

THAT pursuant to Section 80(1)(b) and Section 96 of the Environmental Planning and Assessment Act, 1979, as amended, the Joint Regional Planning Panel approves the application (known as 2010/DA-461 REV6) to modify Deferred Commencement Development Consent No. 10/DA-461 to demolish the existing structures and construct a mixed retail/commercial and residential development (120 residential dwellings) with associated car parking and road works on Lot 2 DP 534643 and Lot 69 DP 356823 and known as 11 Mashman Avenue and 7 Colvin Avenue, Kingsgrove, **by amending Conditions 2, 17, 19, 22, 23, 24, 25, 153 and 173**. The modified development consent is as follows:

This Development Application is a Deferred Commencement Consent under Section 80(3) of the Environmental Planning and Assessment Act (as amended) 1979. Strict compliance is required with **all conditions appearing in Schedule 1** within **twelve (12) months from the Endorsement Date of this consent**. Upon confirmation in writing from Hurstville City Council that the Schedule 1 Conditions have been satisfied, the consent shall commence to operate as a Development Consent for a period of five (5) years from the **Endorsement Date of this consent**.

Schedule 1

- A. A separate application under Section 138 of the Roads Act shall be submitted to Council to extend Council's drainage system to provide a drainage outlet for the site. A system of concrete pits and pipelines is to be constructed westerly along the northern side of Mashman Avenue, from the gully pit located in Kingsgrove Road. It is then to extend southerly along Mashman Lane to a point south of the proposed vehicle crossing to prevent gutter flows in a 1:100yr ARI storm event entering the property. Detailed design plans for the proposed drainage works are to be prepared for a flow capacity adequate for upper catchment runoff as well as that from the development. The minimum pipe size/type for the construction of new Council drainage work is 375mm reinforced concrete.

A full hydraulic grade line design including catchment analysis for pipe size, detail layout, pit locations, levels of pipes and connections with calculations shall be submitted with this application for runoff from a 1:20yr ARI storm event.

Documentary evidence as requested or the above information must be submitted within twelve (12) months of the granting of this deferred commencement consent. Commencement of the Consent cannot commence until written approval of the submitted information has been given by Council.

Subject to A above being satisfied a development consent be issued, subject to the following conditions:

Schedule 2

1. **OC1 - Act, Regulations and Environmental Planning Instruments Prevail** - This consent is granted subject to compliance with the relevant requirements of the Environmental Planning and Assessment Act 1979 as amended ("the Act"), the

Environmental Planning and Assessment Regulation 2000 ("the Regulation"), the Building Code of Australia ("the BCA"), Hurstville City Council's ("the Council's") Local Environmental Plan 1994, Development Control Plan No. 1 (Hurstville LGA Wide DCP) or Development Control Plan No. 2 (Hurstville City Centre) as applicable, and any applicable codes, except if varied by this consent.

2. **OC2 - Approved Plans - The development shall be carried out in accordance with the details set out on the application form, supporting information received with the application and the schedule of plans and details below, except as amended by the conditions of this consent. A copy of the plans is stamped approved, and attached to this consent (This condition amended by 2010/DA-461REV6).**

Plan Number	Plan Date	Description	Prepared By
Project No 6126 Drawing No S96-003D, 11B, 12B, 13A, 19A, 20A, 21A, 22A, 33A (The above plans relate to the proposed additional 20 units only)	Received 6 December 2011 except for 11B and 12B received on 19 April 2012	Basement 5, Level 5, Level 6, Roof Plan, Site Sections – Sheet 1, Site Sections – Sheet 2, Site Elevations - Sheet 1, Site Elevations - Sheet 2, Elevations – Block D	Kann Finch Group
Project No. 6126 Drawing No. S96 – 6A, 7-1A, 7A, 20A, 04,	Received 20 September 2011	Basement 2, Basement 1 - Mezzanine, Basement 1, Site sections, Supermarket plant room design	Kann Finch Group
Project No 6126 Drawing No S96-3B, 8B, 9B, 10B, 11B, 12B, 32B, 33B,	Received 7 October 2011	Site plan, Ground level, Level 1, Level 2, Level 3, Roof Plan, Elevations-Block C, Elevations-Block D	Kann Finch Group
Project No 2010639.2	Received 7 October 2011	Mechanical Noise Assessment	Acoustic Logic
Project No 2010639.2	Received 20 September 2011	Mechanical Noise Assessment	Acoustic Logic
Project No 6126 drawing No. S96- , 03, 04, 08-1, 20, 23, 40	Received 27 Jul 11, 3 Aug 11 (03), 9 Aug 11 (08-1)	Basement 5 , Basement 3, Retail Tenancy, 1, Site sections – Sheet 1, Ramp Profile, Apartment/Car Parking Numbers	Kann Finch Group

Project No. 6126 Drawing No. DA 21, 22, 30, 31,	18 Nov 10	Site elevations – Sheet 1 and 2, Elevations – Block A, Elevations – Block B	Kann Finch Group
19, 20, 21, 22, 23,	Nov 10	External Materials and Finishes Photomontages and Perspective Views	Kann Finch Group
05/0099	17 Feb 05	Plan Showing Levels and Details	Watson Buchan Pty Ltd
LA 01 Issue C, LA 02 Issue A	27 Oct 10, 28 Oct 10	Landscape Plan, Landscape Design Statement, Landscape Details	Taylor Brammer Landscape Architects
Project 71973 and 04623091/011	Sep 10 and Oct 04	Report on Geotechnical Investigation, Combined Stage 1 and Stage 2 Environmental Site Investigation	Douglas Partners and Golder Associates
-	Nov 10	Waste Management Report	Kann Finch Group
Report: 2010639/1208A/R0 /KS	13 Sep 10	Environmental Noise and Vibration Impact Report	Acoustic Logic Consultancy
CMP Issue A (7 pages) and 6126 – SK002 (2 sheets)	Received 10 Nov 10	Construction Management Plan and Erosion and Sediment Control Plan	Buildform
7480/740	17 Nov 10	Electrolysis testing	Corrosion Control Engineering

3. The proposal must comply with the provisions of the Building Code of Australia. However, if this requires any changes to the external portion of the building it may require a Section 96 Modification to be lodged and approved with Council, prior to the issue of the Construction Certificate.
4. The controls of the *Hurstville Development Control Plan – Section 6 Controls for Specific Sites, 6.10 Mashman Site Kingsgrove* be enforced as listed in Clause 6.10.3.7 of that Development Control Plan. (Reason: Interpretation of the Heritage Item).
5. **Subdivision** - No approval is expressed or implied to the subdivision of the subject land or dwellings. For any future Strata subdivision, a separate development application is required to be submitted and approved by Council.
6. **OC3 - Amenity** - The implementation of this development shall not adversely affect the amenity of the neighbourhood by way of the emission or discharge of noise, vibrations, fumes, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or other harmful products.
7. **OC4 - Prescribed Conditions** - This development consent is subject to the conditions as prescribed pursuant to Section 80 A(11) and Section 85A(6)(a) of the Environmental

Planning and Assessment Act 1979 and Clauses 98-98B of the Environmental Planning and Assessment Amendment Regulation 2000.

Erection of Signs

- (1) A sign must be erected in a prominent position on any work site on which building work, subdivision work or demolition is being carried out:
 - (a) showing the name, address and telephone number of the principal certifying authority for the work
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number at which that person may be contacted outside working hours
 - (c) stating that unauthorised entry to the work site is prohibited
- (2) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, and must be removed when the work has been completed.
- (3) This clause does not apply to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
- (4) These signage requirements do not apply to in relation to Crown building work that is certified to comply with the technical provisions of the State's building laws.

8. ZC1 - A positive covenant is to be created over the common property by an instrument pursuant to Section 88B of the Conveyancing Act 1919, to be submitted to Council for endorsement with the final subdivision plans. This covenant is to be worded as follows:

"It is the responsibility of the Building Owner/Owners Corporation to remove all graffiti, bill posters, unapproved signage, pamphlet boxes and the like, from the common property within 7 days of such information being reported to the Owners Corporation.

Hurstville City Council is to be nominated as the Authority to release, vary or modify this covenant."

9. HOI - **Hoardings**

- (a) A separate Development Consent for the erection of an A class (fence type) or B class (overhead type) hoarding along the street frontage(s) complying with WorkCover requirements must be obtained;
- (b) The payment to Council of a footpath occupancy fee based on the area of footpath to be occupied and Council's Schedule of Fees and Charges (available on our website) before the commencement of work; and
- (c) A Public Risk Insurance Policy with a minimum cover of \$10 million in relation to the occupation of and works within Council's road reserve, for the

full duration of the proposed works, must be obtained a copy provided to Council. The Policy is to note Council as an interested party. The copy is to be provided to Council before the issue of the Construction Certificate.

10. **MI130.1 - Slip Resistance** - All pedestrian surfaces in areas such as foyers, public corridors/hallways, stairs and ramps as well as floor surfaces in the wet rooms in any commercial/retail/residential units must have slip resistance classifications, as determined using test methods in either wet or dry conditions, appropriate to their gradient and exposure to wetting. The classifications of the new pedestrian surface materials, in wet or dry conditions, must comply with AS/NZS4586:2004 - Slip Resistance Classifications of New Pedestrian Materials.

Note: SAA/SNZ Handbook 197:1999 - An Introduction Guide to the Slip Resistance of Pedestrian Surface Materials may assist in the use of AS/NZS 4586:2004.

Demolition Conditions

11. DE 1

- (a) The demolition of the building must be carried out strictly in accordance with Australian Standard 2601-2001 - The Demolition of Structures.
- (b) The demolition contractor must carry a current public risk insurance cover for a minimum of \$10,000,000.00.
- (c) For buildings containing asbestos sheeting or asbestos products, the demolition shall:
 - (i) only be carried out by persons licensed by the WorkCover Authority. The formal approval of the WorkCover Authority is required before commencement of work where the area of the sheeting or product exceeds 10 square metres. For more information phone WorkCover on 13 10 50 or visit www.workcover.nsw.gov.au.
 - (ii) comply with Council's Asbestos Policy adopted by Council on 23 March 2005 (as amended from time to time). A copy of the Policy may be downloaded from the Development ... Site Management page of our website.
- (d) Lead paint removal must not cause lead contamination of the air or ground. For more information visit www.dec.nsw.gov.au or phone the Department of Environment and Conservation on 9995 5555.
- (e) Decommissioning of any air-handling or refrigeration system containing chlorofluorocarbons (CFC's) or fire extinguishing systems containing halons must only be carried out by a person or directly supervised by a person authorised by the Department of Environment and Conservation. Any work of this nature must be in accordance with the Ozone Protection Act and Regulations and any relevant Code of Practice approved by the Department of Environment and Conservation. For more details visit www.environment.nsw.gov.au. or phone the Department of Environment and Conservation on 9995 5555.
- (f) The cost of any damage to road/kerb/gutter/footpath will be deducted from the kerb and gutter damage deposit unless you notify Council of any existing damage before the commencement of work.

12. DE7 - On demolition sites where buildings to be demolished contain asbestos, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position (from street frontage) on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site to an approved waste facility.
13. DE8 - Demolition works involving the removal and disposal of bonded asbestos over 200sqm must only be undertaken by a licensed asbestos removalist. Licensed asbestos removalists must be engaged for the removal of any friable asbestos.
14. DE9 - The developer /builder is to notify adjoining residents five (5) working days prior to demolition. Such notification is to be a clearly written note giving the date demolition will commence, contact details of the developer/builder, licensed asbestos demolisher and the appropriate regulatory authority (i.e. WorkCover or Hurstville City Council). Notification is to be placed in the letterbox of every premises (including every residential flat or unit, if any) either side and immediately at the rear of the demolition site.
15. DE10 - Five (5) working days prior to demolition, the developer/builder is to provide written notification to Hurstville City Council advising of the demolition date, details of the WorkCover licensed asbestos demolisher and the list of residents advised of the demolition.
16. **Waste Service** - Domestic waste bins must not be used with demolition/construction work. You can apply to cancel the waste service, so that the domestic waste bins are removed and waste charges suspended. Further information is available from the Waste Service Project Officer on 9330 6154 during office hours.

To Obtain a Construction Certificate

17. **The following must be submitted to either Council or an Accredited Certifier before a Construction Certificate is issued:**

(a) Fees to be paid to Council:

Schedule of fees, bonds and contributions					
Fee Type	Paid	Fee Type	Amount	Receipt Date	Receipt No
Development Application Fee	X	DA1	\$17,932.35	10 Nov 10	341972
Plan First Fee	X	AP35	\$16,241.28	10 Nov 10	341972
Notification Fee	X	AP12	\$207.00	10 Nov 10	341972
Imaging Fee	X	AP165	\$500.00	10 Nov 10	341972
DA Advertising Fee	X		\$830.00	10 Nov 10	341972
Long Service Levy		AP34	\$88,819.00		
Builders Damage Deposit		BON2	\$3,750.00		
Inspection Fee for Refund of Damage Deposit		DA6	\$125.00		
S94 - Open Space & Community Recreation		CONT9	\$772,637.00		
S94 - Community Services & Facilities		CONT3	\$411,587.00		
S94 - Management		CONT8	\$30,368.44		
S94 - Library Infrastructure		CONT7	\$209,953.00		
S94 - Library Bookstock		CONT4	\$1,182.05		
The following fees apply where you appoint Council as your Principal Certifying Authority (PCA). (If you appoint a private PCA, separate fees will apply)					

PCA Services Fee		DA6	\$14,337.12		
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Fees and charges above are subject to change and are as set out in the version of Council's Schedule of Fees and Charges or as required by other Government Authorities, applicable at the time of payment. (This condition is modified by 2010/DA-461REV6. Section 94 calculations are based on date Section 96 application received).

18. **BI1 - Building Code of Australia ("BCA")** - A Construction Certificate must be obtained before the commencement of work from Council or an Accredited Certifier. Detailed plans and specifications for the proposed building must demonstrate compliance with the BCA.
19. **OC8 - Design Changes Required** - The following design changes are required and are to be incorporated into the plans to be lodged with the Construction Certificate application.

- (a) Privacy screens being provided to the western elevation of the balconies of the dwellings known as D1-11, D2-10 and D3-01 to a minimum height of 1.5m from the finished floor level of the balcony. The privacy screen is to be constructed of a material that cannot be seen through such as translucent glazing or louvres which are fixed in a direction that does not allow downward viewing of adjoining properties. This condition has been imposed to reduce privacy impacts to the adjoining developments.
- (b) Any on-street car spaces lost as a result of the road works undertaken as a result of the development being provided on site. This condition has been imposed so that on site car parking is in accordance with the requirements of Hurstville Development Control Plan No 1 – LGA Wide - Section 6.10.
- (c) Two units known as D5-01 and D6-01 are to be deleted from the approved development as required by the Joint Regional Planning Panel. The approved floor plans known as 011B Level 5 and 012B Level 6 (received 19 April 2012) show the deletion of these units. The deletion of these units is to be shown in the elevation plans. The amended elevation plans are to be submitted with the Construction Certificate.

(This condition is modified by 2010/DA-461REV6).

20. **BI2 - Long Service Leave Levy** - Submit evidence of payment of the Building and Construction Industry Long Service Leave Levy to the Principal Certifying Authority. Note this amount is based on the cost quoted in the Development Application, and same may increase with any variation to estimated cost which arises with the Construction Certificate application.
To find out the amount payable go to www.lspc.nsw.gov.au or call 131441. **Evidence of the payment of this levy must be submitted with the Construction Certificate application.**
21. **BDI - Damage to Council Property** - In order to insure against damage to Council property the following is required:

- (a) Payment to Council of a Damage Deposit for the cost of making good any damage caused to any Council property as a result of the development: **\$3,750.00.**
- (b) Payment to Council of a non refundable Inspection Fee to enable assessment of any damage and repairs where required: **\$125.00.**
- (c) At the completion of work Council will inspect the public works, and the damage deposit will be refunded in full upon completion of work where no damage occurs. Otherwise the amount will be either forfeited or partly refunded according to the amount of damage.
- (d) Prior to the commencement of work a photographic record of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal, shall be submitted to Council.
- (e) Payments pursuant to this condition are required to be made to Council before the issue of the Construction Certificate.

22. **S942 - Open Space and Community Recreation - Pursuant to Section 94(1) of the Environmental Planning and Assessment Act, 1979, payment shall be made to Council of a monetary contribution for open space and community recreation facilities.**

The contribution relates to Plan no. 2 and is based on the criteria that any development which results in a nett increase in the City's population will create extra demand on open space and community recreation facilities. Therefore the requirement for additional open space and embellishment of existing open space is a direct measurable consequence of the approved development.

The total open space and community recreation facilities contribution required and payable before release of the Construction Certificate is \$772,637.00. (This condition is modified by 2010/DA-461REV6).

23. **S944 - Community Services and Facilities - Pursuant to Section 94(1) of the Environmental Planning and Assessment Act, 1979, payment shall be made to Council of a monetary contribution for community services and facilities. The contribution relates to Plan no. 4 and is based on the criteria that any development which results in a nett gain of people living in the City or a change in the population structure will create extra demand on community services and facilities.**

The total community services and facilities contribution required and payable before release of the Construction Certificate is \$411,587.00. (This condition is modified by 2010/DA-461REV6).

24. **S945 - Management - Pursuant to Section 94(1) of the Environmental Planning and Assessment Act, 1979, payment shall be made to Council of a monetary contribution for Section 94 planning and management.**

The contribution is related to Plan no. 5 and is based on the criteria that the significant costs to Council associated with Section 94 planning and management

are a direct measurable consequence of the approved development. Therefore it is appropriate to seek to partly offset these costs from the development.

The total Section 94 Management contribution required and payable before release of the Construction Certificate is \$30,368.44. (This condition is modified by 2010/DA-461REV6).

25. **S946 - Library and Information Services** - Pursuant to Section 94(1) of the Environmental Planning and Assessment Act, 1979, payment shall be made to Council of a monetary contribution for library and information services.

The contribution is related to Plan no. 6 and is based on the premise that any development which results in a nett increase in the City's population will create extra demand on Council's library and information services provision. Furthermore, any such development will also generate an additional demand for the acquisition of library book stock.

Contributions are also sought from retail/commercial development within the Hurstville Town Centre, as defined by the map in the Plan.

- (a) The contribution rate for residential development is \$209,953.00.
- (b) The book stock acquisition contribution for residential development is \$1,182.05.

The total Library and Information Services Section 94 contribution required and payable before release of the Construction Certificate is \$211,135.05. (This condition is modified by 2010/DA-461REV6).

26. **S948 - Indexing of all Section 94 Contributions** - All contributions payable pursuant to Section 94 conditions must be paid before issue of the Construction Certificate, and will be indexed quarterly in accordance with the Consumer Price Index - Sydney All Groups, published by the Australian Bureau of Statistics. **If you seek to obtain a Construction Certificate more than three (3) months from the date of this consent you must contact Council to determine the variation in the contribution(s) before payment. If you engage an accredited certifier payment(s) must be made before issue of the Construction Certificate. Failure to do so can result in problems including incorrect cheque preparation, return of payment, and delay in obtaining your Construction Certificate.**
27. **SM3 - Construction Management Plan** - Submit to the Principal Certifying Authority a Construction Management Plan that clearly sets out the following:
- (a) What actions and works that 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 a builder's site office and amenities, the storage of excavated material, construction materials and waste containers during the construction period.
- (d) How it is proposed to ensure that soil/excavated material is not transported on wheels or tracks of vehicles or plant and deposited on surrounding roadways.
- (e) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve - the proposed method of support is to be designed by a Chartered Civil Engineer with National Professional Engineering Registration 3 (NPER3) in structural design.
- (f) A Soil and Water Management Plan detailing all sedimentation controls.

28. **ST1 - Structural details** - Structural plans and specifications prepared and endorsed by a suitably qualified practising structural engineer shall be submitted along with the Construction Certificate application to the Principal Certifying Authority for any of the following, as required by the building design:

- (a) piers
- (b) footings
- (c) slabs
- (d) columns
- (e) structural steel
- (f) reinforced building elements
- (g) retaining walls
- (h) stabilizing works

29. **IN3 - Fire Safety Measures** - Prior to the issue of a Construction Certificate a list of the fire safety measures that are to be provided in relation to the land and any building on the land as a consequence of the building work must accompany an application for a Construction Certificate, which is required to be submitted to either Council or an accredited certifier. Such list must also specify the Minimum Standard of Performance for each Fire Safety Measure included in the list. The Council or Accredited Certifier will then issue a Fire Safety Schedule for the building.

30. **Geotechnical Reports** - The developer must submit a Geotechnical Report, prepared by a suitably qualified Geotechnical Engineer in relation to dilapidation reports, all site works and construction. This is to be submitted **before the issue of the Construction Certificate** and is to include:

- (a) Investigations certifying the stability of the site and specifying the design constraints to be placed on the foundation, any earthworks and any excavations.
- (b) Dilapidation Reports on the adjoining properties including prior to any excavation of site works. The Dilapidation Report is to include assessments on, but not limited to, the dwellings at those addresses and any stairway for pedestrian access. This must be submitted to the Principal Certifying

Authority and the adjoining residents five (5) working days prior to any works on the site.

- (c) On-site guidance by a vibration specialist during the early part of excavation.
- (d) Rock breaking techniques. Rock excavation is to be carried out with tools such as rock saws which reduce vibration to adjoining buildings and associated structures.
- (e) Sides of the excavation are to be pierced prior to any excavation occurring to reinforce the walls of the excavation to prevent any subsidence to the required setbacks and neighbouring sites.

- 31. PN9 - No excavation, pier hole drilling, construction or the like may be carried out **before the issue of the Construction Certificate.**
- 32. PN10 - The site is not to be filled or excavated other than as strictly indicated on the approved plans.
- 33. SM2 - **Vibration damage** - To minimise vibration damage and loss of support to the buildings in close proximity to the development, any excavation is to be carried out by means of a rock saw.

Alternatively where a hydraulic hammer is to be used within 30 metres of any building (other than a path or a fence) a report from a qualified geotechnical engineer detailing the maximum size of hammer to be used is to be obtained and the recommendations in that report implemented during work on the site. **The report shall be submitted with the Construction Certificate Application.**

- 34. PN11 - Details of all proposed retaining walls, including height, materials, finish and structure, must be submitted **with the Construction Certificate Application.**
- 35. PW1 - The developer must ensure that appropriate dust suppression measures are installed/utilised during the periods of excavation/placement of fill/construction. Details of the means of dust suppression must be submitted **with the Construction Certificate application.**
- 36. PW4 - The developer must take all measures available to control the emission of dust from the site and in this regard adequate watering equipment acceptable to Council shall be used on the site at all times other than in wet weather. The developer must ensure that the contractor is able to control emission of dust from the site on weekends when windy conditions prevail. Details to be submitted **with the Construction Certificate application.**
- 37. PW5 - The developer must submit a site works plan detailing sedimentation controls, fencing, builder's site sheds office and amenities, materials storage and unloading arrangements **with the Construction Certificate application.** This is required before the commencement of any work on-site, including demolition.
- 38. PW6 - **Vehicle Wash Bays** - All car washing shall be conducted in a roofed and bunded wash bay, with pre-treatment approved by Sydney Water, graded to a drainage point and

connected to the sewer.

Evidence of approval of the system by Sydney Water to be submitted **with the application for a Construction Certificate**.

39. DR1 - **Stormwater System** - All roof, surface water and sub-surface water must be collected and discharged to Council's drainage system in Mashman Avenue. This will require a Section 138 Drainage Application under the Roads Act to be approved and obtained from Hurstville City Council.

The design of the proposed drainage system must be prepared by a qualified practising hydraulics engineer and be submitted for approval **with the Construction Certificate application**.

40. DR12 - **On-Site Detention** - An on-site detention (OSD) facility designed by a professional hydrological/hydraulic engineer, shall be installed. The design must include the computations of the inlet and outlet hydrographs and stage/storage relationships of the proposed OSD using the following design parameters:

- (a) For events up to a 1% annual exceedance probability (AEP) design event as defined by Australian Rainfall and Runoff (May 1987). Maximum peak site discharge resulting from the development shall not be greater than peak site discharge, where the lots were previously occupied by a single dwelling, garage, lawn and garden.
- (b) Where the stormwater discharge points are connected to the street gutter system, the peak flow from the site shall not increase the width of gutter flow by more than 200mm at the design storm.
- (c) The OSD facility shall be designed to meet all safety requirements and childproof safety fencing around the facility must be provided where the OSD facility is open or above ground when the design peak storage depth is greater than 300mm. A durable metal plate or similar sign is to be placed at the OSD facility and must bear the words:

"This is an on-site detention basin/tank and is subject to possible surface overflow during heavy storms."

Full details shall accompany the application for **the Construction Certificate**.

41. DR14 - The underground basement car park must pump to Council's kerb and gutter. All other stormwater must drain by gravity to Council's kerb and gutter.
42. FP3 - **Trade Waste** - A Trade Waste Agreement with Sydney Water must be obtained. If no trade waste agreement or grease trap is required, a letter from Sydney Water is to be submitted to Council to this effect. A copy of the Trade Waste Agreement or letter to Council shall be provided **before the issue of the Construction Certificate**.
43. PU1.1 - **Sydney Water - Access to Water and Waste Water Services** - 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 Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to "Water Servicing Co-ordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, as it can take some time to build water/sewer pipes and this may impact on other services and building, driveway or landscape design.

The Notice of requirements must be submitted **with the application for a Construction Certificate**.

44. PU2 - **Sydney Water** - 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 assets, sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. A copy of the Sydney Water Quick Check approval is to be submitted to Council.

Please refer to the web site www.sydneywater.com.au for:

- * Quick Check agents details - see Building Developing and Plumbing then Quick Check; and
- * Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building Developing and Plumbing then Building and Renovating.

or telephone 13 20 92.

45. RR1 - **Access Levels** - An access levels application must be submitted to Council to obtain footpath alignment levels and vehicle crossing levels before designing internal driveways and car parking. Evidence that the proposed internal driveway design complies with Council's issued levels and general access standards shall be submitted **with the Construction Certificate application**.
46. RR2 - **Road Opening Permit** - A Road Opening Permit must be obtained from Council, in the case of local or regional roads, or from the Roads and Traffic Authority, in the case of State roads, for every opening of the public road to access services including sewer, stormwater drains, water mains, gas mains, and telecommunications **before the commencement of work in the road**.
47. PU4 – **Energy Australia - Substations/Kiosks** Energy Australia shall be consulted to determine if an electricity distribution substation is required. If so, it will be necessary for the final film survey plan to be endorsed with an area, having the required dimensions as agreed with Energy Australia, indicating the location of the proposed electricity distribution substation site. The substation must be located within the boundary of the development site, or within the building, subject to compliance with the BCA. The substation site to be dedicated to Council as public roadway, or as otherwise agreed with Energy Australia. For details visit www.energy.com.au or call 131525:

- (a) written confirmation of Energy Australia's requirements is to be submitted before the issue of the Construction Certificate; and
- (b) Energy Australia's requirements are to be met before the issue of the Occupation Certificate.

48. **PU5 – Energy Australia - Underground Electrical Conduits** – Energy Australia is to be consulted to determine if underground electricity conduits are to be installed in the footway. If so, the developer is to install the conduits within the footway across the frontage/s of the development site, to Energy Australia's specifications. Energy Australia will supply the conduits at no charge. The developer is responsible for compaction of the trench and restoration of the footway in accordance with Council direction. . For details visit www.energy.com.au or call 131525.

- (a) a copy of Energy Australia's requirements is to be submitted to Council **before issue of the Construction Certificate**.
- (b) Where conduits are to be installed, evidence of compliance with Energy Australia's requirements is to be submitted ***before the issue of the Occupation Certificate***.

Where works within the road reserve are to be carried out by the developer, a Road Opening Permit Application must be submitted to, and approved by, Council **before the commencement of work**.

49. **PU6 – Energy Australia - clearances to electricity mains** - If any part of the proposed structure, within 5m of a street frontage, is higher than 3m above footway level, Energy Australia is to be consulted to determine if satisfactory clearances to any existing overhead High Voltage mains will be affected. If so, arrangements are to be made, at your cost, with Energy Australia for any necessary modification to the electrical network in question. For details visit www.energy.com.au or call 131525.

The following condition only applies to developments where overhead low voltage mains are to be placed underground, within the Hurstville CBD area.

50. **PU10** - For all commercial/industrial and medium high density residential developments elsewhere in the City, the developer shall be responsible for :

- (a) providing conduits for the future undergrounding of low voltage cables ; and
- (b) providing the connection to future underground supply to the development.

51. **PU11 - Water, Waste Water, Electricity, Gas and Telecommunications** - Arrangements are to be made with utility authorities in respect to the services supplied by those authorities to the development. The cost associated with the provision or adjustment of services within the road and footway areas is to be at the developer's expense.

52. **PU12 - Telecommunications Aerial Cables** - Where the under grounding of low voltage electricity cables is required, the developer shall be responsible for arranging and

payment of the cost of the under grounding of all telecommunications aerial cables, where the electricity poles are to be removed.

53. WA10 - A detailed Waste Management Plan must be provided with the application for the Construction Certificate, indicating how waste generated from the end use is proposed to be managed.
54. WA9 - Arrangements must be made for the collection, storage and disposal of all waste materials in an approved container, to the satisfaction of the Principal Certifying Authority.
55. All excavation and construction works are to be undertaken in accordance with the methodology and recommendations detailed in the Geotechnical Report prepared by Douglas Partners dated September 2010, the Report on the Stability Assessment and Soil Nail Design prepared by Douglas Partners dated 16 June 2011, the M and G Consulting Structural Notes referenced job No. 2084-80 Drawing Nos S01 and S02, and including the following RailCorp requirements/amendments:
 - All excavation works with 25m of the rail corridor shall be supervised by an experienced Douglas Partners geotechnical engineer.
 - The Douglas Partners project engineer is to conduct vibration monitoring during the course of the excavation. The Douglas Partners geotechnical engineer is to conduct a detailed analysis of the stress-strain field of the rock mass after excavation and assess its affects on the rail tracks and retaining wall. This analysis is to be forwarded to RailCorp for review on the completion of excavation works. Any RailCorp recommendations following the submittal of this analysis is to be implemented
 - An agreed shoring system along the rail corridor boundary is to be used.
 - No rock anchors/bolts are to be installed into RailCorp's property.
 - On completion of the basement slab works all temporary rock anchors/bolts along the rail corridor boundary are to be distressed in accordance with the Geotechnical and Structural Reports.
 - The completed building is to be designed in a way to withstand earthquake actions without having to rely on the temporary rock anchors/bolts, and comply with Australian Standard AS1170.4.

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. Prior to the commencement of works the Principle Certifying Authority shall provide verification to RailCorp that this condition has been complied with (**This condition is modified by 10/DA-461REV2**).

56. The following items are to be submitted to RailCorp for review and endorsement prior to the issuing of a Construction Certificate:
 - Final construction details of the proposed piling, sheet piling, batter, walls, levee walls and footings.
 - Track monitoring plan detailing the proposed method of track monitoring during excavation and construction phases.
 - A rail safety plan including instrumentation and the monitoring regime.

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

57. The Applicant 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.
58. Prior to the issue of a Construction Certificate the applicant shall obtain written advice from RailCorp as to the need to undertake a services search to establish the existence and location of any rail services. Should RailCorp advise that a services search is required then this shall be completed prior to the commencement of works.
59. An acoustic assessment is to be submitted to Council prior to 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". The Applicant must incorporate in the development all the measures recommended in the report.
60. Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant 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.
61. 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 are within 20m and face the rail corridor, the Applicant is required to install measures (eg awning windows, louvres, enclosed balconies, window restrictors etc) which prevent the throwing of objects onto the rail corridor. These measures are to comply with RailCorp requirements. The Principle Certifying Authority shall not issue the Construction Certificate until it has confirmed that these measures are to be installed and have been indicated on the Construction Certificate drawings.
62. Prior to the issue of a Construction Certificate the Applicant is to provide RailCorp with a report from a qualified structural engineer demonstrating that the structural design of the development satisfies the requirements of Australian Standard AS5100 regarding derailment protection. The Principle Certifying Authority shall not issue the Construction Certificate until it has received written confirmation from RailCorp that it has received this report and the Principle Certifying Authority has also confirmed that the measures recommended in engineers report have been indicated on the Construction Drawings.
63. 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.
The Principle Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from the Rail Authority confirming that this condition has been satisfied.
64. Prior to 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. The Principle Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.

65. 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.
66. Prior to the issuing of a Construction Certificate the Applicant 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 Principle Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from the RailCorp confirming that this condition has been satisfied.
67. 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.
68. 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.
69. There is a need to ensure that the roots and foliage of trees being planted beside the rail corridor do not have an impact on the rail corridor. The development landscaping and planting plan should be submitted to RailCorp for review.
70. Prior to the commencement of works appropriate fencing shall be installed along the rail corridor to prevent unauthorised access to the rail corridor. Details of the type of fencing and the method of erection are to be to RailCorp's satisfaction prior to the fencing work being undertaken.
71. The Applicant shall obtain RailCorp's endorsement prior to the installation of any hoarding or scaffolding along the common boundary with the rail corridor.
72. Where a condition of consent requires RailCorp's endorsement the Principle Certifying Authority shall not issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from RailCorp that the particular condition has been complied with.
73. As set out in Section 9.1 of the geotechnical investigation report prepared by Douglas Partners in September, 2010, under Project No. 71973, a site specific monitoring trial, which must be prepared by a geotechnical engineer specialising in the field of geotechnical investigations, to determine the vibration attenuation measures that are to be used in connection with the use of heavy ripping equipment, rock hammers, rock saws and/or milling heads during excavation of the site must be prepared and submitted with the construction certificate application. (Reason: As detailed in Section 5 – Field Work Results of the above report, the subsurface conditions encountered in the test boreholes drilled on the site consisted of medium to high strength bedrock at a depth of around

12.9m to 15.0m below the surface of the land).

Any vibration attenuation measures set out in the 'site specific monitoring' report to limit the transmission of ground borne vibrations to adjacent structures during excavation must be complied with.

74. All sound producing plant, equipment, machinery or fittings associated with or forming part of the mechanical ventilation system and/or refrigeration system and activities associated with the building must be sound insulated and/or isolated so that, at any time of the day or night, the noise emitted does not exceed the background noise level in any octave band from 63.0 Hz centre frequencies inclusive at the boundaries of the site.

In this regard, a fresh noise report prepared by a practising Acoustical Consultant (who is a member of either the Australian Acoustical Society, or the Association of Australian Acoustical Consultants), upon finalisation of the design of the mechanical ventilation equipment required to service the development, must be prepared and submitted with the construction certificate application to either Council or accredited certifier verifying that any noise emission from the building does not exceed the background level in any octave band from 63.0Hz centre frequencies inclusive at the boundaries of the site. Such noise assessment must also include any ameliorative measures, if required, to ensure compliance with this condition.

75. In order to comply with Clause 3.7.2 of AS 1668.2-1991 the exhaust air from the basement car park levels must be discharged above the highest roof via a ventilation shaft(s) provided within the building.
76. The sight distance to pedestrian requirements laid down in Clause 3.2.4(b) of AS 2890.1-1993 in respect of the building's driveways where they exit to the roadways must be complied with.
77. **DR3 - Detailed drainage design** - A detailed drainage design supported by a catchment area plan and drainage calculations (including a Hydraulic Grade Line Analysis) must be submitted **with the Construction Certificate application**.
78. **DR11 - Stormwater drainage plans** - Stormwater drainage plans including pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits prepared by a qualified practising hydraulics engineer in accordance with the Australian Institute of Engineers Australian Rainfall and Runoff (1987) and Council's Stormwater Drainage Guidelines, **shall accompany the application for the Construction Certificate**.
79. **PV4 - Compliance with Australian Standard 2890.1** - All access driveways, queuing areas, ramps, gradients and the like for parking areas must be constructed in accordance with the provisions of Council's Development Control Plan except where otherwise approved by Council.
80. **PV5 - Internal driveway profile** - The design of the internal driveway profile shall provide:-

- (a) adequate sight distance for the safety of pedestrians using the footpath area.

- (b) a maximum 5% grade where access to large (1.50 cubic metres) garbage containers is required.
- (c) a maximum algebraic difference in grades of 11 %.
- (d) a maximum grade of 16%.

Written evidence, from an appropriately qualified person stating that these design requirements have been met with, shall be provided with the application for the Construction Certificate.

- 81. Alignment levels shall be obtained from Council's engineer for the full frontages of the site in Mashman Avenue and Colvin Avenue together with the full frontages of the site in Mashman Avenue and Mashman Lane. Evidence that the proposed internal driveway design complies with Council's issued levels and general access standards shall be submitted **with the Construction Certificate application**.
- 82. A plan showing the allocation of each car space and storage area to each individual occupancy in accordance with the conditions of the development consent shall be prepared. **This plan shall accompany the application for the Construction Certificate.**
- 83. Mashman Avenue west of Kingsgrove Road, Kingsgrove is to be changed to a one-way status travelling east for safety and better performance of road network and accordingly a detailed Traffic Management Plan needs to be submitted to Council and the Roads and Traffic Authority (RTA) for approval prior to the issue of the Construction Certificate.
- 84. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to issue of construction certificate as required by RTA in their Sydney Regional Development Advisory Committee (SRDAC). The plan is to be submitted prior to the release of the Construction Certificate.
- ~~85. That the kerbs at the intersection of Paterson Ave and Mashman Lane be widened to accommodate a 12.5m HRV. Details to be approved by Council's Senior Traffic Engineer prior to the release of the Construction Certificate. (This condition is deleted by 10/DA-461REV04).~~

Before Commencing the Development

- 86. **IN3 - Appointment of Principal Certifying Authority** - No work shall commence in connection with this Development Consent until;
 - (a) a construction certificate for the building work has been issued by:
 - (i) the consent authority; or
 - (ii) an accredited certifier; and
 - (b) the person having the benefit of the development consent has appointed a principal certifying authority for the building work; and

- (c) the principal certifying authority has, no later than 2 days before building work commences:
 - (i) notified Council of his or her appointment;
 - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are required to be carried out in respect of the building work; and
- (d) the person having the benefit of the development consent has:
 - (i) appointed a principal contractor for the building work who must be the holder of a contractor licence for the residential building work involved;
 - (ii) notified the principal certifying authority of any such appointment, and
 - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work; and
- (e) the person having the benefit of the development consent has given at least 2 days notice to the Council of the person's intention to commence the erection of the building.

87. BC1 - Construction Certificate - No work shall commence until you:

- (a) Obtain a Construction Certificate from either Hurstville City Council or an Accredited Certifier - a fee applies for this service; and
- (b) Lodge with Hurstville City Council any Construction Certificate obtained from an Accredited Certifier (together with associated plans and documents) - a fee applies for this service.

88. BC2 - Notice of Commencement - No work shall commence until you submit a Notice of Commencement (form attached or available from our website) giving Council:

- (a) Not less than two (2) days notice of the date on which it is proposed to commence work associated with this Development Consent.
- (b) Details of the appointment of a Principal Certifying Authority (either Hurstville City Council or an Accredited Certifier).
- (c) Details of the name, address and licence details of the Builder.

Note: If the Principal Certifying Authority is the Council, the nomination will be subject to the payment of a fee for the service to cover the cost of undertaking all necessary inspections and the issue of the appropriate certificates.

89. MI128 - Notice of Excavation - The developer must notify the owners of the adjoining properties, by way of Certified Mail, of the proposed excavation of the subject land at least fourteen (14) days prior to the excavation of the site. Copies of the letters notifying the adjoining owners must be submitted to the Principal Certifying Authority **before the commencement of work.**

90. MI129 - **Dilapidation Report** - A Dilapidation Report on the adjoining properties detailing the existing condition of any existing walls, paths and fences, with photographs must be submitted to the Principal Certifying Authority **before the commencement of work**.
91. BC3 - **Site Safety Fencing** - Erect site fencing complying with WorkCover Guidelines, to exclude public access to the site throughout the demolition and/or construction work, except in the case of alterations to an occupied dwelling. The fencing must be erected before the commencement of any work and maintained throughout any demolition and construction work.
92. BC4 - **Principal Certifying Authority (PCA) Sign** - A sign must be erected in a prominent position on the site indicating that entry to the site by unauthorised persons is not permitted, and including the contact details of the PCA. Where Council is the PCA, a sign may be obtained at no cost from Council's Customer Service Centre. A PCA sign must be erected on the site **before the commencement of any work**.
93. PW2 - The developer must ensure that sediment-laden runoff from the site is controlled at all times subsequent to commencement of construction works. Sediment control measures must be maintained at all times and checked for adequacy at the conclusion of each day's work.
94. ES1 - **Erosion and Sedimentation Controls** - Erosion and sedimentation controls must be provided to ensure:
- (a) compliance with the approved Soil and Water Management Plan
 - (b) removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval)
 - (c) all uncontaminated run-off is diverted around cleared or disturbed areas
 - (d) silt fences or other devices are installed to prevent sediment and other debris escaping from the cleared or disturbed areas into drainage systems or waterways
 - (e) all erosion and sediment controls are fully maintained for the duration of demolition/ development works
 - (f) controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadways
 - (g) all disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar
 - (h) all water pumped or otherwise removed from excavations or basement areas is filtered to achieve suspended solids/non filterable residue levels complying with the *Australian Water Quality guidelines for Fresh and Marine Waters*
 - (i) pumped or overland flows of water are discharged so as not to cause, permit or allow erosion
 - (j) compliance with the Do it Right on Site brochure requirements published by SSROC

before the commencement of work (and until issue of the Occupation Certificate).

95. PU6 – **Energy Australia - Clearances to Electricity Mains** - If any part of the proposed structure, within 5m of a street frontage, is higher than 3m above footway level, Energy

Australia is to be consulted to determine if satisfactory clearances to any existing overhead High Voltage mains will be affected. If so, arrangements are to be made, at your cost, with Energy Australia for any necessary modification to the electrical network in question. For details visit www.energy.com.au or call 131525.

96. 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 (especially the retaining wall and rail track formation) is to be carried out by representatives from RailCorp and the Applicant. 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.
97. Details as to the method of supporting the excavation adjacent to neighbouring premises must be submitted to the certifying authority prior to commencement of work.
98. Prior to the commencement of work in connection with the excavation of the site associated with the basement car park levels, structural engineer's details relating to the method of supporting/stabilising Council's roadways/footpaths in Mashman Avenue, Mashman Lane and Colvin Avenue must be submitted to Council's Manager – Building Control and be formally acknowledged by Council as acceptable.
99. On the basis that the structural engineer's details prepared by ABVD Design – Consulting Structural & Civil Engineers – on 1 November, 2010 under Drawing Nos. 1/2/3-3639, and titled 'Excavation Shoring Details', show that the excavation along part of Mashman Avenue, Mashman Lane and Colvin Avenue will be supported by concrete plies incorporated in a 'Shotcrete' wall system, all of which are to be held in place by belowground (cable) anchors that are to be constructed under Council's roadways/footways in the aforesaid streets, prior to commencement of any work in connection with the excavation of the site, an application must be submitted to and be approved by Council's Manager – Building Control to construct the anchors under the roadways.

Note: (a) the cable anchors must be stressed released when the building extends above ground level to the satisfaction of Council,

(b) the applicant must indemnify Council from all public liability claims arising from the proposed works, and provide adequate insurance cover to the satisfaction of Council until the cables are stress released.

Documentary evidence of a Public Risk Insurance Policy having a minimum cover to the value of ten (10) million dollars, being in the name of the applicant and noting Hurstville City Council as an interested party, must be submitted to Council with the application to construct the belowground (cable) anchors,

(c) the applicant must register a non-terminating bank guarantee in favour of Council for the amount of \$30,000.00. The guarantee will be released when the cables are stress released. In this regard it will be necessary for a certificate to be submitted to Council from a structural engineer at that time verifying that the cables have been stress released, and

(d) in the event of any works taking place on Council's roadway/footway adjoining the property while the anchors are still stressed, all costs associated with overcoming the difficulties caused by the presence of the 'live' anchors must be borne by the applicant.

100. Prior to commencement of work in connection with the erection of the internal concrete elements in the basement level, copies of the relevant easements and neighbour's permission obtained in respect of the craning over of materials and equipment, and erection of scaffolding over the neighbouring properties must be submitted to Council or accredited certifier.
101. At any time the height of the building under construction exceeds the least horizontal distance between the boundary of the allotment and the nearest part of such building along either Mashman Avenue or Mashman Lane or Colvin Avenue by more than twice, Type B hoardings must be erected along the aforesaid roadways/footways to protect the footpath users in these streets. If this is the case, on the basis that the Type B hoardings will occupy Council's footways/roadways in these streets whilst the building is under construction, an application under Section 68 of the Local Government Act, 1993, and in accordance with Section 138 of the Roads Act, 1993, to construct the hoardings on the footways/roadways must be lodged with and be approved by Council's Manager – Building Control prior to the erection of the hoardings.

The hoarding application must be accompanied by details of a Public Risk Insurance Policy with a minimum cover of ten (10) million dollars in relation to the occupation of and works within Council's road reserve. The Policy must apply for the full duration of the proposed works, be in the name of the applicant and note Hurstville City Council as an interested party.

102. Provision for toilet facilities connected to the sewer must be provided prior to commencement of work.
103. Prior to commencement of site works, a sign must be erected at the entrance of the property detailing permitted hours of work. The lettering is to have a minimum height of 50mm and is to contrast the background of the sign. The builder is to advise all sub-contractors, in writing, of the approved hours of work prior to commencement of excavation works.
104. Prior to commencement of site works, details setting out a "designated heavy traffic route" in connection with the transporting of all waste material, existing landfill and spoil and other materials to and from the site must be submitted to Council's Traffic Analyst for approval.

During the Development

105. IN3 - The Principal Certifying Authority must carry out the last critical stage inspection and, as well, the Principal Certifying Authority, or another certifying authority, must carry out all other critical stage inspections, as are prescribed in the Environmental Planning and Assessment Regulation, 2000, together with the inspections required by the principal certifying authority and the undermentioned inspections:

- (a) All structural inspections,
- (b) All inspections necessary to determine that the appropriate conditions attached to this consent have been complied with, and
- (c) All inspections necessary to determine that the requirements of the Building Code of Australia are being met.

Where Council has been appointed as the principal certifying authority, a PCA Services Fee will be paid in accordance with the Schedule of Fees and Charges. Forty-eight (48) hours notice in writing, or alternatively twenty-four (24) hours notice by facsimile or telephone, must be given to Council when specified work requiring inspection has been completed.

106. DD2 - Registered Surveyor's Report - Submit to the Principal Certifying Authority During Development Work

A Registered Surveyor's Report must be submitted to the Principal Certifying Authority at each of the following applicable stages of construction:

- (a) Setout before commencing excavation.
- (b) Floor slabs or foundation wall, before formwork or commencing brickwork.
- (c) Completion of Foundation Walls - Before any construction of flooring, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans.
- (d) Completion of Floor Slab Formwork - Before pouring of concrete/walls construction, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans. In multi-storey buildings a further survey must be provided at each subsequent storey.
- (e) Completion of any Roof Framing - Before roof covered detailing eaves/gutter setback from boundaries.
- (f) Completion of all Work - Detailing the location of the structure (including eaves/gutters) relative to adjacent boundaries and its height relative to the datum shown on the approved plans. A final Check Survey must indicate the reduced level of the main ridge.
- (g) Other.

Work must not proceed beyond each stage until the Principal Certifying Authority is satisfied that the height and location of the building is proceeding in accordance with the approved plans.

107. PN1 - Hours of Operation for Building and Demolition Work - Work in connection with the proposed development or building that involves the demolition of any existing buildings, any excavation or earthworks, the depositing of materials on the site, the removal of spoil and materials from the site or the erection of the building that requires the use of any tools (including hand tools) or any power operated plant or machinery that

creates noise on or adjacent to the site shall only be performed between the hours of 7.00 am and 5.00 pm, Monday to Saturday inclusive. No work is to take place on Sundays, Good Friday, Christmas Day, and any public holiday.

Additionally, construction work on all buildings (except that on single dwelling houses and associated structures on the site of a single dwelling house) is prohibited on Saturdays and Sundays on weekends adjacent to a public holiday.

A Penalty Infringement Notice may be issued for failure to comply with this condition.

108. MI130.2 - **Slip Resistance** - Details relating to the type of pedestrian surface materials to be used in areas such as the foyers, public corridors/hallways, stairs and ramps as well as the floor surfaces in wet rooms in any commercial/retail/residential units, the location of each type of surface material, the slip resistance classifications of those materials as determined through test methods using wet or dry conditions, and verification by way of, for example, copies of test reports issued by the CSIRO, that the pedestrian surface materials comply with AS/NZS 4586:2004 must be submitted to either Council or accredited certifier before installation of such materials.
109. BC5 - **Bulk Excavation or Filling Levels** - The bulk excavation or filling levels for footings or slabs, when placed, shall not exceed the levels as required by this consent. A surveyor's certificate verifying compliance with this condition must be submitted **before placement of concrete in footings or slabs**.
110. DE4 - **Ground Levels** - The ground levels of the site shall not be raised, or retaining walls constructed on the allotment boundary, except where indicated on approved plans or approved separately by Council.
111. MI1 - The street number of the property, according to its rateable address indicated in Council's records, must be clearly displayed on the front of the building, front fence or the like.
112. MI3 - The unit number, at least 50mm high, must be provided to the entry door to each unit/villa/dwelling/townhouse.
113. MI7 - The shop number, at least 50mm high, must be clearly displayed adjacent to the entry door to each shop/unit.
114. MI25 - **Balcony Drainage** - The floors of the balconies must be graded and drained to a grated inlet and connected to the stormwater drainage system.
115. WA3 - No provision is required for green waste collection facilities for the residential flat portion of the building.

In order to make provision for the **residential - home unit** - portion of the building, the following waste and recycling facilities apply:

- (a) Domestic waste: 1 x 240 litre Mobile Garbage Bin (MGB) for each 4 units (or part thereof).

- (b) Domestic recycling: 1 x 240 litre MGB for each 5 units (or part thereof).

The Waste Storage Area must house the number of MGBs as indicated above. Access to the Waste Storage Area is to be unimpeded, such that there is no fence, gate or door that will prevent unrestricted access the Waste Storage Area.

The Waste Storage Area is to be located level with all adjacent pathways and the rear of the Waste Storage Area is to be no more than fifteen (15) metres from the front boundary.

All pathways and access areas to the Waste Storage Area are to be a minimum of 1.5 metres in width.

In order to make provision for the **commercial portion** of the building, the appropriate waste and recycling containers and facilities for all specific end use businesses applies in accordance with the following waste generation rates:

- (a) Retail Trading shops: to 100 square metres - 0.1-0.2 cubic metres per 100 square metres of floor area per day;
- (b) Restaurants and Food Shops: 0.3-0.6 square metres per 100 meals, plus up to 0.15 cubic metres of beverage containers per 100 meals; and,
- (c) Office - 0.01-0.03 cubic metres per 100 square metres of floor area per day.

The waste storage area shown in the waste management plan must house all waste and recycling containers, be appropriate for the number of units/intended uses of the building, and be located where it can be serviced by waste collection vehicles.

- 116. MI16 - No goods shall be stored or displayed outside the building.
- 117. MI17 - A separate Development Consent shall be obtained for the first commercial / retail / office use of each occupancy.
- 118. ZC2 - Only signage that is exempt under Council's Development Control Plan or has consent from Council may be affixed to the building. All signage must comply with Council's Development Control Plan. In particular:
 - (a) window signs should be on the inside of the glass and must not cover more than one half of the window
 - (b) if a language other than English is used on the sign, there must be an accurate English translation in lettering of at least the same size
 - (c) signs should look professional (not handwritten) and must be securely fastened
 - (d) signs, posters or notices must not be glued to any part of the exterior of the building
- 119. PV4 - All access driveways, queuing areas, ramps, gradients and the like for parking areas must be constructed in accordance with the provisions of Council's Development Control Plan, except where otherwise approved by Council.

120. RR8 - Any existing vehicular crossing and/or layback which is redundant must be removed, and the kerb, any other footpath and turf is to be restored at the expense of the beneficiary of this consent and in accordance with Council's Specification for Vehicular Crossings and Associated Works. The work may be carried out either by Council, after payment of a quotation, or by a private contractor, subject to Council approval.
121. RR9 - Any utilities/services/drains/power poles that require relocating or altering as a result of construction of the vehicular crossing to Council's issued levels and/or Council's standard shape, is to be done in accordance with the requirements of the relevant service/utility and at the expense of the beneficiary of this consent.
122. MI21 - All enclosed and unrestricted car parking spaces, internal driveways and the like, shall be designed to conform with Council's Development Control Plan. Regard shall be given to the crossfall, in longitudinal profile, of the footpath in the design of footpaths.
123. MI21.1 - **Internal Driveways** - Internal driveways, entered from the footpath, shall be designed to conform with Council's Development Control Plan. Regard shall be given to crossfall, in longitudinal profile, of the footpath in the design of footpaths
124. PV1 - **Linemarking and Numbering** - All car parking spaces are to be sealed, graded, drained, clearly linemarked, and numbered.
125. PN4 - **Offensive Noise Generally** - The use of the premises, building services, equipment, machinery and ancillary fittings must not give rise to offensive noise as defined under the Dictionary of the Protection of the Environment Operations Act 1997.
126. PN6 - The maximum noise level from plant and equipment used on the site must not exceed the background noise level by more than 5dB(A) for the approved hours of the use, when measured at the boundary of the nearest residential premises.
127. LA3 - **Retaining Edge** - A retaining edge of masonry or other approved barrier of a minimum height of 150mm must be erected around the landscaped areas to contain the soil and mulch material and to prevent the encroachment of motor vehicles.
128. LA6 - **Common Taps** - The developer must provide a common tap/taps or an irrigation system to enable all landscape works to be adequately watered.
129. LA7 - **Protection of Tree Roots** - Underground services shall be routed to avoid existing tree root zones. Where trenching for services is unavoidable, any roots larger than 25mm in diameter shall be conserved and services placed below the roots.
130. LA8 - **Protection of Tree Roots** - During construction, protective fencing shall be provided around the existing trees and/or bushland to be retained.

This fencing shall encompass the maximum possible area covered by the drip line of the canopy to prevent damage to the trees and their root system by the movement of vehicles, the handling or storage of building materials, any excavation, filling, or the like. There is to be no storage of building materials, fill or equipment permitted under the canopy of trees retained on site. The Principal Certifying Authority is to approve on-site

protection methods **before work commences and to ensure maintenance of those protection methods during construction works.**

131. PA3 - **Prohibition of Burning Off** - No article, material or the like shall be ignited or burnt whatsoever on or in association with the work on the site.
132. PW3 - The developer must remove any material deposited on public roads, adjacent to the site, resulting from construction/subdivision works, immediately it occurs and as directed by Council.
133. DE5 - The footpath and roadway shall be kept clear of obstructions, building materials, and liquid or solid waste of any type whatsoever at all times. Severe fines apply for an offence and where Council makes repairs or provides temporary public safety measures. The cost of these works may be deducted from the damage deposit.
134. RR6 - **Obstruction of Road or Footpath** - The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste bins or any other matter is not permitted unless approved in accordance with Council's Waste Skip Bin Policy. A Penalty Infringement Notice may be issued for any offence. A severe penalty applies.
135. RR7 - **Maintenance of Road and Footpath** - During construction, the footpath and road are to be maintained in a condition which prevents any trip or safety hazard to pedestrian or vehicular traffic.
136. In accordance with the assessments/recommendations included in the site investigation report prepared by Golder Associates in October, 2004 under Report No. 04623091/011, prior to the demolition of Building 3, an asbestos survey of the land must be carried out by an appropriately qualified and experienced contamination consultant.

In addition, as part of the excavation work, prior to the removal of the soil in the vicinity of the underground and aboveground fuel storage tanks, as well as the soil in the area of Building 3, if it is found to contain asbestos, must be classified in accordance with the Department of Environmental Conservation's (formerly the New South Wales Environmental Protection Authority) Guidelines for Disposal of Liquid and Non-Liquid Wastes (1998).

137. All vehicles transporting soil material to and from the site, as well as transporting all waste material, existing landfill and spoil from the subject site, must ensure that the entire load is covered by means of a tarpaulin(s) or similar material. The vehicle driver shall be responsible for ensuring that waste material, dust or dirt particles are not deposited onto the roadway during transit. The preferred method of covering loads is with an automated "enviro-tarp". It is a requirement under the Protection of the Environment Operations (Waste) Regulation, 1996 to ensure that all loads are adequately covered, and this shall be strictly enforced by Council's Law Enforcement Officers. Any breach of this legislation is subject to a \$500.00 "Penalty Infringement Notice" being issued to the drivers of those vehicles not in compliance with the regulations.
138. Geotextile fabric screens or similar measures erected to prevent sediment from the site, including deposited loads of sand or fill, being washed onto the road or any adjoining

properties must be kept in place until completion of the building.

139. During bulk excavation the site is to be watered at intervals as are necessary to eliminate wind-blown dust being emitted from the site and to ensure there is no nuisance caused to the public/adjoining landowners.
140. Mud or clods of dirt must be scraped or removed from the wheels of trucks prior to such vehicles leaving the site during excavation works.
141. Only clean water is permitted to be pumped from the site onto Council's roadways or into the street drainage system. Note: The pumping of muddy or silt laden water is an offence under the Roads Act General Regulations.
142. The drainage system installed to drain groundwater and stormwater from the site during excavation of the basement levels must not be connected to any of Council's underroad drainage systems, i.e. the discharge pipe from any temporary pump out pit and sedimentation/ silt trap must be directed to the aboveroad kerb and gutter drainage systems in either Mashman Avenue, Mashman Lane or Colvin Avenue. (Reason: To ensure that clean water only is being pumped into Council's street drainage system).
143. Where it is proposed to:
 - (a) pump concrete from within a public road reserve or laneway, or
 - (b) stand a mobile crane within the public road reserve or laneway,
 - (c) use part of Council's road/footpath area,
 - (d) pump stormwater from the site to Council's stormwater drains,
 - (e) store waste containers, skip bins, and/or building materials on part of Council's footpath or roadway,

an appropriate application for a construction zone, a pumping permit, a hoarding, an approval to stand a mobile crane or an application to pump water into a public road, together with the necessary fee in accordance with Council's adopted schedule of fees and charges must be submitted to Council's Manager Engineering Services prior to commencement of work in connection with any of the above activities.
144. The excavation must be executed safely and in accordance with appropriate standards. In addition, the excavation must be properly guarded and protected to prevent it from being dangerous to life or property.
145. The floor surface of the garbage room must be steel trowelled concrete, and be graded and drained to the requirements of Sydney Water. A hose cock must be provided adjacent to the entry of such area/s.
146. The protective measures, as set out in the letter dated 17 November, 2010 from Corrosion Control Engineering Pty. Ltd., or any additional protective measures that may be imposed by RailCorp, following the referral of the aforesaid letter to that Corporation, to prevent the metallic structures in the building from electrolysis type corrosion due to ground stray traction current at the site from the adjacent electrified railway lines, must be complied with.
147. RR9 - Any utilities/services/drains/power poles that require relocating or altering as a

result of construction of the vehicular crossing to Council's issued levels and/or Council's standard shape, is to be done in accordance with the requirements of the relevant service/utility and at the expense of the beneficiary of this consent.

Before Occupation

148. **Occupation Certificate** (Class 1 to 10 buildings inclusive) - The building must not be occupied or used until an occupation certificate is issued by the principal certifying authority appointed for the erection of the building.

Prior to the issue of the occupation certificate the principal certifying authority for the building work to be carried out on the site must be satisfied that:

- (a) any preconditions required by the development consent to be met have been met; and

such building work has been inspected by that principal certifying authority, or, in the case of all inspections other than the last critical stage inspection, by another certifying authority, on such occasions as are prescribed in the Environmental Planning and Assessment Regulation, 2000, and on such other occasions as may be required by the principal certifying authority and the conditions required by this development consent.

149. **IN3 - Fire Safety Certificate Before Occupation or Use** - Prior to the issue of an occupation certificate the owner of the building must issue a fire safety certificate and must cause a copy of that fire safety certificate to be given to the principle certifying authority issuing the occupation certificate. The fire safety certificate must be issued to the effect that each essential fire safety measure specified in the fire safety schedule for the building to which the certificate relates:

- (a) has been assessed by a properly qualified person, and
- (b) was found, when it was assessed, to be capable of performing to at least a standard required by the current fire safety schedule for the building for which the certificate is issued.

Note: The owner of the building:

- (a) must cause a copy of the fire safety certificate (together with a copy of the current fire safety schedule) to be given to the Fire Commissioner, and
- (b) must cause a further copy of the fire safety certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building.

150. **MI130.3 - Slip Resistance** - At completion of work an in-situ (on-site) test, in wet and dry conditions, must be carried out on the pedestrian floor surfaces used in the foyers, public corridors/hallways, stairs and ramps as well as the floor surfaces in wet rooms in any commercial/retail/residential units to ascertain the actual slip resistance of such surfaces taking into consideration the effects of grout, the gradients of the surface and changes from one material to another. The in-situ test must be carried out in accordance with AS/NZS 4663:2002. A Compliance Certificate must be submitted to either the Council or accredited certifier detailing the results of the slip resistance measurements and that the pedestrian floor surfaces comply with AS/NZS 4586:2004 **before**

occupation.

151. **PU1.2 - Sydney Water - Access to Water and Waste Water Services** - The Section 73 Certificate must be submitted to the Principal Certifying Authority **before occupation of the development/release of the plan of subdivision.**
152. **PU3 - Sydney Water - Trade Waste Water** - Trade waste water must be disposed of in accordance with the requirements of Sydney Water. For more details visit www.sydneywater.com.au or call 13 20 92. A copy of the trade waste water agreement must be provided to the Principal Certifying Authority **before the issue of the Occupation Certificate.**
153. **BAI - BASIX - All energy efficiency measures as detailed in the BASIX Certificate No 337138M_03 dated 26 July 2011, and 387304M_02 dated 24 April 2012 and in the plans approved with the Development Consent, must be implemented before issue of the Occupation Certificate (This condition is modified by 2010/DA-461REV6).**
154. **MI27 - Driveway Construction** - A vehicular crossing shall be provided in accordance with Council's *Specification for Vehicular Crossings and Associated Works*. The work may be carried out by Council (after payment of a quotation), or by a private contractor (subject to Council approval).

The work must be completed **before the issue of an Occupation Certificate.**
155. **LA1 - Completion to Approved Landscape Plan** - All landscape works in accordance with the landscape plan shall be completed before the issue of the occupation certificate.
156. **WA7** - All rubbish and waste materials on-site must be removed before occupation of the premises/commencement of the approved activity.
157. The developer 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. The Principle Certifying Authority shall not issue an Occupation Certificate until written confirmation has been received from RailCorp advising that the maintenance plan has been prepared to its satisfaction.
158. The applicant is to commission a professional historian to complete a book of the history of the Mashman family and the site, and to include as an appendix a "pattern book" with dimensions and clay mixes and glazes of all the pottery that was produced by the Mashmans on the site to be used as a reference book for all historians, renovators and for future manufacture. The applicant is to publish the book prior to the Occupation of the site, with copies given gratis to Hurstville Council Library, the Heritage Office of NSW, the Historic Houses Trust, Stanton Library North Sydney, the National Library Canberra, and to be offered to the NSW Heritage Advisors Network with gratis copies to Advisors who request same. (Reason: Interpretation of the Heritage Item).
159. In the event that the air-handling systems involve water cooling towers, as laid down in Section 45 of Part 4 – Microbial Control - of the Public Health Act, 1991, such air-handling systems must be installed and maintained in accordance with the Public Health

(Microbial Control) Regulation, 2000. Note: Discharge water from the cooling towers must not be connected to the stormwater drainage system.

160. A copy of the report relating to the contaminated soil, which is required to be classified in accordance with the Department of Environmental Conservation's (formerly the New South Wales Environmental Protection Authority) Guidelines for Disposal of Liquid and Non-Liquid Wastes (1998) prior to its removal to a licensed landfill area, and which is located in the vicinity of the underground and aboveground fuel storage tanks, as well as the soil in the area of Building 3, if it is found to contain asbestos, must be submitted to the certifying authority prior to the issue of an interim or final occupation certificate for the building.
161. At completion of work, and prior to issue of an occupation certificate, a certificate from a practising acoustical consultant (who is a member of either the Australian Acoustical Society, or the Association of Australian Acoustical Consultants) must be submitted to the principal certifying authority appointed for the erection of the building certifying that the rail noise and vibration mitigation measures, that may be imposed by RailCorp, have been implemented in the building.
162. At completion of work, and prior to issue of an occupation certificate, a certificate from a practising acoustical consultant (who is a member of either the Australian Acoustical Society, or the Association of Australian Acoustical Consultants) must be submitted to the principal certifying authority appointed for the erection of the building certifying that the installed mechanical ventilation equipment in the building will not result in any noise emission exceeding the background level in any octave band from 63.0Hz centre frequencies inclusive at the boundaries of the site.
163. **RR3 - Frontage work** - The following road frontage works shall be designed and implemented in accordance with Council's, *Specification for Vehicular Crossings and Associated Works*
 - (a) temporary concrete footpath crossing for construction vehicle access
 - (b) road pavement - with minor works less than 30 sq. m built by Council, and those larger works being approved by Council and completed according to Council specification and supervision
 - (c) drainage
 - (d) demolition of existing kerb and gutter at the proposed point of access and replacement with a concrete layback *
 - (e) redundant laybacks removal and footpath crossings and reconstruction of those areas
 - (f) kerb and gutter construction across the full frontage(s) of the site (including kerb ramps where required) *
 - (g) layback at the access points (no closer than 6.0 metres to the property boundary intersection of adjacent roads)
 - (h) footpath crossing width and levels (as defined by Council) *
 - (i) dish gutter construction
 - (j) footpath construction across the full frontage(s) of the site
 - (k) erosion and sediment control measures

For details refer to the *Specification for Vehicular Crossings and Associated Works*. The road frontage works are to be completed **before the issue of the Occupation Certificate**.

164. PV17 – **Vehicle Crossings and Removal/Restoration of Kerb/Gutter/Footpath** –Any existing vehicular crossings which are redundant must be removed, and the kerb (and any footpath) restored at your expense, by either prepayment to Council to:

- (a) Construct a new full width footpath (boundary to kerb) in Colvin Avenue and Mashman Avenue in paving materials approved by Council's Development Engineer.
- (b) Construct a 150mm thick concrete crossing reinforced with F72 fabric in Colvin Avenue.
- (c) Replace all redundant laybacks with kerb and guttering, and redundant concrete with approved paving material.
- (d) Replace the kerb and gutter for the full frontage of the site in Colvin Avenue and Mashman Avenue with new 150mm high concrete kerb and 450mm wide gutter to council Engineers levels and alignment. This construction shall include the new section of kerb return at the intersection of Colvin Avenue and Mashman Avenue and any new sections of road pavement and any associated drainage works required.
- (e) Construct a new full width footpath (boundary to kerb) in Mashman lane in paving materials approved by Council's Engineer.
- (f) Construct a 150mm thick concrete crossing reinforced with F72 fabric in Mashman Lane.
- (g) Replace the kerb and gutter for the full frontage of the site in Mashman Lane with new 150mm high concrete kerb and 450mm wide gutter to Council Development Engineer's levels and alignment. This construction shall include any new sections of road pavement and any associated drainage works required.

Council will provide a quote for this work upon request.

or alternatively:

A private contractor may carry out above work subject to:

- (a) Council's conditions and specifications, including payment of asphalt infill repairs.
- (b) Payment of Council's administration fee listed in our Schedule of Fees and Charges
- (c) No stencilled or coloured concrete may be used outside the boundary of the property.

The work must be complete **before the issue of an Occupation Certificate**.

165. As required by RTA in their Sydney Regional Development Advisory Committee, appropriate signage plan and safety measures are needed, such as signage, vehicle actuated warning lights and convex mirrors, to help improve sight distance and the safety of all vehicles at the street access driveway where the retail car park and service area access are adjacent to one another on Mashman Lane. The signage plan is to be approved by Council's Senior Traffic Engineer before the issue of the Occupation Certificate.

166. Parking spaces shall be clearly designated (sign posted and marked on ground) and line marked prior to the issuing of an Occupation Certificate. Signage, pavement symbols and line marking shall comply with Australian Standards, AS1742, Manual of Uniform Traffic Control Devices and NSW Road Transport (Safety and Traffic Management) Regulations 1999.
167. Any wall or fence or solid object on either side of the driveway/vehicular crossing where it meets the Council's road reserve at the boundary must comply with sight distance requirements stipulated in the Australian Standards AS2890.1.
168. A Loading Dock Management Plan (LDMP) is to be prepared to prevent a vehicle entering the site when the loading area is fully occupied as required by the RTA in their Sydney Regional Development Advisory Committee.
169. a) The site shall be consolidated into one allotment and by a Plan of Consolidation being prepared by a Registered Surveyor.

The Plan of Consolidation shall be registered at the NSW Department of Lands prior to the issue of a final occupation certificate.

- b) A Plan of Subdivision of the site shall be prepared by a Registered Surveyor.

i. Road Dedication:

This Plan shall dedicate the area in Mashman Lane to be widened as a result of the development for the purposes of road widening. The Road Widening will be limited in Stratum to a depth of the upper surface of the basement slab of the building and if necessary limited in height to the underside of any overhanging structure of the building.

ii. Restriction on Use of the Land:

This Plan shall also create a Restriction on Use of The land over the Road Widening Area by Section 88B of the Conveyancing Act 1919, with the Restriction including the following wording:

"The Proprietors of Lot 100 hereby burdened will not do any thing to undermine the support of the Road widening and the structure of the road nor cause interference with any existing or future pipes, conduits, service utilities, road pavement and the like contained within the area shown as "Road Widening" on the Plan. (Maintenance of the road surface will be the responsibility of Council.)"

iii. Positive Covenant:

This Plan shall also create a Positive Covenant over the on-site detention facility by Section 88B of the Conveyancing Act 1919, with the covenant including the following wording:

"It is the responsibility of the Lot Burdened to keep the on-site detention facilities, together with any ancillary pumps, pipes, pits etc, clean at all times and maintained in an efficient working condition. The on-site detention

facilities shall not be modified in any way without the prior approval of Hurstville City Council."

Hurstville City Council is to be nominated as the Authority to release, vary or modify this Covenant and Restriction.

The Plan shall be submitted to Council with an application for a Subdivision Certificate. A Sydney Water Compliance (Section 73) Certificate is required to be submitted prior to the issue of the Subdivision Certificate.

The new road reserve area is to be clear of any permanent buildings and permanent obstructions prior to the issue of the subdivision certificate.

The Plan of Subdivision shall be registered at the NSW Department of Lands prior to the issue of a final occupation certificate.

- a) Alternatively to condition 169 b) a separate Development Application may be lodged with Council for the Stratum Subdivision of the approved development. (Conditions similar to 169 b) i, ii and iii could be included in the approval any such application).

If this development application is approved and the subdivision certificate issued any such Stratum Plan of Subdivision will be required to be registered at the NSW Department of Lands prior to the issue of a final occupation certificate.

(This condition was modified by 10/DA-461REV1).

After Occupation/Ongoing Conditions

170. **EF3 - Annual Fire Safety Statement** - The owner of the building must issue an annual fire safety statement in respect of each essential fire safety measure in the building premises and cause a copy of that certificate to be given to Council within 14 days of its receipt by the owner.

The annual fire safety statement must be to the effect that:

- (a) in respect of each essential fire safety measure, such measure has been assessed by a properly qualified person and was found, when it was assessed, to be capable of performing:
 - (i) in the case of an essential fire safety measure applicable by virtue of a fire safety schedule, to a standard no less than that specified in the schedule, or
 - (ii) in the case of an essential fire safety measure applicable otherwise than by virtue of a fire safety schedule, to a standard no less than that to which the measure was originally designed and implemented, and
- (b) the building has been inspected by a properly qualified person and was found when it was inspected to be in a condition that did not disclose any grounds for a prosecution under Part 2, Division 7 of the Environmental Planning and Assessment Regulation, 2000.

The owner of the building must also cause a copy of the statement (together with a copy of the current fire safety schedule) to be given to the Fire Commissioner and as well cause a further copy of the statement (together with a copy of the current fire safety schedule) to be prominently displayed in the building.

171. **MI130.4 - Slip Resistance** - The pedestrian surface materials in the foyers, public corridors/hallways, stairs and ramps as well as the floor surfaces in wet rooms in any commercial/retail/residential units must be maintained on a regular basis which must include, as part of the maintenance programme, inspections and testing of the floor surfaces which must be carried out in accordance with AS/NZS 4663:2004 - Slip Resistance Measurement of Existing Pedestrian Surfaces.
172. **Drainage Maintenance** - The on-site detention drainage facility shall be maintained at all times in accordance with the approved plans.
173. **PV6 - Residential Parking Requirements for 4 or More Units – A minimum of one hundred and forty (140) resident parking spaces (1 space/1 or 2 bedroom dwelling and 2 spaces/3 bedroom dwelling) and thirty (30) visitor spaces, one (1) car washing bay and bicycle racks (as shown on the approved plan) shall be provided in accordance with the approved plans. The visitor spaces are to be clearly signposted with durable metal or similar signs. The visitor car spaces shall be shown as common property in any strata plan. (This condition is modified by 2010/DA-461REV6).**
174. **Access to Visitors' Parking** - Visitor parking spaces are to be clearly signposted, with durable metal or similar signs, and accessible at all times. Any security gates or doors must be located to permit sufficient manoeuvring area for visitor vehicles to enter and leave the property in a forward direction.
175. **PV8 - Parking Space Number/Availability, Retail / Commercial / Office Uses – A minimum of two hundred and forty eight (248) parking spaces are to be provided (fifty nine (59) for the retail tenancies, four (4) for the commercial space, and one hundred and eighty nine (189) for the supermarket) and these spaces must be unobstructed and available at all times for the parking of visitors/customers/ employees/service vehicles. (This condition is modified by 10/DA-461REV03).**
176. **PV9 - General Signage** - The owner of the property must maintain the car park, including all signs, line marking, and bay numbering, in accordance with AS 2890.1-1993 Australian Standard Parking facilities Part 1: Off-street car parking.
177. **PV10 - Car Park Direction Signage** - The direction of every entry/exit point and circulation route must be clearly marked in durable paint and/or durable metal or similar signposting.
178. **PVI2 - Use of Car Parking Spaces** – The car parking spaces shall be linemarked and used only for the parking of vehicles and not used for the storage of any materials or waste matter.
179. **PV13 - Use of Loading Dock(s)** - The loading dock(s) shall be linemarked, clearly signposted and used only for the purpose of loading and unloading of goods and not used for the storage of any materials or waste matter.

180. PV14 - **Prohibited Parking** - Staff, company and visitors' vehicles must only be parked in the spaces provided on the subject premises and not on adjacent footpath or landscaped areas.
181. PV15 - **Disabled Parking** - The parking space(s) for disabled persons must be sized/marked/signposted in compliance with Australian Standard 2890.1-1993.
182. PV16 - **Obstruction of Parking and Manoeuvring Areas** - Goods and/or waste or extraneous material must not be stored in the vehicular manoeuvring and parking areas. Those areas must be kept clear at all times for the manoeuvring of vehicles.
183. PV18 - **Vehicles must Enter and Exit in Forward Direction** - With the exception of garbage and recycling collection vehicles, all other vehicles must be driven in a forward direction entering or exiting the property. Adequate space must be provided and maintained on the land to permit all vehicles to turn. A durable metal or similar sign at the entrance of the site indicating that "All vehicles are to enter and exit the site in a forward manner".
184. PV19 - **Loading or Unloading** - The loading and/or unloading of all goods and materials used in conjunction with the development must take place within the property.
185. PV22 - Approved car parking spaces must not be partitioned or otherwise enclosed to form garages.
186. LA2 - **Maintenance to Approved Landscape Plan** - All landscape works in accordance with the landscape plan shall be maintained.
187. LA4 - **Parking on Landscaped Areas** - No vehicles, goods, materials or extraneous matter may be parked, deposited, or stored on any of the landscaped areas.
188. WA4 - **Handling of Waste** - No bottle, can or garbage disposal shall take place between the hours of 10.00pm and 8.00am daily.
189. WA5 - Service of trade waste bins must be carried out between 7.00am and 7.00pm weekdays.
190. WA8 - The premises must be maintained in a clean and tidy state at all times.
191. ZC3 - No goods for sale or display are to be placed outside the front facade of the building unless approved by Council.
192. ZC7 - Under awning lighting to illuminate the footpath at night time for pedestrians is to be provided. The lighting should be energy efficient.
193. ZC9 - No tables, chairs, planters, display signs or goods and the like are to be placed on the footpath unless approved by Hurstville City Council.
194. ZC10 - The building exterior is to be maintained in a clean and neat manner, including the regular cleaning of windows. Any such window cleaning is to be done in an water efficient manner, for example no hosing of the windows is permitted.

195. ZC12 - The entrance to a shop or business must remain clear of obstructions to enable easy entrance/exit for customers, including those with a stroller, in a wheelchair or with visual impairment.
196. Any waste and recycling materials generated at the premises and any bins used to store the aforesaid material must not be placed on Council's footways in either Mashman Avenue, Mashman Lane or Colvin Avenue whilst awaiting collection.
197. **Plant or machinery must not cause noise exceeding background** – All sound producing plant, equipment, machinery or fittings associated with or forming part of the mechanical ventilation system and/or the refrigeration system being sound insulated and/or isolated so that the noise emitted does not exceed the background level in any octave band from 63.0 Hz centre frequencies inclusive at the boundary of the site. Note: The method of measurement of sound must be carried out in accordance with Australian Standard 1055.1-1989.
198. The balconies must not at any time be enclosed to form habitable rooms.
199. Balconies must not be used for the drying of washing or the airing or hanging of clothes, linen etc. The developer must ensure that the Strata Plan's By-Laws prevent the use of balconies for the drying of washing or the airing or hanging of clothes, linen etc.
200. The maximum size of truck/service vehicle using the proposed development shall be restricted to a Heavy Rigid Vehicle with a maximum length of 10.4 metres. (This condition is modified by 10/DA-461REV04).
201. All vehicles including loading trucks must enter and exit the site in a forward direction.
202. All vehicles should be wholly contained on site before being required to stop.
203. All loading and unloading must occur on site.
204. All waste management services and facilities for the ongoing use of the premise shall be provided in accordance with the submitted Waste Management Plan. It is the responsibility of the Owners Corporation and the onsite waste caretaker to transfer all residential bins to the secured loading area on the ground floor for collection by Council's Waste Contractor., and to return them to the garbage storage room at Basement Level 3.
205. It is the responsibility of the Owners Corporation to provide remote access to the secured loading area on the ground level to Council's Waste Contractor to enable collection of the residential waste and recycling.
206. Prior to the occupation of the residential buildings the applicant shall arrange for the supply and delivery of 24 x 240 litre red lid mobile garbage bins (MGB) and 32 x 240 litre yellow lid mobile garbage bins and have them placed in the waste storage area.
207. All waste and recycling containers shall be stored in an approved waste storage area that is large enough to store the required number of bins, appropriate for the number of units and intended uses of the building.

208. All waste and recycling receptacles used for the storage and collection of commercial/retail waste shall be approved by Council prior to their use.
209. The Owners Corporation shall be responsible for maintaining all equipment, systems, facilities, and storage areas used in conjunction with the provision of waste management services in accordance with all applicable regulatory requirements, relevant health and environmental standards, and to the satisfaction of Council.
210. In the event that the building is strata subdivided, the By-Laws under the Strata Schemes (Freehold Development) Act, 1973 in respect of the ongoing waste management in the building must include rules stating that:
- (i) the owners corporation will employ sufficient staff to ensure that general waste and recyclable materials are separated into appropriate containers and presented for removal or collection on designated collection days, and
 - (ii) waste transfer equipment, storage spaces and containers are maintained in a clean condition.
211. Prior to the issue of any Strata Certificate of the subject building(s) the following conditions shall be satisfied:
- a) Unit Numbering
Apartment type numbers shall be installed adjacent or to the front door of each occupancy.
 - b) Car Parking Space Marking and Numbering
Each basement car space shall be line marked with paint and numbered in accordance with occupancy numbers. "Visitor Parking" signs shall be installed adjacent to any and all visitor car spaces prior to the issue of any Strata Certificate.
 - c) Designation of Visitor Car Spaces on any Strata Plan. Any Visitor car spaces shall be designated on the final strata plan as "Visitor Parking - Common Property".
 - d) Allocation of Car Parking Spaces, Storage Areas and Common Property on any Strata Plan
 - No parking spaces or storage areas shall be created as an individual strata allotment on any Strata Plan.
 - All car parking spaces shall be created as a part lot of the individual strata's unit lot in any Strata Plan of the subject building.
 - All storage areas shall be created as a part lot of the individual strata's unit lot or a separate Utility Lot (if practical) in any Strata Plan of the subject building.
 - The minimum number of parking spaces required to be allocated as a part lot to each individual strata's unit lot shall be in accordance with the car parking requirements of Council's Development Control Plan.
 - Separate Utility Lots for individual car parking spaces shall only be created if these spaces are surplus to the minimum number of parking spaces required.

The above requirements regarding car parking spaces and storage areas may only be varied with the conditions of a separate Development Application Approval for Strata Subdivision of the Building(s).

In addition to the statutory requirements of the Strata Schemes (Freehold Development Act 1973) a *Strata Certificate* must not be issued which would have the effect of:

- 1) The removal of any areas of common property shown upon the approved Development Application plans and allocated to any one or more strata lots,
- 2) The removal of any visitor parking spaces from the strata scheme and allocated to any one or more strata lots , or
- 3) Any unit's parking space or storage area is not strata subdivided as separate strata lot.

Note: This condition has been imposed to ensure that: (a) common property is not alienated from the strata scheme and assigned to any one or more strata lots, (b) visitor parking is not alienated from the strata scheme and assigned to any one or more strata lots such that visitors would be restricted from lawful access and use of required visitor parking, (c) parking spaces and storage areas are not strata subdivided as separate strata lots which may be sold with full strata title rights as a parking space or storage area lot, reducing available parking and storage to strata lots and visitors required to reduce demand for on-street public parking.

- e) **On Site Detention Requirements**
The location any on-site detention facility shall be shown on the strata plan and suitably denoted.
- f) **Creation of Positive Covenant**
A Positive Covenant shall be created over any on-site detention facility by an Instrument pursuant to Section 88B of the Conveyancing Act 1919, with the covenant including the following wording:
"It is the responsibility of the Owner's Corporation to keep the on-site detention facilities, together with any ancillary pumps, pipes, pits etc, clean at all times and maintained in an efficient working condition. The on-site detention facilities shall not be modified in any way without the prior approval of Hurstville City Council."

Hurstville City Council is to be nominated as the Authority to release, vary or modify this Covenant.

Advices to Applicant

212. **Consent Operation** - This consent operates from the date of endorsement set out in this notice and will lapse five (5) years after that date, unless development has commenced within that time, pursuant to the provisions of the Sections 83, and 95 of the Act.
213. If you are not satisfied with this determination, you may:
 - (a) Apply for a Review of a Determination under Section 82A of the Environmental Planning and Assessment Act 1979. A request for review and the decision by Council of that request must be made within six (6) months of the date of this Notice of Determination and be accompanied by the relevant fee. If your development application was lodged with a consent authority prior to 28 February 2011, that request for a review and decision by Council must be made within twelve (12) months of this Notice of Determination. You must ensure that

an application for review of determination gives Council a reasonable period in which to review its decision having regard to the relevant issues and complexity of the application.

OR

- (b) Appeal to the Land and Environment Court within six (6) months after the date on which you receive this Notice of Determination, under Section 97 of the Environmental Planning and Assessment Act 1979. If your development application was lodged with a consent authority prior to 28 February 2011, an appeal to the Land and Environment Court must be made within twelve (12) months of this Notice of Determination.

(Section 97 of the Environmental Planning and Assessment Act 1979 does not apply to the determination of a development application for State significant development or local designated development that has been the subject of a Commission of Inquiry.)

214. **AD1 - Dial Before you Dig** - contact Sydney One Call Service to ascertain which utility services are underground in the proposed excavation area, via details of:

- (a) street/house number and street name
- (b) side of the street
- (c) name of nearest cross street
- (d) distance from nearest cross street

For more details visit www.dialbeforeyoudig.com.au or call 1100. You can find out the location of Council drainage pipes by contacting Council's Service Delivery Directorate.

215. **AD2 - Dividing Fences** - You must satisfy the requirements of the Dividing Fences Act before erecting any fencing on common boundaries. The Chamber Magistrate at the Local Court advises on the Dividing Fences Act, particularly for legal advice or disputes, and the Community Justice Centre can also assist with disputes.

216. **AD3 - Covenants** - irrespective of the terms of this consent you must make sure that covenants on the title of the property are complied with for proposed construction. For more details contact the Lands Department - www.lands.nsw.gov.au or call 9228 6713 or contact your Solicitor.

217. **AD4 - WorkCover Authority** - For premises which are/will be workplaces a copy of the approved plan to the WorkCover Authority shall be submitted to ensure that the proposal complies with WorkCover requirements. Where factory registration is required by WorkCover, a separate application to Council may be required for a statement of compliance with the egress provisions of the Building Code of Australia. If so it is best to do so as soon as possible. For more details visit www.workcover.nsw.gov.au or call 131050.

218. **AD5 - Australia Post** - A mail box meeting certain position, dimension and height requirements must be installed to satisfy Australia Post. For more details visit www.auspost.com.au or call 131318.

219. **AD6 - Access for Persons with a Disability** - In addition to Council's Development Control Plan and the Building Code of Australia, the Commonwealth Disability Discrimination Act 1992 may impose greater obligations on providing access/facilities

for disabled persons. For more details visit the Human Rights and Equal Opportunity Commission website www.hreoc.gov.au or call 9284 9600.

- 220. AD7 - **Tree Preservation** - Council's Tree Preservation Order prohibits the ringbarking, cutting down, lopping, removing, injuring, or the wilful destruction of any tree, that is 3 metres or more in height, have a girth of 30 cm or more when measured 45 cm above the ground and/or has a branch spread of 3 metres or more, except with the specific consent of the Hurstville City Council. Severe penalties apply for an offence.
- 221. AD8 - **Stencilling** - Colouring or stencilling of the footpath crossing within the road reserve is prohibited.
- 222. AD9 - **Construction Zone** - You may apply for a construction zone on the roadway adjacent to the site for the duration of the construction work, by way of written application and payment of fees detailed in our Schedule of Fees and Charges.
- 223. AD10 – **Energy Australia** - The minimum safe distance from overhead power lines shall be maintained in accordance with the requirements of Energy Australia. For details visit www.energy.com.au.
- 224. AD11 - Other approvals required - Where it is proposed to:
 - (a) Pump concrete from within a public road reserve or laneway.
 - (b) Stand a mobile crane within the public road reserve or laneway.
 - (c) Use part of Council's road/footpath area.
 - (d) Pump stormwater from the site to Council's stormwater drains.
 - (e) Store waste containers, skip bins, and/or building materials on part of Council's footpath or roadway.

An appropriate application for a Work (construction) Zone, a pumping permit, a hoarding, an approval to stand a mobile crane or an application to pump water into a public road, together with the necessary fee in accordance with Council's Schedule of Fees and Charges shall be submitted to Council and approval obtained before commencement of any of the those activities.

- 225. AD13 - A separate application must be lodged and approved under Section 68 of the Local Government Act 1993 for the erection of any A-Frames or signage boards proposed to be erected on Council's footway.
- 226. If you need more information, please contact me on 9330-6284 during normal office hours.