

139-143 PARRAMATTA ROAD, CAMPERDOWN

Revised Conditions following JRPP Meeting on 16 December 2009

- A. THAT** the development application to demolish part of the premises, excavate the site and construct a mixed use development containing five buildings, including adaptive reuse of heritage buildings, ranging in height from 2 storeys to a 5 part 6 storey building, containing a combined total of 188 dwellings, approximately 1,055sqm of retail/commercial space, off street car parking for 259 spaces, construct a new publicly accessible street connecting Denison Street to Australia Street, construct a publicly accessible pedestrian through site link connecting Denison Street to Australia Street, street tree planting and footpath upgrade works along Denison Street be **APPROVED** subject to the following conditions:

GENERAL

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

Plan No. and Issue	Plan/Certificate Type	Date Issued	Prepared by	Date Submitted
DA2.001 (Rev. B)	Basement 02 Plan	30 September 2009	Bates Smart Pty Ltd	30 October 2009
DA2.002 (Rev. B)	Basement 01 Plan	30 September 2009	Bates Smart Pty Ltd	30 October 2009
DA2.100 (Rev. D)	Ground Floor Plan	30 September 2009	Bates Smart Pty Ltd	30 October 2009
DA2.101 (Rev. B)	Level 01 Plan	30 September 2009	Bates Smart Pty Ltd	30 October 2009
DA2.102 (Rev. B)	Level 02 Plan	30 September 2009	Bates Smart Pty Ltd	30 October 2009
DA2.103 (Rev. B)	Level 03 Plan	30 September 2009	Bates Smart Pty Ltd	30 October 2009
DA2.104 (Rev. B)	Level 04 Plan	30 September 2009	Bates Smart Pty Ltd	30 October 2009
DA2.105 (Rev. B)	Level 05 Plan	30 September 2009	Bates Smart Pty Ltd	30 October 2009
DA2.106 (Rev. B)	Roof Plan	30 September 2009	Bates Smart Pty Ltd	30 October 2009
DA3.101 (Rev. B)	Elevation 01	30 September 2009	Bates Smart Pty Ltd	30 October 2009
DA3.102 (Rev. B)	Elevation 02	30 September 2009	Bates Smart Pty Ltd	30 October 2009
DA4.101 (Rev. B)	Section 01	30 September 2009	Bates Smart Pty Ltd	30 October 2009
DA4.102 (Rev. B)	Section 02	30 September	Bates Smart Pty Ltd	30 October 2009

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		2009		
S110004	Schedule of Materials and Finishes	July 2009	Bates Smart Pty Ltd	30 October 2009
231521M	BASIX Certificate	4 February 2009	The Department of Planning	20 July 2009
231981M	BASIX Certificate	4 February 2009	The Department of Planning	20 July 2009
232168M	BASIX Certificate	4 February 2009	The Department of Planning	20 July 2009
232304M	BASIX Certificate	4 February 2009	The Department of Planning	20 July 2009
232371M	BASIX Certificate	4 February 2009	The Department of Planning	20 July 2009
LDA-01	Landscape Plan	July 2009	Aspect Studios	20 July 2009
LDA-02	Landscape Plan	July 2009	Aspect Studios	20 July 2009
LDA-03	Landscape Plan	July 2009	Aspect Studios	20 July 2009
Proposed New Road Layout and Signage Plan No. 1 marked in green	New Road Layout and Signage Plan for intersection of proposed New Road and Denison Street	15 September 2009	CBHK Pty Ltd	1 October 2009

submitted with the application for development consent and as amended by the following conditions.

Reason: To confirm the details of the application submitted by the applicant.

- Site remediation works being carried out for the site in accordance with Remedial Action Plan, (reference 139-143 Parramatta Road, Camperdown, October 2003, Project 36253A) prepared by Douglas Partners. 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.
Reason: To ensure that the site is suitable for the intended use.
- A separate Development Application being submitted to, and approved by, Council for the use of each ground floor shop prior to the occupation of that part of the premises.
Reason: To advise the applicant of the necessity of obtaining Council approval for the use of the premises prior to occupation.
- The shop window display areas being maintained at all times with no roller shutters being installed across the shop fronts.
Reason: To preserve the streetscape and character of the area.
- The dwellings being used exclusively as a single dwellings and not being adapted for use as backpackers' accommodation, serviced apartments or a boarding house and not being used for any industrial or commercial purpose.
Reason: To ensure that the premises are used exclusively as single dwellings.
- All parking spaces and turning area thereto being provided in accordance with the design requirements set out within Marrickville Development Control Plan No. 19 - Parking Strategy, and being used exclusively for parking and not for storage or any other purpose.

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Reason: To ensure adequate manoeuvrability to all car parking spaces and that the spaces are used exclusively for parking.

7. A minimum of forty seven (47) visitor car parking spaces, of the two hundred and fifty nine (259) off-street car parking spaces required under this Determination, being provided and marked as visitor car parking spaces. A sign legible from the street shall be permanently displayed to indicate that visitor parking is available on site.

Reason: To ensure that visitor car parking spaces are provided and marked accordingly and that visitors are advised and directed to such parking.

8. A minimum of nineteen (19) adaptable dwellings being provided in accordance with Marrickville Development Control Plan No. 31 - Equity of Access and Mobility. One disabled parking space being allocated to each adaptable dwelling.

Reason: To make reasonable provision in the development to provide residential accommodation suitable for people with a disability.

9. Twenty six (26) disabled car parking spaces, of the two hundred and fifty nine (259) off-street car parking spaces required under this Determination, being provided and marked as disabled car parking spaces. A sign legible from the street shall be permanently displayed to indicate that disabled parking is available on site.

Reason: To ensure that disabled car parking spaces are provided and marked accordingly and that disabled persons are advised and directed to such parking.

10. The through site link which is located between Buildings C and D and bisects Building E which provides pedestrian access from Denison Street to Australia Street is to remain open and accessible to the general public 24 hours a day seven days a week with no gates or other obstructions installed without the prior approval of Council.

Reason: To confirm the details of the application as submitted by the applicant and ensure pedestrian access is in and around the site is improved for the general public

11. No injury being caused to the amenity of the neighbourhood by the emission of noise, smoke, smell, vibration, gases, particulate matter, the exposure to view of any unsightly matter or otherwise.

Reason: To protect the amenity of the locality.

12. The use of the premises, including any plant and equipment, not giving 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 3dB(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).

NOTE: Marrickville Council has adopted a 3dB(A) goal in order to prevent background noise creep and the 5dB(A) criteria as outlined in the above mentioned references are not to be used.

Reason: To prevent loss of amenity to the area.

13. Noise and vibration from the use and operation of any plant and equipment and/or building services associated with the premises not giving 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.

Reason: To protect the amenity of the surrounding neighbourhood.

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14. A separate application being submitted to, and approved by, Council prior to the erection of any advertisements or advertising structures.
Reason: To ensure the compliance of any advertisements or advertising structures with the requirements of Council's Advertising Code.
15. The domestic bins are to be placed on Denison Street for collection after 7.00pm on the day prior to collection and are to be returned to their storage location within the building within two (2) hours of the bins being collected by Council. The owner's corporation being responsible to ensure compliance with this condition.
Reason: To ensure the appropriate disposal of waste generated on the site and protect the amenity of residents of adjoining properties.
16. All building work shall be carried out in accordance with the provisions of the Building Code of Australia.
Reason: To ensure the work is carried out to an acceptable standard and in accordance with the Building Code of Australia.
17. The swimming pool being used exclusively in association with the residential flat buildings on the property and not being used for any commercial purpose.
Reason: To ensure that the swimming pool is not used for any commercial purposes.
18. An appropriately qualified and experienced conservation practitioner or architect being engaged by the person acting on this consent to guide the conservation works with a view to maximising the retention of the historic fabric.
Reason: To ensure the significance of the heritage item is maintained and enhanced.
19. The person acting on this consent being responsible to ensure that only appropriately experienced trades people are involved with the project to ensure the appropriate professional treatment of the original fabric.
Reason: To ensure the significance of the heritage item is maintained and enhanced.
20. The person acting on this consent must not commence excavation until a qualified and experienced archaeologist is appointed to undertake monitoring during all excavation works.

Should any historical relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with Section 146 of the Heritage Act 1977.
Reason: To ensure the management of potential archaeological relics in accordance with the requirements of the NSW Heritage Act.
21. 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 occupation of the site.
Reason: To ensure all costs for the adjustment/augmentation of services arising as a result of the redevelopment are at no cost to Council.
22. The awning shall be of cantilever type and be set back at least 600mm from the kerb line. Further, the total width of the awning that extends beyond the road alignment shall not exceed 3600mm. The proposed awning shall be designed so as to be easily removed if required in future. The owner shall maintain, modify or remove the structure at any time if given notification by Council or the RTA to do so at no cost to Council or the RTA.
Reason: To ensure the awning complies with Council requirements.
23. Should the proposed 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.

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Reason: To provide for the existing and potential electrical power distribution for this development and for the area.

BEFORE COMMENCING DEMOLITION, EXCAVATION AND/OR BUILDING WORK

For the purpose of interpreting this consent, a Principal Certifying Authority (PCA) means a principal certifying authority appointed under Section 109E(1) of the Environmental Planning and Assessment Act 1979. Pursuant to Section 109E(3) of the Act, the PCA is principally responsible for ensuring that the works are carried out in accordance with the approved plans, conditions of consent and the provisions of the Building Code of Australia.

24. No work shall commence until:

- a) A PCA has been appointed. Where an Accredited Certifier is the appointed, Council shall be notified within two (2) days of the appointment; and
- b) A minimum of two (2) days written notice given to Council of the intention to commence work.

Reason: To comply with the provisions of the Environmental Planning and Assessment Act.

25. A Construction Certificate shall be obtained before commencing building work. Building work means any physical activity involved in the construction of a building. This definition includes the installation of fire safety measures.

Reason: To comply with the provisions of the Environmental Planning and Assessment Act.

26. 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.

Reason: To ensure that sufficient and appropriate sanitary facilities are provided on the site.

27. All demolition work shall:

- a) Be carried out in accordance with the requirements of Australian Standard AS 2601 'The demolition of structures' and the Occupational Health and Safety Act and Regulations; and
- b) Where asbestos is to be removed it shall be done in accordance with the requirements of the WorkCover Authority of NSW and disposed of in accordance with requirements of the Department of Environment and Climate Change.

Reason: To ensure that the demolition work is carried out safely.

28. Where any loading, unloading or construction is to occur from a public place, Council's Technical Services Division shall be contacted to determine if any permits or traffic management plans are required to be obtained from Council before work commences.

Reason: To protect the amenity of the area.

29. All services in the building being demolished are to be disconnected in accordance with the requirements of the responsible authorities before work commences.

Reason: To ensure that the demolition work is carried out safely.

30. A waste management plan shall be prepared in accordance with Marrickville Development Control Plan No. 27 - Waste Management and submitted to and accepted by the PCA before work commences.

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Reason: To ensure the appropriate disposal and reuse of waste generated on the site.

31. The site shall be enclosed with suitable fencing to prohibit unauthorised access. The fencing shall be erected as a barrier between the public place and any neighbouring property, before work commences.

Enquiries for site fencing and hoardings in a public place, including the need for Council approval, can be made by contacting Council's Technical Services Division.

Reason: To secure the area of the site works maintaining public safety.

32. A rigid and durable sign shall be erected in a prominent position on the site, before work commences. The sign is to be maintained at all times until all work has been completed. The sign is to include:

- a) The name, address and telephone number of the PCA;
- b) A telephone number on which Principal Contractor (if any) can be contacted outside working hours; and
- c) A statement advising: 'Unauthorised Entry To The Work Site Is Prohibited'.

Reason: To maintain the safety of the public and to ensure compliance with the Environmental Planning and Assessment Regulations.

33. A Soil and Water Management Plan shall be prepared in accordance with Landcom Soils and Construction, Volume 1, Managing Urban Stormwater (Particular reference is made to Chapter 9, "Urban Construction Sites") and submitted to and accepted by the PCA. A copy of this document shall be submitted to and accepted by PCA before work commences. The plan shall indicate:

- a) Where the builder's materials and waste are to be stored;
- b) Where the sediment fences are to be installed on the site;
- c) What facilities are to be provided to clean the wheels and bodies of all vehicles leaving the site to prevent the tracking of debris and soil onto the public way; and
- d) How access to the site will be provided.

All devices shall be constructed and maintained on site while work is carried out.

Reason: To prevent soil erosion and sedimentation of the stormwater network.

34. The person acting on this consent 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 PCA before work commences, on the buildings immediately adjoining and located on the adjoining properties at No.27 Australia Street and 32 Denison Street, if the consent of the adjoining property owner can be obtained. In the event that the consent of the adjoining property owner cannot be obtained copies of the letter/s that have been sent via registered mail and any responses received shall be forwarded to the PCA before work commences.

Reason: To catalogue the condition of the adjoining property for future reference in the event that any damage is caused during work on site.

35. All contractors and subcontractors involved in the construction works are to be briefed on the heritage significance of the buildings prior to work commencing.

Reason: To ensure the significance of the heritage item is maintained and enhanced.

36. The person acting on this consent 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.

Reason: To ensure all necessary approvals have been applied for.

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37. 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 openings in the amount of \$1,939.85, as provided for in Council's adopted fees and charges.

Reason: To ensure that all restoration works are in accordance with Council's Code.

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

Reason: To secure the site and to maintain public safety

39. A detailed Traffic Management Plan to cater for construction traffic shall be submitted to and approved by Council before commencement of works. Details shall include proposed truck parking areas, construction zones, crane usage, truck routes, 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. A Road Occupancy Licence shall be obtained from the RTA for any works that may impact on traffic flows on Parramatta Road.

Reason: To ensure construction traffic does not unduly interfere with vehicular or pedestrian traffic, or the amenity of the area.

40. The person acting on this consent shall submit a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site before the commencement of works (including any demolition works).

Reason: To ensure the existing condition of Council's infrastructure is clearly documented.

41. Alignment levels for the site at all pedestrian and vehicular access locations shall be obtained from Council's Director, Technical Services before the commencement of construction. The alignment levels shall match the existing back of footpath levels at the boundary. Failure to comply with this condition will result in vehicular access being denied.

Reason: In accordance with Council's powers under the Roads Act, 1993, alignment levels at the property boundary will be required to accord with Council's design or existing road and footpath levels.

42. The developer is to submit detailed design drawings and geotechnical reports relating to the excavation of the site and support structures to the Roads and Traffic Authority (RTA) for assessment. The developer is to meet the full cost of the assessment by the RTA.

This report would need to address the following key issues:

- a) The impact of excavation/rock anchors on the stability of Parramatta Road and detailing how the carriageway would be monitored for settlement;
- b) The impact of the excavation on the structural stability of Parramatta Road; and
- c) Any other issues that may need to be addressed. (Contact: Geotechnical Engineer Stanley Yuen on phone 8837 0246 or Graham Yip on phone 8837 0245 for details).

Reason: To comply with the requirements of the RTA.

BEFORE THE ISSUE OF THE CONSTRUCTION CERTIFICATE

For the purpose of interpreting this consent the Certifying Authority is that person appointed to issue the Construction Certificate.

43. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained.
Application must be made through an authorised Water Servicing Coordinator. Please

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refer to "Your Business" section of Sydney Water's website at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92.

Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact **with the Coordinator**, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

Sydney Water written advice that you have obtained the Notice of Requirements must be submitted to Council's satisfaction before the issue of a Construction Certificate.

Reason: To comply with the requirements of that Act.

44. A Conservation Management Strategy being developed with Action Plans which cover the following:

- a) A method for the shoring and retention of the existing end brick walls of the High Bay building and of the Australia Street brick facade during construction works;
- b) A method for the disassembling of existing brickwork, the temporary storage of existing bricks and the reinstatement of the brickwork in the high bay building;
- c) A method for the dismantling, storage and reassembling/reinstatement of existing steel roof trusses;
- d) A method for the repair and conservation of existing steel roof trusses;
- e) A method for repair and conservation of existing timber windows, timber louvres, and other joinery on the facades to be retained;
- f) A method for repair and conservation of existing metal windows on the facades to be retained;
- g) A method to ensure the existing stone kerb adjacent to the site is preserved.

The Conservation Management Strategy being submitted to and approved by Council's Heritage and Urban Design Advisor before the issue of a Construction Certificate.

Reason: To ensure the future and ongoing maintenance of the heritage item.

45. An Interpretation Plan being submitted to and approved by Council's Heritage and Urban Design Advisor before the issue of an Occupation Certificate. The Plan shall be a short report explaining interpretation methods and provide details as to how each is to be achieved.

Reason: To ensure the significance of the heritage item is recorded, interpreted and demonstrated as part of the development and future management of this site.

46. A design verification from a qualified designer, being a statement in which the qualified designer verifies that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design principles set out in Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development being submitted to Council's satisfaction before the issue of a Construction Certificate.

Reason: To comply with the requirements under State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development.

47. Letterboxes and mail collection facilities being provided and adequately protected in accordance with details to be submitted to the satisfaction of the Certifying Authority before the issue of a Construction Certificate.

Reason: To ensure adequate mail collection facilities are provided.

48. Bicycle storage with the capacity to accommodate a minimum of 26 bicycles being provided in accordance with the requirements set out within Marrickville Development Control Plan No. 19 - Parking Strategy, in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.

Reason: To ensure sufficient bicycle storage facilities are provided on the site.

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49. The street tree planting scheme for Australia Street and Denison Street being submitted for approval of the Director, Technical Services before the issue of a Construction Certificate. Tree species selection and location shall be developed in consultation with Council's Parks & Reserves Section. Such plan to also contain details as to the location of power poles and overhead power lines, manholes, vehicular crossings, footpaths and the like. All street trees shall be of a super advanced height, appropriately planted. All costs associated with the planting of street trees shall be borne by the person acting on this consent.
Reason: To ensure appropriate street tree planting.
50. Each dwelling is to contain a hot water system with a minimum 3.5 star Greenhouse rating and being fitted out with AAA rated showerheads, basin and kitchen sinks, dual flush toilets and if proposed an energy efficient clothes drying machine in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.
Reason: To comply with the requirements of Marrickville Development Control Plan No. 32 - Energy Smart Water Wise.
51. Noise attenuation measures being incorporated into the development in accordance with the recommendations contained in the Acoustic Assessment Report prepared by Arup Acoustics complying with requirements contained in State Environmental Planning Policy (Infrastructure) 2007 in relation to interior design sound levels, in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate together with certification by a suitably qualified acoustical engineer that the proposed noise attenuation measures satisfy the requirements of State Environmental Planning Policy (Infrastructure) 2007
Reason: To reduce noise levels within the proposed development from vehicular traffic.
52. Noise attenuation measures being incorporated into the development complying with Australian Standard 2021-2000 in relation to interior design sound levels, in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate together with certification by a suitably qualified acoustical engineer that the proposed noise attenuation measures satisfy the requirements of Australian Standard 2021-2000.
Reason: To reduce noise levels within the proposed development from aircraft.
53. Plans and specifications fully reflecting the selected commitments listed in BASIX Certificate submitted with the application for development consent being submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.

Note: The application for the Construction Certificate must be accompanied by either the BASIX Certificate upon which development consent was granted or a revised BASIX Certificate (Refer to Clause 6A of Schedule 1 to the Regulation)
Reason: To ensure that the BASIX commitments are incorporated into the development.
54. Plans and specifications fully reflecting the recommendations contained in the Access Report prepared by Morris-Goding Accessibility Consulting dated 9 March 2009 submitted with the application for development consent being submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.
Reason: To ensure that the premises provide equitable access to all persons.
55. Lighting details of the pedestrian areas, parking areas and all entrances being submitted to Council's satisfaction before the issue of a Construction Certificate.
Reason: To ensure appropriate lighting is provided to create a safe living environment.
56. Evidence of payment of the building and construction industry Long Service Leave Scheme shall be submitted to and accepted by the Certifying Authority (Council or an Accredited Certifier) before the issue of a Construction Certificate. The required payment of \$158,550 can be made at the Council Offices. This fee has been based on an estimated cost of works of \$45,300,000.

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NB: The required payment referred to above is based on the estimated cost of building and construction works as stated on the development application and the current long service levy rate, set by the Long Service Payments Corporation, of 0.35% of the cost of the building and construction work.

The payment is required to be paid before the issue of a Construction Certificate and the required payment may change if the estimated cost of works has increased at that time or the levy rate has changed. In such circumstances the necessary payment will need to be re-calculated. For more information on how and where payments can be made contact the Long Services Payments Corporation.

Reason: To ensure that the required levy is paid in accordance with the Building and Construction Industry Long Service Payments Act.

57. A total monetary contribution of \$2,476,205.42 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) \$1,211,888.63 Section 94 Contributions Plan 2004 for Camperdown and Stanmore Area - Open Space, Park Infrastructure and Sports Facilities;
- b) Council wide projects:
 - (i) \$173,126.95 Cooks River;
 - (ii) \$173,126.95 Tempe Reserve/Tempe Lands;
 - (iii) \$86,563.48 Civic Centre; and
 - (iv) \$86,563.48 Street Tree Master Plan.
- c) \$418,502.94 Public Libraries and Community Recreation Facilities;
- d) \$268,396.97 Section 94 Contributions Plan 2004 for Camperdown and Stanmore Area - Traffic Management; and
- e) \$58,036.06 Plan Administration.

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 a 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 2009/2010 after which the Contributions will be indexed.

Reason: To ensure provision is made for the increased demand for public amenities and services required as a consequence of the development being carried out.

58. Before the issue of a Construction Certificate an amended plan being submitted to and accepted by the Certifying Authority (Council or an Accredited Certifier) indicating the mechanical services plant located on the roof tops to be adequately screened.

Reason: To ensure that the visual amenity of the building is maintained.

59. Before the issue of a Construction Certificate the owner or builder shall sign a written undertaking that they shall be responsible for the full cost of repairs to footpath, kerb and

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gutter, or other Council property damaged as a result of construction of the proposed development. Council may utilise part or all of any Building Security Deposit (B.S.D.) or recover in any court of competent jurisdiction, any costs to Council for such repairs.

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

60. The foundations of the proposed development adjacent to the Sydney Water's stormwater pipe shall be constructed so that no surcharge loads are imposed upon the channel. Plans, and supportive documents, detailing the proposed foundations adjacent to the stormwater pipe, shall be submitted to Council before the issue of a Construction Certificate.
- Reason: To ensure the drainage system is protected.
61. Plans, details and calculations of the proposed On Site Detention system for the commercial building fronting Parramatta Road being submitted to and accepted by Council before the issue of a Construction Certificate. The design of the OSD system shall comply with the following:-
- The on site detention system shall be designed for all storm events from the 1 year to the 1 in 100 year storm event, with discharge to a Council controlled storm water system limited to pre-development conditions with the maximum allowable discharge to Council's street gutter limited to 25 litres/second (20 year ARI);
 - Storage for the 1 year storm event shall be provided fully below ground;
 - Dry-weather flows of any seepage water including seepage from landscaped areas will not be permitted through kerb outlets and must be connected directly to a Council stormwater system;
 - Details of the Height v Storage and Height v Discharge relationships shall be submitted; and
 - Details of the 1 in 100 year overflow route in case of failure/blockage of the drainage system shall be provided.
- Reason: To ensure the development does not increase the stormwater runoff from the site and to ensure that there are no dry-weather flows of any seepage water.
62. Detailed construction plans of the major overland flowpath through the site from Australia Street to Denison Street being submitted to the Director Technical Services before the issue of a Construction Certificate. Details shall include long sections and cross sections of the overland flow path indicating the top water level profile. Details of the velocity x depth calculation shall also be submitted to ensure that the overland flowpath is acceptable. A qualified civil engineer who is listed under the Institution of Engineers, Australia "National Professional Engineers Register" (NPER) shall certify that the design is in accordance with the design and flood report prepared by Hughes Trueman dated June 2009 and that the underground car park and all residential and commercial floor areas are protected by 500mm freeboard. The certificate shall also certify that the design of the landscaped courtyard is compatible with its use as an overland flowpath and that it will be able to tolerate the flow velocities and expected flooding and not result in any undue erosion.
- Reason: To enable the assessment of the pump/sump system.
63. Plans and associated details for the installation of the proposed pump/sump system being submitted to and accepted by Council before the issue of a Construction Certificate. The pump/sump system shall consist of two (2) pumps and a storage tank. The pumps being arranged for staggered starts (duty and stand-by) with an automatic switch-over facility to change the duty pump. Dry-weather flows of any seepage water including seepage from landscaped areas will not be permitted through kerb outlets and must be connected directly to a Council stormwater system. Alternatively the water may be stored separately on site and reused for the watering of landscaped areas.
- Reason: To enable the assessment of the pump/sump system.
64. Detailed plans of the proposed water re-use system to be used for toilet flushing including the tanks, the supply and the reticulation system being submitted to and approved by Council

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before the issue of a Construction Certificate. The system shall comply with Sydney Water and Health Department requirements and include mosquito protection and a first flush device.

Reason: To enable the assessment of the water re-use system.

65. Compliance with the following requirement of the Sydney Regional Development and Advisory Committee:

- a) A loading dock shall be provided within the site for deliveries to the retail/commercial component of the development. Any reference to the location of the loading dock being subject to future DA shall be removed from the plans.

Full details of compliance with the above requirement being submitted to and accepted by Council before the issue of a Construction Certificate.

Reason: To comply with the requirements of the Sydney Regional Development and Advisory Committee.

66. Detailed plans of the proposed Bus Shelter to be located within development site at the Parramatta Road frontage being submitted to and approved by Council before the issue of a Construction Certificate.

Reason: To ensure the waiting facilities for bus passengers is provided on the site.

67. In order to provide satisfactory vehicular and pedestrian access and drainage adjacent to the site, the following road and footpath works shall be carried out in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#1-"Development Specifications", at no cost to Council prior to the occupation of the building. The works shall include the following:

- a) Provision of a new asphalt surface 40mm thick in Denison Street for the full frontage of the site. This shall include heavy patching of the existing road pavement where necessary;
- b) A drainage line designed for a 1 in 10 year storm event extending from the New Street and connecting to Sydney Water's drainage pipe in Denison Street generally in accordance with Plan No. 08S162-DAC01 by Hughes Trueman. The drainage line shall be generally located under the existing kerb & gutter in Denison Street with connection with connections from the site to this pipe being via 2.4m extended kerb inlet pits located within the kerb & gutter;
- c) Construction of thresholds both ends of the New Road (within the site) at its intersection with both Denison Street and Australia Street;
- d) Reconstruction of the existing footpaths for the full frontage of the site in Denison Street, Australia Street and Parramatta Road in suitable decorative materials and to a detail to be approved by Council;
- e) A pedestrian refuge island shall be provided in Australia Street, at its intersections with Parramatta Road;
- f) The existing marked foot crossing in Australia Street, north of Derby Street shall be upgraded to a raised crossing;
- g) Tree planting for the full frontages of the site generally as outlined in the submitted landscape plan. Trees shall be 200L advanced specimens with suitable decorative tree guards to an approved detail. The trees shall be planted centrally in a bed approximately 1.5m in width x 3m in length. The beds shall be planted out to an approved detail. It is suggested that the specimen, location and spacing of the trees be further discussed with Council's Manager of Parks Mr Richard Sage prior to submission of plans;
- h) The removal of all redundant vehicular crossings to the site of the proposed development and replacement with kerb, gutter and footpath paving;
- i) The repair and/or construction of any existing damaged or otherwise defective kerb, gutter, footpath and road pavement adjacent to the site of the development; and
- j) All adjustments to public utilities required by these works including additional lighting and stormwater.

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Full detailed construction plans and specifications shall be submitted to and accepted by Council before the issue of a Construction Certificate. No road and drainage works shall commence until approved plans and specifications are issued for construction by the Director, Technical Services.

Reason: To provide means of public road vehicle and pedestrian access to the development and to ensure that the amenity of the area is in keeping with the standard of the development.

68. Payment of a Bond, in the sum of \$290,000 for the proper performance of Road/Drainage works before the issue of a Construction Certificate. The security may be provided in one of the following methods:
- a) in full in the form of a cash bond; 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 applicant 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.

Reason: To ensure all Road/Drainage works are completed within a reasonable time.

69. Full detailed construction plans and specification for the New Road including long-sections along the kerb lines and centreline, cross-sections at 10m intervals, stormwater drainage and details of public utility services being submitted for the approval of the Director, Technical Services before the issue of a Construction Certificate for the basement car park.

Reason: To provide satisfactory vehicular access and drainage to the area.

70. Power supply to the development being by means of underground cables. The person acting on this consent shall investigate the provision of new decorative street lighting columns and luminaires to Council's and Energy Australia's requirements with underground supply to the Parramatta Road frontage. This is to include the pole on the north eastern corner of Denison Street and Parramatta Road. The two existing light poles on the western side of Australia Street are to be replaced with decorative lighting columns and luminaires to Council's and Energy Australia's requirements. The street lighting along the full frontages of the site and within the New Road shall be designed in accordance with Australian Standard AS1158- Road Lighting and the Network Standards of Energy Australia. Full details and specifications (approved by Energy Australia) shall be submitted to the Director Technical Services before the issue of a Construction Certificate.

Reason: To ensure that the amenity of the area is in keeping with the standard of the development.

SITE WORKS

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

All trucks and vehicles associated with the 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

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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.

Reason: To minimise the effect of the development during the construction period on the amenity of the surrounding neighbourhood.

72. 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.

Reason: To ensure that the remediation works are only carried out during the hours of operation permitted under Marrickville Development Control Plan No. 29 – Contaminated Land Policy and Development Controls.

73. The disposal of contaminated soil being carried out in accordance with the requirements of the New South Wales Environment Protection Authority.

Reason: To provide for correct disposal of wastes.

74. The area surrounding the building work being reinstated to Council's satisfaction upon completion of the work.

Reason: To ensure that the area surrounding the building work is satisfactorily reinstated.

75. 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 Technical Services Division.

Reason: To ensure the public ways are not obstructed and the placement of waste storage containers in a public place are not dangerous to the public.

76. All demolition work being 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 Department of Environment and Climate Change;
- 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 Department of Environment and Climate Change;
- 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

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- k) the person acting on this consent is responsible for ensuring that all contractors and sub-contractors associated with the demolition are fully aware of these requirements.

Reason: To ensure that the demolition work is carried out safely and impacts on the surrounding area are minimised.

77. The works are required to be inspected at critical stages of construction, by the PCA or if the PCA agrees, by another Certifying Authority. The last inspection (d) can only be carried out by the PCA. The critical stage inspections are:
- a) After excavation for, and before the placement of, any footings.
 - b) For Class 2, 3 and 4 buildings, prior to covering waterproofing in any wet areas (a minimum of 10% of wet areas within a building);
 - c) Prior to covering any stormwater drainage connections, and after the building work has been completed and prior to any occupation certificate being issued in relation to the building; and
 - d) After the building work has been completed and prior to any occupation certificate being issued in relation to the building.

You are advised to liaise with your PCA to establish if any additional inspections are required.

Reason: To ensure the building work is carried out in accordance with the Environmental Planning and Assessment Regulations and the Building Code of Australia.

78. As the development involves an 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, the person acting on the consent, at their own expense;
- 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 person acting on this consent 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 PCA 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 PCA before work commences.

Reason: To ensure that adjoining buildings are preserved, supported and the condition of the buildings on the adjoining property catalogued for future reference in the event that any damage is caused during work on site.

79. All vehicles carrying materials to, or from the site must have their loads covered with tarpaulins or similar covers.

Reason: To ensure dust and other particles are not blown from vehicles associated with the use.

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80. A certificate of survey from a registered land surveyor shall be submitted to the PCA upon excavation of the footings and before the pouring of the concrete to verify that the structure will not encroach on the allotment boundaries.
Reason: To ensure all works are contained within the boundaries of the allotment.
81. The swimming pool backwash / pump-out system must be connected to Sydney Water's drainage system in accordance with the requirements of Sydney Water.
Reason: To ensure that the waste water will be properly disposed of.
82. The swimming pool is to be fully enclosed with child-proof fencing, complying with the Swimming Pools Act 1992 and Swimming Pools Regulation 2008. No water must be placed in the swimming pool until the safety fences have been completed in accordance with the approved plans and specifications and inspected by the Principal Certifying Authority.
Reason: To ensure the swimming pool is adequately fenced.
83. The swimming pool being fully enclosed and the fencing and access gates to the swimming pool area being maintained in good repair at all times.
Reason: To maintain a physical barrier from the remainder of the premises and any place (whether public or private) adjacent to or adjoining the premises.
84. The swimming pool/spa pump and associated equipment must be provided with a ventilated sound-proofed enclosure and/or be isolated so that the noise emitted from it does not exceed 3dB(A) above the background level.
Reason: To prevent a noise nuisance occurring.
85. A warning notice containing the words "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL" together with an expired air resuscitation warning notice complying with Section 17 of the Swimming Pools Act, 1992 must be affixed and maintained in a prominent position adjacent to the swimming pool.
Reason: To ensure the required notices are provided in the vicinity of the swimming pool.
86. All roof and surface stormwater from the site and any catchment external to the site that presently drains to it shall be collected in a system of pits and pipelines/channels and major storm event surface flow paths and being discharged to a Council controlled stormwater drainage system in accordance with the requirements of Marrickville Council Stormwater and On Site Detention Code. The maximum discharge allowable to Council's street gutter is 25 litres/second.
Reason: To provide for adequate site drainage.
87. All stormwater drainage being designed in accordance with the provisions of the 1987 Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3.2-1998 'Stormwater Drainage-Acceptable Solutions' and Marrickville Council Stormwater and On Site Detention Code. Pipe and channel drainage systems shall be designed to cater for the ten (10) year Average Recurrence Interval (A.R.I.) storm in the case of low and medium residential developments, the twenty (20) year A.R.I. storm in the case of high density residential development and commercial and/or industrial developments and the fifty (50) year A.R.I. storm in the case of heavy industry. In all cases the major event surface flow paths shall be designed to cater for the one hundred (100) year A.R.I. storm.
Reason: To provide for adequate site drainage.
88. New or replacement taps being AAA rated as defined by the Australian Standard AS/NZ 6400 2005: Water efficient products - Rating and labelling.
Reason: To conserve water.
89. New or replacement toilet(s) being dual flush as defined by the Australian Standard AS/NZ 6400 2005: Water efficient products - Rating and labelling.
Reason: To conserve water.
90. New or replacement urinals being AAA rated.

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Reason: To conserve water.

BEFORE OCCUPATION OF THE BUILDING

91. You shall obtain an Occupation Certificate from your PCA before you occupy or use the building. The PCA shall notify the Council of the determination of the Occupation Certificate and forward the following documents to Council within two (2) days of the date of the Certificate being determined:
- a) A copy of the determination;
 - b) Copies of any documents that were lodged with the Occupation Certificate application;
 - c) A copy of Occupation Certificate, if it was issued;
 - d) A copy of the record of all critical stage inspections and any other inspection required by the PCA;
 - e) A copy of any missed inspections; and
 - f) A copy of any compliance certificate and any other documentary evidence relied upon in issuing the Occupation Certificate.

Reason: To comply with the provisions of the Environmental Planning and Assessment Regulations.

92. Occupation of the building shall not be permitted until such time as:
- a) All preconditions to the issue of an Occupation Certificate specified in this development consent have been met;
 - b) The building owner obtains a Final Fire Safety Certificate certifying that the fire safety measures have been installed in the building and perform to the performance standards listed in the Fire Safety Schedule; and
 - c) An Occupation Certificate has been issued.

Reason: To comply with the provisions of the Environmental Planning and Assessment Act.

93. The owner of the premises, as soon as practicable after the Final Fire Safety Certificate is issued, shall:
- a) Forward a copy of the Final Safety Certificate and the current Fire Safety Schedule to the Commissioner of the New South Wales Fire Brigades and the Council; and
 - b) Display a copy of the Final Safety Certificate and Fire Safety Schedule in a prominent position in the building (i.e. adjacent the entry or any fire indicator panel).

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

Reason: To ensure compliance with the relevant provisions of the Environmental Planning and Assessment Regulations and Building Legislation Amendment (Quality of Construction) Act.

94. Upon the completion of any remediation works stated in the RAP the person acting on this consent shall submit to Council a Validation and Monitoring Report. The report is to be conducted in accordance with the NSW Environment Protection Authority's *"Guidelines for Consultants Reporting on Contaminated Sites 1998"*.

Reason: To ensure that the remediated site complies with the objectives of the RAP.

95. The separate lots comprising the development being consolidated into one lot and under one title and registered at the NSW Department of Lands before the issue of an Occupation

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Certificate (including any Interim Occupation Certificate) or before occupation of any part of the development, whichever occurs first.

Reason: To prevent future dealing in separately titled land, the subject of one consolidated site development.

96. A strip of land 1.5 metres wide and variable along the Denison Street frontage shall be dedicated to the public at no cost to Council to allow for the widening of the footpath to 3m. The subject strip of land being dedicated to Council before the issue of an Occupation Certificate (including any Interim Occupation Certificate) or before occupation of any part of the development, whichever occurs first.
Reason: To allow for the safe pedestrian access adjacent to the site.
97. A restriction on the use of the land for the proposed Bus Shelter along the Parramatta Road frontage of the property referred to in the "Before the issue of a Construction Certificate" section of this Determination being created and registered at the NSW Department of Lands, at no cost to Council, before the issue of an Occupation Certificate (including any Interim Occupation Certificate) or before occupation of any part of the development, whichever occurs first.
Reason: To ensure the waiting facilities for bus passengers is provided on the site.
98. A public right-of-way being created for the full length and width of the New Road including the footpaths. The right-of way being registered at the NSW Department of Lands before the issue of an Occupation Certificate (including any Interim Occupation Certificate) or before occupation of any part of the development, whichever occurs first.
Reason: To provide legal public vehicular and pedestrian access to a Private Road.
99. Splay corners being created at property corners, and dedicated to the public for road widening. The size of the splays shall be a minimum of 3m x 3m. The splay corners being registered at the NSW Department of Lands before the issue of an Occupation Certificate (including any Interim Occupation Certificate) or before occupation of any part of the development, whichever occurs first.
Reason: To provide for sight-distance for vehicles at intersections.
100. A linen plan of survey detailing any easements, splay corners and rights-of-way together with associated documents being registered at no cost to Council at the NSW Department of Lands before the issue of an Occupation Certificate (including any Interim Occupation Certificate) or before occupation of any part of the development, whichever occurs first.
Reason: To ensure compliance with conditions affecting the site title.
101. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained before the issue of an Occupation Certificate.
Reason: To comply with the requirements of that Act.
102. A design verification from a qualified designer, being a statement in which the qualified designer verifies that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design principles set out in Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development being submitted to Council's satisfaction before the issue of an Occupation Certificate.
Reason: To comply with the requirements under State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development.
103. The landscaping of the site being carried out prior to occupation or use of the premises in accordance with the approved plan, and being maintained at all times to Council's satisfaction.
Reason: To ensure adequate landscaping is maintained.

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104. The Interpretation Plan referred to in Part A of this Determination being implemented to the satisfaction of the Council's Heritage and Urban Design Advisor before the issue of an Occupation Certificate.
Reason: To ensure that the approved Interpretation Plan is implemented.
105. Compliance with the requirements of Marrickville Development Control Plan No. 32 - Energy Smart Water Wise is to be demonstrated via completion of Council's Green checklist, which is to be completed by the Principal Certifying Authority (PCA) before the issue of an Occupation Certificate. If completed by a Private PCA, a copy of the completed checklist must be forwarded to Council for its records.
Reason: To appropriately monitor the installation of energy and water conservation fixtures and appliances.
106. (i) Upon completion of the required noise attenuation measures referred to in the "Before the Issue of a Construction Certificate" Section of this Determination and prior to the occupation of the dwellings a report being prepared and submitted to Council's satisfaction by an accredited Acoustics Consultant certifying that the final construction meets AS2021-2000 and State Environmental Planning Policy (Infrastructure) 2007 as set down in the subject conditions of this consent. Such report shall include external and internal noise levels to ensure that the external noise levels during the test are representative of the typical maximum levels that may occur at this development; and
- (ii) Where it is found that internal noise levels are greater than the required dB(A) rating due to faulty workmanship or the like, necessary corrective measures shall be carried out and a further certificate being prepared and submitted to Council in accordance with the requirements as set down in Part (i) of this condition.
Reason: To reduce noise levels within the proposed dwellings from aircraft and vehicular traffic and to ensure that the proposed noise attenuation measures incorporated into the dwellings satisfactorily comply with the relevant sections of Australian Standard 2021-2000 and State Environmental Planning Policy (Infrastructure) 2007.
107. The Certifying Authority must be satisfied that each of the commitments listed in BASIX Certificate referred to in this Determination have been fulfilled before the issue of an Occupation Certificate (whether an interim or final Occupation Certificate).
Reason: To ensure that all of the BASIX commitments have been fulfilled and to comply with the requirements under Section 154B of the Environmental Planning and Assessment Regulations 2000.
108. The Certifying Authority must apply to the Director-General for a BASIX Completion Receipt within 2 days of the issue of a final Occupation Certificate. Completion Receipts can be applied for at www.basix.nsw.gov.au.
Reason: To ensure compliance with the requirements under Section 154C of the Environmental Planning and Assessment Regulations 2000.
109. Encroachments onto Council's road or footpath of any service pipes, sewer vents, boundary traps, downpipes, gutters, stairs, doors, gates, garage tilt up panel doors or any structure whatsoever shall not be permitted. Any encroachments on to Council road or footpath resulting from the building works will be required to be removed before occupation of the site.
Reason: To ensure there is no encroachment onto Council's road.
110. Any damage to the existing stone kerb adjacent to the site will require the replacement of the damaged individual stone units before occupation of the site and at no cost to Council.
Reason: To ensure that existing stone kerb adjacent to the site which is of historic significance is preserved.
111. 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

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occupation of the site. Works shall be in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications".

Reason: To ensure the person acting on this consent completes all required work.

112. With the regard to the On Site Detention System (OSD), a Positive Covenant in accordance with supplement 7 of Marrickville Council Stormwater and On Site Detention Code shall be placed on the Title in favour of Council before occupation of the site.

Reason: To ensure that the integrity of the OSD system is maintained and to comply with Marrickville Council Stormwater and On Site Detention Code.

113. All instruments under Section 88B of the Conveyancy Act used to create easements or right-of-ways shall include the condition that such easements or right-of-ways may not be varied, modified or released without the prior approval of Marrickville Council.

Reason: To ensure Council's interests are protected.

114. 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 occupation of the site and at no cost to Council.

Reason: To allow vehicular access across the footpath and/or improve the existing vehicular access.

115. 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 occupation of the site 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.

Reason: To eliminate redundant crossings and to reinstate the footpath to its normal condition.

116. Before occupation of the site written verification from a suitably qualified professional civil engineer, stating that all stormwater drainage and related work has been and constructed in accordance with the approved plans shall be submitted to and accepted by Council. In addition, full works-as-executed plans, prepared and signed by a registered surveyor, shall be submitted to Council. These plans must include levels for all drainage structures, buildings (including floor levels), finished ground levels and pavement surface levels.

Reason: To ensure drainage works are constructed in accordance with approved plans.

117. All works required to be undertaken on public roads shall be designed and 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 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.

Reason: To ensure that works are carried out to a proper standard.

118. "Under awning" lighting, to match the existing whiteway lighting scheme in the Parramatta Road area shall be installed before the occupation of the site and at no cost to Council. All works required to install and connect the system (including the need to install a "special small service") shall be at no cost to Council.

Reason: To ensure adequate lighting is provided for pedestrians adjacent to the site/

119. The person acting on this consent shall, within fourteen (14) days of notification of the Director, Technical Services, execute any and all maintenance works required by the Director, Technical Services. In the event that the applicant fails to undertake such work, Council may undertake the required maintenance works, utilising part or all of the

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maintenance security and Council may recover any costs in excess of the security from the person acting on the consent.

Reason: To ensure all drainage works are maintained within a reasonable time limit during a 12 month maintenance period.

120. The person acting on this consent shall provide security, in a manner satisfactory to the Director Technical Services, for the proper maintenance of the road/drainage works in an amount of \$30,000 for a period of twelve (12) months from the date of completion of the Road/Drainage works as surety for the proper maintenance of the Road/Drainage works.

Reason: To provide security for the maintenance of Road/Drainage works for a 12 month maintenance period.

ADVISORY NOTES

- (i) The Disability Discrimination Act 1992 (Commonwealth) and the Anti-Discrimination Act 1977 (NSW) impose obligations on persons relating to disability discrimination. Council's determination of the application does not relieve persons who have obligations under those Acts of the necessity to comply with those Acts.
- (ii) A complete assessment of the application under the provisions of the Building Code of Australia has not been carried out.
- (iii) The approved plans must be submitted to the Customer Centre of any office of Sydney Water before the commencement of any work to ensure that the proposed work meets the requirements of Sydney Water. Failure to submit these plans before commencing work may result in the demolition of the structure if found not to comply with the requirements of Sydney Water.
- (iv) Liaise with the Sydney Water Corporation, the Energy Australia, AGL and Telstra concerning the provision of water and sewerage, electricity, natural gas and telephones respectively to the property to ensure that the development is adequately serviced.
- (v) Contact "Dial Before You Dig" before commencing any building activity on the site.
- (vi) Useful Contacts

BASIX Information

☎ 1300 650 908 weekdays 2:00pm - 5:00pm
www.basix.nsw.gov.au

Department of Environment
and Climate Change

☎ 9995 5000
www.environment.nsw.gov.au

Department of Fair Trading

☎ 13 32 20
www.fairtrading.nsw.gov.au
Enquiries relating to Owner Builder Permits and Home Warranty Insurance.

Dial Before You Dig

☎ 1100
www.dialbeforeyoudig.com.au

Landcom

☎ 9841 8660
To purchase copies of Volume One of "Soils and Construction"

Long Service Payments Corporation

☎ 131441
<http://lspc.nsw.gov.au>

Marrickville Council

☎ 9335 2222

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www.marrickville.nsw.gov.au

Copies of all Council documents and application forms can be found on the web site.

NSW Food Authority

☎ 1300 552 406

www.foodnotify.nsw.gov.au

NSW Government

www.nsw.gov.au/fibro

www.diysafe.nsw.gov.au

Information on asbestos and safe work practices.

Sydney Water

☎ 13 20 92

www.sydneywater.com.au

Waste Service NSW -
Environmental Solutions

www.wasteservice.nsw.gov.au

WorkCover Authority of NSW

☎ 13 10 50

www.workcover.nsw.gov.au

[Enquiries relating to work safety and asbestos removal and disposal.](#)

- (vii) Owners and occupants of the proposed building are not eligible for any existing or future resident parking scheme for the area. The person acting on this consent being responsible to advise any purchaser or prospective tenant of this condition.
- (viii) The proposed loading zones in both Australia and Denison Streets require a separate application to be submitted in the prescribed manner for consideration by Council's Local Traffic Planning and Advisory Committee.
- B. THAT** those persons who lodged submissions in respect to the proposal be advised of the Council's determination of the application.
- C. THAT** the Roads and Traffic Authority be forwarded a copy of the Council's determination of the application.
- D. THAT** the applicant's traffic consultant and Council's Traffic Engineer meet to discuss the SIDRA analysis submitted with the application, including:
 - a) All raw intersection count data including any scatts data;
 - b) Clarification on how the cycle times were derived for the signalised intersection; and
 - c) Further review of all the SIDRA analysis results.