

CONDITIONS

DA: 10.2010.199.1

17 Charlotte Street ASHFIELD 2131

Deferred Commencement Consent

The Sydney East Joint Regional planning Panel as the consent authority pursuant to Clause 80(3) of the Environmental Planning and Assessment Act 1979 grants "Deferred Commencement" consent to Development Application DA 10.2009.7.1 for the:

The demolition of a former nurses' building, the construction of a seniors housing development consisting of twenty-five (25) dwellings and the use of Pitt Wood House for community care services.

subject to the following matters being satisfied:

A Detailed Site Investigation Report, prepared in accordance with the guidelines made under the *Contaminated Land Management Act* by an appropriately qualified consultant, shall be submitted to Council for consideration. This report must clearly state whether the site is suitable for the proposed residential use. If remediation works are required to ensure the site is suitable for the proposed use a Remediation Action Plan must also be prepared for the site. This may be combined with the Detailed Site Assessment if deemed appropriate by the Applicant and/or their consultant.

The sampling strategy used to prepare the Detailed Site Assessment must be completed in accordance with the *Sampling Design Guidelines* and other guidelines made under the Act, and sampling must aim to identify contamination across the site, as well as vertically delineate the extent of contamination.

In the preparation of these reports it should also be noted that the proposed use of the site is HIL A – 'Standard' Residential not HIL D – 'Residential with Minimal Access to Soils'. The NEPM Schedule B(1) states that HIL D "*includes dwellings with fully and permanently paved yard space such as high-rise apartments and flats*" while the proposed development has unpaved courtyards and private areas.

The information to satisfy these requirements must be submitted to Council within twelve (12) months of the date of this consent.

Upon Council's written approval of satisfactory compliance with the "Deferred Commencement" matters listed above, the development consent will become operative, subject to the conditions below.

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 in the following drawing numbers:

- 12 Rev 'C' prepared by Simmons Architects and date stamped by Council 26 October 2010,
- 20 Rev 'D' prepared by Simmons Architects and date stamped by Council 26 October 2010,
- 21 Rev 'D' prepared by Simmons Architects and date stamped by Council 26 October 2010,

- 22 Rev 'E' prepared by Simmons Architects and date stamped by Council 26 October 2010,
- 23 Rev 'D' prepared by Simmons Architects and date stamped by Council 26 October 2010,
- 24 Rev 'C' prepared by Simmons Architects and date stamped by Council 26 October 2010,
- 25 Rev 'B' prepared by Simmons Architects and date stamped by Council 26 October 2010,
- 31 Rev 'E' prepared by Simmons Architects and date stamped by Council 26 October 2010,
- 32 Rev 'E' prepared by Simmons Architects and date stamped by Council 26 October 2010,
- 33 Rev 'E' prepared by Simmons Architects and date stamped by Council 26 October 2010,
- 34 Rev 'D' prepared by Simmons Architects and date stamped by Council 26 October 2010,
- 35 Rev 'C' prepared by Simmons Architects and date stamped by Council 26 October 2010,
- 36 Rev 'C' prepared by Simmons Architects and date stamped by Council 26 October 2010,
- 37 Rev 'D' prepared by Simmons Architects and date stamped by Council 26 October 2010,
- 38 Rev 'D' prepared by Simmons Architects and date stamped by Council 26 October 2010,
- 39 Rev 'B' prepared by Simmons Architects and date stamped by Council 26 October 2010,
- 40 Rev 'B' prepared by Simmons Architects and date stamped by Council 26 October 2010,
- 41 Rev 'B' prepared by Simmons Architects and date stamped by Council 26 October 2010,
- 42 Rev 'C' prepared by Simmons Architects and date stamped by Council 26 October 2010,
- LCP/L01 prepared by Frolic Consortium Landscape Architects and date stamped by Council 27 August 2010.

B Design Changes

(1) Amended plans to be submitted

Amended plans and specifications incorporating the following amendments are to be submitted with the application for a construction certificate:

- (a) The garbage storage area fronting Charlotte Street and servicing the northern building shall be constructed in accordance with drawing number 70 'Bin Store Plan – Proposed' prepared by Simmons Architects and date stamped by Council 26 October 2010.
- (b) A solid non-load bearing screen wall shall be introduced to the western end of the ground floor level car park, to the rear of the letter boxes and garbage storage area, to block vision from the street through to the ground level car park area. This is to provide visually solid support to the upper floors of the building at this point so that it does not appear to be elevated over the car park area.

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

(1) Home Building Act 1989 Insurance

Compliance with Part 6 of the *Home Building Act 1989* is required. A copy of the Builder's Indemnity Insurance shall be submitted to Council.

(2) Section 94 Contributions

In accordance with Section 80A(1) of the Environmental Planning and Assessment Act 1979 and Ashfield Council's Development Contributions Plan, monetary contributions shall be paid to Council prior to the issue of a Construction Certificate to cater for the increased demand for community infrastructure resulting from the development.

Based on a contribution rate of \$10,482.39 for each Seniors Housing (self-care) dwelling, and the provision of twenty-five (25) of these dwellings as a part of this development, the payment of **\$262,0059.75** in Section 94 Contributions would be required prior to the release of the construction certificate.

If the contributions are not paid within the financial quarter that this consent is granted, the contributions payable will be adjusted in accordance with the provisions of the Ashfield Development Contributions Plan and the amount payable will be calculated on the basis of the contribution rates applicable at the time of payment in the following manner:

$$\text{\$C}_C = \frac{\text{\$C}_P \times \text{CPI}_C}{\text{CPI}_P}$$

Where:

\\$ C_C is the amount of the contribution for the current financial quarter

\\$ C_P is the amount of the original contribution as set out in this development consent

CPI_C is the Consumer Price Index (Sydney – All Groups) for the current financial quarter as published by the ABS.

CPI_P is the Consumer Price Index for the financial quarter at the time of the original consent.

Prior to payment of the above contributions, the applicant is advised to contact Council's Planning Division on 9716 1800. Payment may be made by cash, money order or bank cheque.

Council's Development Contributions Plan may be viewed at www.ashfield.nsw.gov.au or a copy may be inspected at Council's Administration Centre.

(3) 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 Councils.

Based on a value of works of \$11,400,000.00 a Long Service Levy of **\$39,900.00** would be payable.

(4) Damage deposit – Footpath, road, laneway, kerb and gutter

A Damage Deposit of **\$50,000.00** is to be submitted prior to the release of the Construction Certificate covering the repair and/or replacement of adjoining footpath, road pavement, laneway 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 the 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 be on-charged to the entity claiming the release of such Bank Guarantee, and that these amounts be 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.

(5) Footpath/roadway – Photographs to be submitted

Prior to the release of the Construction Certificate, the applicant shall lodge with Council photographs of the roadway and footpaths in Charlotte and Elizabeth Streets at the property and for the full length of the rear lane way which leads to Webbs Avenue, 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.

(6) Remediation works

Prior to the issue of a construction certificate the site is to be remediated in accordance with:

- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55),
- The guidelines (if any) in force under the Contaminated Land Management Act, and
- The approved Remediation Action Plan (RAP).

The remediation work must be completed under the supervision of an appropriately qualified consultant.

A Notice of Remediation must be given to Council at least thirty (30) days before the commencement of remediation work. The Notice of Remediation must be in writing and be consistent with Clause 16 of SEPP 55. The notice must also include contact details for the remediation contractor responsible for ensuring compliance of remediation work.

Within thirty (30) days after the completion of the remediation works (and prior to the release of any construction certificate or the commencement of any building work), a notice of completion including a validation report must be submitted to Council verifying that the site has been fully remediated in accordance with the recommendations of the submitted RAP. This notice must:

- be in writing and signed by the person who carried out the work, and
- provide the person's name, address and business telephone number, and
- provide details of the person's qualifications to carry out the work, and
- specify, by reference to its property description and street address, the land on which the work was carried out, and
- state when the work was completed, and
- specify the uses of the land, and the substances, that contaminated it in such a way as to present a risk of harm to human health or some other aspect of the environment, and
- briefly describe the method of remediation used in the work, and
- specify the guidelines that were complied with in the work, and
- specify the standard of remediation achieved (in the light of the use proposed for the land).

The validation report must be prepared by an appropriately qualified person and state that the subject property is unconditionally suitable for residential purposes.

The construction certificate must not be released until such time that the validation report has been received.

(7) Access for people with a disability

A continuous path of travel not exceeding 1:14 grade or a lift must be constructed for the communal areas of the development to the individual dwellings and Pitt Wood House. This access must be provided between the main street entrances of the development to the entrances of the southern and northern residential buildings and Pitt Wood House, the basement and northern ground floor level car parks, the accessible car parking spaces, mailboxes and the garbage storage area.

The design of the southern and northern residential buildings must comply with Clause 41(1) and Schedule 3 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, as well as the recommendations of the 'Access Review' prepared by Morris-Goding Accessibility Consulting dated 15 October 2010.

Disabled access shall be provided to Pitt Wood House in accordance with AS 1428.1:2001, Ashfield Council's Development Control Plan for Access and Mobility and the 'Access Review' prepared by Morris-Goding Accessibility Consulting dated 15 October 2010.

Detailed plans drawn to the scale of 1:50 shall be submitted detailing compliance with the above requirements prior to the issue of a Construction Certificate. These plans must detail compliance with the above standards in terms of complying levels, ramp slopes, door widths, circulation spaces and parking spaces.

(8) Plantation or recycled timbers

To minimise damage to the environment, no rainforest timbers or timbers cut from old growth forests are to be used in these construction works. The Construction Certificate is to specify the timbers to be used. These are to be limited to plantation timbers grown on Australian farms or timbers from State Forest Plantations.

Recycled timbers may also be used but these must be inspected and approved by the Principal Certifying Authority prior to their use.

(9) Ventilation

To ensure that adequate provision is made for ventilation of the building all mechanical and/or natural ventilation systems shall be designed, constructed and installed in accordance with the provisions of:

- (a) Building Code of Australia.
- (b) AS 1668.1:1998.
- (c) AS 1668.2:1991.
- (d) AS/NZS 3666.1:2002.

Evidence from an appropriately qualified person certifying that these design requirements have been met shall accompany the application for the Construction Certificate.

(10) Pitt Wood House kitchen – Compliance with Ashfield Council's "Guidelines for Food Premises"

Plans and specifications showing details of all food preparation and storage areas, layout disposition, construction and method of installation of all fittings and fixtures, together with floor, wall and ceiling finishes must be in accordance with Ashfield Council's "Guidelines for Food Premises".

Details are to be provided with the Construction Certificate.

(11) Lighting to pedestrian routes – Safety

Lighting which meets the relevant Australian Standard of 50 lux., spaced at appropriate intervals to provide the required surveillance shall be provided along pedestrian access routes for safety and security purposes during the evenings.

Details to be shown on the construction certificate.

The installation of this safety lighting must not result in the overspill of light to adjoining properties.

(12) Car parking provision/layout

Twenty-four (24) off-street parking spaces for residents are to be provided and allocated within the basement car park in accordance with the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 and AS 2890.1:2004. One (1) of these spaces shall be dedicated as a car wash bay.

Twenty-six (26) off-street parking spaces for staff and visitors are to be provided and allocated within the northern ground floor level car park in accordance with the provisions of AS 2890.1:2004. A minimum of two (2) staff spaces and one (1) visitor space within this car park shall be designed with the dimensions of a disabled parking space and comply with the provisions of AS2890.1. Note: The minimum basement ceiling height above any parking spaces provided for people with disabilities is to be 2.5 metres.

Each of the southern dwellings shall be provided with an undercover (garage) space in accordance with State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

Details are to be shown on the Construction Certificate plans.

(13) Discharge into Sydney Water owned culvert needs approval of Sydney Water

The 900mm box culvert located in Elizabeth Street is an asset owned by Sydney Water. As it is proposed to upgrade the existing Council stormwater pipes which connect into this Sydney

Water asset, documentary evidence will be required from Sydney Water confirming that all of their requirements regarding the reconnection have been obtained.

This documentary evidence shall be submitted with the Construction Certificate.

(14) Stormwater disposal – Calculations

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:

- (a) 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, and
 - (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 shall also include the external stormwater pipe work in both Charlotte Street and Elizabeth Street, as indicated on drawing number N09670-DA-H02 Revision 02.
- (g) All garbage and waste areas must drain to the sewer and not the stormwater system.

(15) 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 each 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), and
- 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.

(16) Construction and Site Management Plan

Prior to the issue of a Construction Certificate the applicant shall submit to Council 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:

- open Council's footpath/roadway or construct a new vehicular crossing/footpath, or
- 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, or
- pump stormwater from the site to Council's stormwater drains.

... the submission of an 'Application for Permit to Carry Out Work on Council Property' must be submitted. This form is available from Council's website www.ashfield.nsw.gov.au

D Conditions that must be complied with before work commences

(1) Notice of Commencement – Notification of Works

Work must not commence until the Principal Certifying Authority or the person having the benefit of the development consent has given notification in writing to Council no later than two (2) days before the building work commences.

A 'Notice of Commencement' form is available from Council's website: www.ashfield.nsw.gov.au

(2) 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 (2) 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.

(3) 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.

(4) Site Controls

Sediment and erosion controls must be in place before work is commenced on the site. The control strategies must be consistent with the technical requirements set out in Landcom's *Managing urban stormwater: Solis and construction Vol. 1* (The 'Blue Book').

A sediment and erosion control plan must be prepared and identify appropriate measures for bunding and siltation fencing. Any such erosion and sedimentation controls shall include the protection of stormwater inlets and gutter systems within the immediate vicinity of the site, as well as protect neighbouring properties from runoff.

This sedimentation and erosion control plan must be submitted with the application for a construction certificate.

Material from the site is not to be tracked onto the road by vehicles entering or leaving the site. At the end of each working day any dust/dirt or other sediment shall be swept off the road and contained on the site and not washed down any stormwater pit or gutter.

The sediment and erosion control measures are to be inspected daily and defects or system failures are to be repaired as soon as they are detected.

(5) 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.

(6) 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, basement slab or at dampcourse level, whichever is applicable or occurs first, indicating the: -

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

(7) On site detention system – Check survey

Prior to the construction of an on-site detention system involving permanent construction work (e.g. construction of concrete slabs, walls, pipe-systems or pits etc, and prior to the placement of any concrete for the 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 Construction Assessment Officer or Authorised Certifier.

(8) Structural engineering details

Structural engineer's details for all reinforced concrete and structural members shall be provided to the Principal Certifying Authority (PCA) prior to the commencement of work. These details must be prepared and certified by a practising structural engineer.

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

- (1) 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.
- (2) 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.

(10) 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.

(11) 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.

(12) 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.

(13) 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.

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) Signs to be erected on building and demolition sites

- (1) 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.
- (2) Any-sign shall be maintained and not removed until work has been finished.
- (3) Demolition/excavation/construction – Hours of work for developments likely to involve substantial construction works that may affect the amenity of the locality**
 - (a) Subject to sub-clauses Clauses (b) and (c) below, demolition, excavation and construction work, including loading and unloading of materials and the use of machinery, shall be restricted to between hours of 7.00 am to 6.00 pm, Monday to Friday and from 7:00 am to 1:00 pm on Saturday. Work is prohibited on Sundays, on public holidays and on union picnic days or on any fixed building industry agreed “rostered” days off that apply during the period of demolition, excavation and construction works.
 - (b) In the event that a public holiday is a Friday, work is not to be conducted on the Saturday following the public holiday.
 - (c) In the event that a public holiday falls on a Monday, Council expects that the following Tuesday should be a rostered day off.

(4) Spoil and building materials on road and footpath

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

(5) Demolition requirements/standards

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

- (a) Australian Standard AS 2601:2001 and any requirements of the WorkCover Authority.
- (b) The property is to be secured to prohibit unauthorised entry.
- (c) All precautions are to be exercised in the handling, removal and disposal of all asbestos materials. Licensed contractors are to be used and the disposal of asbestos is to be carried out in accordance with the requirements of the WorkCover Authority.
- (d) All lead contaminated material is to be disposed of in accordance with the NSW Environment Protection Authority’s requirements.
- (e) Demolition is not to be performed during high winds that may cause dust to spread beyond the site boundaries without adequate containment.
- (f) 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.
- (g) Any existing accumulations of dust (e.g. 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.
- (h) 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.
- (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 WorkCover requirements.

- (j) Waste and materials generated by the proposal must be recycled, reused or disposed of in accordance with the Waste Management Plan submitted with the Development Application. Construction and demolition waste, particularly timber, bricks, tiles, concrete and other materials need not be disposed of – they can be recycled and resold if segregated properly from any hazardous waste contamination. All other materials and debris is to be removed from the site and disposed of to approved outlets.
- (k) Prior to demolition, the applicant shall submit a Work Plan prepared in accordance with AS 2601:2001 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.

(6) Locate structures

The structures must stand wholly within the boundaries of the allotment.

(7) Encroachment on Council property prohibited

No portion of the structure, including gates and doors during opening and closing operations, shall encroach upon Council's footpath.

(8) Termite treatment

Treatment for the protection of the building from subterranean termites shall be carried out in accordance with AS 3660.1:2000 '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.

(9) 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 Part F1.7(b) of the Building Code of Australia (BCA) and AS 3740 'Waterproofing of wet areas within residential buildings'. The junction between the floor and wall and the construction of any shower recess, basin, sink or the like shall be in accordance with the BCA and AS 3740.

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, the BCA and AS 3740.

(10) Pitt Wood House Works

The works to Pitt Wood House shall be undertaken as detailed in the 'Schedule of Proposed Works' prepared by Baker Campbell.

(11) CCTV

CCTV cameras shall be installed in accordance with the recommendations of Ashfield Police dated 29 September 2010.

(12) 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.

(13) Garbage Room

The garbage room shall be provided with a tap and floor waste that drains to the sewer.

(14) Car Wash Bay

One (1) of the basement car park's spaces shall be constructed and signposted as a car wash bay for residents. This space shall be bunded and graded to a floor waste that connects to the sewer in accordance with the requirements of Sydney Water.

(15) Design and construction of car parking bays and ramps

The design of car parking bays, driveway and ramp shall be in accordance with Australian Standards AS 2890.1 2004 "Off Street Car Parking", and Schedule 3 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 where applicable.

The parking spaces, including the staff, visitor and disabled spaces, shall be linemarked and/or signposted.

(16) BASIX Requirements

The new works shall be constructed in accordance with, and comply with, the undertakings given on BASIX (Building Sustainability Index) Certificate No. 331609M as obtained on 26 August 2010 from the Department of Planning.

For more information visit www.basix.nsw.gov.au

(17) 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 the nearest appropriate Council stormwater pit as outlined in Section 4.9 of Council's "Stormwater Management Code". This development will be required to connect to two Council pits, one located in Charlotte Street at the intersection of Elizabeth Street and the second outlet connection point will be in Elizabeth Street at the intersection of Charlotte street, as indicated on drawing number N09670-DA-H02 revision 02.

(18) 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.

(19) 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.

(20) Finished ground surface levels at property boundary

Finished ground surface levels shall match existing levels at the property boundary.

(21) Retaining walls and drainage

If the soil conditions require it:

- (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and
- (b) adequate provision must be made for drainage.

(22) 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.

(23) 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 the 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 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.

(24) Footpath, kerb and gutter reconstruction

The public footpath and the kerb and gutter outside the site in Elizabeth Street shall be completely reconstructed, the sandstone kerb shall be reconstructed using sandstone kerb and concrete gutter, as well as re-asphalting (using AC10) the rear lane way which leads to Webbs Avenue for the full site frontage to the requirements of Council’s Works & Infrastructure Department at the applicant’s expense. This work shall be carried out prior to the release of the Occupation Certificate.

(25) Vehicle access driveways

The proposed vehicular access driveway to be constructed in Charlotte Street shall be built in accordance with Council's standard drawing and specifications. This driveway shall be located a minimum of 1.0m clear of any existing stormwater pits, lintels or poles and 2m clear of any trees within the road reserve. The driveway shall also be located a minimum of 0.5m clear of any utility service opening such as Telstra, Sydney Electricity, Sydney Water or Natural Gas Company.

The existing vehicular access driveways in Elizabeth Street and Charlotte shall be removed and reconstructed in accordance with Council's standard drawing and specifications.

This work shall be carried out prior to the release of the Occupation Certificate.

(26) Traffic control on public roads

Where works are undertaken on public roads, adequate traffic control in accordance with AS 1742.3 1996 "Traffic Control Devices for work on Roads", particularly regarding traffic movement controllers, advance warning signs and directions to motorists, shall be provided. Where such measures are not satisfactorily provided to this Australian Standard, Council may provide such and recover the costs from any bonds held.

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

(1) Pumpout system specifications

A pumpout system may be permitted to discharge small volumes of stormwater from the basement car parking area. Full details of the pump size, capacity, performance curves, friction losses etc from the manufacturers specifications must be submitted with the stormwater drainage calculations demonstrating that the pump will function in accordance with the manufacturer's specifications for the required volume of stormwater at the subject total head. Minimum pump capacity allowable is for a 5 minute 1 in 20 ARI storm.

The drainage sump storage area for the pump shall be a bunded area able to cater for a 1 hour 1 in 20 ARI storm to minimise flooding in the event of a power blackout during a storm.

A dual pumpout arrangement will be necessary, these pumps will be required to be connected in parallel and alternate automatically, with each pump being capable of emptying the holding tank or holding area at the permissible site discharge rate. (All pumps must be Class 1 Zone 2, if the pumps are located within a building (i.e. in the basement).

The stormwater volumes discharged from the pumpouts are to be included in the permissible limited amount of stormwater discharged from the site as stated in other relevant conditions.

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

(1) 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. The occupation certificate is not to be released until all the undertakings detailed in the BASIX Certificate are complied with.

Note: If Council is chosen as the Principal Certifying Authority the payment of a fee prior to the release of the Construction Certificate is required for an Occupation Certificate.

(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,
- trash screen at orifice, and
- 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, and
- basement car park pumps are class one zone two.

(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) 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.

(4) 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 certificate.

(5) Street numbering

An application for street numbering shall be lodged with Council for approval prior to the release of the Occupation Certificate.

H Conditions that are ongoing requirements of development consents

(1) Use of Pitt Wood

The use of Pitt Wood House shall be limited to those uses detailed in the ‘Overview of Operations and Management for Pitt Wood House’ prepared by Presbyterian Aged Care Ashfield and dated 11 October 2010, i.e. it shall only be used for community services and care, and as offices for Presbyterian Aged Care Ashfield.

(2) Hours of Operation

Pitt Wood House’s hours of operation are limited to the following:

Monday to Friday:	8:00am to 6:00pm
Saturday:	8:00am to 5:00pm
Sunday:	Closed

(3) Deliveries

All deliveries to and collections from Pitt Wood House are to be conducted within the site, including the collection of rubbish. Deliveries to and from the site are only to be undertaken during the approved hours of operation.

No deliveries to the site are to be made from the Webbs Lane entrance.

(4) Retain amenity

The approved uses are to be conducted at all times without interference to the amenity of the area. Effective measures must be taken at all times to prevent any nuisance being caused by noise, vibrations, smells, fumes, dust, smoke, waste water products and the like.

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*.

(5) Garbage bin storage/placement for collection

All garbage/recycling bins for the northern building are to be kept in the garbage bin storage area. Bins are only to be placed on the footpath on the day of garbage collection and are to be returned to the storage area immediately after collection.

I Advisory Notes

(1) 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.

(2) Work in close proximity to the boundary

Building work in close proximity to the boundary may be a sensitive matter for each property owner and can often end in an unsatisfactory relationship between the neighbours. You are advised that the consent given to build in close proximity to the allotment boundary is in no way to be construed as permission to build on or encroach over the allotment boundary. Your attention is directed to the provisions of the *Dividing Fences Act 1991* that gives certain rights to adjoining owners, including use of the common boundary. In the absence of any structure standing well clear of the common boundary you need to make yourself aware of your legal position, which may involve a survey to identify the allotment boundary.

It is strongly recommended that a formal written agreement be arranged between the parties prior to the commencement of any building works. Such an agreement can assist in the works being completed amicably and with a minimum of inconvenience to all concerned. Noise and/or vibration during construction, repair works, stormwater disposal and fencing are some of the matters that may need to be considered and agreed upon. Where the matters of concern involve costs, contractual agreements, compensation or other private issues both parties may wish to seek their own legal advice to protect their respective interests.

Note: This consent does not override your obligations under the *Dividing Fences Act 1991*.

(3) Services adjustment or relocation

The applicant shall meet the full cost for Telstra, Sydney Electricity, Sydney Water or Natural Gas Company or other service authorities 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 or visit their website www.dialbeforeyoudig.com.au

(4) Noxious weeds treatment

All noxious weeds are identified in the *Noxious Weeds Act 1993*. Any noxious weeds on the site must be treated in accordance with their classification under this Act. A full updated list of declared noxious weeds within Ashfield can be found on the NSW Agriculture web site at www.agric.nsw.gov.au.

(5) Road Regulations and Safety

All vehicles associated with the building site must comply with road and parking regulations at all times. Where vehicular movements from the site interfere with the normal traffic of the road, accredited traffic controllers and approved devices are to be used to control the traffic. No sections of road are to be blocked off or "reserved" for the site's use without approval.