

CONDITIONS

JRPP No 2010SYE028
Ashfield DA 2010.102.1
17 Henry Street ASHFIELD 2131

A **General Conditions**

(1) Approved plans stamped by Council

The development must be carried out only in accordance with the plans and specifications set out on drawing numbers 09086 - DA01 to DA09 - A prepared by NBRS + Partners, Landscape Concept Plan Job No 1016 DWG no L01 prepared by Umbaco Landscape Architects and date stamped by Council 17 May 2010 and any supporting documentation received with the application, except as amended by the conditions specified hereunder.

(2) Privacy

In order to preserve the privacy of adjoining properties a privacy screen comprising a 1400mm fence shall be erected along the eastern boundary of the outdoor Licence Area 1 above the car park. The fence shall be obscure and permanently fixed in place. Details of the above privacy measures are to be submitted with the application for a Construction Certificate.

(3) Waste Storage Room

A waste storage room shall be provided adjacent to the Henry Street frontage. This room shall be provided with a hose for washing bins and all waste water shall drain to a floor waste connected to sewer and to Sydney Water requirements. Details are to be submitted with the application for a Construction Certificate.

(4) Compliance with BCA

All works are to comply with the relevant Building Code of Australia and / or Australian Standard requirements.

B **Design Changes**

nil

C **Conditions that must be satisfied prior to issuing/releasing a Construction Certificate**

(1) Car Park and Driveway Design

The car-park and driveway layouts are to be designed in accordance with AS2890.1:2004 and measures incorporated for the proper and safe movement/circulation of traffic through the street and site. These measures should include but not limited to the following:

- (a) The driveway(s) at the street boundary are to comply with clause 3.2.4 for positioning of driveway and modification to landscaping and fencing for safe clearance viewing of pedestrians and traffic.
- (b) The driveway(s) at the street boundary are to adhere to Clause 3.2.1. in order to alleviate potential traffic conflict with vehicles entering and exiting out of the driveway. The main driveway at the Henry Street frontage should be increased to a minimum of 6.0 metres and splayed out to the kerb line, particularly to the north- west side of driveway for improved entry off the road.
- (c) The existing on-street parking on Henry Street may also require reconfiguration for safe viewing and manoeuvring of traffic. The cost for signposting and line marking for this work is to be borne by the applicant and at no cost to Council...
- (d) The aisle to the staff car park shall be extended 1.0 m beyond the last parking space and the last parking space widened to an additional 300mm to comply with Clause 2.4.2 (c)

- (e) Car park headroom and clearance measures should comply with Clause 3.5.1 particularly at the entry to the car park and at disabled parking spaces within the car park.

(2) Waste Management Plan

Prior to the issue of a Construction Certificate, the applicant shall prepare and submit a Waste Management Plan in accordance with the provisions of Ashfield Development Control Plan - Planning For Less Waste and the Waste Planning Guide for Development Applications (Planning for Less Waste, prepared by the Regional Waste Boards), including:

- (a) Estimations of quantities and type of materials to be reused recycled or left over for removal from site;
- (b) Identification on a plan of on site material storage areas during construction, waste storage, recycling and composting areas;
- (c) Details of construction materials and methods to be used to minimise the production of waste in the completion of the new building work.
- (d) How waste is to be treated on the site.
- (e) How any residual non-reusable and non-recyclable waste is to be disposed of and including details of the approved waste disposal outlets where disposal will take place.

(3) Construction and Site Management Plan

Prior to the issue of a Construction Certificate the applicant shall submit to Council or the accredited certifier a construction and site management plan that clearly sets out the following:

- (a) what actions and works are proposed to ensure safe access to and from the site and what protection will be provided to the road and footpath area from building activities, crossings by heavy equipment, plant and materials delivery, or static loads from cranes, concrete pumps and the like,
- (b) the proposed method of loading and unloading excavation machines, building materials, formwork and the erection of any part of the structure within the site,
- (c) the proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period,
- (d) how it is proposed to ensure that soil/excavated material is not transported on wheels or tracks of vehicles or plant and deposited on surrounding roadways,
- (e) the proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed by a chartered Civil Engineer or an accredited certifier.

Where it is proposed to:

- ♦ pump concrete from within a public road reserve or laneway, or
- ♦ stand a mobile crane within the public road reserve or laneway, or
- ♦ use part of Council's road/footpath area,
- ♦ pump stormwater from the site to Council's stormwater drains, or
- ♦ store waste and recycling containers, skip, bins, and/or building materials on part of Council's footpath or roadway,

An Activity Application for a construction zone, a pumping permit, an approval to stand a mobile crane or an application to pump water into a public road, together with the necessary fee shall be submitted to Council and approval obtained before a Construction Certificate is issued.

Note: A separate application to Council must be made for the enclosure of a public place (hoarding).

(4) Soil and Water Management Plan

Prior to the issue of a Construction Certificate, the applicant shall submit to and obtain approval from Council or the accredited certifier of a Soil and Water Management Plan and Statement which clearly identifies site features, constraints and soil types together with the nature of proposed land disturbing activities and also specifies the type and location of erosion and sediment control measures and also rehabilitation techniques necessary to deal with such activities.

The Plan shall be compatible with any Construction and Site Management Plan and shall ensure the following objectives are achieved, namely:

- (a) to minimise the area of soils exposed at any one time
- (b) to conserve top soil
- (c) to identify and protect proposed stockpile locations
- (d) to preserve existing vegetation and identify revegetation techniques and materials
- (e) to prevent soil, sand, gravel, and any other sediment or spoil from leaving the site in an uncontrolled manner
- (f) to control surface water flows through the development construction site in a manner that:-
 - diverts clean run-off around disturbed areas
 - minimises slope gradient and flow distance within disturbed areas.
 - ensures surface run-off occurs at non-erodible velocities.
 - ensures disturbed areas are promptly rehabilitated
- (g) to ensure regular monitoring and maintenance of erosion and sediment control measures and rehabilitation works.

The plan is to be prepared in accordance with "*Managing Urban Stormwater: Soils and Construction Manual*" prepared by NSW Department of Housing (1998).

(5) Erosion & sedimentation control-management plan

Prior to issue of a construction certificate the applicant shall prepare an erosion and sedimentation control plan in accordance with Part 4 of the guidelines titled "*Pollution Control Manual for Urban Stormwater*", as recommended by the Environmental Protection Authority.

Any stormwater runoff collected from the site must be treated in accordance with the Guidelines, before discharge off the site to comply with the *Protection of the Environment Operations Act 1997* or other subsequent Acts.

Where sedimentation control basins are provided discharge shall be to the requirements of the Environment Protection Authority.

Applicants are further advised to refer to the following publications for additional information:

- (a) "*Sedimentation and Erosion Control*" - Department of Conservation and Land Management.
- (b) "*Soil and Water Management for Urban Development*" - Department of Housing.

The plan must be submitted with the application for a construction certificate.

Further information may be obtained from:

Environment Protection Officer
Environment Protection Authority
Inner Sydney Region
Locked Bag 1502
BANKSTOWN NSW 2200

(6) Landscaping plan

Submission of a *Detailed Landscape Plan* at scale 1:100 or 1:200 prepared by a suitably qualified landscape architect to the Principal Certifying Authority. The plan should be consistent with the approved development plans including any approved *Landscape Concept Plan* and include -

- (a) **Site information** – show existing structures, fencing, neighbouring buildings, existing trees and rock outcrops, man-made structures.
- (b) **Landscape Design** - proposed landscaping, surface levels, external/internal dimensions, retaining walls, driveways/pathways, screen planting, pools and features, lawn areas, soil depth on suspended concrete slabs etc.
- (c) **Planting Schedules** - detail common/ botanic names and quantities.

Note: Ashfield Council encourages the use of indigenous native plants where appropriate.

- (d) **Maintenance/Embellishment Strategy** - to ensure plants are successfully established and maintained- show construction work exclusion areas, irrigation details, staking, topsoil, mulch etc.
- (e) Landscaping details are to be provided for approval with the Construction Certificate. All site works and landscaping is to be carried out in accordance with the approved plans prior to completion of work and/or occupation of the premises.

Note: Please refer to Council's *development application form submission requirements* for more information.

(7) Damage deposit/footpath, road, kerb and gutter

A Damage Deposit of **\$20,000** is to be submitted prior to the release of the Construction Certificate covering repair and/or replacement of adjoining footpath, road shoulder, road pavement, kerbing and guttering both outside the subject site and the surrounding area. This is to be paid to Council and may be refunded subject to satisfactory completion of construction or demolition.

This Damage Deposit covers unforeseen damage to the above property by construction vehicles, skip bins, construction methods etc. Note: Should repair works or maintenance be required on Council land, a Road Opening Permit must be obtained before those works take place.

Bank Guarantees are accepted in lieu of any Council security deposit/bond subject to the following:

A charge equal to the value multiplied by the current "overdue rates interest charge" be levied, per month or part thereof, with a minimum charge of three months is to be paid upon lodgement.

Any remaining charge is to be calculated at the prevailing "overdue rates interest rate" for each month or part thereof beyond the original three months that the Bank Guarantee was held, and paid prior to its release.

Any costs incurred in the acceptance, administration or release of such Bank Guarantees is on-charged to the entity claiming the release of such Bank Guarantee, and that these amounts are paid prior to its release.

At the time of lodgement, Council will seek verification of the Bank Guarantee. Please provide contact details for the branch (phone number and officer) to assist with verification of the bona fides of the Bank Guarantee.

Until all items above are completed, no documents or usage sought from Council by the party lodging the Bank Guarantee can be issued. Please allow a minimum of 2 business days for this process.

(8) Section 94A Contribution

Pursuant to Section 80A(1) of the *Environmental Planning and Assessment Act 1979* and Ashfield Council's Section 94A Development Contributions Plan 2009 a contribution of **\$71,200** shall be paid to Ashfield Council.

The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of Ashfield Council's Section 94A Development Contributions Plan 2009.

The contribution is to be paid prior to the issue of the construction certificate and copies of receipts(s) confirming that the contribution has been fully paid are to be provided to the Principal Certifying Authority (PCA).

(9) Long service levy

Compliance with Section 109F of the Environmental Planning and Assessment Act 1979 – payment of the long service levy under Section 34 of the Building and Construction Industry Long Service Payments Acts 1986 – is required. All building works in excess of \$25,000.00 are subject to the payment of a Long Service Levy fee. A copy of the receipt for the payment of the Long Service Levy shall be provided to the Principal Certifying Authority (PCA) prior to the issue of a Construction Certificate. Payments can be made at Long Service Payments Corporation offices or most Council.

(10) Redundant crossing removal fee

Council will need to remove any redundant crossings and replace with kerbing and other ancillary works where necessary. Contact Council on 9716 1983 and you will be advised as to the estimate of cost of this work. **Note: Cost of this work to be borne by the applicant.**

(11) Lighting to basement/pedestrian routes-safety

Lighting which meets the relevant Australian Standard of 40 lux., spaced at appropriate intervals to provide the required surveillance shall be provided to the vehicular basement parking area and along pedestrian access routes for safety and security purposes during the evenings.

Details to be shown on the construction certificate.

(12) Surveillance

A surveillance system, for the building, open space and basement car park is to be designed by a professionally recognised security firm, which include the following:

- o a closed circuit television (surveillance cameras);
- o the Manager's office having the relevant control panels; and
- o Tapes/digital data 'on disc' to be properly stored and retained on site for a minimum of twenty-one (21) days for the availability of Council or NSW Police.

(13) Car parking provision/layout

45 off-street parking spaces including spaces for the use by the persons with a disability shall be provided and allocated in accordance with the provisions of AS2890.1 and 2 and the requirements of Ashfield Council's Development Control Plan for Access, Adaptability and Mobility.

Details to be shown on the application with the Construction Certificate.

Note: Minimum basement ceiling height above any parking spaces provided for people with disabilities is to be 2.6 metres.

(14) Direct discharge into Dobroyd Canal or Hawthorne Canal needs approval of Sydney Water

Dobroyd Canal is an assets owned by Sydney Water. Where it is proposed to discharge stormwater directly into a drainage system under the control of Sydney Water, the applicant must submit written approval from Sydney Water to Council that it has no objection to the proposed method of discharge. This approval must be obtained prior to the release of the Construction Certificate.

(15) Stormwater disposal-calculations

- (a) Calculations and details of the proposed method of stormwater disposal shall be prepared by a suitably qualified professional civil engineer in accordance with **Council's Stormwater Management Code** and submitted to, and approved by Council prior to the release of the Construction Certificate.

The Construction Certificate plan to be submitted to Council must consist of the following items:

Separate catchment areas within the site draining to each collection point or surface pit classified into the following categories:

- (i) Roof areas.
 - (ii) Paved areas.
 - (iii) Grassed areas.
 - (iv) Garden areas.
 - (v) The percentages of Pre-development and Post-development impervious areas
- (b) At each pit and or bend, a level of pipe is to be shown (the minimum grade for pipes is 1 %).
- (c) All flowpaths both internal and external, which pass through or around the proposed development site, are to be shown on the Construction Certificate plan
- (d) Calculations and details are to be provided to Council showing that provisions have been made to ensure runoff from all storms up to the 100 year ARI, which cannot be conveyed within the piped drainage system (including pits and including overflows from roof gutters) is safely conveyed within formal or informal overland flow paths to the detention storage facility. Where it is not practicable to provide paths for overland flows the piped drainage system should be sized to accept runoff up to and including the 100-year ARI.
- (e) Each drainage leg leading to the detention tank shall have a silt arrestor pit installed immediately upstream from the detention tank.
- (f) The depth and location of all services within the area affected by the development (i.e. gas, water, sewer, electricity, Telstra, etc) shall be confirmed by the applicant on site prior to the release of the Construction Certificate. This includes the Council pipe extension work in Frederick Street.

All garbage and waste areas must drain to the sewer and not the stormwater system.

The existing stormwater connections which discharge into 476 Parramatta Road are to be disconnected.

(16) Stormwater detention storage facility

- (a) On-site Stormwater Detention storage shall be provided in conjunction with the stormwater disposal. This storage shall be designed in accordance with Council's Stormwater Management Code. Details of the storage shall be submitted to and approved by Council prior to the release of the Construction Certificate.
- (b) Prior to the release of the Construction Certificate, a maintenance schedule is to be prepared which clearly outlines the routine maintenance necessary to keep the OSD system working, this information is to be included in the Positive Covenant required for this development. Some of the issues that will need to be addressed are:
- where the storage and silt arrestor pits are located
 - which parts of the system need to be accessed for cleaning and how access is obtained
 - description of any equipment needed (such as keys and lifting devices) and where they can be obtained
 - the location of screens and how they can be removed for cleaning
 - who should do the maintenance (i.e. commercial cleaning company)
 - how often should it be done

The abovementioned maintenance schedule is to be submitted to and approved by Ashfield Municipal Council prior to the release of the Occupation Certificate.

(17) Services adjustment or relocation

The applicant shall meet the full cost for Telstra, Sydney Electricity, Sydney Water or Natural Gas Company to adjust/relocate their services as required. The applicant shall make the necessary arrangements with the service authority. (For information on the location of these services contact the "Dial before you Dig" service on 1100.)

Documentary evidence from the public utility authorities confirming that all of their requirements have been satisfied shall be submitted to Council with the Construction Certificate under Section 68 of the Local Government Act, 1993, for construction of the development

(18) Footpath/laneway- photographs to be submitted

Prior to the release of the Construction Certificate, the applicant shall lodge with Council photographs of the roadway and footpath both in Frederick Street and Henry Street at the property indicating the state of the relevant pavements. At the completion of construction, again at the expense of the applicant, a new set of photographs is to be taken to determine the extent, if any, of any damage, which has occurred to the relevant pavements. If any damage has occurred, the applicant shall meet the full cost to repair or reconstruct these damaged areas to Council's relevant standard. Failure to do this will result in the applicant being held accountable for the cost of all repair works in the area near / at the site.

(19) Sydney Water - Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the "Your Business" section of the web site www.sydneywater.com.au then follow the "e-Developer" icon or telephone Sydney Water 13 20 92 for assistance.

Following application, a "Notice of Requirements" will advise of 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.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the release of an occupation or subdivision certificate.

D Conditions that must be complied with before work commences

(1) Requirement for a Construction Certificate

In accordance with the provisions of Section 81A of the *Environmental Planning and Assessment Act 1979* the erection of a building and/or construction works must not commence until:

- (a) detailed plans and specifications of the building have been endorsed with a Construction Certificate by:
 - (i) Council; or
 - (ii) an accredited certifier; and
- (b) a principal certifying authority (PCA) has been appointed and the Council has been notified in writing of the appointment, and
- (c) at least two days notice, in writing, has been given to Council of the intention to commence work.

The documentation required under this condition shall show that the proposal complies with all development consent conditions and the *Building Code of Australia*.

Note: If the principal certifying authority is the Council, the appointment will be subject to the payment of a fee for the service to cover the cost of undertaking building work and / or civil engineering inspections.

WARNING: Failure to obtain a Construction Certificate prior to the commencement of any building work is a serious breach of Section 81A(2) of the *Environmental Planning & Assessment Act 1979*. It is a criminal offence that attracts substantial penalties and may also result in action in the Land and Environment Court and orders for demolition.

(2) Interpretation Strategy

An Interpretation Strategy prepared in accordance with the guidelines prepared by the Heritage Branch of the NSW Department of Planning (<http://www.heritage.nsw.gov.au/docs/interpretationpolicy.pdf>) is to be submitted to both the NSW Heritage Council and Council prior to the commencement of any works including the demolition works. The Interpretation Strategy should include both the Kindergarten and Murray House Buildings. Details on the former use of Murray House as a nurses' ward and the role of these nurses in the activities of the Infants Home are also to be included in the strategy.

(3) Archaeological Assessment

An Archaeological Assessment prepared by a suitably qualified Archaeologist which clearly identifies areas of potential archaeological relics, and whether these areas will be impacted as a consequence of the proposed development, is to be submitted to both Council and NSW Heritage Council. In addition, any required permits are to be obtained prior to the commencement of works. If archaeology of State or Local significance is discovered, exposed, moved, damaged or destroyed through excavation works, it may trigger the need for an excavation permit, or an exception endorsement, from the Heritage Council pursuant to Section 139 and Section 140 of the Heritage Act, 1977.

(4) Public liability insurance – Works on Council/public lands

The applicant or any contractors carrying out works on public or Council controlled lands shall have public liability insurance cover to the value of \$10 million and shall provide proof of such cover prior to carrying out the works.

(5) Inspections required by Principal Certifying Authority

Inspections shall be carried out at different stages of construction by Council or an accredited certifier. If Council is selected as the Principal Certifying Authority (PCA) the inspection fees must be paid for in advance which will be calculated at the rate applicable at the time of payment.

(6) Sanitary facilities - demolition/construction sites

Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.

(7) Erosion, dust, topsoil and sediment control

Temporary measures shall be provided during construction eg. bunding, shade cloth to prevent dust leaving the site, sandbags around Council/private stormwater pits etc. in order to prevent sediment, dust, topsoil and polluted waters discharging from the site. Plans showing such measures shall be submitted to Council and approved prior to the release of the Construction Certificate.

(8) Building location - check survey certificate

To ensure that the location of the building satisfies the provision of the approval, a check survey certificate shall be submitted to the Principal Certifying Authority either prior to the pouring of the ground floor slab or at dampcourse level, whichever is applicable or occurs first, indicating the: -

- (a) location of the building with respect to the boundaries of the site;
- (b) level of the floor in relation to the levels on the site (all levels are to be shown relative to Australian Height Datum);
- (c) site coverage of the buildings on the site.

(9) On site detention system - check survey

Prior to the construction of an on-site detention system involving permanent construction work (eg, construction of concrete slabs, walls, pipe-systems or pits etc, and prior to the placement of any concrete for ground floor, car park or garages), a check survey from a registered surveyor must be forwarded to the Council indicating compliance with the approved plans before any concrete pour is approved by the relevant Council building surveyor or Authorised Certifier.

(10) Protection of public places - erection or demolition of building

- (a) If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient or involves the enclosure of a public place; a hoarding or fence must be erected between the work site and the public place.
- (b) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- (c) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- (d) Any such hoarding, fence or awning is to be erected prior to works commencing and only with Council approval in accordance with Workcover requirements. The temporary structures are to be removed when the work has been completed.

(11) Site fencing/security

The site must be appropriately secured and fenced to the satisfaction of Council during demolition, excavation and construction work to ensure there are no unacceptable impacts on the amenity of adjoining properties. Permits for hoardings and or scaffolding on Council land must be obtained and clearly displayed on site.

(12) Support for neighbouring buildings and notice to adjoining owners

If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- (a) must preserve and protect the building from damage, and
- (b) if necessary, must underpin and support the building in an approved manner, and
- (c) must at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

Notes:

- (i) Details of underpinning works, prepared and certified by a practicing structural engineer shall be submitted to and approved by the Principal Certifying Authority prior to the commencement of any works.
- (ii) allotment of land includes a public road and any other public place.

(13) Asbestos sheeting removal - EPA/Workcover Authority

Asbestos removal is to be carried prior to principal works commencing in accordance with Environmental Protection Authority and Workcover Authority requirements. Proper procedures shall be employed in the handling and removal of asbestos and products containing asbestos so as to minimise the risk to personnel and the escape of asbestos particles in the atmosphere. Work is only to be carried out with the prior consent of the Work Cover Authority.

Note: There are substantial penalties for non-compliance with the above requirements.

(14) Garbage skips on Council land - Council approval

Bulk refuse bins or garbage skips shall not be placed on grass verge, footpath or roadway without Council permission. Application forms and details of applicable fees are available from Council's One Stop Shop on telephone 9716 1800.

(15) Sydney Water approval

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met. Plans will be appropriately stamped. For Quick Check agent details please refer to the web site: www.sydneywater.com.au, see Your Business then Building & Developing then Building & Renovating or telephone Sydney Water 13 20 92.

(16) Structural Engineering Details

Structural engineer's details prepared and certified by a practising structural engineer for all reinforced concrete and structural members is to be submitted to the Principal Certifying Authority for approval with the Construction Certificate.

E Conditions that must be complied with during construction or demolition

(1) Plans to be available on site

The Council stamped approved plans, Development Consent and Construction Certificate shall be held on site to be produced unobliterated to Council's officer at any time when required.

(2) Locate structures within boundaries

The proposed structure(s) to be erected must stand wholly within the boundaries of the allotment.

(3) Building materials - storage/placement on footpath/roadway - Council approval

All building materials shall be stored wholly within the property boundaries and shall not be placed on the footpath, grass verge or roadway without prior written approval of Council. Bulk refuse bins shall not be placed on the grass verge, footpath or roadway without Council permission. Application forms and details of applicable fees are available from Council's One Stop Shop telephone 9716 1800.

(4) Signs to be erected on building and demolition sites

A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

- (a) stating that unauthorised entry to the work site is prohibited; and
- (b) showing the name and address of the contractor for the building work and the person in charge of the work site and a telephone number at which the person may be contacted outside working hours; and
- (c) showing the name, address and telephone number of the Principal Certifying Authority appointed for the building works.

Any-sign shall be maintained and not removed until work has been finished,

(5) Demolition/excavation/construction – hours of work

Demolition, excavation and construction work, including loading and unloading of materials and machinery, shall be restricted to between the hours of 7.00 am to 6.00 pm, Monday to Friday and from 7:00 am to 1 pm on Saturday. Work is prohibited on Sundays, and on public holidays.

(6) Dust control

Adequate measures are to be implemented, including, for example, water spraying/mesh barriers, to prevent dust from causing any nuisance.

(7) Demolition requirements/standards

Demolition of buildings is to be carried out in accordance with the following:

- (a) Australian Standard 2601 and any requirements of the Workcover Authority.
- (b) The Waste Management Plan submitted with the Development Application.
- (c) The property is to be secured to prohibit unauthorised entry.
- (d) All precautions are to be exercised in the handling, removal and disposal of all asbestos materials. Licensed contractors and the disposal of asbestos are to be carried out in accordance with the requirements of the Work Cover Authority.
- (e) All other materials and debris is to be removed from the site and disposed of to approved outlets.
- (f) Any demolition on the site is to be conducted in strict accordance with, but not limited to, sections 1.5, 1.6, 1.7, 3.1 and 3.9 of the AS 2601 - 1991, demolition of structures. The following measures must be undertaken for hazardous dust control:
- (g) Prior to demolition, the applicant shall submit a Work Plan prepared in accordance with AS 2601 by a person with suitable expertise and experience to the Principal Certifying Authority. The Work Plan shall identify any hazardous materials, the method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
- (h) Hazardous dust must not be allowed to escape from the site or contaminate the immediate environment. The use of fine mesh dust proof screens, wet-lead safe work practices, or other measures is required.
- (i) All contractors and employees directly involved in the removal of hazardous dusts and substances shall wear protective equipment conforming to AS 1716 Respiratory Protective Devices and shall adopt work practices in accordance with WorkSafe Requirements (in particular the WorkSafe standard for the *Control of Inorganic Lead At Work* (NOHSC: 1012, 1994) and AS 2641, 1998).
- (j) Any existing accumulations of dust (eg; ceiling voids and wall cavities must be removed by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter and disposed of appropriately.
- (k) All dusty surfaces and dust created from work is to be suppressed by a fine water spray. Unclean water from the suppressant spray is not be allowed to enter the street gutter and stormwater systems.
- (l) Demolition is not to be performed during high winds that may cause dust to spread beyond the site boundaries without adequate containment.
- (m) All lead contaminated material is to be disposed of in accordance with the NSW Environment Protection Authorities requirements.
- (n) Construction and demolition waste, particularly timber, bricks and tiles, concrete and other materials need not be disposed of- they can be recycled and resold if segregated properly from any hazardous waste contamination.

(8) Materials and colour schemes

Materials of construction are to be as specified in the schedule of finishes submitted with the development application and on the approved plans, except where amended by the conditions hereunder.

(9) Vehicle crossing - Council Approval

An appropriate application is to be made to Council for the construction of a suitable vehicular crossing by Council at the owner's cost.

(10) Engineering staff to inspect roadworks/drainage

An inspection by Council's staff will be required for kerb/gutter/crossing etc at the following stages:

- (i) after excavation
- (ii) after the erection of formwork and placement of reinforcement and prior to pouring of concrete
- (iii) after placement of road base course
- (iv) after completion of any pits
- (v) after pipes have been laid and prior to backfilling
- (vi) on completion of the works

A minimum of 24 hours notice is required to be given to Council to obtain an inspection. Work is not to proceed until the works or activity covered by the inspection is approved.

(11) Footpath, kerb and gutter protection

In order to keep the area safe for pedestrians, the vehicular access across the kerb, gutter and footpath is to have timber protection so that heavy vehicles driving over this timber crossover protection do not damage the footpath and kerb and gutter.

(12) Redundant vehicular crossings-removal and replacements

All redundant vehicular crossings shall be removed and replaced with concrete footpath, concrete kerb and concrete gutter at no cost to Council at the applicant's expense. This work shall be carried out prior to the release of the Occupation Certificate.

(134) Road opening permit- Council controlled lands

A "road use-opening permit" shall be obtained for all works carried out in public or Council controlled lands. Contact Council's Works and Infrastructure Department for details.

(14) Spoil and building materials on road and footpath

Spoil and building materials shall not be placed or stored within any public roadway or footpath.

(15) Parking spaces and loading areas - maintenance/ line marking/use

The 45 off-street car parking spaces and the loading/unloading areas provided on site shall be maintained and line marked in accordance with AS2890.1 (2004). Under no circumstances are such spaces to be used for the storage of goods or waste products.

(16) Stormwater runoff-collection/discharge

Stormwater runoff from all roof and paved surfaces shall be collected and discharged by means of a gravity pipe system to a newly constructed stormwater kerb pit in Frederick Street with a connecting stormwater drainage line to be built under the existing kerb and which will then discharge directly into Sydney Water's pipe network located at the entrance of 476 Parramatta Road at a maximum Permissible Site Discharge (PSD) where the Pre-development discharge equals the Post-development discharge of a 1:100 ARI event.

NOTE: If approval is given from Sydney Water to discharge stormwater directly into its drainage system, the above Council stormwater discharge condition will not be enforced. However Sydney Water may require on-site detention.

If the stormwater, or part of the stormwater discharging from the site, is discharged into Council's pipe, then on-site detention as described above will be required to cater for this amount of stormwater.

E(17) Stormwater runoff

Allowance shall be made for surface runoff from adjacent properties, and to retain existing surface flow path systems through the site. Any redirection or treatment of these flows shall not adversely affect any other properties.

(18) Surface overflow paths – storm recurrence event

Surface overflow paths shall be provided to allow for the 1-hour 1 in 100 year storm recurrence event, and any more intense events.

Should it not be possible to provide an overland escape route for excessive stormwater an increase of 50 % in the required volume of stormwater storage will be required.

(19) Termite treatment

Treatment for the protection of the building from subterranean termites shall be carried out in accordance with AS 3660.1 - 1995 Protection of Buildings from Subterranean Termites.

On completion of the installation of the barrier the Principal Certifying Authority shall be furnished with a certificate from the person responsible, stating that the barrier complies with AS 3660.1.

A durable notice shall be permanently fixed to the building in a prominent location, such as the meter box or the like indicating:

- the method of protection;
 - the date of installation;
 - where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
- the need to maintain and inspect the system on a regular basis.

Due to the present limited effective life of soil chemical treatments, Council does not permit hand spraying as a stand alone method of termite protection. It is recommended that any soil chemical treatment should embrace a reticulation system.

(20) Waterproofing materials/installation - BCA/Australian Standards

Approved products that are impervious to water shall only be used as a substrate or as a lining and as a finish to floors and walls of wet areas (i.e. bathroom/shower room, WC compartment and laundry). Floors and cubicles shall be properly graded and drained to approved outlets.

The wet areas in the building shall be impervious to water as required by P2.1.1 of the *Building Code of Australia* (Housing Provisions). The junction between the floor and wall and the construction of the bath shower recess, basin, sink or the like shall be in accordance with the *Building Code of Australia* Clause 3.8.1.2 & AS 3740 1994 – waterproofing of Wet Areas within residential buildings.

On completion of the waterproofing of the wet areas, the Principal Certifying Authority shall be furnished with a certificate from the person responsible. This is to state that the materials are suitable for the situation and that the application and/or installation has been carried out in accordance with the manufacturer's instructions and AS 3740 - 1994 Waterproofing of Wet Areas in Residential Buildings

(21) Safety Glazing - BCA

Safety glazing complying with B1 of the *Building Code of Australia* is to be used in every glazed door or panel that is capable of being mistaken for a doorway or unimpeded path of travel. The glazing must comply with AS 1288 – Glass in Buildings – Selection and Installation.

Framed panels or doors enclosing or partially enclosing a shower or bath shall be glazed with "A" or "B" grade safety glazing material in accordance with AS 1288, Table 4,5, SAA *Glass Installation Code* (Human Impact Considerations) BCA 3.6.4.

(22) Fire Detection/Alarm System installation and certification

(23) Smoke alarms must be installed in dwellings in accordance with Clause 3.7.2.3 of the *Building Code of Australia* and AS 3786 on or near the ceiling in -

(a) any storey containing bedrooms -

- between each area containing bedrooms and the remainder of the dwelling, including any hallway associated with the bedrooms
- (b) any storey not containing bedrooms.

Smoke alarms must be connected to the consumer mains power and have a stand-by power supply.

The licensed Electrical Contractor shall on completion of the installation of the smoke alarm system, submit to the Principal Certifying Authority a certificate certifying compliance with AS 3000 - 1986 & AS 3786

(23) BASIX Requirements

The new works shall be constructed in accordance with, and comply with the undertakings given on the BASIX (Building Sustainability Index) Certificate as obtained on Insert date of BASIX from the Department of Infrastructure, Planning and Natural Resources. For more information visit www.basix.nsw.gov.au.

F Conditions that must be complied with prior to installation of services

Nil

G Conditions that must be complied with before the building is occupied

(1) Positive Covenant-stormwater detention/surface flow paths-occupation certificate

A Positive Covenant under Section 88E of the Conveyancing Act shall be created on the title of the property detailing the

- (a) surface flow path
- (b) finished pavement and ground levels
- (c) prevent the erection of any structures or fencing
- (d) on-site stormwater detention system

The wording in the Instrument shall be submitted to and approved by Ashfield Municipal Council prior to lodgement at the Land Titles Office and prior to the release of the Occupation Certificate. The Instrument shall be registered prior to the completion of development.

In order to ensure that the on-site detention system is properly maintained the owner of the site shall each year provide Council with a Certificate from a practicing civil engineer stating that the on-site detention system is functioning correctly and has not been compromised in any manner.

(2) Engineering conditions to be satisfied prior to the issue of occupation certificate

Prior to the release of the Occupation Certificate when the on-site building works are completed there are three (3) conditions that must be satisfied.

They are:

(a). Work-As-Executed Plans

A "Work-as-Executed" plan prepared and signed by a registered surveyor is to be submitted to Council's Engineering Department at the completion of the works showing the location of the detention basin with finished surface levels, contours at 0.2 metre intervals and volume of storage available. Also the outlet pipe from the detention basin to its connection to Council's drainage system, is to be shown together with the following information:

- location
- pipe diameter
- gradient
- pipe material i.e. PVC or EW etc
- orifice size (if used)
- trash screen at orifice
- all buildings (including floor levels) and finished ground and pavement surface levels

(b) Engineer's Certificate

A qualified practising Civil Engineer shall certify on the completion of drainage works in respect of:

- * the soundness of the storage structure;
- * the capacity of the detention storage;
- * the emergency overflow system being in place;
- * the works being constructed in accordance with the Council approved plans;
- * the freeboard from maximum water surface level to the finished floor and garage levels are at or above the minimum required in Council's Stormwater Code.
- * basement car park pumps are class one zone two (if used).

(c) Restriction-As-To-User

A "Restriction-as-to-User" is to be placed on the title of the subject property to indicate the location and dimensions of the detention area. This is to ensure that works, which could affect the function of the stormwater detention system, shall not be carried out without the prior consent in writing of the Council.

Such restrictions shall not be released, varied or modified without the consent of the Council.

(3) Landscaping completion

All site works and landscaping is to be carried out in accordance with the approved landscaping plans prior to completion and/or occupation of the premises.

(4) Approval to use/occupy building

The building or any part thereof must not be used or occupied until an Occupation Certificate has been obtained from the Principal Certifying Authority

Note: If Council is chosen as the Principal Certifying Authority a fee is applicable prior to the release of the Construction Certificate.

(5) Child care facility – evidence of DOCS approval/license

Two copies of the license and plans of the facility as approved/endorsed by the NSW Department of Community Services are to be submitted to the principal certifying authority prior to occupation of the facility

(6) Management Plan

A Management Plan is to be prepared and submitted to Council detailing on-going measures to be implemented to ensure that the use of the building as a whole does not adversely affect the amenity of residents in the vicinity of the premises. This plan shall address issues including:

- (a) Measures to monitor the use by parents and staff and other users of the building of the vehicle drop off/pick up facility so that it operates efficiently and minimises on-street parking elsewhere in the vicinity of the premises.
- (b) Measures to be undertaken to ensure that noise levels in the vicinity of the premises do not adversely impact on residents.
- (c) On-going compliance with the requirements of the Department of Community Services.
- (d) Programs for maintenance of essential services including fire safety and access

(7) Acoustic Treatment

The following acoustic treatment shall be installed in accordance with Acoustic Logic Consultancy report 20100127/0129A/RO/BW recommendations namely:

- (a) Install solid fence/ balustrades between the play areas and neighbouring residential properties. Fences should be a minimum of 1.8m high constructed from a solid material such as lapped and capped timber fence.

(8) Signposting

The parking spaces for parents in the car park are to be marked/signposted and appropriately time limited. The spaces to the perimeter of the car park are to be made available for parents so as to utilise the save use of the perimeter footpath. Signposting be erected to encourage parents to use the footpath.

Waring signs be correctly located within the site to caution drivers if reversing into the mainstream of traffic and visa-versa along the (internal site) driveway.

(9) Recommendations of NSW Police Department

The attached recommendations of NSW Police Department dated 19 July 2010 based on Crime Prevention Through Environmental Design Guidelines are to be fully implemented prior to occupation of the facility

H Conditions that are ongoing requirements of development consents

(1) Approved use

The premises shall not be used for any purpose other than that stated in the Development Application, without the prior consent of the Council.

(2) Hours of operation

The hours of operation are limited to the following:

Monday to Friday 7am to 6pm

(3) Supervision

The outdoor play areas are to be supervised to ensure excessive shouting and the like is minimised.

(4) Lighting overspill – amenity

No security or other lighting shall cause light overspill to adjoining property owners occupiers or residents.

(5) Protection of the Environment Operations Act 1997 - offensive noise/vibration prohibited

- (11) The use and occupation of the premises including all plant and equipment installed thereon, shall not give rise to any offensive noise or vibration from the premises within the meaning of the *Protection of the Environment Operations Act 1997*.

Public address systems - prior consent required

A public address system or sound amplifying equipment shall not be installed in or upon the premises so as to cause or permit the emission of sound onto any public place unless the prior consent of Council has been obtained.

(6) Noise levels not to be exceeded

The LA10 noise level emitted from the premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz -8kHz inclusive) by more than 5dB between 7:00am and 10:00pm at the boundary of any affected residence. The LA10 noise level emitted from the premises shall not exceed the background noise level in any Octave Bank Centre Frequency (31.5Hz - 8kHz inclusive) between 10:00pm and 7:00am at the boundary of any affected residence. Notwithstanding compliance with the above, the noise from the premises shall not be audible within any habitable room in any residential premises between the hours of 10:00pm and 7:00am.

(7) Deliveries on site

All deliveries of to and/or from the site are to be conducted from vehicles standing wholly within the site and under no circumstances from delivery vehicles standing kerbside in adjacent streets.

(8) Parking spaces and loading areas - maintenance/ line marking/use

The off-street car parking spaces and the loading/unloading areas provided on site shall be maintained and line marked in accordance with AS2890.1 (2004). Under no circumstances are such spaces to be used for the storage of goods or waste products.

(9) Child Care – Children's Services Regulation 2004

The child care centre shall comply with the provisions of the *Children's Services Regulation 2004* and any additional requirements of the Department of Community Services.

(10) Child care centre – maximum number of children

The maximum number of children attending the child care centre shall not exceed 230 children at any time or such lesser amount of children as may be directed by the Department of Community Services to comply with their requirements at all times.

The maximum number of staff associated with the Kindergarten facility is not to exceed forty three (43) at any time.

(11) Waste Bins

Waste and recycling bins shall be presented for collection on Henry Street and shall be returned to the waste storage room immediately being emptied.

(12) Use of On-site Drop Off Areas

All appropriate measures shall be taken to advise (educate) and direct parents to drop-off and pick up children from off-site rather than on-street.

I Advisory Notes

(1) Other approvals

This development consent does not remove the need to obtain any other statutory consent or approval necessary under any other Act, including:

- an Application for Approval under Section 68 of the *Local Government Act 1993* for any proposed activity under that Act, including any erection of a hoarding. All such applications must comply with the *Building Code of Australia*.
- an application for an Occupation Certificate under Section 109(C)(2) of the *Environmental Planning and Assessment Act 1979*.

Note: An application for an Occupation Certificate may be lodged with Council if the applicant has nominated Council as the Principal Certifying Authority.

(2) Modifications to your consent - prior approval required

Works or activities other than those authorised by the approval including changes to building configuration or use will require the submission and approval of an application to modify the consent under Section 96 of the *Environmental Planning & Assessment Act 1979*. You are advised to contact Council immediately if you wish to alter your approved plans or if you cannot comply with other requirements of your consent to confirm whether a Section 96 modification is required.

Warning: There are substantial penalties prescribed under the *Environmental Planning and Assessment Act 1979* for breaches involving unauthorised works or activities.

(4) Occupational health and safety

All site works must comply with the occupational health and safety requirements of the NSW Work Cover Authority.

(5) Signs –approval required

A separate Development Consent or Complying Development Certificate must be obtained prior to the erection of any advertising sign.

(6) Bulk bins on footpath and roadway

Approval is required from Council prior to the placement of any bulk bins on Council's footpath and/or roadway.

(7) Compliance with the Disability Discrimination Act - liability

This decision does not ensure compliance with the Disability Discrimination Act. The owner, lessee, operator and/or manager of the premises is advised that under the *Disability Discrimination Act 1992*, it is illegal to discriminate against a person with a disability by means of restricting access to or within the building. If access is restricted the owner, lessee, operator and/or manager of the premises may be liable for prosecution and/or a successful appeal to the Human Rights and Equal Opportunities Commission. You should therefore investigate your liability under that Act. Australian Standard 1428 - Design for Access and Mobility, Parts 2, 3 and 4 may assist in determining compliance with the *Disability Discrimination Act 1992*.