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Subject	Commitments	Timing
	<p>to Edinburgh Road to accommodate three buses. The bus stop area will incorporate a shelter, seating and street furniture and associated signage. The proponent will consult with the STA in the final design of the bus stop area.</p> <p>The proponent agrees to provide a bus stop on Smidmore Street for a community bus service subject to Council approval.</p> <p>(The proponent will investigate options with the STA to find suitable locations for further bus parking capacity located in the vicinity of the site, when this is required.)</p>	
<b>3. Car Parking</b>	<p>The proponent agrees to the following measures in respect to the provision and management of car parking:</p> <ul style="list-style-type: none"> <li>▪ The continued provision of free parking for customers of the centre;</li> <li>▪ The implementation of parking availability identification signage at each parking level to improve the efficiency of parking spaces and reduce circulating traffic.</li> <li>▪ Five car share spaces will be allocated within the centre car park for priority access to the centre's entrance / exit and continued monitoring of demand. This will then be increased by converting car spaces to car share spaces.</li> </ul>	To be implemented as part of Operational Management Plan to be submitted prior to Construction Certificate stage.
<b>4. Landscaping &amp; Public Domain</b>	<p>With the agreement of Marrickville Council, the proponent agrees to the following:</p> <ul style="list-style-type: none"> <li>▪ The planting of new street trees and pavement works along Edinburgh Road and Murray Street south of Smidmore Street in accordance with the plans prepared by Site Image dated November 2010, subject to no major existing services encumbrances within the road reserve.</li> <li>▪ Retention of a total of 80 trees within and around the site subject to arborist recommendations.</li> <li>▪ The proponent agrees that final street tree species selection and specification be undertaken in consultation and agreement with Council.</li> <li>▪ The retention of existing heritage paving and planting of new street trees and 'rain gardens' along the frontage of Victoria Road in accordance with the plans prepared by Site Image dated November 2010.</li> <li>▪ The proponent agrees to maintain the rain gardens established within the road reserve in a tidy and working order at no cost to Council.</li> <li>▪ The proponent agrees to undertake a services survey before the preparation of a final</li> </ul>	Prior to Occupation Certificate or as specified.

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Subject	Commitments	Timing
	<p>landscape plan for the public domain. The final landscape plan will be prepared and agreed by Council.</p> <p>In respect to the existing fig trees (<i>Ficus carica</i>) planted adjacent to the existing shopping centre on the Murray Street frontage north of Smidmore Street, the proponent agrees to the landscaping works as indicated on plan prepared by Site Image dated November 2010, including:</p> <ul style="list-style-type: none"> <li>– Retention of trees 17 trees (identified as trees 43-55 and 61-64 in Arborist Report dated October 2010),</li> <li>– Replacement planting of 4 trees identified for removal in revised Arborist Report dated October 2010 (being trees nos. 57-60). Replacement trees to be located immediately north of the proposed car park access point,</li> <li>– Removal and replacement of one tree identified for removal in revised in Arborist Report, dated October 2010 (No. 56).</li> </ul> <p>With the agreement of Marrickville Council, the proponent agrees to undertake the following works along Smidmore Street:</p> <ul style="list-style-type: none"> <li>▪ New planting along northern side of Smidmore Street and new pavement works along the north and south side the street in accordance with plans prepared by Site Image dated November 2010.</li> <li>▪ Pavement widening at shop front entrances along north and south side of Smidmore Street.</li> <li>▪ Retain existing Lemon Scented Gums on the southern side.</li> <li>▪ Creation of a pedestrian crossing between two shopping centre entrances.</li> </ul> <p>With the agreement of Marrickville Council, the proponent also agrees to further public domain works to traffic calm and reduce the carriage way width of Smidmore Street, including:</p> <ul style="list-style-type: none"> <li>▪ Pavement extension on the southern side of Smidmore Street at eastern to enclose parallel parking bay,</li> <li>▪ New paving to the Smidmore Street carriageway between Murray Street and the</li> </ul>	<p>Prior to the issue of the relevant Construction Certificate.</p> <p>Prior to the issue of the relevant Construction Certificate.</p> <p>Prior to the issue of the relevant Construction Certificate.</p>

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Subject	Commitments	Timing
	<p>relocated car park ramp.</p> <p>The proponent agrees to undertake the measures as recommended in the revised Arborist report prepared by Integrated Vegetated Management, dated October 2010 including:</p> <ul style="list-style-type: none"> <li>▪ Retention of Trees 1-36, 38-55, 61-66, 68-87.</li> <li>▪ All works within the TPZs will be in accordance with arborist recommendations.</li> <li>▪ Further investigation in the form of exploratory root trenching should be undertaken to determine the extent of root spread and the impact of the proposed development on Trees 20-36, 38-55, 61-66, 69-74 (47 trees).</li> <li>▪ All pruning work should be undertaken in accordance with AS4373: Pruning of Amenity Trees (2007), the Workcover Code of Practice for the Amenity Tree Industry (1998).</li> <li>▪ Trees 48 and 57 have structural defects and are to be removed.</li> <li>▪ The trees to be retained are to be protected in accordance with the Tree Protection Specifications outlined in Appendix 6 of the IVM report dated October 2010.</li> </ul>	Prior to the issue of the relevant Construction Certificate.
<b>5. Infrastructure Management</b>	<p>The proponent agrees to the following measures to mitigate impacts on Sydney Water infrastructure. These include:</p> <ul style="list-style-type: none"> <li>▪ Undertake due diligence to ascertain whether culver under the new building at (13-55 Edinburgh Road) requires upgrading.</li> <li>▪ Upgrade of the culvert under the new building to match or exceed the lifespan of the built over structure, if required.</li> <li>▪ Undertake a review of the existing flood study results for the local catchment to establish whether there is a requirement to upsize the culvert.</li> <li>▪ Preparation of a flood risk management plan including a flood emergency response plan.</li> </ul> <p>The proponent also agrees to the following:</p> <ul style="list-style-type: none"> <li>▪ Provision of OSD for new development at 13-55 Edinburgh Road in accordance with Sydney Water and Council requirements, and in accordance with requirements of Sydney Water specified in their letter dated 13 October 2010.</li> <li>▪ Undertake further consultation and agreement with Sydney Water to determine storage</li> </ul>	<p>Prior to the relevant construction certificate stage.</p> <p>Prior to the relevant construction certificate stage.</p>



Subject	Commitments	Timing
	<p>requirements and permissible discharge.</p> <p>The proponent agrees to provide water sensitive urban design (WSUD) measures in to the development including:</p> <ul style="list-style-type: none"> <li>▪ Provide WSUD measures to new development at 13-55 Edinburgh Road to meet 1997 NSW EPA requirements.</li> <li>▪ Preparation of a detailed WSUD Strategy that will detail available initiatives and include: <ul style="list-style-type: none"> <li>– A stormwater quality model;</li> <li>– The location, size and configuration of stormwater treatments;</li> <li>– A summary of MUSIC parameters.</li> </ul> </li> </ul> <p>With the agreement of Marrickville Council, the proponent will investigate and implement two options to address flooding at Victoria Road with respect to the existing heritage paving and street trees. These are:</p> <ul style="list-style-type: none"> <li>– Provide drainage from the low point in Victoria Road to an appropriate location on Murray Street, or</li> <li>– Provide an overland flow path from the low point on Victoria Road to an appropriate location on Murray Street to achieve a suitable grade.</li> </ul> <p>The proponent agrees to the following works with regard to stormwater drainage:</p> <ul style="list-style-type: none"> <li>▪ Appropriate upgrading of road adjacent to intersection of Edinburgh Road and Steel Road to move the low point further west along the road in accordance with Marrickville Council requirements.</li> <li>▪ All stormwater drainage will be in accordance with ARR, AS3500.3-2003 Stormwater Drainage-Acceptable Solutions and Marrickville Council Stormwater and On Site Detention Code.</li> <li>▪ Pipe drainage systems will be designed to cater for the twenty (20) year Average Recurrence Interval (ARI) storm.</li> <li>▪ Major event surface flow paths shall be designed to cater for the one hundred (100)</li> </ul>	<p>Prior to the relevant construction certificate stage.</p> <p>Prior to the relevant construction certificate stage.</p> <p>Prior to the relevant construction certificate stage.</p>

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Subject	Commitments	Timing
	<ul style="list-style-type: none"> <li>year ARI storm.</li> <li>Existing sewer mains within Smidmore Street and 13-55 Edinburgh Road to be diverted to be located outside proposed building areas.</li> <li>Existing water main within Smidmore Street to be terminated (capped) either side of new construction to avoid potential easement.</li> </ul>	
<b>6. Heritage</b>	<p>The proponent agrees to the following:</p> <ul style="list-style-type: none"> <li>No alterations, extension or changes to the exterior of Mill House.</li> </ul> <p>The proponent agrees to the following measures and actions recommended in the Heritage Impact Statement prepared by Graham Brooks &amp; Associates dated October 2010:</p> <ul style="list-style-type: none"> <li>An archival photographic recording of 'Mill House, in its context, documenting the Victoria Road streetscape, the remnant Vicars walls and the brick paving, should be made prior to commencement of any works.</li> <li>The design details for this project should be prepared with the input and endorsement of a suitably qualified Heritage Consultant.</li> </ul>	Archival recording shall be undertaken prior to the issue of a Construction Certificate.
<b>7. Environmental Sustainability</b>	<p>The proponent agrees to the following:</p> <p>The new development (Stage 1) will be designed and constructed to achieve Australian 'Best Practice' in environmentally sustainable design and construction for retail centres.</p> <p>A report will be prepared by a Green Star Accredited Professional prior to the issue of the Construction Certificate which confirms that the new development works will be capable of achieving an equivalent minimum best practice rating for the design of the development under the Green Building Council of Australia's (GBCA) Retail v1 tool (or equivalent).</p> <p>The proponent also aims to achieve a 4 Star NABERS Retail Energy and Water rating post the refurbishment and expansion of the existing shopping centre.</p>	To be prepared prior to the issued of the relevant Construction Certificate.
<b>8. Management of Lighting Impacts</b>	<p>The proponent will ensure that:</p> <ul style="list-style-type: none"> <li>external lighting will be provided for security that complies with the relevant Australian Standard, including: <ul style="list-style-type: none"> <li>Australian Standard AS4282 - 1997 Control of the obtrusive effects of outdoor</li> </ul> </li> </ul>	Lighting modelling is to be prepared to demonstrate compliance with the Australian Standards and the avoidance of unreasonable light spill on adjoining properties prior to the issue of the relevant

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Subject	Commitments	Timing
	<p>lighting.</p> <ul style="list-style-type: none"> <li>Australian Standard/New Zealand Standards AS1158 – Lighting for Roads and Public Spaces.</li> </ul>	Construction Certificate.
<b>9. Signage</b>	Preparation of a signage strategy. Approval of signage details will be subject to a separate development approval.	
<b>10. Shopping Centre Management</b>	<p>The proponent agrees to prepare an Operational Management Plan for the shopping centre and including those sections of the surrounding streets immediately adjacent to the shopping centre being Victoria Road, Murray Street, Bourne Street, Smidmore Street and Edinburgh Road which addresses the following:</p> <ul style="list-style-type: none"> <li>Trolley management</li> <li>Cleaning and maintenance of shopping centre grounds and immediate surrounds.</li> <li>Preparation of a Maintenance Strategy for walking and cycling paths</li> </ul>	Operational Management Plan will be prepared prior to the issue of a Construction Certificate for Stage 1 works.
<b>11. Waste Management</b>	The proponent agrees to prepare and implement an Operational Waste Strategy which includes recycling/recovery targets for each waste stream appropriate to the size of the development and ensure that all waste, including organic waste is recycled wherever possible.	Operational Waste Strategy will be prepared prior to the issue of a Construction Certificate for Stage 1 works.
<b>12. Crime Management and Safety</b>	<p>The proponent agrees to implement the following measures:</p> <p>The preparation of an Operational Security Management Plan (OSMP) for the Centre incorporating the following provisions:</p> <ul style="list-style-type: none"> <li>Access control for the car parking entrances and loading dock entries.</li> <li>Provision of CCTV cameras to the car park areas, malls and entries to the centre.</li> <li>Provision of regular security patrols of the centre and car parking areas.</li> <li>The building entrances will be visible from the street and will not be obscured by landscaping.</li> <li>The provision of clear signage for vehicle traffic and pedestrians.</li> <li>Lighting to be designed in accordance with AS4282 and should be vandal proof or</li> </ul>	<p>An Operational Security Management Plan will be prepared prior to the issue of a Construction Certificate for Stage 1 works.</p> <p>The proposed lighting, landscaping, security, and management measures will be implemented on a staged basis in accordance with the proposed staged construction process.</p>

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Subject	Commitments	Timing
	<p>resistant.</p> <ul style="list-style-type: none"> <li>▪ Landscaping to be designed and maintained so as to maintain clear sightlines and avoid areas for concealment.</li> <li>▪ Pedestrian access paths to be lit by higher levels than the general parking areas.</li> <li>▪ A management regime for on-going maintenance and upkeep of the centre.</li> <li>▪ Hardwearing materials will be utilised where appropriate in all buildings to minimise opportunities for vandalism.</li> </ul> <p>The OSMP may be implemented on a staged basis to reflect the staged construction and operation of the centre.</p>	
<b>13. BCA</b>	<p><b>BCA</b></p> <p>The proponent agrees to provide a new building as part of the Stage 1 works which is compliant with the BCA 2009 and developing alternate solutions where required.</p> <p>The proponent agrees to provide at least the same level of fire safety to the centre as existing.</p> <p><b>Fire Safety</b></p> <p>The proponent agrees to developing alternative solutions which comply with the relevant performance requirements of the BCA.</p> <p><b>Accessibility</b></p> <p>The proponent agrees to provide a development which has an equitable and accessible environment for all and complies with the Building Code of Australia (BCA), statutory obligations imposed by the Disability Discrimination Act 1992 (DDA) and relevant Australian Standards.</p>	To be satisfied prior to the issue of each relevant Construction Certificate.
<b>14. Geotechnical and Groundwater Management</b>	<p>The proponent agrees to the following measures and actions recommended in the Geotechnical Investigation prepared by Douglas Partners dated November 2010 being:</p> <ul style="list-style-type: none"> <li>▪ Further investigation to be carried out in the previously identified AECs which were not accessible in this round of investigation. This may include additional intrusive sampling in areas likely to be exposed as part of the proposed development and an assessment</li> </ul>	The investigations will be carried out on a staged basis and prior to Construction Certificate for the relevant stage of works.

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Subject	Commitments	Timing
	<p>of human health risk in others areas of the site;</p> <ul style="list-style-type: none"> <li>Further groundwater investigation be undertaken to confirm or otherwise potential widespread groundwater contamination associated with the dry cleaning operation and the possible historical leakage / spillage of petroleum products at the disused fuel point;</li> <li>Geophysical investigation be undertaken in the vicinity of the disused fuel point to determine whether there are other USTs present at the warehouse site, apart from those previously identified in the Stage 1 Contamination Assessment;</li> <li>Additional <i>ex situ</i> assessment of excavated soils to confirm or otherwise the preliminary waste classifications provided in this report;</li> <li>Further investigation to be undertaken to confirm the extent of the acid sulphate soil in the southern portion of the site; and Development of an Acid Sulphate Soils Management Plan, if required.</li> </ul> <p>A remedial action plan will be prepared and a site audit statement provided (if required pending the outcomes of the further investigations).</p>	
<b>15. Construction Management</b>	<p>The proponent agrees to prepare a detailed Construction Environmental Management Plan outlining the following:</p> <ul style="list-style-type: none"> <li>Stakeholder management</li> <li>Restrictions on construction times</li> <li>Details of construction stages</li> <li>Sediment control plan</li> <li>Dust control plan</li> <li>Noise control plan</li> <li>Vibration control plan</li> <li>Construction traffic and parking management plan</li> <li>Site amenities</li> </ul>	<p>A Construction Environmental Management Plan shall be prepared prior to the issue of the first Construction Certificate.</p>

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Subject	Commitments	Timing
	<ul style="list-style-type: none"> <li>Waste control plan</li> <li>Operational management of cranes.</li> </ul>	
<b>16. Acoustic Privacy</b>	<p>The proponent agrees to the following measures in accordance with the recommendations of Acoustic Logic in the report dated 4 November 2010:</p> <p><b>Restrictions on Hours of Operation &amp; Frequency of Loading Access</b></p> <ul style="list-style-type: none"> <li>Loading hours will be limited to between 7am and 10pm daily.</li> </ul> <p><b>Heavy Vehicle Access</b></p> <p>The proponent will direct that heavy vehicles access the loading docks via Edinburgh Road and this will be incorporated as part of an Operational Management Plan.</p> <p><b>Design Measures for Modified Loading Dock fronting Murray Street</b></p> <p>The proponent agrees to line the underside of the slab over the Loading Dock with noise absorptive material (Anticon building blanket or Tontine Acoustisorb 2 insulation with perforated foil lining).</p> <p><b>Design of Car Park Ramps</b></p> <p>A minimum 1.2m high screen around the perimeter to the new ramp on Edinburgh Road and modified ramp on Smidmore Street to provide a line of sight screen between the ramp deck and any nearby residential development. The screen may consist of a masonry wall or other impermeate material.</p> <p><b>Mechanical Plant</b></p> <p>A detailed assessment of mechanical plant will be conducted at Construction Certificate stage to determine acoustic treatments (if any) necessary to ensure compliance with acoustic criteria set out in the report.</p>	<p>The proposed measures will be addressed prior to the first Construction Certificate stage or are on-going operational commitments.</p>