

745-763 PRINCES HIGHWAY AND 1A &1B GANNON STREET, TEMPE

THAT the development application to carry out works to the Tempe Bus Depot including widening the Princes Highway vehicle entry, excavate, remove and replace existing concrete hard stand areas, construction of a retaining wall along the Gannon Street site boundary, install yard lighting, construct stormwater and retention system and remove and remediate the former service station site, restore the Tram Shed building and provide a bus maintenance area, a bus wash area, staff car parking area and install rainwater tanks within the Tram Shed building be **APPROVED** subject to the following conditions:

GENERAL

1. The development must be carried out in accordance with the application for development consent and the plans and details listed below except where amended by the following conditions.

| Drawing No. and Issue | Plan/ Certificate Type | Date Issued | Prepared by | Date Submitted |
|--|---------------------------------------|------------------------|----------------------------------|---------------------------|
| 2005/ Retaining Wall Details Revision 0, Sheet 1 of 2 | Retaining Wall Details | 26 October 2009 | G.J. Wilson & Associates Pty Ltd | 1 February 2010 |
| 2005/ Retaining Wall Details 2 Revision 0, Sheet 1 of 2 | Retaining Wall Details | 1 November 2009 | G.J. Wilson & Associates Pty Ltd | 1 February 2010 |
| 2005/ Stormwater Treatment Facilities Revision 0, Sheet 1 of 1 | Stormwater Treatment Facilities | 5 September 2009 | G.J. Wilson & Associates Pty Ltd | 1 February 2010 |
| 2005/ INT.SWD/CP1 Revision 0, Sheet 1 of 1 | Engineer plans | 5 September 2009 | G.J. Wilson & Associates Pty Ltd | 1 February 2010 |
| 2005/ Pavement Slab Details/2 Revision 0, Sheet 2 of 3 | Pavement Slab Details | 23 September 2009 | G.J. Wilson & Associates Pty Ltd | 1 February 2010 |
| 2005/ Concrete Pavement Details Revision 0, Sheet 1 of 1 | Concrete Pavement Details | 17 September 2009 | G.J. Wilson & Associates Pty Ltd | 1 February 2010 |
| 2005/ Earthworks Cross-Sections Revision 0, Sheet 2 of 2 | Earthworks Cross-Sections | 23 November 2009 | G.J. Wilson & Associates Pty Ltd | 1 February 2010 |
| 2005/ Int.Stormwater Drainage L/Section Revision B, Sheet 1 of 1 | Int.Stormwater Drainage L/Section | 7 November 2009 | G.J. Wilson & Associates Pty Ltd | 1 February 2010 |
| 2005/Earthworks Cross-Sections Revision 0, Sheet 1 of 2 | Earthworks Cross-Sections | 23 November 2009 | G.J. Wilson & Associates Pty Ltd | 1 February 2010 |
| 2005/Pavement | Pavement Slab | 3 October | G.J. Wilson & | 1 February |

| | | | | |
|---|---|--------------------|---|--------------------|
| Slab Details 3 Revision 0, Sheet 3 of 3 | Details | 2009 | Associates Pty Ltd | 2010 |
| Drawing No. 01 | Eastern Elevation | 1 February 2010 | Peter Andrews & Associates Pty Ltd | 1 February 2010 |
| Sheet 1 of 1 | Tram Shed Layout | 1 February 2010 | Nil | 1 February 2010 |
| Drawing No. 1034-P01 Sheet 01 of 1 | Tempe Bus Depot Rainwater Harvesting | December 2009 | Storm Consulting | 1 February 2010 |
| Drawing No. E-2 Revision 2 | Electrical Services | 10 August 2009 | Joeliane Electrical Engineer Consultant | 1 February 2010 |
| Drawing No. E-3 Revision 1 | Electrical Services | 10 August 2009 | Joeliane Electrical Engineer Consultant | 1 February 2010 |
| Drawing No. E-4 Revision 1 | Electrical Services | 10 August 2009 | Joeliane Electrical Engineer Consultant | 1 February 2010 |
| Sheet 1 of 1 | Site Plan | 3 March 2010 | Nil | 1 February 2010 |
| Sheet 1 of 1 | Bus Parking Area | 3 March 2010 | Nil | 1 February 2010 |
| | Sedimentation and Erosion Plan | January 2010 | Environmental Investigation Services | 1 February 2010 |

2. Site remediation works being carried out for the site in accordance with Additional Environmental Site Assessment and Remediation Action Plan, prepared by Environmental Investigation Services, dated October 2009. 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.
3. Fifty (50) off-street car parking spaces being provided, paved, linemarked and maintained at all times in accordance with the standards contained within Marrickville Development Control Plan No.19 - Parking Strategy.
Reason: To ensure practical off-street car parking is available for the use of the premises.
4. No injury being caused to the amenity of the neighbourhood by the emission of noise, smoke, smell, vibration, gases, vapours, odours, dust, particular matter, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health, the exposure to view of any unsightly matter or otherwise.
Reason: To ensure the operation of the premises does not affect the amenity of the neighbourhood.
5. The use of the site, including the operation of 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 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

Reason: To prevent loss of amenity to the area.

6. A lighting plan must be submitted to the Council before the installation of the proposed lights assessing the impact of the existing and proposed lighting and the necessity of the proposed height of light poles. The lighting plan shall also contain an assessment by a heritage expert of the impact on the heritage significance of the site and the views to and from the heritage item; and an overall assessment of the amenity impact on neighbouring properties.

The existing lights at the northeast boundary, whether on poles or buildings, must be shielded from light spillage to the properties on Stanley Street before the commencement of work on the site.

Reason: To protect the amenity of the surrounding neighbourhood from the emission of light and to ensure that any lighting does not adversely impact on the heritage significance of the heritage item.

7. Washing of buses only being conducted in the bus washbay which is roofed and bunded to exclude rainwater. All waste water from bus washing being discharged to the sewer under a Trade Waste Agreement from Sydney Water. Alternative water management and disposal options may be possible where water is recycled, minimised or re-used on the site. Any such option is to comply with:

- Council's Stormwater Management Policy;
- Environment Protection Authority's Environment Protection Manual for Authorised Officers: Technical Section (Car Washing Waste); and
- Environment Protection Authority's Managing Urban Stormwater: treatment techniques.

Reason: To ensure that waste water is disposed of in a manner that is not harmful to the environment.

8. 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.

9. All loading and unloading in connection with the use being carried out wholly within the property and in such a manner as not to cause inconvenience to the public.

Reason: To ensure loading and unloading operations do not interfere with traffic and pedestrian movements in the area.

10. Compliance with the following requirements of the Sydney Regional Development Advisory Committee (SRDAC) and the Roads and Traffic Authority

- a) The design and construction of the modified gutter crossing on the Princes Highway being in accordance with the Roads and Traffic Authority's requirements. Details of those requirements should be obtained from the Roads and Traffic Authority's project Services Manager, Traffic Projects Section, Parramatta. Detailed design plans of the modified gutter crossing being submitted to the Roads and Traffic Authority for approval prior to the commencement of works. A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by the Roads and Traffic Authority;
- b) Any traffic facilities and road works associated with the subject development being carried out at no cost to the Roads and Traffic Authority;
- c) The boom gates being located to allow a bus to stand wholly within the site before being required to stop;
- d) Existing parking restrictions on all frontages to the subject site shall remain;

- e) The layout of the car parking areas associated with the subject development (including driveways, grades, turning paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) being in accordance with AS2890.1-2004 and AS2890.2-2002 for heavy vehicle usage. Disabled parking requirements shall conform to AS2890.1;
- f) All demolition and construction vehicles being contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on the Princes Highway; and
- g) A Road Occupancy License being obtained from the Roads and Traffic Authority for any works that may impact on traffic flows on the Princes Highway during construction activities.

Reason: To comply with the requirements of the Sydney Regional Development Advisory Committee (SRDAC) and the Roads and Traffic Authority.

11. All vehicles associated with the use entering and leaving the property in a forward direction.

Reason: To ensure that the use does not interfere with traffic and pedestrian movements in the area.

12. All vehicles associated with the use being accommodated wholly within the property and not being parked on the adjoining roads or footpaths.

Reason: To ensure that the use does not interfere with traffic and pedestrian movements in the area.

13. Not more than seventy five persons being employed in connection with the use being on the premises at any one time without the prior approval of Council.

Reason: To ensure that the number of employees on the premises at any one time is not increased without a further review of the off-street car parking facilities available for the development.

14. The hours of operation being restricted to between the hours of 5.30am to 10.30pm Mondays to Sundays, including Public Holidays.

Reason: To confirm the hours of operation as requested.

15. The person acting on the consent liaising 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.

Reason: To ensure that the development is adequately serviced.

16. 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.

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

| Schedule | |
|---|-----------------------|
| Tree/location | Approved works |
| Liquidambar styraciflua (<i>Liquidambar</i>) tree (located within the centre of the site) | Removal. |

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

Reason: To ensure that the development is in accordance with the determination of Council.

18. All building work must 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.

19. 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.

20. 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. In this regard any electrical substation required for the proposed development being located away from residential boundaries and the Betty Spears Child Care Centre so as not to have negative amenity impacts upon residents of the area or the Betty Spears Child Care Centre.

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.

21. No work shall commence until:

- a) A PCA has been appointed. Where Council is appointed ensure all payments and paper work are completed (contact Council for further information). 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.

22. 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.

23. 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.

24. Before commencing works the person acting on this consent providing a contact number for a designated person to be available during the demolition and construction for residents to contact regarding breaches of consent or problems relating to the construction.

Reason: To provide a person that residents can contact.

25. All demolition work shall:

- a) Be carried out in accordance with the requirements of Australian Standard AS2601 '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, Climate Change and Water.

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

26. Where any loading, unloading or construction is to occur from a public place, Council's Infrastructure 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.

27. 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.

28. 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.

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

29. 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 Infrastructure Services Division.

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

30. 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.

31. 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.

32. Where Council is appointed as the Principal Certifying Authority to carry out mandatory inspections of the works in progress for the purposes of issuing an Occupancy Certificate, a fee is required to be paid to Council for the required inspections and the Occupation Certificate before commencement of work.

NB: The above fee applies to end of Financial Year that the consent is issued after which the fee will reflect the adopted fees and charges for the Financial Year the nomination is made.

Reason: To inspect the works in progress to confirm that the works are built in accordance with the development consent and construction certificate.

33. The design and construction of the modified gutter crossing on the Princes Highway being in accordance with the Roads and Traffic Authority's requirements. Details of those requirements should be obtained from the Roads and Traffic Authority's Project Services Manager, Traffic Projects Section, Parramatta.

Detailed design plans of the modified gutter crossing are to be submitted to the Roads and Traffic Authority for approval prior to the commencement of any works.

A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by the RTA.

Reason: To ensure compliance with the Roads and Traffic Authority's requirements

34. A Road Occupancy Licence being obtained from the Roads and Traffic Authority for any works that may impact on traffic flows on the Princes Highway during construction activities.

Reason: To ensure compliance with the Roads and Traffic Authority's requirements.

35. Should the height of any temporary structure and/or equipment be greater than 50 feet (15.24 metres) above existing ground height (AEGH), an approval must be sought in accordance with the Civil Aviation (Buildings Control) Regulations Statutory Rules 1988 No. 161.

Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Airports (Protection of Airspace) Regulations.

Sydney Airport Corporation Limited advises that approval to operate construction equipment (ie cranes) should be obtained prior to any commencement of work.

Information required by SACL prior to any approval is to include:

- The location of any temporary structure or equipment, ie. construction cranes, planned to be used during construction relative to Mapping Grid of Australia
- 1994 (MGA94);
- The swing circle of any temporary structure/equipment used during construction;
- The maximum height, relative to Australian Height Datum (AHD), of any temporary structure or equipment ie. construction cranes, intended to be used in the erection of the proposed structure/activity; and
- The period of the proposed operation (ie. construction cranes) and desired operating hours for any temporary structures.

Any application for approval containing the above information, should be submitted to this Corporation at least 35 days prior to commencement of works in accordance with the Airports (Protection of Airspace) Regulations Statutory Rules 1996 No. 293, which now apply

to this Airport.

Reason: To ensure compliance with the requirements of Sydney Airport Corporation Limited

36. The person acting on this consent applying 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.

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

Reason: To secure the site and to maintain public safety

39. A detailed Traffic Management Plan to cater for construction traffic being submitted to and approved by Council before commencement of works. Details shall include proposed truck parking areas, construction zones, crane usage, truck routes etc.

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

40. A detailed Construction Management Plan being submitted to Council before commencement of works detailing measures to minimise impacts of the excavation, demolition and construction works on surrounding properties within the vicinity of the site including the operation of the adjoining child care centre. Evidence must be provided to Council that the proponent has consulted the Betty Spears Child Care Centre as part of the preparation of this plan.

Reason: To minimise impact of the excavation, demolition and construction works on surrounding properties within the vicinity of the site.

41. 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.

42. Alignment levels for the site at all pedestrian and vehicular access locations being obtained from Council's Infrastructure Services Directorate 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.

BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

For the purpose of interpreting this consent the Certifying Authority (Council or an Accredited Certifier) is that person appointed to issue a Construction Certificate.

43. 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 a Construction Certificate. The required payment of \$21,000 can be made at the Council Offices. This fee has been based on an estimated cost of works of \$6,000,000.

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.

44. Before the issue of a Construction Certificate an amended plan shall be submitted to and accepted by the Certifying Authority (Council or an Accredited Certifier) indicating the following:
- a) Access to the Tram Shed building via the principal place of entry to the building complying with AS 1428.1- 2009 'Design for access and mobility';
 - b) A continuous path of travel be provided throughout the site in accordance with AS 1428.1- 2009; and
 - c) A minimum of one (1) carparking space being provided for people with a disability that are directly accessible to the entrance to the building. The car parking being designed to comply with AS 1428.1 - 2009 'Design for access and mobility – General requirements for access – buildings' and AS 2890.1 1 'Off-street carparking'.

Reason: To ensure that the premises provide equitable access to all persons.

45. The vehicular crossing on the Princes Highway being modified to ensure that buses turning left out of the subject site (whilst other buses are entering the site) do not cross over the raised central median. The swept path of the longest vehicle entering and exiting the subject site, as well as manoeuvrability through the site, being in accordance with AUSTROADS. Details in accordance with the above, being submitted to and approved by Council before the issue of a Construction Certificate.

Reason: To comply with the requirements of the Sydney Regional Development Advisory Committee (SRDAC) and the RTA.

46. Before the issue of a Construction Certificate an amended plan shall be submitted to Council's satisfaction, locating boom gates within the site to allow a bus to stand wholly within the site before being required to stop.

Reason: To ensure compliance with the Roads and Traffic Authority's requirements.

47. Before the issue of a Construction Certificate on the Bus Depot (not including the former service station component), an interpretation plan prepared by a suitably qualified heritage expert being submitted for approval to Council's Heritage and Urban Design Advisor identifying all significant fixtures, items and painted signs associated with the site, to be retained and interpreted.

Reason: To protect the significance of the site as nominated in the 2003 Conservation Management Plan by Godden MacKay Logan.

48. Before the issue of a Construction Certificate for works to the Tram Shed Building, Engineer's details of all new structural work including building strengthening and repair

works, and fire stair of the Tram Shed being submitted to Council's Heritage and Urban Design Advisor for approval.

Reason: To protect the significance of the site nominated by the 2003 Conservation Management Plan by Godden MacKay Logan.

49. Before the issue of a Construction Certificate for works to the Tram Shed Building, details of roofing material to replace visible asbestos tiling on western annexes of the Tram Shed being submitted to Council's Heritage and Urban Design Advisor for approval.

Reason: To protect the significance of the site nominated by the 2003 Conservation Management Plan by Godden MacKay Logan.

50. An Archival Record containing photos being submitted to Council's Heritage and Urban Design Advisor for approval before the issue of the Construction Certificate for works to the Tram Shed Building. The recording being undertaken in accordance with the Guidelines for Archival and Photographic Recording of Heritage Items prepared by the NSW Heritage Office. The recording should include black and white archival quality prints, digital images on CD-ROM, laser copy colour prints of digital images and to scale plan indicating the location and direction of each photograph. Photographs should be of the whole site, including interior spaces, exteriors, the grounds and streetscape views. Two copies of the final archival record shall be submitted to Marrickville Council, for lodgement with Council Archives and Local Studies Library.

Reason: To document the site prior to demolition for archival reference.

51. Prior to the issue of the Construction Certificate; the applicant shall submit the following to Council;

- a) Details of a suitable dense fast growing screen planting, with a minimum mature height of 6 metres, to be planted adjacent to the north eastern boundary for sufficient length to help screen the existing light pole;
- b) Details of the replacement tree for the liquid amber to be removed. The canopy tree shall be a species that will attain a minimum of 6 metres in height on the site;
- c) Details of tree protection fence for the Eucalyptus tree, located along the Gannon Street side boundary. The fencing should be installed at a radius of 6 metres from the trunk of the tree; and
- d) Details of any additional planting to be proposed within the subject site. Note: planting should be non-bird attracting plant species.

Reason: To preserve the tree canopy and ensure adequate landscaping of the site.

52. The area in which the proposed development is located is immediately adjacent to the Runway 16R/34L. To minimise the potential for bird habitation and roosting, the person acting on the consent must ensure that the following plans are prepared and submitted to the Certifying Authority (Council or an Accredited Certifier) before the issue of a Construction Certificate.

- a) Site Management Plan which minimises the attractiveness for foraging birds, i.e. site is kept clean regularly, refuse bins are covered, and detention ponds are netted; and
- b) The proposed development incorporates anti-bird roosting measures to discourage bird habitation.

The person acting on this consent must consult with Sydney Airport Corporation Limited on the preparation of each plan.

All trees to be planted shall not be capable of intruding into the Obstacle Limitation Surface when mature.

Reason: To ensure compliance with the requirements of Sydney Airport Corporation Limited

53. Detailed construction plans and calculations of the on site detention and treatment system generally in accordance with stormwater plans (Dwg No. 2005 - Storm Water Treatment facilities Rev "O") submitted by C.J. Wilson & Associates P/L dated 05/09/09 being submitted to and accepted by Council before the issue of a Construction Certificate.
Reason: To ensure the development does not increase the stormwater runoff from the site and to ensure water and stormwater efficiency measures are implemented on the site in accordance with Marrickville Development Control Plan No. 32 - Energy Smart Water Wise.
54. The person acting on this consent shall negotiate with energy Australia and/or Telstra to have their services relocated to a position clear of the proposed vehicular crossing or to provide other protection works. The person acting on this consent submitting a copy of the duly signed offer to pay, or a receipt of payment, to the respective authorities for the relocation works to Council's Development Control Engineer before the issue of a Construction Certificate.
Reason: To relocate the existing obstruction away from the proposed vehicular access.
55. A copy of the CCTV investigation of the existing stormwater drainage system being provided to Council before the issue of a Construction Certificate for its review and comment. Should failures/discharge occur in the future requiring remedial measures to rectify defects in the existing system such works being at the full cost of the owner of the property causing the problem.
Reason: To ensure that a copy of the CCTV investigation of the existing stormwater drainage system is submitted to Council.
56. Before the issue of a Construction Certificate the owner or builder shall sign a written undertaking that they shall be responsible for the full cost of repairs to footpath, kerb and gutter, or other Council property damaged as a result of construction of the proposed development. Council may utilise part or all of any Building Security Deposit (B.S.D.) or recover in any court of competent jurisdiction, any costs to Council for such repairs.
Reason: To ensure that all damages arising from the building works are repaired at no cost to Council.
57. The person acting on this consent shall provide a Building Security Deposit (B.S.D.) in a manner satisfactory to the Council's Infrastructure Services Directorate in the amount of \$8,670.65 before the issue of a Construction Certificate as surety for the proper completion of any footpath, kerbing, road pavement and/or vehicular crossing works required as a result of this development. Council may utilise part or all of any B.S.D. or recover in any court of competent jurisdiction, any costs to Council for such works.
Reason: To provide security for the proper completion of the footpath and/or vehicular crossing works.

SITE WORKS

58. All works affecting the heritage fabric of the site being undertaken in accordance with the 2003 Conservation Management Plan and Heritage Impact Statement, January 2010 prepared by Godden MacKay Logan.
Reason: To protect the heritage significance of the site as nominated in the 2003 Conservation Management Plan prepared by Godden MacKay Logan.
59. All excavation, remediation, demolition, construction, and deliveries to the site necessary for the carrying out of the development, are restricted to between 7.00am to 5.30pm Mondays to Saturdays, excluding Public Holidays. Notwithstanding the above no work being carried out on any Saturday that falls adjacent to a Public Holiday.

All trucks and vehicles associated with the demolition and construction, including those delivering to or removing material from the site, only having access to the site during the hours referred to in this condition. No waste collection skips, spoil, excavation or demolition

material from the site or building materials associated with the construction of the development being deposited on the public road, footpath, public place or Council owned property without Council's approval, having first been obtained. The developer 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.

60. 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.

61. Compliance at all times with the Sedimentation and Erosion Plan dated January 2010 prepared by Environmental Investigation Services submitted with the application for development consent (Appendix 3).

Reason: To ensure appropriate measures are in place to control sedimentation and erosion during construction works.

62. 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 (e) can only be carried out by the PCA. The critical stages of construction are:

- a) after excavation for, and prior to the placement of, any footings, and
- b) prior to pouring any in-situ reinforced concrete building element, and
- c) prior to covering of the framework for any floor, wall, roof or other building element, and
- d) prior to covering waterproofing in any wet areas, and
- e) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

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

63. If 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 must;

- 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.

64. The disposal of contaminated soil being carried out in accordance with the requirements of the New South Wales Department of Environment, Climate Change and Water.
Reason: To provide for correct disposal of wastes.
65. All fill imported on to the site being validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported on to the site shall also be compatible with the existing soil characteristic for site drainage purposes.
Reason: To ensure that imported fill is of an acceptable standard.
66. 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.
Reason: To prevent soil particles from being tracked and deposited onto the streets surrounding the site.
67. 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.
68. All demolition and construction vehicles being contained wholly within the site and vehicles must enter the site before stopping.
Reason: To ensure compliance with the Roads and Traffic Authority's requirements.
69. 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.
70. 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.
71. 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.
72. 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.

BEFORE OCCUPATION OF THE BUILDING

73. The separate lots comprising the development being consolidated into one lot and under one title and registered at the NSW Department of Lands Titles before the issue of a Occupation Certificate.
Reason: To prevent future dealing in separately titled land, the subject of one consolidated site development.

74. 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.

75. 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.

76. The landscaping of the site being carried out prior to occupation or use of the premises in accordance with the approved details and being maintained at all times to Council's satisfaction.

Reason: To ensure adequate landscaping is maintained.

77. 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.

Reason: To protect the environment.

78. 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 before the issue of an Occupation Certificate. 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.

79. 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 the 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.









80. 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 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.
81. Industrial 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.
82. The existing driveway to Gannon Street, which is a shared driveway by the Betty Spears Child Care Centre and the Bus Depot being reconstructed, 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 and being maintained at all times.
Reason: To ensure that the existing vehicular access shared by the Betty Spears Child Care Centre and the Bus Depot is reconstructed and maintained at all times.
83. 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.
84. 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.
85. The existing damaged or otherwise defective kerb and gutter, footpath and/or road pavement adjacent to the site shall be restored in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications", at no cost to Council and before occupation of the site.
Reason: To provide suitable 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.
86. Prior to occupation of the site the person acting on this consent shall obtain from Council a Certificate(s) of satisfactory completion stating that all Council Road, Footpath and Drainage Works required to be undertaken as a result of this development have been completed satisfactorily and in accordance with Council approved plans and specifications.
Reason: To ensure that all Council Road, Footpath and Drainage Works required to be undertaken as a result of this development have been completed satisfactorily.
87. 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.

88. All instruments under Section 88B of the Conveyancing 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.

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) The vehicular crossing and/or footpath works are required to be constructed by your own contractor. You or your contractor must complete an application for 'Construction of a Vehicular Crossing & Civil Works' form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, before commencement of works.


(v) Useful Contacts

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| BASIX Information |  1300 650 908 weekdays 2:00pm - 5:00pm www.basix.nsw.gov.au |
| Department of Environment, Climate Change and Water |  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 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.](#)