

## **CONDITIONS**

### **Plans**

- 1 The development shall be completed in accordance with the approved plans and documents listed below, prior to the building being used or occupied, and subject to any amendments “in red” and any variation as required by conditions of this consent:

Basement Level 1 Dwg A110 Issue B prepared by Tony Owen Partners and received by Council 11 May 2012.

Basement Level 2 Dwg A111 Issue B prepared by Tony Owen Partners and received by Council 16 March 2012.

Basement Level 3 Dwg A112 Issue B prepared by Tony Owen Partners and received by Council 16 March 2012.

Ground Floor Dwg A100 Issue B5 prepared by Tony Owen Partners and received by Council 18 June 2012.

First Floor Dwg A101 Issue B4 prepared by Tony Owen Partners and received by Council 11 May 2012.

Second Floor Dwg A102 Issue B4 prepared by Tony Owen Partners and received by Council 11 May 2012.

Third Floor Dwg A103 Issue B4 prepared by Tony Owen Partners and received by Council 11 May 2012.

Fourth Floor Dwg A104 Issue B4 prepared by Tony Owen Partners and received by Council 11 May 2012.

Fifth & Sixth Floor Dwg A105 Issue B4 prepared by Tony Owen Partners and received by Council 11 May 2012.

Roof Floor Plan Dwg A106 Issue B4 prepared by Tony Owen Partners and received by Council 11 May 2012.

Elevations (North) Dwg A120 Issue B4 prepared by Tony Owen Partners and received by Council 11 May 2012.

Elevations (South) Dwg A122 Issue A4 prepared by Tony Owen Partners and received by Council 11 May 2012.

Elevations (East) Dwg A121 Issue B4 prepared by Tony Owen Partners and received by Council 11 May 2012.

Elevations (West) Dwg A123 Issue A4 prepared by Tony Owen Partners and received by Council 11 May 2012.

Section A-A Dwg A130 Issue A4 prepared by Tony Owen Partners and received by Council 16 March 2012.

Section B-B Dwg A131 Issue A4 prepared by Tony Owen Partners and received by Council 16 March 2012.

Remediation Action Plan, prepared by Aargus Australia for Homebush Project Development Pty Ltd and dated October 2011.

Ramp Section Entrance Ramp Dwg A135 Issue A4 prepared by Tony Owen Partners and received by Council 16 March 2012.

Ramp Section Internal Ramp Dwg A136 Issue A4 prepared by Tony Owen Partners and received by Council 16 March 2012.

Landscape plans numbered 2909.LP.01, 2909.LP.02, 2909.LP.03 and 2909.LP.04, prepared by Environmental Partnerships (NSW) and received by Council on 16 March 2012.

Stormwater Design Plans prepared by Cardno ITC P/L Drawing nos: ITCE1156-DA-H00 Revision 06, ITCE1156-DA-H01 Revision 06, ITCE1156-DA-H02 Revision 08, ITCE1156-DA-H03 Revision 06, ITCE1156-DA-H04 Revision 05, ITCE1156-DA-H05 Revision 05, ITCE1156-DA-H06 Revision 05, ITCE1156-DA-H07 Revision 02, ITCE1156-DA-H08 Revision 02, ITCE1156-DA-H10 Revision 02 and ITCE1156-DA-H11 Revision 02 submitted to Council on 15 June 2012.

Aboricultural Impact Assessment prepared by Tree and Landscape Consultants (TALC) and received by Council 19 December 2011.

BASIX Certificate Nos. 263259M\_05 and 263454M\_05 received by Council 28 June 2012.

Waste Management Plan by Elephants Foot Waste Compactors P/L and received by Council 16 March 2012.

- 2 A Construction Certificate must be obtained either from Council or a privately accredited person before commencement of any construction/demolition associated with this consent.

The Principal Certifying Authority must be appointed prior to work commencing to supervise the work and authorise occupation/use of the building when completed.

- 3 A copy of the endorsed stamped plans and specifications, together with a copy of the Development Consent, Construction Certificate and any approved Traffic Management Plan are to be retained on site at all times.

### Special Conditions

- 4 Compliance with the conditions required by Roads and Maritime Services (RMS) by letter dated 6 February 2012 outlined as follows:
- (1) All vehicles shall enter and leave the site in a forward direction.
  - (2) The layout of the proposed car parking areas, loading docks and access driveway associated with the subject development (including grades, turn paths, sight distance requirements, aisle widths, aisle lengths, loading bay dimensions and parking bay dimensions) should be in accordance with AS 2890.1-2004 and AS 2890.2-2002 for heavy vehicles.
  - (3) A Demolition and Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council, for approval, **prior to the issue of a construction certificate**. The Traffic Management Plan shall clearly identify Rochester Street not being used as a truck route.
  - (4) All costs associated with the proposed development shall not be at cost to the Roads & Maritime Service.
- 5 If air conditioning units are to be installed they shall not be located on the floor of balconies in order to prevent them from acting as climbing aids. The Principal Certifying Authority shall confirm compliance with this condition **prior to the issue of an Occupation Certificate/use of the building**.

### General

- 6 The building shall not be occupied or used until the development has been completed in accordance with the conditions of this consent, construction has been completed in accordance with the Construction Certificate and an Occupation Certificate has been issued by the Principal Certifying Authority.
- 7 Pursuant to State Environmental Planning Policy (SEPP) No. 65 – Design Quality of Residential Flat Development, the certifying authority must not issue:
- (a) a **Construction Certificate** unless the certifying authority has received a design verification statement from a qualified designer that verifies that the plans and specifications achieve or improve the design quality of the development for which development consent was granted having regard to the design quality principles

set out in Part 2 of SEPP No. 65, in accordance with Clause 143A of the Regulations; and

- (b) an **Occupation Certificate** to authorise a person to commence occupation or use of the residential flat building unless the certifying authority has received a design verification statement from a qualified designer that verifies that the residential flat development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles set out in Part 2 of SEPP No. 65, in accordance with Clause 154A of the Regulations.
- 8 A Works Permit shall be obtained from Council's Customer Service Centre at least 48 hours prior to undertaking any works on public/Council-controlled areas. This includes any work on the nature strip, footpath, driveways, Council's drainage kerb & guttering and roadways. The permit must be retained on site at all times.
- 9 The storage of goods or the use of portable clotheslines on balconies visible from a public place is strictly prohibited.
- 10 All exhaust and other emissions including noise from the premises shall comply with the provisions of the Protection of the Environment Operations Act 1997 and Regulations.
- 11 The applicant or any contractors carrying out works in public or Council controlled lands shall have public liability insurance cover to the value of \$10million and shall provide proof of such cover to Council prior to carrying out works.

### **Financial Matters**

- 12 In the event that the Voluntary Planning Agreement (VPA) adopted by Council's Planning Committee on 10 July 2012 is not entered into, the applicant shall in accordance with the provisions of Section 94(1)(b) of the Environmental Planning and Assessment Act 1979 and Strathfield Section 94 Contributions Plan 2001, provide a contribution in the form of cash, cheque or credit card (financial transaction fee applies) to be paid to Council for the following purposes:

Provision of Community Facilities	\$113,192.90
Provision of Major Open Space	\$550,721.50
Provision of Local Open Space	\$183,521.70
Provision Roads and traffic Management	\$26,243.00
Administration	\$23,480.30
<b>TOTAL</b>	<b>\$897,159.40</b>

The total amount of the contribution is valid as at the date of determination and is subject to annual indexation. If the contribution is paid after 1<sup>st</sup> July in any year, the

amount of the contribution under this condition shall be indexed in accordance with clause 2.14 of the Strathfield Direct Development Contributions Plan 2010-2030.

The required contribution shall be paid **prior to the issue of a Construction Certificate or as otherwise specified in writing by Council.**

- 13 A security payment of \$250,254.00 in the form of cash, bank guarantee, cheque or credit card (financial transactions fees apply) shall be paid to Council **prior to the issue of a Construction Certificate.** The security payment is GST inclusive and comprises the following:

Refundable works bond	\$	50,000.00
Drainage Bond	\$	200,000.00
Non-refundable administration fee (\$127/bd)	\$	254.00
<b>TOTAL</b>	<b>\$</b>	<b>250,254.00</b>

The security payment covers the following matters and will be released upon satisfactory completion of these items:

- (a) construction of new drainage line and drainage pits;
- (b) creation of drainage easement in favour of Council;
- (c) creation of the positive covenant on the property title;
- (d) connection to Council's stormwater drainage system;
- (e) installation and maintenance of sediment control measures for the duration of construction activities; and
- (f) ensuring no damage occurs to or building debris/materials are left on Council's land including footpath, nature strip, kerb and gutter. The security bond may be used to recover the costs incurred by Council in cleaning and restoring the land to its original condition.

### **Parking/Traffic Matters**

- 14 A total of 203 off-street parking spaces and two (2) loading spaces, hardpaved, linemarked, labelled and drained, shall be provided in accordance with the approved plans and distributed as follows:

Residents	162 (with no more than 2 spaces for any unit)
Visitors	25 (including 9 Disabled)
Council facility	11 (including 1 Disabled)
Retail/Commercial	2
Washbay	1
General loading	2 (1 for Council & 1 for residents)
<b>TOTAL</b>	<b>203</b>

These spaces shall only be used for the parking of motorcycles, sedans, utilities, vans and similar vehicles up to two (2) tonne capacity.

- 15 All disabled parking spaces shall be designed in accordance with AS 2890.6:2009.
- 16 All disabled parking spaces shall be desirably located in the immediate vicinity of lifts as shown on drawing No. A110 Revision B, received by Council on 11 May 2012. Where the two (2) way traffic aisles have to be traversed by mobility impaired persons to gain access to the lifts a painted directional foot crossing to enhance the safety of such persons shall be provided.
- 17 RL 10.20 as shown on drawing No. A100, Revision B5, received by Council on 18 June 2012, located at the end of the accessible ramp, shall be modified to the same level as the entry of the Council facility.
- 18 Car parking and service vehicle layout shall comply with AS 2890.1 and AS 2890.2 respectively.
- 19 The ramp/ driveway gradient shall be in accordance with Council's Consolidated Development Control Plan 2005.
- 20 All construction activity shall take place on-site and the use of any public street be subject to the approval of Strathfield Council.
- 21 All costs for traffic management measures associated with the construction of the proposed development, including any permanent regulatory signs and line marking, associated with the development and recommended by Strathfield Council, shall be borne by the developer.

### **Landscaping/Tree Matters**

- 22 The applicant and/or any contractors shall comply at all times with the recommendations of the endorsed Arboricultural Report prepared by Tree and Landscape Consultants (TALC) and received by Council on 19 December 2011 which state:
  - a) That trees numbered 1-45 on the aerial tree identification plan (appendix F in the TALC received by Council dated 19 December 2011) be retained with tree protection zones to be established as identified in Section 6 at setbacks identified in the table (of same report);
  - b) That the ground area be protected in accordance with Section 5.2.3 for any temporary access required within the drip line of trees to be retained;
  - c) Any underground services proposed within Tree Protection Zone setbacks identified in table 2 are to be located at depths not less than 750mm and are to be installed utilising underground lateral boring type equipment (see section 5.2.1 of the TALC report);

- d) Any proposed construction works within the setbacks identified in table 2 column G to these trees are to be undertaken by hand to establish the presence of any woody roots that may be present. If any roots encountered are greater than 50mm in diameter, then construction is to be undertaken in accordance with section 5.3.2(A) to avoid damage to these roots. Any roots may be encountered with a diameter of 50mm or less are to be treated in accordance with Section 5.3.2(B);
- e) That the driveway to be located between trees 1 & 2 be elevated above or at existing ground level and as further detailed within section 5.3.2;
- f) Any demolition works in close proximity to trees to be retained, shall be undertaken by hand or using light machinery under the supervision of a consulting Arboriculturist to ensure tree protection is maintained;
- g) To further protect woody roots with a diameter of 50mm or greater, structural soil shall be used as a fill material where appropriate (see section 5.3.4);
- h) Tree protection zone fences that are to be moved or relocated, must be undertaken in consultation with the Consultant Arboriculturist to ensure tree protection is maintained;
- i) Any pruning of tree canopies to accommodate the proposed building envelopes is to be undertaken in accordance with section 4;
- j) To preserve trees to be retained no work shall commence including clearing works for the site until the above tree protection zone measures have been established. The fence(s) shall be maintained intact until completion of all works on site;
- k) That a percentage of the replacement tree species to be utilised within the landscape design be advanced specimens with stems gradually tapering, with crowns symmetrical and roots established and proportional to the crown but not pot bound in at least a 25Lt volume bag, having been propagated to the standards of Specifying Trees a Guide to assessment of tree quality (2<sup>nd</sup> edition) by Ross Clark, or approved similar;
- l) That an inspection schedule be implemented in keeping with the framework of the proposed development works as follows:
  - i. Initial certification of establishment of tree protection zones to be undertaken prior to the demolition of the existing building;
  - ii. Attend the site and supervise activities during the development works close to the drip line of the trees to be retained;
  - iii. Inspection of the site when half the building works near to the subject trees are completed; and
  - iv. Final inspection of the trees, 12 months after the issue of an Occupation Certificate.

- 23 Tree protection must be installed prior to the commencement of construction. The establishment of a **protection zone** before any site works begin (including any demolition/excavation). The protection zone shall be maintained for the duration of works and implemented as follows:



- A minimum 1.2m high barrier (made of hardwood/metal stakes with suitable hessian or canvas material) shall be erected around the perimeter of the stated Protection Zone as measured from the base of the tree (or where practical). The barrier shall be constructed so as to prevent pedestrian and vehicular entry into the protection zone. The barrier shall not project beyond the kerb onto the roadway or any adjacent footpath.
  - No concrete slurry or wash, building materials, builders' rubble, excavation spoil or similar shall be placed or stored within the tree protection zone.
  - The whole of the tree protection zone shall be mulched to a minimum depth of 75mm.
  - The tree protection zone shall be regularly watered.
  - Any major structural roots which are encountered shall be pruned by a qualified Arborist.
  - **No excavation or construction shall be carried out** within the stated Excavation Zone distances from the base of the trunk surface.
  - Only permeable surfaces (e.g. decomposed granite, gravel, permeable paving systems or soft landscaping) are permitted within the canopy spread of the trees to be protected.
- 24 All noxious weeds on the site shall be removed and destroyed as per their classification under the Noxious Weeds Act.

#### **Rail Corp Conditions**

- 25 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 entitled '*Development Near Rail Corridors and Busy Roads – Interim Guidelines*'.
- 26 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 Principle Certifying Authority with the application for a Construction Certificate.
- 27 Prior to the issue of a Construction Certificate the applicant is to submit to the Rail Authority a plan showing all cranes 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 RailCorp confirming that this condition has been satisfied.



### **Construction Matters**

- 28 The proposed development shall comply with the Building Code of Australia and details demonstrating compliance shall be submitted to the Principal Certifying Authority for approval **prior to the issue of a Construction Certificate.**
- 29 Footings shall be designed in accordance with the soil classification of H, or Highly Reactive (unless determined to the contrary by a suitably qualified person).
- 30 If required by the soil conditions, retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and adequate provision must be made for drainage.
- 31 Certification shall be obtained from a registered surveyor at the following stage(s) of construction confirming that the building has been constructed in accordance with the approved plans including any approved amendments (S.96 approvals) and plans and details required by Council as conditions of development consent:
- (a) footings excavation prior to placement of concrete;
  - (b) car park/garage level prior to placement of concrete or pavement;
  - (c) ground floor and first floor levels;
  - (d) roof ridge height;
  - (e) all floors of the building, roof eaves and all roof ridges;
  - (f) wall setbacks from property boundaries and street alignment;
  - (g) dimensions and areas of balconies/courtyards;
  - (h) vehicular ramp gradients.

Copies of the surveyor's certificates must be submitted to and accepted by Council at the stages nominated above.

- 32 The existing ground levels shall not be altered except in accordance with the levels shown on the approved plans as part of this consent. Finished ground surface levels shall match the existing levels at the property boundary. Any survey plan shall also show the extension of these levels in relation to adjoining properties.

If the existing ground levels are altered during construction, Council may require a survey plan of the finished ground levels to be prepared and submitted **prior to the issue of an Occupation Certificate** to determine if there have been changes to the pre-development levels and if there are any impacts on adjoining properties as a result.

- 33 All construction, demolition and excavation work shall be restricted to 7am and 5pm (Eastern Standard Time) on Mondays to Saturdays (inclusive) and prohibited on Sundays and public holidays.
- 34 The public area adjacent to a work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- 35 All excavations and backfilling associated with the approved works must be executed

safely and in accordance with appropriate professional standards. All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.

- 36 If an excavation associated with the approved works extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

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

- 37 There are built structures which may be in the zone of influence of the proposed works and excavations on the site. A qualified practicing geotechnical engineer must prepare a Construction Methodology Report demonstrating that the proposed construction method including any excavation and the configuration of the built structures will have no adverse impact on any surrounding property and infrastructure.

The report must be submitted with the application for a Construction Certificate and must include an investigation to determine the design parameters appropriate to the specific development and site. This would typically include;

- a) the location and level of nearby foundations and footings (site and neighbouring);
- b) proposed method of excavation;
- c) permanent and temporary support measures for excavation;
- d) potential settlements affecting footings and foundations;
- e) ground water levels (if any);
- f) batter slopes;
- g) potential vibration cause by method of excavation; and
- h) de-watering including seepage and off site disposal rate (if any).

Excavation, retention, underpinning and construction must be undertaken onsite by an excavation contractor with specialist excavation experience. A suitably qualified geotechnical engineer, specialising in excavation must supervise the excavation procedure.

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

- 39 The common access pathways, letterboxes and entry doorways to the building shall be provided with suitable low level artificial lighting systems to ensure safe and

convenient access at night. Details shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**

- 40 To maintain pedestrian safety in common areas suitable lighting is to be provided on the development site adjoining each street frontage and near pedestrian main entrances to the site. Details shall be submitted and approved by the Principal Certifying Authority **prior to the installation** thereof.
- 41 All temporary buildings shall be removed from the site at the completion of the development.

### **Building Matters**

- 42 Individual clotheslines shall be provided on the balconies behind a suitable screen wall or balustrade. The clotheslines shall be designed and located so as to not be visible from any public street. A detailed drawing (to a scale of 1:20) of the clothesline and any privacy screening shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
- 43 The external glass used in the building shall have a reflectivity index of less than 20%. Details and specifications of the glass shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
- 44 The proposed metal roof shall be of a pre-coated, low-reflective finish in a dark, recessive colour which is compatible with the building design and surrounding development.
- 45 Identification numbers are to be clearly displayed at the front of the premises and be easily visible from the street.

If it is proposed to strata subdivide the building, the lot numbers and unit numbers shall be the same as those nominated on the approved plans and be in accordance with Council's requirements. For strata subdivision, parking spaces shall have the same lot number as the residential portion and shall not be numbered separately.

- 46 Where building intruder alarms are installed in the building they shall be fitted with an automated "cut-off" timing device and operated as per the Protection of the Environment Operations (Noise Control) Regulation 2008.

### **Sustainability**

- 47 Water collected in the rainwater tank must be roof water only and not surface water. Water from the rainwater tank must only be used for following purposes and not for human consumption:
- Toilet flushing;
  - Clothes washing;

- Garden irrigation;
  - Car washing and similar outdoor uses;
  - Filling swimming pools, spa pools and ornamental ponds; and
  - Fire fighting.
- 48 Water heating systems to multi-unit residential developments shall be located so as not to be visible from public places and the ground level of adjoining properties. Details (type and location) of the water heaters shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**

#### **Demolition**

- 49 Demolition shall be carried out in accordance with Australian Standard 2601 - 'The demolition of structures' or any subsequent standard and the relevant legislation.
- 50 The demolition of the building shall be carried out by a licensed demolition contractor. A copy of the licence shall be submitted to Council and the Principal Certifying Authority **prior to any work commencing on site.**
- 51 Details demonstrating that excavated and demolished materials including asbestos-based materials will be disposed of at an approved site shall be submitted to the Principal Certifying Authority **prior to any work commencing on site.**
- 52 The cleared ground surface of the site shall be suitably stabilised to prevent the generation of dust and the erosion of soil on the site.

#### **Fire Safety Measures**

- 53 Upon completion of works a final fire safety certificate is to be issued from a properly qualified person in respect of each essential fire safety measure installed within the building and specified in the fire safety schedule. The final fire safety certificate shall be provided **prior to the issue of an Occupation Certificate.**
- 54 As soon as practicable after a final safety certificate is issued, the owner of the building to which it relates:
- shall submit a copy of the fire safety certificate (together with a copy of any current fire safety schedule) to the Commissioner of NSW Fire Brigades;
  - shall submit a copy of the fire safety certificate (together with a copy of any current fire safety schedule) to Council for registration; and
  - shall ensure the current fire safety schedule is prominently displayed in the building.
- 55 The following is a schedule of new essential fire or other safety measures required to be installed, and the minimum standard to which these measures

must be designed, installed and/or maintained under Part 7B of the Environmental Planning & Assessment Regulation:

New Measures

Essential fire or other Safety Measures		Minimum Standard Performance			
		Building Code of Australia (BCA96A1) Part/Clause/Specification			Australian Standard No. or other reference
1.	Access panels, doors & hoppers to fire resisting shafts	C1-3	C3.13/5	Spec C1.1/8	
2.	Automatic fail safe devices	C	C3.6, D2.21/2	Spec C3.4	
3.	Automatic fire detection & alarm systems	E G	E2.2, G3.8	Spec E1.7/G3.8	1851 (Pt8) 1989 1603, Pt1/4/6, 3786 1670-1995
4.	Automatic fire suppression systems	C	C2.3, E1.5	Spec E1.5/G3.8	1851 (Pt3) 1985 2118.1/4/6 1995
5.	Emergency lighting	E	E4.2, 4.4		2293 (Pt1) 1987/88/92
6.	Emergency lifts	E	E3.4		1735.2 1993
7.	Emergency warning and inter-communication systems	E H	E4.9	Spec G3.8	2220-1989/89/93
8.	Exit signs	E	E4.5-4.8		2293 (Pt1/2) 1987/88/92
9.	Fire control centres and rooms	E	E1.8	Spec E1.8	
10.	Fire dampers	C E			1668 (Pt1/2) 1991
11.	Fire doors	C3	C3.4	Spec C3.4	1851 (Pt7) 1984 1905 (Pt1) 90 (Pt2) 89
12.	Fire hydrant systems	E	E1.3		1851 (Pt4), 2419.1 1996
13.	Fire seals protecting openings in fire	C	C3.4/D1.12 C3.12/15	C3.4/D1.12	4702-1995
14.	Fire shutters	C2/3	C3.4	Spec C3.4	1905 (Pt2) 1989
15.	Fire windows	C	C3.2	Spec C3.4	
16.	Hose reel systems	E	E1.4		1851 (Pt2) 1989 1221-1991, 2441- 1988
17.	Lightweight construction	C	C1.8	Spec C1.8	
18.	Mechanical air handling systems	CEH	E2.2/7 H1.2	Spec E2.2/6 G3.8, H1.2	1851 (Pt6) 1983 1668 (Pt1/2) 1991

19.	Perimeter vehicle access for emergency vehicles	C	C2.4		
20.	Portable fire extinguishers	E	E1.6		1851 (Pt1) 1989, 2444-1995
21.	Safety curtains in proscenium opening	H	H1.3	Spec H1.3	
22.	Smoke and heat vents	C	C2.3	Spec E2.6/G3.8/H1.2	1851 (Pt5) 1981, 2427-1983
23.	Smoke dampers	E2 H1			
24.	Smoke detectors and heat detectors	C, D, E, G	C3.5-8/11 E2.4	Spec E2.2/G3.8	1603 (Pts 1/2/4/6) 3786
25.	Smoke doors	C, D	C2.5/3.4 D2.6	Spec C3.4	
26.	Solid-core doors	C	C3.11		Self closing & tight fitting solid-core door(s) not less than 35 mm thick
27.	Stand-by power systems	CHE GH			
28.	Wall wetting sprinkler and drencher systems	C	C3.4	Spec C3.4	
29.	Warning and operations signs	CEG H			
30.	Other				

### **Hoardings**

- 56 No advertisements of any kind shall be affixed to hoardings except for a board not exceeding 2.4m x 1.8m on which may be shown the architect's/builder's/demolisher's names or any particulars regarding the subject building and notices regarding the existing or future occupancies in the building.
- 57 Hoardings/overhead protective structures at ground level shall have mesh wire or other such material fixed to the surface to a height of at least two (2) metres in order to preclude the fixing of posters.
- 58 A sign with the words "Billposters Will Be Prosecuted" shall be attached or printed on the hoarding/overhead protective structures at regular intervals so it is visible from the street or any adjoining public place.
- 59 Any hoarding, fence or awning is to be removed when the work has been completed.

### **Disabled Access**

- 60 Access to the building for persons with disabilities shall be in accordance with the requirements of the Building Code of Australia and the relevant standards. Details shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
- 61 Sanitary facilities for persons with disabilities shall be provided in the building in accordance with the Building Code of Australia and the relevant standards. Details shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
- 62 Car parking spaces for persons with disabilities shall be provided in accordance with the Building Code of Australia and the relevant standards. Details shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**

#### **Waste Management**

- 63 Full compliance must be given to the endorsed Waste Management Plan submitted for the proposed development. Copies of any weighbridge receipts from all approved waste disposal facilities shall be retained for presentation to the Principal Certifying Authority upon request.
- 64 The waste storage room shall be designed to comply with the relevant standards and details shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**

#### **Land Contamination**

- 65 Upon completion of all remediation activities carried out in accordance with the Remedial Action Plan (RAP) prepared by Aargus and dated October 2011, Council is to be furnished with a written statement from the author of the RAP stating that all recommendations made in the plan have been complied with and the subject site is in a suitable condition for the proposed use as per the DECC guidelines.
- 66 The validation report and any required documentation shall be submitted to and approved by the Principle Certifying Authority **prior to the issue of the Construction Certificate.**
- 67 Any new information that comes to light during the remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the Principle Certifying Authority immediately.
- 68 Any fill imported on to the site shall be validated by an appropriately qualified person/body to ensure the imported fill is suitable, from a contamination perspective, for



the proposed land use. Fill imported onto the site shall also be compatible with the existing soil characteristics for site drainage purposes.

- 69 Details of the appropriate validation of imported fill material are to be submitted with any application for future development of the site. All fill imported onto the site is to be validated during remediation works by sampling and analysis of the fill material in accordance with the applicable guidelines to ensure that the material is not contaminated.

### **Condition for Café Uses**

- 70 The fitout, use and operation of the premises including all preparation and food storage areas shall comply with the Australian/ New Zealand Food Safety Standards Code and relevant standards. Details shall be submitted to the Principal Certifying Authority and approval obtained **prior to the issue of a Construction Certificate.**

Note: Copies of the Code are available from the Food Standard Australia New Zealand website at <http://www.foodstandards.gov.au/>

- 71 The food business must appoint a Food Safety Supervisor in accordance with the Food Act 2003. Further information in relation to Food Safety Supervisors can be accessed at: <http://www.foodauthority.nsw.gov.au/industry/fss-food-safety-supervisors>.

- 72 Food premises registration must be obtained from Strathfield Council **prior to the issue of an Occupation Certificate and/or use of the premises.**

- 73 The applicant shall notify the NSW Food Authority of the proposed operations **prior to the use of the premises.**

Please note this notification is able to be completed online through [www.foodnotify.nsw.gov.au](http://www.foodnotify.nsw.gov.au)

- 74 Waste oil shall be stored in a covered and suitably bunded area pending regular removal to a waste oil recycler.

- 75 Any cool room shall be designed and constructed in accordance with the relevant standards and details shall be submitted to the Principle Certifying Authority and approval obtained **prior to the issue of a Construction Certificate.**

### **Noise Conditions**

- 76 The use of the premises shall not give rise to:

- (a) The transmission of unacceptable vibration to any surrounding occupancy; and
- (b) A noise level exceeding the background ( $L_{90}$ ) noise level by more than 5dB(A) when measured from an adjoining premises. The source noise level shall be assessed as

an  $LA_{eg, 15min}$  reading and adjusted in accordance with current EPA Guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and intermittency or any subsequent guidelines.

- 77 Any noise generated on the premises from the use at any time shall not have any detrimental effect on the occupants of any adjoining residential dwellings.
- 78 Full compliance shall be given to the recommendations contained in the endorsed acoustic consultant's report.
- 79 Plans and specifications showing details of all mechanical ventilation systems shall be submitted to the Principal Certifying Authority and approval obtained **prior to the issue of a Construction Certificate.**
- 80 All exhaust and other emissions including noise from the premises shall comply with the provisions of the Protection of the Environment Operations Act 1997 and Regulations.
- 81 As required by the Protection of the Environment Operations (Noise Control) Regulation 2008, air-conditioning units or heat pump water heaters shall not be audible in the habitable rooms of any other residential premises before 8am or after 10pm on any Saturday, Sunday or Public Holiday, or before 7am or after 10pm on any other day.

#### Heritage Conditions

- 82 Care shall be taken when removing the cypress pines in the affected area of the Sydney Water Stormwater Culvert. Either the removed trees or mature replacement species are to be planted in their former location after the completion of the works. This should be done in consultation with an arborist and ensure the tree root balls have sufficient soil depth.
- 83 The infrastructure and service works in the Memorial Garden which involve the removal of topsoil, shall also include the reinstatement of that same topsoil upon excavation of the Memorial Gardens in order to preserve any scattered ashes that may be present in the garden and lawn areas.
- 84 The works to the Memorial Gardens shall be **completed prior to the issue of an Occupation Certificate.**

#### Drainage/Stormwater

- 85 A flood study for the development site shall be prepared by a suitably qualified hydraulics engineer competent in catchment flood studies and hydraulic analysis. The study shall include an assessment of the existing drainage conduits and overland flows for all durations of storm events up to and including the 1 in 100 years ARI. The study should also include comment on the flood levels in the vicinity of the development site up to and including PMF and demonstrate that post development flood levels within the

site and upstream and downstream of the site are not higher than the predevelopment flood levels. The location and width of the overland flow path through the site should be identified to enable the full 1 in 100 year storm event flows to be catered for through the site.

The study shall also demonstrate that the proposed development has no adverse effects on the adjoining properties and Council's storm water infrastructure, as a result of flooding and stormwater runoff, and that there is adequate protection for the proposal against the ingress of surface runoff. Upon completion of the flood study and **prior to the issue of a construction certificate and commencement of building works onsite**, written verification must be obtained from Strathfield Council, stating that the above requirements have been complied with and all stormwater drainage and flooding related matters indicated in court order 11057 of 2006 have been satisfactorily resolved.

- 86 Stormwater runoff from all the roofed and paved surfaces shall be collected and discharged by means of a gravity fed system via an on-site stormwater detention system to the stormwater channel within the site as shown on the concept stormwater management plans prepared by **Cardno ITC P/L Drawing nos: ITCE1156-DA-H00 Revision 06, ITCE1156-DA-H01 Revision 06, ITCE1156-DA-H02 Revision 08, ITCE1156-DA-H03 Revision 06, ITCE1156-DA-H04 Revision 05, ITCE1156-DA-H05 Revision 05, ITCE1156-DA-H06 Revision 05, ITCE1156-DA-H07 Revision 02, ITCE1156-DA-H08 Revision 02, ITCE1156-DA-H10 Revision 02 and ITCE1156-DA-H11 Revision 02 submitted to Council on 15 June 2012.**
- 87 The gutters, downpipes and pipes shall be sized for the 100 year, 5 minute storm event. The overflow from the rainwater tank shall be discharged by means of gravity pipe system to the on-site detention system.
- 88 On-site stormwater detention storage shall be provided in conjunction with the stormwater disposal system. The storage system shall be designed in accordance with the endorsed concept stormwater plans **AND/OR** Council's Stormwater Management Code. Details of the storage system shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.** A reflux valve shall be installed within the outlet pipe of the on-site detention tank to prevent backwater effect.
- 89 All redundant vehicular crossings shall be removed and replaced with kerb and gutter and footpath at no cost to Council.
- 90 Details of the proposed method of stormwater disposal shall be prepared by a suitably qualified professional civil engineer in accordance with approved concept plans **Cardno ITC P/L Drawing nos: ITCE1156-DA-H00 Revision 06, ITCE1156-DA-H01 Revision 06, ITCE1156-DA-H02 Revision 08, ITCE1156-DA-H03 Revision 06, ITCE1156-DA-H04 Revision 05, ITCE1156-DA-H05 Revision 05, ITCE1156-DA-H06 Revision 05, ITCE1156-DA-H07 Revision 02, ITCE1156-DA-H08 Revision 02, ITCE1156-DA-H10 Revision 02 and ITCE1156-DA-H11 Revision 02 submitted to Council on 15 June 2012** and requirements of the Council's Stormwater Management Code and approved by the Principle Certifying Authority **prior to the issue of a Construction Certificate.**

In this project the above engineering plans are satisfactory as Concept plans. The Principal Certifying Authority, is to satisfy themselves of the adequacy of the above plans for the purposes of Construction. They are to independently determine what details, if any, are to be added to the Construction Certificate plans, in order for the issue of the Construction Certificate.

Where a Private Certifier issues the Construction Certificate a copy must be provided to Council, once the Construction Certificate is issued.

- 91 Allowance shall be made for surface runoff from adjacent properties, and to retain the existing surface flow path system draining the site(if any).
- 92 An Operational Management and Maintenance Report is required to be submitted to the Principle Certifying Authority **prior to the issue of an Occupation Certificate** to provide an outline of the proposed long term operational management and maintenance requirements of the stormwater system on the site. A schedule or timetable for the proposed regular inspection and monitoring of the devices, maintenance techniques, reporting and record keeping requirements and associated rectification procedure shall be included in the report.
- 93 Access to the car park, head room for entry, driveway ramps, aisle widths and turning circles shall be designed in accordance with AS 2890.1-2004 (***Australia/New Zealand Standard Part 1: Off-street car parking***).
- 94 All subsoil drainage must be designed to meet the requirements set out in AS3500.
- 95 **Prior to the issue of a Construction Certificate**, a certificate from a qualified practicing structural engineer shall be submitted to the Principal Certifying Authority stating that the structure can withstand the forces of flood water, debris & buoyancy up to and including a 100 year ARI flood plus freeboard of 500mm.
- 96 The following documents shall be submitted to the Principal Certifying Authority prior to the issue of Occupation Certificate.
  - a. Written verification from a suitably qualified professional civil engineer, stating that all stormwater drainage and related work has been constructed in accordance with the approved plans.
  - b. Full work-as-executed plans prepared and signed by a registered surveyor or engineer. Where changes have occurred the plans shall be marked-up in red ink and shall include levels and locations for all drainage structures and works, buildings, and finished ground and pavement surface levels, and the extent of pervious and impervious areas.
  - c. Certification is also required from a suitably qualified stormwater quality specialist to verify that the stormwater treatment measures have been constructed generally in accordance with the approved plans, conditions of approval and manufacturer's specification.

- 97 Temporary measures shall be provided and regularly maintained during demolition, excavation and construction to prevent sediment and polluted waters discharging from the site. Plans showing such measures in accordance with the NSW Department of Housing, Managing Urban Stormwater, Soils and Construction Manual dated August 1998 shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
- 98 The boundary fences shall be designed by a suitably qualified engineer and constructed in materials that allow the unobstructed passage of surface stormwater flows. Fencing details shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
- 99 Drainage plans shall be submitted to and approved by Sydney Water **prior to the issue of a Construction Certificate.**
- 100 An easement in favour of Council shall be created over the existing drainage line traversing the site for the purpose of constructing and maintaining stormwater drainage structures. The wording of the dedication shall be approved by Council prior to lodgment at Land & Property Information NSW. Proof of lodgment is to be provided to the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
- Proof of registration of the easement shall be furnished to the Principal Certifying Authority prior to completion of the development and **prior to the issue of an Occupation Certificate/use of the building.**
- 101 Special footings shall be provided where the proposed/existing structure is adjacent to a drainage easement. The footings shall be taken down to the invert of the drainage structure or to solid rock, whichever is the lesser. The footing may be reduced in depth by 500mm for every 1000mm increment in distance the proposed/existing structure is from the easement boundary.
- The footings shall be located clear of the easement and designed by a practicing structural engineer (holding membership with Engineers Australia). Details are to be submitted to and noted by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
- 102 The proposed development as shown on the Architectural Plan prepared by **Tony Owen Partners Drawing no. SECTION B-B Revision A4 Dated 12.03.2012 submitted to Council on 16 March 2012** shall not have the subfloor area enclosed or utilised for storage. A Positive Covenant under Section 88E of the Conveyancing Act shall be created on the title of the property where the lowest habitable floor area is elevated above finished ground level. This is to place a restriction on the title that the subfloor space is not to be enclosed or used for storage in order to allow for unobstructed passage of overland flow of water.
- The wording of the Instrument shall be submitted to, and approved by Council prior to lodgement at Land & Property Information NSW. The Instrument shall be registered and a registered copy of the document shall be submitted to and approved by the

consent authority **prior to the issue of an Occupation Certificate/use of the building.**

The positive covenant is required to prevent future modification or alteration without the written consent of the consent authority, and to ensure suitable maintenance is carried out.

- 103 A Positive Covenant under Section 88E of the Conveyancing Act shall be created on the title of lot 23A detailing the:

1. on-site stormwater detention system(s); and
2. water sensitive urban design component(s) incorporated in the development.

The Instrument shall be registered and a registered copy of the The wording of the Instrument shall be submitted to, and approved by Strathfield Council prior to lodgement at Land & Property Information NSW. document shall be submitted to and accepted by Council **prior to the issue of a Subdivision Certificate.**

The positive covenant referred to in (1) above is required to prevent future modification or alteration without the written consent of Council, and to ensure suitable maintenance is carried out.

- 104 (1) For drainage works within Council controlled lands, and/or connecting to Council's stormwater drainage system, inspections will be required as follows:
- ii. After the excavation of pipeline trenches;
  - iii. After laying of all pipes prior to backfilling; and
  - iv. After the completion of all pits and connection points.
- (2) A minimum of 48 hours notice shall be given to Council to inspect works. Inspections may be arranged by telephoning Council on 9748-9999 during office hours.
- (3) Work is not to proceed until the works are inspected and approved by Council.

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

- (1) A Works Permit shall be obtained from Council's Customer Service Centre at least 48 hours prior to undertaking any works on public/Council controlled areas. This includes any work on the nature strip, footpaths, driveways, stormwater outlets, Council's drainage, kerb & guttering and roadways.
- (2) The permit must be retained on site at all times and produced on request from any Council Officer.



- 106 A rainwater tank of at least 40,000 litres shall be installed on the site and shall only collect stormwater runoff from roof areas. This rainwater tank must meet and be installed in accordance with, the requirements of all applicable regulatory authorities. The applicant must connect the rainwater tank(s) to all toilets for toilet flushing, car washing bays (if any) and at least one outdoor tap within the development. NSW health does not recommend that rainwater be used for human consumption in areas with potable water supply. **A certificate from a registered plumber stating that this condition has been satisfied must be submitted to the Principle Certifying Authority prior to the issue of an Occupation Certificate.**

### Sydney Water Conditions

Conditions, together with relevant diagrams, are as stipulated in Sydney Water's letter dated 28 April 2010, as referred to in Sydney Water's most recent letter dated 26 March 2012, as follows:

- 107 A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained for the proposed development. Application must be made through an authorised Water Servicing Coordinator. For details see the Sydney Water website [www.sydneywater.com.au](http://www.sydneywater.com.au) then follow the "e-developer" icon, or telephone 13 20 92.

The Section 73 Certificate must be submitted to the Principal Certifying Authority **prior to the issue of a Subdivision Certificate or occupation of the development.**

- 108 The developer shall incorporate a clear and unobstructed overland flow path route 3.05 metres wide between Burlington Street and The Crescent generally abutting the western boundary of the site and transitioning to the existing Memorial Gardens pathway near Burlington Street.
- The flow path is to generally comply with the 'Concept Plan Layout', 'Concept Flow Path Longsection' and 'Concept Flow Path Typical Crosssection' drawings attached.
  - The developer is to refine the concept design drawings into detailed engineering design drawings. The detailed engineering design drawings are to be submitted to and approved by Sydney Water prior to issue of the Construction Certificate.
  - In terms of ensuring a clear and unobstructed overland flow path, any other architectural, structural or civil engineering drawing that may conflict with or be inconsistent with the approved overland flow path detailed design drawings shall give way to the overland flow path design drawings.
  - The overland flow path at each road frontage shall be kept unfenced. The relocated electricity substation is to be kept clear of the proposed overland flow path.



- The flow path is to be confirmed and protected on the property title through an appropriate positive covenant prepared and executed by the developer prior to issue of the Occupation Certificate. No obstructions or use of the flow path that may obstruct overland flows is to be permitted. The terms of the covenant are to be approved by Sydney Water and shall be generally in accordance with the terms set out in the attached letter of advice from Maddocks dated 16<sup>th</sup> April 2010 (CJC:5672579) and 'Draft Positive Covenant and Restriction on the Use of Land by a Prescribed Authority'.
  - The flow path is to be also confirmed and protected by an appropriate By Law also in accordance with the Maddocks letter of advice.
  - The vertical extent of the flow path shall extend from 100mm below the designed ground surface level of the flow path up to the estimated height of the probable maximum flood.
- 109 The developer shall demolish the existing Sydney Water channel that passes through the site and design /construct a replacement reinforced concrete box culvert (RCBC), in situ transitions to the existing covered channel and requisite restoration works at full cost to the developer.
- The design of the replacement RCBC is to be generally in accordance with the 'Concept Plan Layout' drawing attached.
  - The developer is to refine the concept design drawings into detailed engineering design drawings. The detailed engineering design drawings are to be submitted to and approved by Sydney Water prior to issue of the Construction Certificate.
  - The design and construction supervision is to be undertaken by an approved Sydney Water Servicing Coordinator (WSC) engaged by the developer.
  - The specifications for the RCBC are to ensure that the replacement culvert may effectively be deemed 'maintenance free' for the life of the proposed building.
  - The designer is to carefully investigate the structural stability/independence of the existing channel covers at the transitions at each end of the renewal works. The developer is to take any necessary precautions to ensure protection of the adjacent property improvements during and following construction.
  - The detailed design is to incorporate appropriate construction provisions for the management of storm flows during construction. Storm flow capacity must remain available at all times and risks to person and property must be minimised by including prudent and auditable safety measures into the construction program.

- The Sydney Water Stormwater Group is to be advised prior to demolition of the existing stormwater channel.

