

## WITHOUT PREJUDICE CONDITIONS OF CONSENT

### DA201100072 21-23 ENMORE ROAD AND 1 CRESCENT LANE, NEWTOWN

**THAT** the development application to retain the existing facade along Enmore Road, demolish the remainder of the existing improvements and erect a mixed use development containing thirty-six (36) dwellings and 210sqm of cafe/food tenancies over a basement carpark which is to contain twenty-five (25) off street parking spaces be **APPROVED** subject to the following conditions:

#### GENERAL

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

Drawing No. and Issue	Plan/Certificate Type	Date Issued	Prepared by	Date Submitted
Drawing No. DA01, Issue B	Axonometric 1	9 February 2011	Revay & Unn	17 February 2011
Drawing No. DA02, Issue B	Axonometric 2	9 February 2011	Revay & Unn	17 February 2011
Drawing No. DA03, Issue B	Site Plan	9 February 2011	Revay & Unn	17 February 2011
Drawing No. DA04, Issue B	Demolition Plan	9 February 2011	Revay & Unn	17 February 2011
Drawing No. D05, Issue C	Lower Ground Floor Plan	3 May 2011	Revay & Unn	11 May 2011
Drawing No. DA06, Issue C	Ground Floor Plan	28 July 2011	Revay & Unn	29 July 2011
Drawing No. DA07, Issue B	First Floor Plan	9 February 2011	Revay & Unn	17 February 2011
Drawing No. DA08, Issue C	Second Floor Plan	9 February 2011	Revay & Unn	17 February 2011
Drawing No. DA09, Issue B	Roof Plan	28 July 2011	Revay & Unn	29 July 2011
Drawing No. DA10, Issue B	North & South Elevations	9 February 2011	Revay & Unn	17 February 2011
Drawing No. DA11, Issue B	East & West Elevations	9 February 2011	Revay & Unn	17 February 2011
Drawing No. DA12, Issue C	Sections 1 & 2	3 May 2011	Revay & Unn	11 May 2011
Drawing No. DA13, Issue B	Landscape Plan	9 February 2011	Revay & Unn	17 February 2011
Drawing No. 16786H01. Issue B	Stormwater Plan	5 May 2011	Wallis & Spratt Pty Ltd	12 May 2011

Report No. TF205-01F02, Revision 3	Acoustic Assessment	11 February 2011	Renzo Tonlin & Associates (NSW) Pty Ltd)	17 February 2011
-	Arboricultural Impact Statement	9 February 2011	Arboreport	17 February 2011
-	Application to Convert Part of Crescent Lane to a Shareway	6 June 2011	John Coady Consulting Pty Ltd	7 June 2011
Certificate No. 356482M_02	Basix Certificate	16 February 2011	NSW Planning	17 February 2011
Reference No. 11/01999	Geotechnical Report	30 January 2011	Michael Adler and Associates	17 February 2011
Reference No. 11004	Traffic and Parking Assessment Report	16 February 2011	Varga Traffic Planning Pty Ltd	17 February 2011
Reference No. 1104	Structural Report	14 February 2011	JDT Design Pty Ltd	17 February 2011
-	Materials and Finishes Selection	Undated	-	17 February 2011
-	Waste Management Plan	15 February 2011	Platino Properties	17 February 2011

and detailed submitted to Council on 11 May 2011 and 17 May 2011 with the application for development consent and as amended by the following conditions.

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

2. A separate Development Application being submitted to, and approved by, Council for the use of the ground floor café/food tenancies prior to the occupation of those parts of the premises.

Reason: To advise the applicant of the necessity of obtaining Council approval for the use of the premises prior to occupation.

3. The shop window display areas being maintained at all times with no roller shutters being installed across the shop fronts.

Reason: To preserve the streetscape and character of the area.

4. The dwellings being used exclusively as a single dwellings and not being adapted for use as backpackers accommodation, serviced apartments or a boarding house and not being used for any industrial or commercial purpose.

Reason: To ensure that the dwellings are used exclusively as single dwellings.

5. 25 off-street car parking spaces and 6 bicycle spaces being provided and maintained at all times in accordance with the standards contained within Marrickville Development Control Plan No. 19 - Parking Strategy prior to the commencement of the use.

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

6. A minimum of two (2) visitor car parking spaces required as part of the total parking required under this Determination being provided and marked as visitor car parking spaces. A sign

legible from the street shall be permanently displayed to indicate that visitor parking is available on site.

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

7. Five (5) car parking spaces, for persons with a disability, required as part of the total parking required under this Determination being provided and marked as disabled car parking spaces.

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

8. All parking spaces and turning area thereto being provided in accordance with the design requirements set out within Marrickville Development Control Plan No. 19 - Parking Strategy, and being used exclusively for parking and not for storage or any other purpose.

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

9. All designated pedestrian pathways/walkways within the lower ground floor car parking areas being clearly marked and maintained at all times.

Reason: To ensure pedestrian safety.

10. A minimum of four (4) adaptable dwellings being provided in accordance with Marrickville Development Control Plan No. 31 - Equity of Access and Mobility. One disabled parking space being allocated to each adaptable dwelling.

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

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

Reason: To protect the amenity of the locality.

12. The use of the premises including any plant and equipment not giving rise to:

- transmission of unacceptable vibration to any place of different occupancy;
- a sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The source noise level shall be assessed as an LAeq,15min and adjusted in accordance with Environment Protection Authority guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content as described in the NSW Environment Protection Authority's Environmental Noise Control Manual and Industrial Noise Policy 2000 and The Protection of the Environment Operations Act 1997 (NSW).

Reason: To prevent loss of amenity to the area.

13. Noise and vibration from the use and operation of any plant and equipment and/or building services associated with the premises not giving rise to "offensive noise" as defined by The Protection of the Environment Operations Act 1997 ( NSW ). In this regard the roller door to the car parking entry is to be selected, installed and maintained to ensure their operation does not adversely impact on the amenity of the surrounding neighbourhood.

Reason: To protect the amenity of the surrounding neighbourhood.

14. A separate application being submitted to, and approved by, Council prior to the erection of any advertisements or advertising structures.

Reason: To ensure the compliance of any advertisements or advertising structures with the requirements of Council's Advertising Code.

15. No signs or goods to be displayed for sale or stored on the footpath in front of the premises at any time without the prior approval of Council.  
Reason: To prevent the public footpath from being obstructed.
16. All loading and unloading in connection with the use being carried out from the loading/unloading dock and the short stay loading/unloading spaces within the premises. The loading/unloading dock and spaces shall be maintained at all times for the loading and unloading of goods and being used exclusively for that purpose and not for storage or any other purpose.  
Reason: To ensure adequate loading and unloading facilities are available at all times for the use of the premises.
17. The person acting on the consent liaise with the Sydney Water Corporation, Ausgrid, AGL and Telstra concerning the provision of water and sewerage, electricity, natural gas and telephones respectively to the property.  
Reason: To ensure that the development is adequately serviced.
18. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development shall be at no cost to Council and undertaken before the issue of the Occupation Certificate.  
Reason: To ensure all costs for the adjustment/augmentation of services arising as a result of the redevelopment are at no cost to Council.
19. The proposed awning on Enmore Road shall be of cantilever type and be set back 600mm from the kerb line. The owner shall maintain, modify or remove the structure at any time if given notification by Council or the RTA to do so at no cost to Council.  
Reason: To ensure the awning complies with Council requirements.
20. Owners and occupants of the proposed building shall not be eligible for any existing or future resident parking scheme for the area. The person acting on this consent being responsible to advise any purchaser or prospective tenant of this condition.  
Reason: To ensure the development does not reduce the amount of "on street" parking currently available.
21. All roof and surface stormwater from the site any catchment external to the site that presently drains to it, shall be collected in a system of pits and pipelines/channels and major storm event surface flow paths and being discharged to a Council controlled stormwater drainage system in accordance with the requirements of Marrickville Council Stormwater and On Site Detention Code.  
Reason: To provide for adequate site drainage.
22. All stormwater drainage being designed in accordance with the provisions of the 1987 Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3.2-1998 'Stormwater Drainage-Acceptable Solutions' and Marrickville Council Stormwater and On Site Detention Code. Pipe and channel drainage systems shall be designed to cater for the twenty (20) year Average Recurrence Interval (A.R.I.) storm in the case of low and medium residential developments, the twenty (20) year A.R.I. storm in the case of high density residential development and commercial and/or industrial developments and the fifty (50) year A.R.I. storm in the case of heavy industry. In all cases the major event surface flow paths shall be designed to cater for the one hundred (100) year A.R.I. storm.  
Reason: To provide for adequate site drainage.
23. No encroachments onto Council's road or footpath of any service pipes, sewer vents, boundary traps, downpipes, gutters, stairs, doors, gates, garage tilt up panel doors or any structure whatsoever shall not be permitted. Any encroachments on to Council road or footpath resulting from the building works will be required to be removed before the issue of the Occupation Certificate.  
Reason: To ensure there is no encroachment onto Council's road.

24. The person acting on this consent shall provide security, in a manner satisfactory to the Director Infrastructure Services, for the proper maintenance of the road and footpath works in an amount of \$11,000 for a period of twelve (12) months from the date of completion of the Road works as surety for the proper maintenance of the Road works.  
Reason: To provide security for the maintenance of Road works for a 12 month maintenance period.
25. In relation to the road and footpath works adjacent to the site the person acting on this consent shall within fourteen (14) days of notification by Council, execute any and all maintenance works required by Council. In the event that the applicant fails to undertake such work, Council may undertake the required maintenance works, utilising part or all of the maintenance security and Council may recover any costs in excess of the security from the person acting on this consent.  
Reason: To ensure all drainage works are maintained within a reasonable time limit during a 12 month maintenance period.
26. Should the proposed development require the provision of an electrical substation, such associated infrastructure shall be incorporated wholly within the development site. Before proceeding with your development further, you are directed to contact Ausgrid directly with regard to the possible provision of such an installation on the property.  
Reason: To provide for the existing and potential electrical power distribution for this development and for the area.
27. No activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order at any time.  
Reason: To protect existing trees.
28. All builders' refuse, spoil and/or material unsuitable for use in landscape areas shall be removed from the site on completion of the building works.  
Reason: To protect the environment.
29. Approval is given for the following works to be undertaken to trees on the site:

<b>Schedule</b>	
<b>Trees located within building footprint</b>	<b>Approved works</b>
Tree 1 – <i>Araucaria hetrophylla</i> (Norfolk Island Pine Tree)	Removal
Tree 2 - <i>Archontophoenix cunninghamiana</i> (Bangalow Palm)	
Tree 3 - <i>Archontophoenix cunninghamiana</i> (Bangalow Palm)	
Tree 4 – <i>Plumeria acutifolia</i> (Frangipani)	
Tree 5 – <i>Plumeria acutifolia</i> (Frangipani)	
Tree 6 – <i>Plumeria acutifolia</i> (Frangipani)	
Tree 7 - <i>Howea forsteriana</i> (Kentia Palm)	
Tree 8 - <i>Archontophoenix cunninghamiana</i> (Bangalow Palm)	
2 x <i>Celtis australis</i> (Hackberry)	

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

30. During all stages of the development, environmental legislation and regulations will be complied with.  
Reason: To ensure compliance with RailCorp's concurrence.

31. During all stages of the development extreme care shall be taken to prevent environmental harm within railway corridor. Any form of environmental harm to areas within the railway corridor or legislative non-compliance that arises as a consequence of the development activities shall remain the full responsibility of the person acting on this consent.  
Reason: To ensure compliance with RailCorp's concurrence.
32. During all stages of the development extreme care shall be taken to prevent any form of pollution entering the railway corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the person acting on this consent.  
Reason: To ensure compliance with RailCorp's concurrence.
33. Given the site's location next to the rail corridor, drainage from the development must be adequately disposed of/managed and not allowed to be discharged into the corridor unless prior approval has been obtained from RailCorp.  
Reason: To ensure compliance with RailCorp's concurrence.
34. Rainwater from the roof must not be projected and/or falling into the rail corridor and must be piped down the face of the building which faces the rail corridor.  
Reason: To ensure compliance with RailCorp's concurrence.
35. No work is permitted within the rail corridor, or its easements, at any time unless prior approval or an Agreement has been entered into with RailCorp.  
Reason: To ensure compliance with RailCorp's concurrence.
36. Where the person acting on this consent proposes to enter the rail corridor, the Principal Certifying Authority shall not issue a Construction Certificate until written confirmation has been received from RailCorp confirming that its approval has been granted.  
Reason: To ensure compliance with RailCorp's concurrence.
37. The person acting on this consent shall provide details of any intended encroachment into RailCorp's easement or RailCorp owned lands, for review and approval by RailCorp.  
Reason: To ensure compliance with RailCorp's concurrence.
38. All building work must be carried out in accordance with the provisions of the Building Code of Australia.  
Reason: To ensure the work is carried out to an acceptable standard and in accordance with the Building Code of Australia.

#### **BEFORE COMMENCING DEMOLITION, EXCAVATION AND/OR BUILDING WORK**

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

39. No work shall commence until:
- a) A PCA has been appointed. Where an Accredited Certifier is the appointed, Council shall be notified within two (2) days of the appointment; and
  - b) A minimum of two (2) days written notice given to Council of the intention to commence work.
- Reason: To comply with the provisions of the Environmental Planning and Assessment Act.

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

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

41. Sanitary facilities are to be provided at or in the vicinity of the work site in accordance with the WorkCover Authority of NSW, Code of Practice 'Amenities for Construction'. Each toilet shall be connected to the sewer, septic or portable chemical toilet before work commences.

Facilities are to be located so that they will not cause a nuisance.

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

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

Reason: To protect the amenity of the area.

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

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

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

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

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

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

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

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

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

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

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

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

d) How access to the site will be provided.

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

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

48. The person acting on this consent shall apply as required for all necessary permits including crane permits, road opening permits, hoarding permits, footpath occupation permits and/or any other approvals under Section 68 (Approvals) of the Local Government Act, 1993 or Section 138 of the Roads Act, 1993.

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

49. Where it is proposed to carry out works in public roads or Council controlled lands, a road opening permit shall be obtained from Council before the carrying out of any works in public roads or Council controlled lands. Restorations shall be in accordance with Marrickville Council's Restorations Code. Failure to obtain a road opening permit for any such works will incur an additional charge for unauthorised works as noted in Council's adopted fees and charges.

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

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

Reason: To secure the site and to maintain public safety.

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

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

52. The person acting on this consent shall submit a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site to Council before commencing works.

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

53. The subject property being photographically recorded and the record being submitted to Council's satisfaction before work commences. The recording is to be undertaken in accordance with the Guidelines for Archival and Photographic Recording of Heritage Items prepared by the (former) NSW Heritage Office. 2 copies of the record shall be submitted to Council. The record is to be a comprehensive documentation of the site prior to commencement of work, and shall include the following:

- a) Photos which adequately describe the site: all buildings, rooms, details, streetscape views, context, interiors and exteriors.
- b) All photos presented in digital format on CD-ROM (2 copies);
- c) All photos presented in hard copy as 17.5x12.5cm black and white archival-quality photographic prints and housed in plastic photographic sleeves;
- d) Existing Plans and elevations of the site and buildings marked up with the locations where photographs were taken, indicating the location and direction of each photograph; and
- e) All of the above to be clearly labelled and submitted in 2 x durable A4 folders.

Reason: To provide an archival record of the layers of history on the site prior to development.



54. An Interpretation Plan being prepared by the person acting on this consent and submitted to the satisfaction of Council's Heritage and Urban Design Advisor before any works commence on site. At a minimum, the plan shall include a draft of the text and images to be used on a panel interpreting the history of the Andrews Family and their funeral business located at the site. The final panel shall be (approximately) A2 size, aluminium, and shall be erected on the Enmore Road frontage at approx 1200-1500 above ground level, in a publically accessible location.

Reason: To enable the history of the site to be conveyed for posterity.

55. The colour scheme for facades to Enmore Road are to be submitted for approval by Council's Heritage and Urban Design Advisor before work commences. A minimum of 4 colours are to be provided in the scheme.

Reason: To ensure heritage facades are appropriately finished.

56. The person acting on this consent shall apply as required for all necessary permits including crane permits, road opening permits, hoarding permits, footpath occupation permits and/or any other approvals under Section 68 (Approvals) of the Local Government Act, 1993 or Section 138 of the Roads Act, 1993.

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

57. The person acting on this consent shall provide details of the means to secure the site and to protect the public from the construction works.

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

Where the means of securing the site involves the erection of hoarding or scaffolding facing the common boundary with the rail corridor, the person acting on this consent shall obtain written approval from RailCorp.

Reason: To secure the site and to maintain public safety.

58. To preserve the following trees no work shall commence until branch protection is installed as specified by, and under the direct supervision of, an AQF Level 5 Arborist. The branch protection is installed to protect the canopy from damage during construction. The branch protection shall remain intact until the completion of all demolition/building work on site.

Tree
Tree 10 - <i>Ficus microcarpa</i> var <i>hillii</i> (Hills Weeping Fig)
Tree 11 - <i>Ficus microcarpa</i> var <i>hillii</i> (Hills Weeping Fig)
Tree 12 – <i>Eucalyptus microcorys</i> (Tallowood)
Tree 13 - <i>Eucalyptus microcorys</i> (Tallowood)
Tree 14 – <i>Cinnamomum camphora</i> (Camphor Laurel)

Reason: To protect existing trees during construction phase.

59. Upon installation of the required tree protection measures, an inspection of the site by the Principal Certifying Authority is required to verify that tree protection measures comply with all relevant conditions. A written statement is to be obtained from the Project Arborist (AQF Level 5) stating that all tree/branch protection has been installed as required.

Reason: To protect existing trees during the construction phase.

60. The trees to be retained shall be inspected and certified as specified in Section 6.3 of the Arboricultural Statement prepared by Arboreport and dated 09/02/11.

Reason: To ensure protection of existing trees.

61. Prior to the commencement of works and prior to the issue of the Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from RailCorp and the person acting on this consent. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by RailCorp.  
Reason: To ensure compliance with RailCorp's concurrence.

## **BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE**

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

62. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. **Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's website at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the "e-developer" icon or telephone 13 20 92.**

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

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

Reason: To comply with the requirements of that Act.

63. The separate lots comprising the development being consolidated into one lot and under one title and registered at the NSW Department of Lands before the issue of a Construction Certificate.

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

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

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

65. Privacy screens being provided to the courtyard and second floor deck area adjacent to the rear of the properties 27-31 Enmore Road in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.

Reason: To protect the amenity of the adjoining properties.

66. Before the issue of a Construction Certificate, the Principal Certifying Authority shall be satisfied that a landscape plan has been completed in accordance with Council's DA Guide, relevant development control plans and the conditions of consent by a Landscape Architect or qualified Landscape Designer.

**Note:** The landscape plan must be submitted to the Principal Certifying Authority.

Reason: To ensure adequate landscaping of the site.

67. Before the issue of a Construction Certificate, the Principal Certifying Authority shall be satisfied that no proposed underground services (i.e. water, sewerage, drainage, gas or other service) unless previously approved by conditions of consent, are located beneath the canopy of any tree protected under Council's Tree Preservation Order, located on the subject allotment and adjoining allotments.

**Note:** A plan detailing the routes of these services and trees protected under the Tree Preservation Order shall be submitted to the Principal Certifying Authority.

**Reason:** To ensure the protection of trees.

68. Waste storage areas, waste collection points, clothes drying areas and letter boxes being provided and adequately protected in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.

**Reason:** To ensure adequate mail collection facilities are provided.

69. The waste storage room(s) being designed in such a way that waste removalist trucks can enter the site, remove waste and replace empty bins/dumpsters, in accordance with details being submitted to Council's satisfaction before the issue of a Construction Certificate.

**Reason:** To ensure that the waste storage rooms are designed in such a manner to enable for future waste collection methods.

70. Plans and specifications fully reflecting the selected commitments listed in BASIX Certificate submitted with the application for development consent being submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.

**Note:** The application for the Construction Certificate must be accompanied by either the BASIX Certificate upon which development consent was granted or a revised BASIX Certificate (Refer to Clause 6A of Schedule 1 to the Regulation).

**Reason:** To ensure that the BASIX commitments are incorporated into the development.

71. Lighting details of the residential entry areas along Crescent Lane and Enmore Road and all public areas within the development being submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.

**Reason:** To ensure appropriate lighting is provided to create a safe living environment.

72. Noise attenuation measures being incorporated into the development in accordance with the recommendations contained in the *Acoustic Assessment, Report No. TF205-01F02 (Revision 3), dated 11 February 2011 prepared by Renzo Tonlin & Associates (NSW) Pty Ltd* complying with requirements contained in State Environmental Planning Policy (Infrastructure) 2007 in relation to interior design sound levels, in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate together with certification by a suitably qualified acoustical engineer that the proposed noise attenuation measures satisfy the requirements of State Environmental Planning Policy (Infrastructure) 2007.

**Reason:** To reduce noise levels within the proposed development from the adjacent rail corridor.

73. Noise attenuation measures being incorporated into the development complying with Australian Standard 2021-2000 in relation to interior design sound levels, in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate together with certification by a suitably qualified acoustical engineer that the proposed noise attenuation measures satisfy the requirements of Australian Standard 2021-2000.

**Reason:** To reduce noise levels within the proposed development from aircraft.

74. A total monetary contribution of \$360,243.73 has been assessed as the contribution for the development under Section 94 of the Environmental Planning and Assessment Act 1979 and

Marrickville Section 94 Contributions Plan 2004 (a copy of which may be inspected at the offices of the Council). The contribution is towards:

- a) \$174,897.45 Section 94 Contributions Plan 2004 for Enmore and Newtown - Open Space, Park Infrastructure and Sports Facilities;
- b) Council wide projects:
  - (i) \$24,985.35 Cooks River;
  - (ii) \$24,985.35 Tempe Reserve/Tempe Lands;
  - (iii) \$12,492.68 Civic Centre; and
  - (iv) \$12,492.68 Street Tree Master Plan.
- c) \$60,402.99 Public Libraries and Community Recreation Facilities;
- d) \$41,544.01 Section 94 Contributions Plan 2004 for Enmore and Newtown Area - Traffic Management; and
- e) \$8,443.22 Plan Administration.

The monetary contributions above are the Council's adopted contributions under the current Fees and Charges Schedule. Under Marrickville Contributions Plan 2004, contributions will be adjusted at the time of payment in line with any change in the Consumer Price Index: All Groups Index Number for Sydney provided by the Australian Bureau of Statistics. The adjusted contribution payable will be the rate in the Council's adopted Fees and Charges Schedule for the financial year in which the contribution is paid.

The contribution (as adjusted) must be paid to the Council **in cash or by unendorsed bank cheque (from an Australian Bank only) or EFTPOS (Debit only)** before the issue of a Construction Certificate. Under Marrickville Section 94 Contributions Plan 2004 payment of Section 94 contributions **CANNOT** be made by Personal Cheque, Company Cheque or Credit Card.

**NB: The above Contributions apply to end of Financial Year 2011/2012 after which the Contributions will be indexed.**

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

75. Evidence of payment of the building and construction industry Long Service Leave Scheme, shall be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate. (The required payment can be made at the Council Offices).

**NB: The required payment is based on the estimated cost of building and construction works and the long service levy rate, set by the Long Service Payments Corporation. The rate set by the Long Service Payments Corporation is currently of 0.35% of the cost of the building and construction work.**

**For more information on how to calculate the amount payable and where payments can be made contact the Long Services Payments Corporation.**  
[http://www.lspc.nsw.gov.au/levy\\_information/?levy\\_information/levy\\_calculator.stm](http://www.lspc.nsw.gov.au/levy_information/?levy_information/levy_calculator.stm)

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

76. Before the issue of a Construction Certificate an amended plan shall be submitted to the Certifying Authority's satisfaction (Council or an Accredited Certifier) indicating the following:

- a) Access to the premises via the principal place of entry to the building and all retail tenancies on the upper ground floor, residential entrance lobbies and all car parking areas, complying with AS 1428.1- 2009 'Design for access and mobility';
- b) Accessible toilets in the retail components of the development complying with AS 1428.1- 2009 'Design for access and mobility';

- c) The lift design shall comply with AS 1735.12 -1999 'Lifts, escalators and moving walkways Part 12: Facilities for persons with disabilities' as a minimum requirement;
- d) A minimum of four (4) adaptable dwellings complying with AS 4299-1995 "Adaptable Housing" (details are to include circulation space around kitchen facilities, functionality of the balconies and access to clothes drying facilities);
- e) A minimum of five (5) car parking spaces being provided for people with a disability that are directly accessible to the entrance to the building. The subject car parking spaces being designed to comply with AS 1428.1 - 2009 'Design for access and mobility – General requirements for access – buildings' and AS 2890.1 1 'Off-street car parking';
- f) A continuous path of travel be provided in accordance with AS 1428.1- 2009 'Design for access and mobility'; and
- g) The balconies of the adaptable dwellings having an external floor finish level consistent with the internal floor finish level of the dwellings.

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

77. Before the issue of a Construction Certificate the owner or builder shall sign a written undertaking that they shall be responsible for the full cost of repairs to footpath, kerb and gutter, or other Council property damaged as a result of construction of the proposed development. Council may utilise part or all of any Building Security Deposit (B.S.D.) or recover in any court of competent jurisdiction, any costs to Council for such repairs.

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

78. The stormwater drainage and on site detention system shall be constructed generally in accordance with amended stormwater Plan 16786H01 (Issue B). Detailed construction plans and calculations shall be submitted to Council before the issue of a Construction Certificate.

Reason: To ensure the development does not increase the stormwater runoff from the site and to ensure the construction details and calculations are satisfactory.

79. The person acting on this consent shall provide plans and details of a stormwater re-use system to capture and re-use stormwater for the flushing of toilets to the proposed 36 residential units. Plans shall be submitted to Council's satisfaction before the issue of a Construction Certificate.

Reason: To ensure water and stormwater efficiency measures are implemented in accordance with the requirements of DCP 32-Energy Smart Water Wise for sites greater than 1000sqm in area.

80. The person entitled to act on this consent shall before the issue of a Construction Certificate submit an application to the RTA for the construction of a "Shared Zone" for the whole length of Crescent Lane as shown on the plan marked attachment "B" to the report prepared by John Coady Consulting Pty Ltd dated 6 June 2011 (but extended to include the whole length of Crescent Lane).

Reason: To provide satisfactory and safe vehicular and pedestrian access to the site and along Crescent Lane.

81. In order to provide satisfactory vehicular and pedestrian access to the site the person acting on this consent shall construct road and traffic management works as described in the report by John Coady Consulting Pty Ltd dated 6 June 11 and the plan marked attachment 'B' of that report (but extended to include the whole length of Crescent lane). Detailed construction plans and specifications shall be submitted to Council's satisfaction before the issue of a Construction Certificate and shall include the following details:

- a) Reconstruction of the road pavement for the full length of Crescent Lane in an interlocking concrete paver (terracotta in colour or similar) suitable for vehicle traffic. A specification sample of the paver shall be submitted in conjunction with the design;

- b) A detailed road pavement design including geotechnical information for Crescent Lane to support the concrete paver wearing course;
- c) Installation of a roll kerb along the northern kerblines of Crescent Lane as per “alternate B” of the John Coady report to allow vehicles an additional 300mm in which to pass;
- d) A detailed long-section along the new roll kerb and detailed cross-sections at every 10 metres along Crescent Lane;
- e) Details of the installation of the “Shared Zone” and 10kph speed limit signage;
- f) Deletion of the existing parking spaces along the southern kerb line and the installation of no parking signage;
- g) Installation of a raised threshold treatment and associated line marking and signage at the intersection of Crescent Lane and Station Street;
- h) The construction of heavy duty concrete vehicular crossings at the proposed vehicular access locations;
- i) The removal of all redundant vehicular crossings to the site of the proposed development and replacement with kerb, gutter and footpath paving; and
- j) all adjustments to public utilities required by these works including additional lighting.

In the event that the RTA does not approve the “Shared Zone” the “Shared Zone and 10kph speed limit signage outlined above shall not be installed.

Reason: To provide satisfactory and safe vehicular and pedestrian access to the site and along Crescent Lane.

82. Payment of a Bond, in the sum of \$110,000 for the proper performance of road, traffic management and footpath works before the issue of a Construction Certificate. The security may be provided in one of the following methods:

- a) in full in the form of a cash bond; or
- b) by provision of a Bank Guarantee by an Australian Bank in the following terms:
  - (i) the bank must unconditionally pay the guaranteed sum to the Council if the Council so demands in writing.
  - (ii) the bank must pay the guaranteed sum within seven (7) days of demand without reference to the applicant or landowner or other person who provided the guarantee, and without regard to any dispute, controversy, issue or other matter relating to consent or the carrying out of development in accordance with the consent;
  - (iii) the bank's obligations are discharged when payment to the Council is made in accordance with this guarantee or when the Council notifies the bank in writing that the guarantee is no longer required.

Reason: To ensure all roads, traffic management and footpath works are completed within a reasonable time.

83. All excavation and construction works are to be undertaken in accordance with the methodology and recommendations detailed in the Geotechnical Report prepared by Michael Adler and Associates dated 30 January 2011, and Structural Report prepared by JDT Design Pty Ltd dated 14 February 2011.

A Construction Certificate shall not be issued until the measures detailed in this condition of consent have been incorporated into the construction drawings and specifications.

Reason: To ensure compliance with RailCorp's concurrence.

84. The following items are to be submitted to RailCorp for review and endorsement before the issue of a Construction Certificate:

- a) Final construction details of the proposed piling, sheet piling, batter, walls, levee walls and footings.
- b) If required by RailCorp, a track monitoring plan detailing the proposed method of track monitoring during excavation and construction phases.
- c) If required by RailCorp, a rail safety plan.

The Principal Certifying Authority shall not issue the Construction Certificate until it has received written confirmation from RailCorp that this condition has been complied with.

Reason: To ensure compliance with RailCorp's concurrence.

85. The person acting on this consent shall provide an accurate survey locating the development with respect to the rail boundary and rail infrastructure. This work is to be undertaken by a registered surveyor, to the satisfaction of RailCorp's representative before the issue of a Construction Certificate.

Reason: To ensure compliance with RailCorp's concurrence.

86. Before the issue of a Construction Certificate the person acting on this consent shall undertake a services search to establish the existence and location of any rail services. Persons performing the service search shall use equipment that will not have any impact on rail services and signaling. Should rail services be identified within the subject development site the person acting on this consent must discuss with RailCorp as to whether these services are to be relocated or incorporated within the development site.

Reason: To ensure compliance with RailCorp's concurrence.

87. An acoustic assessment being submitted to Council's satisfaction before the issue of a Construction Certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines".

Reason: To ensure compliance with RailCorp's concurrence.

88. Before the issue of a Construction Certificate the person acting on this consent is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The person acting on this consent must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.

Reason: To ensure compliance with RailCorp's concurrence.

89. Given the possible likelihood of objects being dropped or thrown onto the rail corridor from balconies, windows and other external features (eg roof terraces and external fire escapes) that face the rail corridor, the person acting on this consent is required to install measures (eg awning windows, louvres, enclosed balconies etc) which prevent the throwing of objects onto the rail corridor. Measures to be implemented are to be installed and indicated on development plans to the satisfaction of Certifying Authority before the issue of a Construction Certificate.

Reason: To ensure compliance with RailCorp's concurrence.

90. Before the issue of a Construction Certificate the person acting on this consent is to provide RailCorp with a report from a qualified structural engineer demonstrating that the structural design of the development satisfies the requirements of AS5100. The Certifying Authority must not issue the Construction Certificate until it has received written confirmation from RailCorp that it has received this report and the Certifying Authority has also confirmed that the measures recommended in engineer's report have been indicated on the Construction Certificate Drawings.

Reason: To ensure compliance with RailCorp's concurrence.

91. The person acting on this consent appears to need track possessions (the stopping of trains running on adjacent tracks) and/or power outages (shutting of power to RailCorp's facilities) to be able to undertake the proposed construction and installation work. This will require the person acting on this consent to enter into a Deed with RailCorp, enabling this work to be planned and to proceed in a safe and controlled manner. In this regard the person acting on this consent should be referred to the Rail Corridor Management Group (RCMG) for further details. The Deed agreement is to be provided before the issue of a Construction Certificate.

Reason: To ensure compliance with RailCorp's concurrence.

92. The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of RailCorp. Written confirmation is required to be received from RailCorp confirming compliance with this condition before the issue of a Construction Certificate.

Reason: To ensure compliance with RailCorp's concurrence.

93. Before the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to RailCorp for review and comment on the impacts on rail corridor. Written confirmation is required to be received from RailCorp confirming compliance with this condition before the issue of a Construction Certificate.

Reason: To ensure compliance with RailCorp's concurrence.

94. Before the issue of a Construction Certificate the person acting on this consent is to submit to RailCorp a plan showing all craneage and other aerial operations for the development and must comply with all RailCorp requirements. The Principal Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.

Reason: To ensure compliance with RailCorp's concurrence.

95. The landscaping and planting plan are to be submitted to RailCorp for review to ensure that the roots and foliage of trees being planted beside the rail corridor will not impact on the rail corridor. Written confirmation is required to be received from RailCorp confirming compliance with this condition before the issue of a Construction Certificate.

Reason: To ensure compliance with RailCorp's concurrence.

96. The person acting on this consent is to design and construct a water system connection to the available 225mm water main on the eastern side of Enmore Road. The connection will need to be sized and configured according to the Water Supply Code of Australia (Sydney Water Edition WSA 03-2002). Evidence of Code compliance should be attached with the extension design. Measures to be implemented are to be installed and indicated on development plans to the satisfaction of Certifying Authority before the issue of a Construction Certificate.

Reason: To ensure compliance with Sydney Water requirements.

97. The person acting on this consent is to design and construct a waste water connection to the available 225mm wastewater main traversing the property. Any adjustment or deviation required to this main as a result of the development must be in accordance with the Sewerage Code of Australia (Sydney Water Edition WSA 02-2002) and the Guidelines for Building Over or Adjacent to Sydney Water's Wastewater Mains. Evidence of compliance should be attached with the extension and/or adjustment design. Measures to be implemented are to be installed and indicated on development plans to the satisfaction of Certifying Authority before the issue of a Construction Certificate.

Reason: To ensure compliance with Sydney Water requirements.

98. Before the issue of a Construction Certificate the person acting on this consent is to submit to Sydney Water a plan showing that the development is clear of the 3 metre heritage curtilage of the 2475mm steel concrete lined pressure tunnel in rock stratum traversing through the proposed development site at a depth of approximately 63 metres. The Principal Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from Sydney Water confirming that this condition has been satisfied.

Reason: To ensure compliance with Sydney Water requirements.



99. Details of an anti graffiti treatment to all exposed elevations of the development which have an interface with the public domain being submitted to and approved by Council before the issue of a Construction Certificate.  
Reason: To ensure the proposed development remains free of graffiti.

## **SITE WORKS**

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

All trucks and vehicles associated with the construction, including those delivering to or removing material from the site, only having access to the site during the hours referred to in this condition. No waste collection skips, spoil, excavation or demolition material from the site or building materials associated with the construction of the development being deposited on the public road, footpath, public place or Council owned property without Council's approval, having first been obtained. The developer being responsible to ensure that all contractors associated with the development are fully aware of these requirements.

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

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

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

102. The placing of any materials on Council's footpath or roadway is prohibited, without the consent of Council. The placement of waste storage containers in a public place requires Council approval and shall comply with Council's Policy – 'Placement of Waste Storage Containers in a Public Place'. Enquiries are to be made with Council's Infrastructure Services Division.

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

103. All demolition work being carried out in accordance with the following:

- a) compliance with the requirements of Australian Standard AS 2601 'The demolition of structures' with specific reference to health and safety of the public, health and safety of the site personnel, protection of adjoining buildings and protection of the immediate environment;
- b) all works involving the demolition, removal, transport and disposal of asbestos cement is to be carried out in accordance with the 'Worksafe Code of Practice for Removal of Asbestos' and the requirements of the WorkCover Authority of NSW and the Department of Environment, Climate Change and Water;
- c) all building materials arising from the demolition are to be disposed of in an approved manner in accordance with Marrickville Development Control Plan No. 27 - Waste Management and any applicable requirements of the Department of Environment, Climate Change and Water;
- d) sanitary drainage, stormwater drainage, water, electricity and telecommunications are to be disconnected in accordance with the requirements of the responsible authorities;
- e) the generation of dust and noise on the site must be controlled;
- f) the site must be secured to prohibit unauthorised entry;
- g) suitable provision must be made to clean the wheels and bodies of all vehicles leaving the site to prevent the tracking of debris and soil onto the public way;
- h) all trucks and vehicles associated with the demolition, including those delivering to or removing material from the site, only having access to the site during work hours nominated by Council and all loads must be covered;

- i) all vehicles taking materials from the site must be loaded wholly within the property unless otherwise permitted by Council;
- j) no waste collection skips, spoil, excavation or demolition material from the site being deposited on the public road, footpath, public place or Council owned property without the approval of Council; and
- k) the person acting on this consent is responsible for ensuring that all contractors and sub-contractors associated with the demolition are fully aware of these requirements.

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

104. The works are required to be inspected at critical stages of construction, by the PCA or if the PCA agrees, by another Certifying Authority. The last inspection (d) can only be carried out by the PCA. The critical stage inspections are:

- a) After excavation for, and before the placement of, any footings.
- b) For Class 2, 3 and 4 buildings, prior to covering waterproofing in any wet areas (a minimum of 10% of wet areas within a building);
- c) Prior to covering any stormwater drainage connections, and after the building work has been completed and prior to any occupation certificate being issued in relation to the building; and
- d) After the building work has been completed and prior to any occupation certificate being issued in relation to the building.

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

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

105. As the development involves an excavation that extends below the level of the base of the footings of a building on the adjoining allotments, including a public place such as a footway and roadway, the person acting on the consent, at their own expense shall:

- a) protect and support the adjoining premises from possible damage from the excavation, and
- b) where necessary, underpin the adjoining premises to prevent any such damage. Where the proposed underpinning works are not "exempt development", all required consents shall be obtained prior to the required works commencing; and
- c) at least seven (7) days notice is given to the owners of the adjoining land of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

Where a dilapidation report has not been prepared on any building adjacent to the excavation, the person acting on this consent shall be responsible for arranging and meeting the cost of a dilapidation report prepared by a suitably qualified person. The report is to be submitted to and accepted by the PCA before works continue on site, if the consent of the adjoining property owner can be obtained.

Copies of all letter/s that have been sent via registered mail to the adjoining property owner and copies of any responses received shall be forwarded to the PCA before work commences.

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

106. All vehicles carrying materials to, or from the site must have their loads covered with tarpaulins or similar covers.  
Reason: To ensure dust and other particles are not blown from vehicles associated with the use.
107. Satisfactory methods and/or devices being employed on the site to prevent the tracking of mud/dirt onto the surrounding streets from vehicles leaving the site.  
Reason: To prevent soil particles from being tracked and deposited onto the streets surrounding the site.
108. The disposal of contaminated soil being carried out in accordance with the requirements of the New South Wales Department of Environment, Climate Change and Water.  
Reason: To provide for correct disposal of wastes.
109. A certificate of survey from a registered land surveyor shall be submitted to the PCA upon excavation of the site and prior to any pouring of concrete for piling and / or footings to verify that the structures will not encroach on the allotment boundaries.  
Reason: To ensure all works are contained within the boundaries of the allotment.
110. A clear unobstructed path of travel of not less than 1000mm is to be provided to all exits and paths of travel to exits.  
Reason: To provide safe egress in case of fire or other emergency.
111. Alignment levels for the site at all pedestrian and vehicular access locations shall match the existing back of footpath levels at the Enmore Road boundary and the existing top of kerb levels at Crescent Lane boundary. Failure to comply with this condition will result in vehicular access being denied.  
Reason: In accordance with Council's powers under the Roads Act, 1993, alignment levels at the property boundary will be required to accord with Council's design or existing road and footpath levels.
112. No activities, storage or disposal of materials taking place beneath the canopy of any tree protected under Council's Tree Preservation Order at any time.  
Reason: To protect existing trees.
113. All builders' refuse, spoil and/or material unsuitable for use in landscape areas being removed from the site on completion of the building works.  
Reason: To protect the environment.
114. Canopy and/or root pruning of the following trees which is necessary to accommodate the approved building works shall be undertaken prior to any construction works commencing and shall be directly supervised by an experienced Arborist - for the purpose of this document a suitably qualified professional shall have as a minimum, Level 5 (Diploma) certification in Arboriculture under the Australian Qualification Framework (AQF).

<b>Schedule</b>	
<b>Tree/location</b>	<b>Approved works</b>
Tree 10 - <i>Ficus microcarpa</i> var <i>hillii</i> (Hills Weeping Fig)	Canopy prune to clear approved works. Root prune to clear building works.
Tree 11 - <i>Ficus microcarpa</i> var <i>hillii</i> (Hills Weeping Fig)	
Tree 12 – <i>Eucalyptus microcorys</i> (Tallowood)	
Tree 13 - <i>Eucalyptus microcorys</i> (Tallowood)	
Tree 14 – <i>Cinnamomum camphora</i> (Camphor Laurel)	

Canopy pruning is limited to those branches that will come into direct contact the built structure and shall be carried out to sections 5, 6 and 7.3.3 of the Australian Standard 4373 - 2007 Pruning of Amenity Trees.

Reason: To adhere to Council's Tree Management Controls.

115. Where a tree's canopy or root system has developed across property boundaries, consent to undertake works on the tree does not permit a person acting on the consent to trespass on adjacent lands. Where access to adjacent land is required to carry out approved tree works, Council advises that the owner of a tree must be notified. Notification is the responsibility of the person acting on the consent. Should the tree owner/s refuse access to their land, the person acting on the consent shall meet the requirements of the Access to Neighbouring Lands Act 2000 to gain access.

Reason: To adhere to Council's Tree Management Controls and to ensure trespass laws are not breached.

116. All excavation within the specified radius of the trunks of the following trees being hand dug to a depth of 900mm (along the line of excavation) as specified by and under the direct supervision of the site Arborist (AQF Level 5):

Schedule	
Tree/location	Radius from trunk
Tree 10 - <i>Ficus microcarpa</i> var <i>hillii</i> (Hills Weeping Fig)	10 metres.
Tree 11 - <i>Ficus microcarpa</i> var <i>hillii</i> (Hills Weeping Fig)	
Tree 12 – <i>Eucalyptus microcorys</i> (Tallowood)	
Tree 13 - <i>Eucalyptus microcorys</i> (Tallowood)	
Tree 14 – <i>Cinnamomum camphora</i> (Camphor Laurel)	

Reason: To protect existing trees.

117. All excavation and construction works are to be undertaken in accordance with the methodology and recommendations detailed in the Geotechnical Report prepared by Michael Adler and Associates dated 30 January 2011, and Structural Report prepared by JDT Design Pty Ltd dated 14 February 2011.

Prior to the commencement of works the Principal Certifying Authority shall provide verification to RailCorp that Condition No. 80 of this consent has been complied with.

Reason: To ensure compliance with RailCorp's concurrence.

118. No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and 1500V catenary, contact and pull-off wires of the adjacent tracks, and to any high voltage aerial supplies within or adjacent to the rail corridor.

Reason: To ensure compliance with RailCorp's concurrence.

## **BEFORE OCCUPATION OF THE BUILDING**

119. You shall obtain an Occupation Certificate from your PCA before you occupy or use the building. The PCA shall notify the Council of the determination of the Occupation Certificate and forward the following documents to Council within two (2) days of the date of the Certificate being determined:

- A copy of the determination;
- Copies of any documents that were lodged with the Occupation Certificate application;
- A copy of Occupation Certificate, if it was issued;
- A copy of the record of all critical stage inspections and any other inspection required by the PCA;
- A copy of any missed inspections; and
- A copy of any compliance certificate and any other documentary evidence relied upon in issuing the Occupation Certificate.

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

120. Occupation of the building shall not be permitted until such time as:

- a) All preconditions to the issue of an Occupation Certificate specified in this development consent have been met;
- b) The building owner obtains a Final Fire Safety Certificate certifying that the fire safety measures have been installed in the building and perform to the performance standards listed in the Fire Safety Schedule; and
- c) An Occupation Certificate has been issued.

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

121. The owner of the premises, as soon as practicable after the Final Fire Safety Certificate is issued, shall:

- a) Forward a copy of the Final Safety Certificate and the current Fire Safety Schedule to the Commissioner of the New South Wales Fire Brigades and the Council; and
- b) Display a copy of the Final Safety Certificate and Fire Safety Schedule in a prominent position in the building (i.e. adjacent the entry or any fire indicator panel).

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

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

122. A Section 73 Compliance Certificate from Sydney Water being submitted to Council before occupation of the premises.

Reason: To comply with the requirements of that Act.

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

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

124. a) Upon completion of the required noise attenuation measures referred to in the "Before the Issue of a Construction Certificate" Section of this Determination and prior to the occupation of the dwellings a report being prepared and submitted to the Certifying Authority's satisfaction by an accredited Acoustics Consultant, certifying that the final construction meets AS2021- 2000 and the requirements contained in State Environmental Planning Policy (Infrastructure) 2007 in relation to interior design sound levels as set down in the subject conditions of this consent. Such report shall include external and internal noise levels to ensure that the external noise levels during the test are representative of the typical maximum levels that may occur at this development; and

- b) Where it is found that internal noise levels are greater than the required dB(A) rating due to faulty workmanship or the like, necessary corrective measures shall be carried out and a further certificate being prepared and submitted to Council in accordance with the requirements as set down in Part a) of this condition.

Reason: To reduce noise levels within the proposed dwellings from the adjacent rail corridor and aircraft and to ensure that the proposed noise attenuation measures incorporated into the dwellings satisfactorily comply with the relevant sections of State Environmental Planning Policy (Infrastructure) 2007 and Australian Standard 2021-2000.

125. Before the issue of the Occupation Certificate, the Principal Certifying Authority is to be satisfied that all landscape works, including the removal of all noxious and/or environmental weed species, have been undertaken in accordance with the approved plan(s) and conditions of consent.

Reason: To ensure that the landscape works are consistent with the development consent.

126. The Certifying Authority must be satisfied that each of the commitments listed in BASIX Certificate referred to in this Determination have been fulfilled before the issue of an Occupation Certificate (whether an interim or final Occupation Certificate).

Reason: To ensure that all of the BASIX commitments have been fulfilled and to comply with the requirements under Section 154B of the Environmental Planning and Assessment Regulations 2000.

127. The Certifying Authority must apply to the Director-General for a BASIX Completion Receipt within 2 days of the issue of a final Occupation Certificate. Completion Receipts can be applied for at [www.basix.nsw.gov.au](http://www.basix.nsw.gov.au).

Reason: To ensure compliance with the requirements under Section 154C of the Environmental Planning and Assessment Regulations 2000.

128. Compliance with the requirements of Marrickville Development Control Plan No. 32 - Energy Smart Water Wise is to be demonstrated via completion of Council's Green Checklist, which is to be completed by the Principal Certifying Authority (PCA) before the issue of the Occupation Certificate. If completed by a Private PCA, a copy of the completed checklist must be forwarded to Council for its records.

Reason: To appropriately monitor the installation of energy and water conservation fixtures and appliances.

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

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

130. Heavy duty concrete vehicle crossings, in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" shall be constructed at the vehicular access locations before the issue of an Occupation Certificate and at no cost to Council.

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

131. All redundant vehicular crossings to the site shall be removed and replaced by kerb and gutter and footpath paving in accordance with Council's Standard crossing and footpath specifications for Enmore Road and AUS-SPEC#2-"Roadworks Specifications" before the issue of an Occupation Certificate and at no cost to Council. Where the kerb in the vicinity of

the redundant crossing is predominately stone (as determined by Council's Engineer) the replacement kerb shall also be in stone.

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

132. The person acting on this consent shall pay any and all cost relating to the advertising and implementation of traffic management works proposed for Crescent Lane before the issue of an Occupation Certificate.

Reason: To ensure all costs arising from this application are at no cost to Council.

133. The existing stone kerb adjacent to the site is an item of heritage significance and is to be preserved at no cost to Council. Any damage to the stone kerb will require the replacement of the damaged individual stone units before the issue of the Occupation Certificate and at no cost to Council. Any sandstone kerb and guttering approved for removal shall be carefully stacked and delivered to Council's materials storage yard in Bellevue Street, St Peters before the issue of an Occupation Certificate and at no cost to Council. Council's Overseer, Mr Joe Borg shall be contacted on 0412 645 115 to arrange for delivery.

Reason: To ensure that items of heritage significance are preserved.

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

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

135. All works required to be undertaken on public roads shall be designed and constructed in accordance with Council's standard crossing and footpath specifications, AUS-SPEC#2- "Roadworks Specifications" and Council's Stormwater and On Site Detention Code. The works shall be certified by a qualified civil engineer who is listed under the Institution of Engineers, Australia "National Professional Engineers Register" (NPER) and shall state that the works have been constructed in accordance with the above requirements before the issue of an Occupation Certificate.

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

136. Before the issue of an Occupation Certificate the person acting on this consent shall obtain from Council a compliance Certificate(s) stating that all Road, Footpath and Civil Works on Council property required to be undertaken as a result of this development have been completed satisfactorily and in accordance with Council approved plans and specifications.

Reason: To ensure that all Road, Footpath and Civil Works required to be undertaken as a result of this development have been completed satisfactorily.

137. A public right-of-way shall be created over the first 6 metres of the internal driveway off Crescent Lane before the issue of an Occupation Certificate to allow vehicles to undertake three-point turns within Crescent Lane so as to egress in a forward direction.

Reason: To enable public vehicles to be able to undertake three-point turns and egress Crescent Lane in a forward direction.

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

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

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

Reason: To ensure Council's interests are protected.

140. Before the issue of an Occupation Certificate the person acting on this consent is to lodge a separate application with Sydney Water to determine the site storage requirement and the permissible site discharge applying to the development. The application will need to be accompanied with the following calculations:

- a) Total site area;
- b) Pre development impervious area; and
- c) Post development impervious area

A Section 73 Certificate will not be issued until the stormwater connection requirements have been negotiated and resolved to the satisfaction of Sydney Water.

Reason: To ensure compliance with Sydney Water requirements.

141. Before occupation of the premises all customers discharging waste into Sydney Water's wastewater system must have written permission from Sydney Water. The trade waste requirements help Sydney Water discharge or reuse wastewater while protecting the environment and meeting regulatory requirements. Sydney Water will either issue the customer a trade waste permit or enter into a trade waste agreement. A trade waste permit must be obtained before any discharge can be made to the sewer system. The permit is also needed for site remediation purposes. Applications for a trade waste permit can be made to Sydney Water at the Section 73 Certificate application stage. For further information refer to The Sydney Water website - [www.sydneywater.com.au](http://www.sydneywater.com.au).

Reason: To ensure compliance with Sydney Water requirements.

142. The street lighting in Crescent Lane being upgraded to comply with the P4 category of lighting in accordance with AS1158.3.1:2005 and at no cost to Council. The lighting shall be designed by a suitably experienced lighting engineer and the design shall also comply with AS4282 to ensure that no injury is caused to the amenity of the surrounding area by light overspill or obtrusive light. Plans shall be submitted to and approved by Council before submission to Energy Australia for implementation.

Reason: To ensure appropriate lighting is provided to create a safe environment and to protect the amenity of the surrounding neighbourhood from the emission of light.

143. Before the issue of a Occupation Certificate the person acting on this consent shall obtain from Council's Development Engineer a Certificate(s) of Satisfactory Completion stating that all Road, Footpath and Drainage Works required to be undertaken as a result of this development have been completed satisfactorily and in accordance with Council's approved plans and specifications.

Reason: To ensure that all Road, Footpath and Drainage Works required to be undertaken as a result of this development have been completed satisfactorily.

144. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development shall be at no cost to Council and undertaken before occupation of the site.

Reason: To ensure all costs for the adjustment/augmentation of services arising as a result of the redevelopment are at no cost to Council.

145. Encroachments onto Council's road or footpath of any service pipes, sewer vents, boundary traps, downpipes, gutters, stairs, doors, gates, garage tilt up panel doors or any structure whatsoever shall not be permitted. Any encroachments on to Council road or footpath resulting from the building works will be required to be removed before occupation of the site.

Reason: To ensure there is no encroachment onto Council's road.



146. The person acting on the consent must provide a plan of how future maintenance of the development facing the rail corridor is to be undertaken. The maintenance plan is to be submitted to RailCorp prior to the issuing of the Occupancy Certificate. Written confirmation is required to be received from RailCorp confirming compliance with this condition before the issue of an Occupation Certificate.

Reason: To ensure compliance with RailCorp's concurrence.

147. Before the issue of an Occupation Certificate the person acting on this consent is to ensure that fencing along the rail corridor and the parts of the building facing the rail corridor are coated with anti-graffiti paint or other coating.

Reason: To ensure compliance with RailCorp's concurrence.

## **ADVISORY NOTES**

- The vehicular crossing and/or footpath works are required to be constructed by your own contractor. You or your contractor **must** complete an application for 'Construction of a Vehicular Crossing & Civil Works' form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, before commencement of works.
- The Disability Discrimination Act 1992 (Commonwealth) and the Anti-Discrimination Act 1977 (NSW) impose obligations on persons relating to disability discrimination. Council's determination of the application does not relieve persons who have obligations under those Acts of the necessity to comply with those Acts.
- A complete assessment of the application under the provisions of the Building Code of Australia has not been carried out.
- The approved plans must be submitted to the Customer Centre of any office of Sydney Water before the commencement of any work to ensure that the proposed work meets the requirements of Sydney Water. Failure to submit these plans before commencing work may result in the demolition of the structure if found not to comply with the requirements of Sydney Water.
- Useful Contacts

Dial Before You Dig

☎ 1100

[www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au)

Department of Environment, Climate Change and Water

☎ 9995 5000

[www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)

Department of Fair Trading

☎ 13 32 20

[www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au)

Enquiries relating to Owner Builder Permits and Home Warranty Insurance.

Landcom

☎ 9841 8660

To purchase copies of Volume One of "Soils and Construction"

Long Services Payments Corporation

☎ 131441

<http://lspc.nsw.gov.au>

Marrickville Council

☎ 9335 2222

[www.marrickville.nsw.gov.au](http://www.marrickville.nsw.gov.au)

Copies of all Council documents and

application forms can be found on the web site.

NSW Government

[www.nsw.gov.au/fibro](http://www.nsw.gov.au/fibro)  
[www.diysafe.nsw.gov.au](http://www.diysafe.nsw.gov.au)

Information on asbestos and safe work practices.

Sydney Water

☎ 13 20 92

[www.sydneywater.com.au](http://www.sydneywater.com.au)

Waste Service NSW – Environmental Solutions

[www.wasteservice.nsw.gov.au](http://www.wasteservice.nsw.gov.au)

WorkCover Authority of NSW

☎ 13 10 50

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

Enquiries relating to work safety and asbestos removal and disposal.