

# CONDITIONS

## DA 10.2011.89.1

1-7 Victoria Street, ASHFIELD 2131

### Description of Work as it is to appear on the determination:

Construction of a two (2) to six (6) storey high residential flat buildings containing 62 dwellings above two levels of basement car parking accommodating 90 vehicles. The proposed residential flat building comprises:-

- 17 x 1 bedroom apartments;
- 33 x 2 bedroom apartments; and
- 12 x 3 bedroom apartments.

### On allotments:-

Lot 100 DP 130143, Lots B & C DP 923683, Lot A DP 928863 Known as 1-7 Victoria Street, Ashfield

## A General Conditions

### (1) Approved plans stamped by Council

The development must be carried out only in accordance with the approved plans and specifications listed below, prepared by Nettletontribe, Sitedesign Landscape Architects, M+G Consulting Engineers Pty Ltd and any supporting documentation received with the application, except as amended by the conditions specified hereunder:-

Job No	DWG No	Issue	Title
3362	DA02	C	Basement 1 & 2 Floor Plan
3362	DA03	C	Ground Floor & Level 1 Plan
3362	DA04	C	Level 2 & Level 3 Plan
3362	DA05	C	Level 4 & 5 Plan
3362	DA06	C	Roof Plan & ABSA Certificate
3362	DA07	C	Unit Type Plans – Sheet 1
3362	DA08	C	Unit Type Plans – Sheet 2
3362	DA10	A	Adaptable Unit Plans
3362	DA21	C	North + South Elevations
3362	DA22	C	East +West Elevation
3362	DA31	B	Section A-A + B-B
3362	DA41	B	Shadow Diagrams Winter –
3362	DA42	B	Shadow Diagrams Equinox
3362	DA43	B	Schedule of External Finishes
3362	DA46	B	No 19 Norton St - Shadow
3362	DA47	B	No 9 Victoria St Shadow - Winter
3362	DA59	A	Site Coverage & SEPP 65 Openspace Diagram
10 -0244	Nil	A	Landscape Plan - Ground Floor Level & Roof / Terrace Levels
3530	C01	2	Ground Floor Concept Stormwater Drainage, Erosion & Sediment Control Plan
3529	C02	2	Basement B2 & B1 Concept Stormwater Drainage Plan
3529	C03	2	Concept Stormwater

			Drainage Details
3529	C04	1	Concept Stormwater Drainage Pipe Long Section

Document	Prepared by	Date
Statement of Environmental Effects Pty Ltd	Moody & Doyle	
Natural Ventilation Statement	WindTech	9 December 2010
Solar Access Analysis	WindTech	10 December 2010
Solar Light Reflectivity Analysis	WindTech	9 December 2010
BCA Capability Report	Vic Lilli & Partner	17 November 2010
Accessibility Review	Morris Goding Accessibility Consulting	31 March 2011
Construction Management Plan		
Transport report and additional Justification Letter	Colston Budd Hunt & Kafes PTY LTD	December 2010 16 September 2011
Acoustic Assessment	Koikas Acoustics PTY LTD	9 December 2010
NSW Police	Conditions	30 May 2011

## **(2) Design and construction of car parking bays and ramps**

The layout of the proposed car parking areas and access driveway associated with the subject development (including grades, turn paths, sight distance requirements, aisle lengths, loading bay dimensions and parking bay dimensions) should be in accordance with AS2890.1- 2004 (off-street car parking), and AS2890.2 – 2002 for large vehicles. Any lesser head height at the ramp entry than that is prescribed in the AS2890.2 – 2002 (off-street commercial vehicle facilities) and AS 2890.6:2009 (off-street car parking for people with disabilities). Where the prescribed head height is not achieved at the entry to the carpark, then this would limit the size and type of vehicles servicing the development. Suitable headroom clearance warning signs should be erected at the entry to the car park.

## **(3) Pedestrian safety along Victoria Street**

Pedestrian safety shall be ensured in the area. Clear sight line measures shall be provided at the property line to the Victoria Street driveway to ensure adequate visibility between vehicles leaving the car park and pedestrians on the frontage road footpath- reference section 3.2.4 AS2890.1-2004.

## **(4) Building work in compliance with BCA**

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

## **(5) Protection of street trees**

No trees on public property (footpaths, roads, reserves, etc) shall be removed or damaged during construction including for the erection of any fence, hording or other temporary works. Street trees shall be protected during construction work at all times. Details of the method employed to preserve and protect street trees shall be submitted and approved by Ashfield Council prior to release of the Construction Certificate.

## **(6) External finishes**

External finishes shall be in accordance with the approved plans and not to be modified without further approval from Council.

## ***B      Design Changes***

### **(1)      Garbage bin storage**

Each garbage bin storage room shall be provided with a floor waste connected to the sewer together with cold water taps for bin cleansing.

### **(2)      Clothes Drying Areas**

Clothes dryers shall be provided to each unit. Any external clothes drying areas provided on the balcony areas of any the apartment shall be located on so that they are not directly visible from public places or the internal courtyard area of the proposed development. Details shall be submitted with the Construction Certificate.

### **(3)      Store room**

A minimum of 8 cubic metres of storage space shall be provided for each residential apartment in accordance with Council's development control plan.

Details of bulky garbage store for the storage of unwanted furniture; mattress etc prior to removal to be submitted to Council or PCA prior to the issue of a Construction Certificate.

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

### **(1)      Consolidation of allotments**

The allotments are to be consolidated into one plan of consolidation prepared by a registered surveyor and six (6) paper copies are to be submitted to Council for signature prior to registration at the Land Titles Office (Department of Information and Land Management). Evidence of consolidation from the Land Titles Office shall be submitted to Council or the Principal Certifying Authority prior to the release of a Construction Certificate.

### **(2)      Cost of works Estimate**

An accurate estimate of the proposed works, prepared and certified by a registered quantity surveyor or the like, must be provided to the satisfaction of Council's Assessment Officer, with or before the application for a construction certificate. The estimate should be based on recognised industry cost rates or the contract price, including the cost of labour. If the revised cost of works estimate exceeds the estimate supplied with the development application, an additional fee based on the revised estimate must be paid to Council prior to release of the Construction Certificate.

### **(3)      Construction and Site Management Plan**

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

- (a)      what actions and works are proposed to ensure safe access to and from the site and what protection will be provided to the road and footpath area from building activities, crossings by heavy equipment, plant and materials delivery, or static loads from cranes, concrete pumps and the like;
- (b)      the proposed method of loading and unloading excavation machines, building materials, formwork and the erection of any part of the structure within the site;
- (c)      the proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period;

- (d) how it is proposed to ensure that soil/excavated material is not transported on wheels or tracks of vehicles or plant and deposited on surrounding roadways; and
- (e) the proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed by a chartered Civil Engineer or an accredited certifier.

Where it is proposed to:

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

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

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

#### **(4) Soil and Water Management Plan**

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

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

- (a) to minimise the area of soils exposed at any one time
- (b) to conserve top soil
- (c) to identify and protect proposed stockpile locations
- (d) to preserve existing vegetation and identify revegetation techniques and materials
- (e) to prevent soil, sand, gravel, and any other sediment or spoil from leaving the site in an uncontrolled manner
- (f) to control surface water flows through the development construction site in a manner that:-

diverts clean run-off around disturbed areas  
 minimises slope gradient and flow distance within disturbed areas.  
 ensures surface run-off occurs at non-erodible velocities.  
 ensures disturbed areas are promptly rehabilitated

- (g) to ensure regular monitoring and maintenance of erosion and sediment control measures and rehabilitation works.

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

#### **(5) Erosion & sedimentation control-management plan**

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

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

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

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

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

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

Further information may be obtained from:

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

## (6) Section 94 Development Contributions

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

	Development Contributions			Total
	Residential Accommodation less than 60sqm GFA	Residential Accommodation between 60-84sqm GFA	Residential Accommodation greater than 84sqm GFA	
Number of Dwellings / Beds or GFA	11	10	41	N/A
Number of deficient car parking spaces				0
Local Roads	\$1,526.12	\$1,387.38	\$7,268.33	\$10,181.83
Local Public Transport Facilities	\$4,881.91	\$6,843.48	\$40,003.85	\$51,729.23
Local Car Parking Facilities	\$0.00	\$0.00	\$0.00	\$0.00
Local Open Space and Recreation Facilities	\$85,851.07	\$120,346.41	\$703,490.28	\$909,687.76
Local Community Facilities	\$5,303.17	\$7,434.00	\$43,455.78	\$56,192.95
Plan Preparation and Administration	\$3,900.68	\$5,467.99	\$31,963.40	\$41,332.07
<b>TOTAL</b>	<b>\$101,462.95</b>	<b>\$141,479.26</b>	<b>\$826,181.63</b>	<b>\$1,069,123.83</b>

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<sub>c</sub>** is the amount of the contribution for the current financial quarter

**\\$ C<sub>p</sub>** is the amount of the original contribution as set out in this development consent

**CPI<sub>c</sub>** is the Consumer Price Index (Sydney – All Groups) for the current financial quarter as published by the ABS.

**CPI<sub>p</sub>** 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](http://www.ashfield.nsw.gov.au) or a copy may be inspected at Council's Administration Centre.

#### **(7) 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.

#### **(8) Services infrastructure or relocation**

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

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

#### **(9) Lighting to basement/pedestrian routes-safety**

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

Details to be shown on the construction certificate.

#### **(10) Surveillance**

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

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

Details to be shown on the construction certificate and provided to Ashfield Police prior to occupation.

#### **(11) Preparation of geotechnical report**

To ensure that the structural integrity of the proposal and neighbouring buildings will be maintained, a full geotechnical report must be submitted to the Council or the PCA prior to the issue of a construction certificate and prior to the commencement of excavation works. The report must include an investigation of site and soil conditions as well as the proposed means of construction and must contain, where required, recommendations to ensure that excavation, backfilling and construction, including temporary works during construction, will not affect the structural integrity of neighbouring buildings or the structural stability of neighbouring public land, property or services. The report is to be prepared and certified by an appropriately qualified practicing geotechnical engineer.

All demolition, excavation, backfilling and construction must be undertaken in accordance with the recommendations of the geotechnical report.

**(12) Vibration damage assessment**

To minimise vibration damage and loss of support to buildings in close proximity, a report shall be prepared by a qualified Geo-technical engineer detailing the maximum size of hammer to be used where a hydraulic hammer is to be used within 30 metres of any building (other than a path or a fence). The report is to be submitted to Council prior the issue of a Construction Certificate.

**(13) Plantation or recycled timbers**

To minimise the damage to the environment, no rainforest timbers or timbers cut from old growth forests are to be used in the construction of buildings.

The Construction Certificate is to specify the timbers to be used. These are to be limited to plantation timbers grown on Australian farms, or State Forest Plantations, or recycled timbers.

**(14) Water conservation**

Water saving devices must be fitted to all showers and dual flush cisterns installed within all WC/ sanitary facilities provided throughout the development to reduce ongoing water consumption. Documentation to be shown on the plans to be provided with the Construction Certificate

**(15) Noise from road and rail**

To minimise the impact of noise from the adjoining major road or rail corridor on the occupants of the building it shall be acoustically designed and constructed to meet the requirements of AS 2107 - 1989.

Evidence from a qualified acoustic consultant that these design requirements have been met shall accompany the application for the Construction Certificate.

**(16) Water efficient irrigation system**

The communal open space areas shall be provided with a water efficient irrigation system to enable effective landscape maintenance. Details shall be included with the landscape plan to be submitted with the Construction Certificate.

**(17) Street numbering**

An application for street numbering shall be lodged with Council for approval, prior to the release of a Construction Certificate, or Subdivision Certificate, whichever occurs first.

**(18) 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.sydneypwater.com.au](http://www.sydneypwater.com.au) then follow the "e-Developer" icon or telephone Sydney Water 13 20 92 for assistance.

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

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

#### **(19) Damage deposit/footpath, road, kerb and gutter**

A Damage Deposit of **\$95,000** is to be submitted prior to the release of the Construction Certificate covering repair and/or replacement of adjoining footpath, road shoulder, road pavement, kerbing and guttering both outside the subject site and the surrounding area. This is to be paid to Council and may be refunded subject to satisfactory completion of construction or demolition.

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

**Bank Guarantees** with no end date 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.

#### **(20) Footpath/laneway- photographs to be submitted**

Prior to the release of the Construction Certificate, the applicant shall lodge with Council photographs of all Council assets on the footpath at the property these assets shall included such things as parking signs, street trees and their surrounds garden beds etc. 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 Council asset. 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.



**(21) Stormwater disposal-calculations**

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

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

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

- (i) Roof areas.
  - (ii) Paved areas.
  - (iii) Grassed areas.
  - (iv) Garden areas.
  - (v) The percentages of Pre-development and Post-development impervious areas
- (b) At each pit and or bend, a level of pipe is to be shown (the minimum grade for pipes is 1%).
- (c) All flowpaths both internal and external, which pass through or around the proposed development site, are to be shown on the Construction Certificate plan
- (d) Calculations and details are to be provided to Council showing that provisions have been made to ensure that the piped drainage system including pits have been sized to accept runoff from all storms up to the 100 year ARI.
- (e) All roof gutters and down pipes for the proposed building and the existing building are to be sized to cater for a 100 ARI.
- (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.
- (g) All garbage and waste areas must drain to the sewer and not the stormwater system.
- (h) The construction of the new Council pipeline in Victoria and Norton Street shall comply with Council's "Stormwater management Code" in particular Section 49.

**(22) 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 the minimum Detention storage shall be a minimum 70m<sup>3</sup> and the top of water level for the 1:20 ARI must be above RL 37.93 (surface level of the connecting Council pit). Details of the storage shall be submitted to and approved by Council prior to the release of the Construction Certificate.
- (b) All on-site stormwater detention pit must be located in an easily assessable area not in a seal off location.
- (c) Prior to the release of the Construction Certificate, a maintenance schedule is to be prepared which clearly outlines the routine maintenance necessary to keep the OSD system working, this information is to be included in the Positive Covenant required for this development. Some of the issues that will need to be addressed are:
- where the storage and silt arrestor pits are located

- which parts of the system need to be accessed for cleaning and how access is obtained
- description of any equipment needed (such as keys and lifting devices) and where they can be obtained
- the location of screens and how they can be removed for cleaning
- who should do the maintenance (i.e. commercial cleaning company)
- how often should it be done

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

**(23) Compliance with NSW Police conditions**

Conditions and requirements imposed by NSW Police in their letter dated 25 May 2011 shall be complied with at all times.

**(24) Entry control - safety**

At the entry to the resident basement car park an intercom system shall be provided between visitors and residents to entry and exit from the car park.

Details to be shown on the application with the construction certificate.

**(25) Development application for Strata subdivision**

A separate development application for the strata subdivision shall be submitted to Council

**(26) Documentary evidence- compliance with consent– strata plan**

The Strata Plan of subdivision will not be issued until documentary evidence of compliance with conditions of Development Consent No. has been submitted to Council.

**(27) Exhaust fumes from car park**

Any exhaust ventilation from the carpark is to be ventilated away from the property boundaries of the adjoining dwellings, and in accordance with the provisions of AS1668.1, details demonstrating compliance are to be provided with the Construction Certificate.

**(28) No external service ducts**

Service ducts shall be provided within the building to keep external walls free of plumbing or any other utility installations. Such service ducts are to be concealed from view from the street. Details demonstrating compliance are to be provided in the Construction Certificate.

**(29) SEPP 65 – Design Verification**

Design verification is required from the original designer prior to the release of the Construction Certificate and with the application for Occupation Certificate to confirm the development is in accordance with the approved plans and details and continues to satisfy the design quality principles in State Environmental Planning Policy No – 65 Design Quality of Residential Flat Building Development.

**(30) SEPP 65 – Design Verification Documentation**

The original design shall ensure with any construction detail for the architectural documentation of the building that continues to satisfy the design quality principles in State Environmental Planning Policy No – 65 Design Quality of Residential Flat Building Development.

**(31) Minimum head height clearance**

The minimum clear headroom over driveways, aisles or car parking areas must be 2.3m at any point. In addition, car parking spaces provided for disabled parking shall have a vertical minimum clearance of 2.5m as per AS2890.1.2004. Detail to be submitted to Council or PCA prior to the issue of a Construction Certificate.

**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 days before the building work commences.

**(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 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)      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.

**(5)      Building location - check survey certificate**

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

- (i) location of the building 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.

#### **(6) Crane permit**

Should the applicant need to use a crane during the course of building, it will be necessary to first obtain a "Crane Permit" from Council's One Stop Shop. A fee is payable for the permit. The approval of other authorities (eg Police Department, RTA) may be required for the use of a crane.

#### **(7) Protection of public places - erection or demolition of building**

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

#### **(8) 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.

#### **(9) Dilapidation Reports**

A Dilapidation Report on the current structural condition of the existing neighbouring buildings and Council roadway at the site boundaries must be prepared by a practicing structural engineer. The Dilapidation Report must be completed and submitted to the owner of the subject property and to Council prior to the commencement of any demolition, excavation or construction works. At the completion of the works, a second Dilapidation Report recording the structural condition must be prepared. That Report must be submitted to the owner of the subject property and to Council.

#### **(10) 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.

#### **(11) 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.

#### **(12) Asbestos and/or lead removal certification**

The existing structures/land on the site potentially contain asbestos and/or lead. Following removal of any asbestos/lead located on site a clearance must be provided to the Principal Certifying Authority certifying that no such asbestos/lead remains on site from a suitably qualified person.

A copy of the clearance Certificate must be forwarded to Council before any other demolition work is commenced.

#### **(13) Garbage skips on Council land - Council approval**

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

#### **(14) Haulage route information**

Full details of proposed haulage routes, estimated number of vehicle movements and trip locations related to demolition/construction activities are to be submitted to Ashfield Council prior to work commencing.

#### **(15) Sydney Water approval**

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

#### **(16) Works zone application to Council - construction vehicles**

The applicant is to apply to Council for a “works zone” along the site frontages for construction vehicles prior to work commencing. Contact Council's Customer Service on 9716 1800 for details and the necessary fees you need to pay..

Note: A minimum of 2 months notice to Council is required.

**(17) Structural Engineering Details**

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

**(18)**

**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.

**(19) On site detention system – check survey**

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

**(20) Erosion, dust, topsoil and sediment control (Non Standard Condition)**

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

***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) Advertisements on hoardings prohibited**

No advertisements of any kind shall be affixed to the hoarding except a board which may show the builder's or architect's name or any particulars regarding the subject building.

**(3) Billposters - sign on hoarding**

A sign “Billposters Will Be Prosecuted” shall be attached to or printed upon the front of the hoarding.

**(4) Trees to be protected - Ashfield Tree Preservation and Landscape Policy**

Trees to be preserved are to be protected in accordance with Part 5 of Ashfield Council's Tree Preservation and Landscape Policy.

**(5) Encroachment on Council property prohibited**

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

**(6) Waste Management Plan – compliance**

- (a) All requirements of the approved Waste Management Plan must be implemented during the demolition and/or excavation and construction period of the development. Adequate measures need to be in place to ensure the ongoing waste management of the site.
- (b) Keep receipts of where waste will be taken to be treated or disposed. The receipts must be presented to the Principal Certifying Authority prior to issue of the occupation certificate.

**(7) Building materials and equipment - storage/placement on footpath/roadway - Council approval**

All building materials and equipment shall be stored wholly within the property boundaries and shall not be placed on the footpath, grass verge or roadway without prior written approval of Council.

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

**(8) 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.

**(9) Demolition/excavation/construction - hours of work**

Demolition, excavation and construction work, including loading and unloading of materials and machinery, shall be restricted to between the hours of 7.00 am to 6.00 pm, Monday to Friday and from 7:00 am to 1.00 pm on Saturday. Work is prohibited on Sundays, and on public holidays.

**(10) Dust control**

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

**(11) Site vehicles - mud/debris**

You are to ensure that ALL vehicles leaving the site are free of mud and debris. Loads are to be fully covered and vehicles/wheels washed down to ensure that no nuisance occurs.

## **(12) Demolition requirements/standards**

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

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

## **(13) 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.

**(15) Safety Glazing - BCA**

Safety glazing complying with B1 of the Building Code of Australia (BCA) is to be used in every glazed door or panel that is capable of being mistaken for a doorway or unimpeded path of travel. The glazing must comply with AS 1288:2006 'Glass in Buildings – Selection and Installation'.

Framed panels or doors enclosing or partially enclosing a shower or bath shall be glazed with "A" or "B" grade safety glazing material in accordance with AS 1288 and Part 3.6.4 of the BCA.

**(16) Footpath, kerb and gutter reconstruction**

The public footpath, verge, and kerb and gutter outside the site shall be completely reconstructed to the requirements of Council's Works & Infrastructure Department at the applicant's expense.

This work shall consist of the construction of a minimum 1.8m concrete footpath adjacent to the property boundary and a 1.5m turfed nature strip adjacent to the kerb line. The turfed nature strip shall consist of Sir Walter Buffalo grass and a minimum seven 25 litre Lilly Pillies (standard) trees shall be planted in front of the site each tree is to have a tree guard placed around it similar to the type used on Liverpool Road. Council shall approve all the above items mentioned above prior to installation. This work shall be carried out prior to the release of the Occupation Certificate.

The applicant shall also meet the full cost for the relocation of any street signs etc, which may be affected during the construction stage. The applicant shall also meet the full cost for the replacement of these signs back to their original place once site construction is completed.

**(17) Footpath, kerb and gutter protection**

The applicant is to take all precautions to ensure footpaths and roads are kept in a safe condition and to prevent damage to Council's property.

Pedestrian access across this footpath must be maintained in good order at all times during work. Any damage caused will be made good by Council at Council's restoration rates, at the applicant's expense

**(18) Finished ground surface levels at property boundary**

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

**(19) 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.

**(20) 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.

**(21) Engineering staff to inspect road works/drainage**

An inspection by Council's staff will be required for (footpath reconstruction, stormwater connection 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.

**(22) Spoil and building materials on road and footpath**

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

**(23) Design and construction of car parking bays and ramps**

Design of car parking bays and ramp-driveways shall be in accordance with Australian Standards AS 2890.1 2004 "Off Street Car Parking".

**(24) Stormwater runoff-collection/discharge**

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.

**(25) 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.

**(26) Redundant vehicular crossings-removal and replacements**

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

**(27) Replacement of sandstone kerb and gutter**

The existing kerb shall be reconstructed with a sandstone kerb and concrete gutter for the full site frontage except opposite the vehicular entrance and exit point. A full depth, minimum 1 metre wide road reconstruction in front of the kerb and gutter along the full site frontage is to be carried out.

**(28) Stormwater runoff-collection/discharge (Non Standard Condition)**

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 in Norton Street at a maximum Permissible Site Discharge (PSD) where the Pre-development discharge as described in Supplement 4.2 of Council's "Stormwater Management Code" equals the Post-development discharge of a 1:100 ARI event.

## **(29) BASIX Requirements**

The new works shall be constructed in accordance with, and comply with, the undertakings given on BASIX (Building Sustainability Index) Certificate No 369743M\_02 as obtained on 19 December 2011 from the Department of Planning.

For more information visit [www.basix.nsw.gov.au](http://www.basix.nsw.gov.au)

- (30)** Dwellings that are nominated as adaptable and accessible dwellings on the approved plans must be constructed to comply with Adaptable housing Class A of AS 4299, AS 1428.1 and the requirements of Section 5.2.2 of the Ashfield Development Control Plan for Access and Mobility (Tel 9716 1800 for a free copy).

## ***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 manufacturer's 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.

Note: If Council is chosen as the Principal Certifying Authority a fee is applicable prior to the release of the Construction 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
- 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; and
- \* the freeboard from maximum water surface level to the finished floor and garage levels are at or above the minimum required in Council's Stormwater Code.
- \* basement car park pumps are class one zone two.

(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.

***H      Conditions that are ongoing requirements of development consents***

## **(1) Approved use**

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

## **(2) Service Vehicles within Basement Area**

Service vehicles should not park or stand in the main aisle area of the car park to interfere/obstruct with the safe and proper movement and circulation of vehicles through the carpark.

## ***I Advisory Notes***

### **Reason for the imposition of conditions**

Unrestricted consent would be likely to cause injury:

- a) to the amenity of the neighbourhood
- b) to the heritage significance of the area
- c) to the heritage significance of the property
- d) to the amenity of the neighbourhood due to the emission of noise
- e) to the amenity of the neighbourhood due to the creation of a traffic hazard

and further, would not be in the public interest.

### **Compliance with Building Code of Australia**

- (1) All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate or complying development certificate was made).
- (2) This clause does not apply to the extent to which an exemption is in force under clause 187 or 188 of the Environmental Planning and Assessment Regulation 2000, subject to the terms of any condition or requirement referred to in clause 187 or 188.

## **NOTES**

- (i) This approval does not relieve an applicant of the obligation to obtain any other approval required under Section 68 of the Local Government Act, 1993 and Ordinances or Section 78A of the Environmental Planning & Assessment Act, 1979 or any other Act or Regulation.
- (ii) Further approval(s) – see above, may be required in addition to this development consent. Plans and specifications submitted for building works must comply with the Building Code of Australia, any relevant condition of development consent and/or other code or requirement of Council at the time of approval.

Ask Council if you are unsure of what procedures you need to follow.

## **SECTIONS 82A, 97 AND 95 OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979**

You are advised that:

- Under the provisions of Section 82A of the Environmental Planning and Assessment Act, 1979, an applicant may request Council to review a determination of the applicant's development application, other than an application for designated development. Any request for a review must be made within six (6) months of the date on which the applicant received notice, given in accordance with the regulations, of the determination of the application and be accompanied by the fee prescribed in Section 257 of the Regulations.
- If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act, 1979, gives you the right to appeal to the Land and Environment Court within six (6) months after the date on which you receive this notice.

- Under the provisions of Section 95 of the Environmental Planning and Assessment Act, 1979, unless the development, which is the subject of this consent, is commenced within five (5) years from the date of determination, the consent will lapse.