

CONDITIONS

DA 10.2013.98.1

43-51 Queen Street & 3-7 New Street, ASHFIELD 2131

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

Construction of seniors housing consisting of 53 self care dwellings in five separate buildings of between one and three storeys with basement car parking, landscaping and associated works.

A General Conditions

(1) Approved plans stamped by Council

The development must be carried out only in accordance with the plans and specifications set out in the table below and stamped as approved by Council, and in any supporting documentation received with the application, except as amended by the conditions specified hereunder.

No.	Title	Prepared by	Amendment Date
10873 DA002A	Site Plan/Demolition Plan	Thomson Adsett	28.08.2013
10873 DA003A	Site Boundary Setbacks & Staging Plan	Thomson Adsett	28.08.2013
10873 DA004A	Site Plan	Thomson Adsett	28.08.2013
10873 DA100A	Basement Plan	Thomson Adsett	28.08.2013
10873 DA101A	Building 1	Thomson Adsett	28.08.2013
10873 DA102A	Building 2 – Floor Plans & Roof Plan	Thomson Adsett	28.08.2013
10873 DA103A	Building 2 – Elevations & Sections	Thomson Adsett	28.08.2013
10873 DA104A	Building 3 – Floor Plans & Roof Plan	Thomson Adsett	28.08.2013
10873 DA105A	Building 3 – Elevations & Sections	Thomson Adsett	28.08.2013
10873 DA106A	Building 4 – Floor Plans, Roof Plan, Elevations & Sections	Thomson Adsett	28.08.2013
10873 DA107A	Building 5 – Floor Plans, Roof Plan, Elevations & Sections	Thomson Adsett	28.08.2013
10873 DA200A	Site Sections and Elevations	Thomson Adsett	28.08.2013
13052- SK01	Plan of Pedestrian Right of Way	Thomson Adsett	Not dated
	Schedule of Colours & Finishes A	Thomson Adsett	
	Schedule of Colours & Finishes B	Thomson Adsett	
L01B	Site Context Plan	JMD Design	30.11.2012
L02C	Plants & Precedent Images	JMD Design	30.11.2012
L03F	Landscape Plan	JMD Design	14.05.2013

(2) Works to or in Lewis Herman Reserve

This approval does not include any work on, to or from Lewis Herman Reserve including:

- its use as a construction zone; or
- landscaping works

Any such work would be subject to separate approval.

B Design Changes (all design changes required below are to be documented to Council's satisfaction and shown on the drawings lodged with any application for a construction certificate).

(1) Planter boxes

The planter boxes and the solid sill heights of any balcony balustrades of the following units are to be increased in height to 1.2m:

- Building 2:
 - Unit 19;
 - Unit 25; and
- Building 3:
 - Unit 34;
 - Unit 35;
 - Unit 37;
 - Unit 40;
 - Unit 43; and
 - Unit 45.

(2) Privacy screens

The northern side of the balconies of the following units are to be fitted with privacy screens to a minimum height of 1.6m (the planter box may be deleted if desired):

- Building 2:
 - Unit 15;
 - Unit 20;
 - Unit 21; and
 - Unit 26.

(3) Ceiling heights

Ceiling heights in the habitable rooms of all units are not to be less than 2.7m (except in the instance of incidental dropped pelmets to contain mechanical services and the like).

(4) Maximum height of Building 3

The height of Building 3 is not to exceed 47.43 AHD. This is to be confirmed by survey certificate supplied to the PCA prior to the issue of any occupation certificate.

(5) Route of path between Lewis Herman Reserve and Queen Street

The route of the pedestrian right of way through the site linking Lewis Herman Reserve to Queen Street is to be in accordance with drawing No. 13052-SK01 and be widened to provide a clear pathway with a width of 2.5m for its entire length.

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

(1) Section 94 Development Contributions

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

<u>Community Infrastructure Type</u>	<u>Contribution</u>
Local Roads	\$1,385.24
Local Public Transport Facilities	\$24,886.92
Local Car Parking Facilities	\$0.00
Local Open Space and Recreation Facilities	\$437,650.54
Local Community Facilities	\$27,034.41
Plan Preparation and Administration	\$19,884.85
TOTAL	\$510,841.96

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

$$\text{\$C}_c = \frac{\text{\$C}_p \times \text{CPI}_c}{\text{CPI}_p}$$

Where:

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

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

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

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

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

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

(2) Long service levy

Compliance with Section 109F of the Environmental Planning and Assessment Act 1979 – payment of the long service levy under Section 34 of the Building and Construction Industry Long Service Payments Acts 1986 – is required. All building works in excess of \$25,000.00 are subject to the payment of a Long Service Levy fee. A copy of the receipt for the payment of the Long Service Levy shall be provided to the Principal Certifying Authority (PCA) prior to the issue of a Construction Certificate. Payments can be made at Long Service Payments Corporation offices or most Councils.

(3) Construction and Site Management Plan

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

- (a) what actions and works are proposed to ensure safe access to and from the site and what protection will be provided to the road and footpath area from building activities, crossings by heavy equipment, plant and materials delivery, or static loads from cranes, concrete pumps and the like,
- (b) the proposed method of loading and unloading excavation machines, building materials, formwork and the erection of any part of the structure within the site,
- (c) the proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period,
- (d) how it is proposed to ensure that soil/excavated material is not transported on wheels or tracks of vehicles or plant and deposited on surrounding roadways,
- (e) the proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed by a chartered Civil Engineer or an accredited certifier.

Where it is proposed to:

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

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

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

(4) Erosion & sedimentation control-management plan

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

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

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

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

- (a) "*Sedimentation and Erosion Control*" - Department of Conservation and Land Management.

(b) “*Soil and Water Management for Urban Development*” - Department of Housing.

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

Further information may be obtained from:

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

(5) Home Building Act 1989 Insurance

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

(6) Sydney Water - Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the “Your Business” section of the web site www.sydneywater.com.au then follow the “e-Developer” icon or telephone Sydney Water 13 20 92 for assistance.

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

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

(7) Lighting to basement/pedestrian routes-safety

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

Details to be shown on the construction certificate.

(8) Damage deposit/footpath, road, kerb and gutter

A Damage Deposit of **\$7,000** is to be submitted prior to the release of the Construction Certificate covering repair and/or replacement of adjoining footpath, road shoulder, road pavement, kerbing and guttering both outside the subject site and the surrounding area. This is to be paid to Council and may be refunded subject to satisfactory completion of construction or demolition.

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

Bank Guarantees are accepted in lieu of any Council security deposit/bond subject to the following:

It must be an **original with no end date** and issued in favour of Council, details of the proponent's address shall be included.

A charge equal to the value multiplied by the current "overdue rates interest charge" be levied, per month or part thereof, with a minimum charge of three months is to be paid upon lodgement.

Any remaining charge is to be calculated at the prevailing "overdue rates interest rate" for each month or part thereof beyond the original three months that the Bank Guarantee was held, and paid prior to its release.

Any costs incurred in the acceptance, administration or release of such Bank Guarantees be on-charged to the entity claiming the release of such Bank Guarantee, and that these amounts be paid prior to its release.

At the time of lodgement, Council will seek verification of the Bank Guarantee. Please provide contact details for the branch (phone number and officer) to assist with verification of the bona fides of the Bank Guarantee.

Until all items above are completed, no documents or usage sought from Council by the party lodging the Bank Guarantee can be issued. Please allow a minimum of 2 business days for this process.

(9) Footpath/laneway- photographs to be submitted

Prior to the release of the Construction Certificate, the applicant shall lodge with Council photographs of the roadway and footpath at the property indicating the state of the relevant pavements. At the completion of construction, again at the expense of the applicant, a new set of photographs is to be taken to determine the extent, if any, of any damage, which has occurred to the relevant pavements. If any damage has occurred, the applicant shall meet the full cost to repair or reconstruct these damaged areas to Council's relevant standard. Failure to do this will result in the applicant being held accountable for the cost of all repair works in the area near / at the site.

(10) Design and construction of car parking area

The car park layout is to be designed and constructed in accordance with Australian Standards AS 2890.1 2004 "Off Street Car Parking" as well as AS2890.6 -2009 Parking Facilities - Off-street parking for people with disabilities.

(11) Services adjustment or relocation

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

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

(12) Stormwater disposal-calculations

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

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

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

- (i) Roof areas.
 - (ii) Paved areas.
 - (iii) Grassed areas.
 - (iv) Garden areas.
 - (v) The percentages of Pre-development and Post-development impervious areas
- (b) At each pit and or bend, a level of pipe is to be shown (the minimum grade for pipes is 1%).
- (c) Calculations and details are to be provided to Council showing that provisions have been made to ensure that the piped drainage system including pits have been sized to accept runoff from all storms up to the 100 year ARI, (including overflows from roof gutters).
- (d) All garbage and waste areas must drain to the sewer and not the stormwater system.

(13) Stormwater detention storage facility

- (a) On-site Stormwater Detention storage shall be provided in conjunction with the stormwater disposal. This storage shall be designed in accordance with Council's Stormwater Management Code. Details of the storage shall be submitted to and approved by Council prior to the release of the Construction Certificate.
- (b) Prior to the release of the Construction Certificate, a maintenance schedule is to be prepared which clearly outlines the routine maintenance necessary to keep the OSD system working, this information is to be included in the Positive Covenant required for this development. Some of the issues that will need to be addressed are:
- where the storage and silt arrestor pits are located
 - which parts of the system need to be accessed for cleaning and how access is obtained
 - description of any equipment needed (such as keys and lifting devices) and where they can be obtained
 - the location of screens and how they can be removed for cleaning
 - who should do the maintenance (i.e. commercial cleaning company)
 - how often should it be done

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

(14) Pumpout system specifications

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

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

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

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

(15) Structural design of path between Lewis Herman Reserve and Queen Street

Structural engineering plans are to be submitted to Council, for the construction of the pedestrian path between Lewis Herman Reserve and Queen Street. These are to include the use of a suitably coloured concrete or other suitable pavement material complying with Council's specification for pedestrian pathways and also include lighting complying with the relevant Australian Standard for external pedestrian access. These plans are to be approved by Council prior to the issue of the construction certificate.

(16) Stormwater drainage design

A Stormwater Drainage Concept Plan demonstrating the proposed stormwater drainage system is to be submitted to, and approved by, Council prior to the issue of any construction certificate. All Stormwater drainage is to be carried out in accordance with Ashfield's "Stormwater Management Code".

(17) Details of vehicular access

Plans and details of the proposed vehicular access off Queen Street shall be submitted. These details shall include long sections of the kerb showing height and grade of existing and proposed.

(18) Public path between Lewis Herman Reserve and Queen Street

Detailed plans for a publicly accessible path a minimum 2.5 metres wide and complying with the requirements of AS2890 to be submitted to, and approved by, Council prior to the issue of any construction certificate. The walkway shall extend from the site boundary at Queen Street to the site boundary at Lot 11 of DP1145726 (Lewis Herman Reserve).

D Conditions that must be complied with before work commences

(1) Notice of Commencement – Notification of Works

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

(2) Requirement for a Construction Certificate

In accordance with the provisions of Section 81A of the *Environmental Planning and Assessment Act 1979* the erection of a building and/or construction works must not commence until:

- (a) detailed plans and specifications of the building have been endorsed with a Construction Certificate by:
 - (i) Council; or
 - (ii) an accredited certifier; and
- (b) a principal certifying authority (PCA) has been appointed and the Council has been notified in writing of the appointment, and
- (c) at least two days notice, in writing, has been given to Council of the intention to commence work.

The documentation required under this condition shall show that the proposal complies with all development consent conditions and the *Building Code of Australia*.

Note: If the principal certifying authority is the Council, the appointment will be subject to the payment of a fee for the service to cover the cost of undertaking building work and / or civil engineering inspections.

WARNING: Failure to obtain a Construction Certificate prior to the commencement of any building work is a serious breach of Section 81A(2) of the *Environmental Planning & Assessment Act 1979*. It is a criminal offence that attracts substantial penalties and may also result in action in the Land and Environment Court and orders for demolition.

(3) Inspections required by Principal Certifying Authority

Inspections shall be carried out at different stages of construction by Council or an accredited certifier. If Council is selected as the Principal Certifying Authority (PCA) the inspection fees must be paid for in advance which will be calculated at the rate applicable at the time of payment.

(4) Sanitary facilities - demolition/construction sites

Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.

(5) Building location - check survey certificate

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

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

(6) Sydney Water approval

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

(7) Dilapidation Reports

A Dilapidation Report on the current structural condition of the existing buildings at 1 New Street and 53 Queen Street, must be prepared by a practicing structural engineer. The Dilapidation Report must be completed and submitted to the owner of the subject property and to Council prior to the commencement of any demolition, excavation or construction works. At the completion of the works, a second Dilapidation Report recording the structural condition must be prepared. That Report must be submitted to the owner of the subject property and to Council.

(8) Structural engineer's details

To ensure compliance with the provision of Section B of the *Building Code of Australia* structural engineer's details of all structural elements shall be submitted to the Principal Certifying Authority prior to commencement of work, including:

- (i) pier and beam footings;
- (ii) reinforced concrete slabs;
- (iii) stairs, including patio steps;
- (iv) retaining walls
- (v) all structural timber including floors, walls and roof; and
- (vi) all structural steel.

(9) Erosion, dust, topsoil and sediment control

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

(10) Public liability insurance – Works on Council/public lands

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

(11) Site Remediation

The following recommendations are to be implemented of the report prepared by EIS, dated June 2012 and titled *Report to Ashfield Baptist Homes on Preliminary Contamination Assessment For Proposed Village Development Project At 51 Queen Street And 3, 5 & 7 New Street, Ashfield NSW 2131*:

- a) A remediation action plan (RAP) be prepared for the proposed development. The RAP will provide remedial procedures to be followed during the proposed development works;
- b) Undertake a validation assessment for the remedial works and prepare a validation report;
- c) Prepare an Environmental Management Plan (EMP) for any contaminated fill material that may remain on site;
- d) Establish appropriate public notification of the EMP under Section 149(2) of the E&PAA 1979 or a covenant registered on the title to land under Section 88B of the *Conveyancing Act 1919*;
- e) Prepare an appropriate occupational health and safety plan for the contaminants encountered at this site;
- f) Undertake inspections during demolition and excavation works to assess any unexpected conditions or subsurface facilities that may be discovered between investigation locations. This should facilitate appropriate adjustment of the works programme and schedule in relation to the changed site conditions. Inspections should be undertaken by experienced environmental personnel; and
- g) Re-assess the groundwater as described in Section 11.2 of the report.

In addition, any contamination found within 0.8m of the finished ground level shall be removed and disposed of at an approved land fill site. Details shall be provided prior to issue of any final occupation Certificate.

The site shall be remediated to a standard which is suitable for residential use and have no conditions attached to restrict or limit the use of any landscaped area.

E Conditions that must be complied with during construction or demolition

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

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

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

(2) Signs to be erected on building and demolition sites

- (1) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - (a) stating that unauthorised entry to the work site is prohibited; and
 - (b) showing the name and address of the contractor for the building work and the person in charge of the work site and a telephone number at which the person may be contacted outside working hours; and
 - (c) showing the name, address and telephone number of the Principal Certifying Authority appointed for the building works.
- (2) Any sign shall be maintained and not removed until work has been finished.

(3) Demolition/excavation/construction - hours of work

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

(4) Demolition requirements/standards

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

- (a) Australian Standard 2601 and any requirements of the Workcover Authority.
- (b) The Waste Management Plan submitted with the Development Application.
- (c) The property is to be secured to prohibit unauthorised entry.
- (d) All precautions are to be exercised in the handling, removal and disposal of all asbestos materials. Licensed contractors and the disposal of asbestos is to be carried out in accordance with the requirements of the Work Cover Authority.
- (e) All other materials and debris is to be removed from the site and disposed of to approved outlets.
- (f) Any demolition on the site is to be conducted in strict accordance with, but not limited to, sections 1.5, 1.6, 1.7, 3.1 and 3.9 of the AS 2601 - 1991, demolition of structures. The following measures must be undertaken for hazardous dust control:
- (g) Prior to demolition, the applicant shall submit a Work Plan prepared in accordance with AS 2601 by a person with suitable expertise and experience to the Principal Certifying Authority. The Work Plan shall identify any hazardous materials, the method of

demolition, the precautions to be employed to minimize any dust nuisance and the disposal methods for hazardous materials.

- (h) Hazardous dust must not be allowed to escape from the site or contaminate the immediate environment. The use of fine mesh dust proof screens, wet-lead safe work practices, or other measures is required.
- (i) All contractors and employees directly involved in the removal of hazardous dusts and substances shall wear protective equipment conforming to AS 1716 Respiratory Protective Devices and shall adopt work practices in accordance with WorkSafe Requirements (in particular the WorkSafe standard for the *Control of Inorganic Lead At Work* (NOHSC: 1012, 1994) and AS 2641, 1998).
- (j) Any existing accumulations of dust (eg; ceiling voids and wall cavities must be removed by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter and disposed of appropriately.
- (k) All dusty surfaces and dust created from work is to be suppressed by a fine water spray. Unclean water from the suppressant spray is not be allowed to enter the street gutter and stormwater systems.
- (l) Demolition is not to be performed during high winds that may cause dust to spread beyond the site boundaries without adequate containment.
- (m) All lead contaminated material is to be disposed of in accordance with the NSW Environment Protection Authorities requirements.
- (n) Construction and demolition waste, particularly timber, bricks and tiles, concrete and other materials need not be disposed of- they can be recycled and resold if segregated properly from any hazardous waste contamination.
- (o) Following demolition activities, soil must be tested by a person with suitable expertise to ensure the soil lead levels are below acceptable health criteria for residential areas. Full certification is to be provided for approval by the Principal Certifying Authority.

(5) Visitor car parking identification

Visitor car parking shall be clearly identified by signposting and/or linemarking and must be accessible by the general public.

(6) BASIX Requirements

The new works shall be constructed in accordance with, and comply with the undertakings given on the BASIX (Building Sustainability Index) Certificate as obtained on 10 May 2013 from the Department of Planning and Infrastructure. For more information visit www.basix.nsw.gov.au.

(7) Footpath, kerb and gutter protection

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

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

(8) Footpath, kerb and gutter reconstruction

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

applicant's expense. This work shall be carried out prior to the release of the Occupation Certificate.

(9) Finished ground surface levels at property boundary

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

(10) Vehicle access entrance

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

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

(11) Road opening permit- Council controlled lands

A "road use-opening permit" shall be obtained for all works carried out in public or Council controlled lands. Contact Council's Works and Infrastructure Department for details.

(12) Traffic control on public roads

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

(13) Engineering staff to inspect roadworks/drainage

An inspection by Council's staff will be required for (kerb/gutter/crossing etc) at the following stages:

- (i) After excavation.
- (ii) After the erection of formwork and the placement of reinforcement and prior to pouring of concrete.
- (iii) After placement of road base course.
- (iv) After pipes have been laid and prior to backfilling.
- (v) On completion of works.

A minimum of 24 hours notice is required to be given to Council to obtain an inspection. Work is not to proceed until the works or activity covered by the inspection is approved.

(14) Spoil and building materials on road and footpath

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

(15) Stormwater runoff-collection/discharge

Stormwater runoff from all roof and paved surfaces shall be collected and discharged by means of a gravity pipe system to the nearest appropriate Council stormwater pit or drainage line at a maximum Permissible Site Discharge (PSD) where the Pre-development discharge equals the Post-development discharge of a 1:100 ARI event.

(16) Site Remediation:

Construction must comply with the following:

- a) The Environmental Management Plan, 43-49 Queen St Ashfield NSW (Lot 2 DP 1105116) dated 6/3/13 prepared by ENVIRON Australia Pty Ltd;
- b) The recommendations of the Site Audit Report (No. AS121323/JE006) prepared for Roads & Maritime Services by ENVIRON Australia Pty Ltd and dated March 2013; and
- c) the recommendations of the Preliminary Contamination Assessment report for the Proposed Village Development at 51 Queen St & 3, 5 & 7 New St Ashfield (No. E25760KGrpt) prepared for Ashfield Baptist Homes by Environmental Investigation Services and dated June 2012.

Except as amended by these conditions.

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

nil

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

(1) Landscaping completion

All site works and landscaping is to be carried out in accordance with the approved landscaping plans prior to completion and/or occupation of the premises.

(2) Approval to use/occupy building

The building or any part thereof must not be used or occupied until an Occupation Certificate has been obtained from the Principal Certifying Authority.

Note: If Council is chosen as the Principal Certifying Authority a fee is applicable prior to the release of the Construction Certificate.

(3) Boundary fencing replacement

The existing boundary fencing along the boundaries is to be replaced with fencing to a height of between 1.8m and 2.0m at the applicant's/owner's cost.

(4) Engineering conditions to be satisfied prior to the issue of occupation certificate

Prior to the release of the Occupation Certificate when the on-site building works are completed there are three (3) conditions that must be satisfied.

They are:

(a). Work-As-Executed Plans

A "Work-as-Executed" plan prepared and signed by a registered surveyor is to be submitted to Council's Engineering Department at the completion of the works showing the location of the detention basin with finished surface levels, contours at 0.2 metre intervals and volume of storage available. Also the outlet pipe from the detention basin to its connection to Council's drainage system, is to be shown together with the following information:

- location
- pipe diameter
- gradient
- pipe material i.e. PVC or EW etc
- orifice size
- trash screen at orifice

- all buildings (including floor levels) and finished ground and pavement surface levels

(b) Engineer's Certificate

A qualified practising Civil Engineer shall certify on the completion of drainage works in respect of:

- * the soundness of the storage structure;
- * the capacity of the detention storage;
- * the emergency overflow system being in place;
- * the works being constructed in accordance with the Council approved plans; and
- * the freeboard from maximum water surface level to the finished floor and garage levels are at or above the minimum required in Council's Stormwater Code.

(c) Restriction-As-To-User

A "Restriction-as-to-User" is to be placed on the title of the subject property to indicate the location and dimensions of the detention area. This is to ensure that works, which could affect the function of the stormwater detention system, shall not be carried out without the prior consent in writing of the Council.

Such restrictions shall not be released, varied or modified without the consent of the Council.

(5) Positive Covenant-stormwater detention/surface flow paths-occupation certificate

A Positive Covenant under Section 88E of the Conveyancing Act shall be created on the title of the property detailing the

- (a) surface flow path
- (b) finished pavement and ground levels
- (c) prevent the erection of any structures or fencing
- (d) on-site stormwater detention system

The wording in the Instrument shall be submitted to and approved by Ashfield Municipal Council prior to lodgement at the Land Titles Office and prior to the release of the Occupation Certificate. The Instrument shall be registered prior to the completion of development.

(6) Disabled parking

Bollards must be installed at shared bay areas to disabled parking zones in accordance with AS2809.6:2009.

(7) Signage of parking

The loading bay, standing areas, visitor car parking spaces and the like are to be signposted accordingly.

(8) Consolidation of allotments

Prior to the issue of an occupation certificate, the following lots shall be consolidated into the one allotment:

- Lot 2, DP 1105116;
- Lot 1, DP 782844;
- Lot 4, DP 9280;
- Lot 3. DP 9280; and
- Lot 2, DP 9280.

A plan of consolidation prepared by a registered surveyor and six (6) paper copies are to be submitted to Council for signature prior to registration at the Land Titles Office (Department of Information and Land Management). Evidence of consolidation from the Land Titles Office shall be submitted to Council or the Principal Certifying Authority prior to the release of an occupation certificate.

(9) Easement to be created over pedestrian path between Lewis Herman Reserve and Queen Street

An easement in favour of Council for the purpose of public access through the site shall be created over the 2.5m wide pathway required by these conditions between Lewis Herman Reserve and Queen Street prior to the issue of the occupation certificate and located as shown on drawing No. DA 04, revision A dated 28.08.2013 and as amended by drawing no. 13052-SK01 and as prepared by Thomson Adsett.

Prior to lodgement at the Land Titles Office, Council shall approve the wording of the dedication and proof of lodgement is to be provided to Council prior to the release of the Occupation Certificate.

The wording for the easement shall detail the following :

- (a) Unrestricted access along the walkway; and
- (b) Maintenance being the responsibility of the Registered Proprietor of the lot burdened.

H Conditions that are ongoing requirements of development consents

(1) Approved use

The premises shall not be used for any purpose other than that stated in the Development Application without the prior consent of the Council.

(2) Garbage bin storage/placement for collection - strata title plan

All garbage/recycling bins are to be kept in the garbage bin storage area in the main block. Bins are only to be placed in the designated pick up area on the day of garbage collection and are to be returned to the storage area immediately after collection. This requirement is to be incorporated into any Strata Title created for the property.

(3) Public path between Lewis Herman Reserve and Queen Street to remain continually accessible

The public path between Lewis Herman Reserve and Queen Street must be freely accessible to the public at all times of day for pedestrian purposes; access for bicycles may be restricted if desired. The minimum width of unobstructed footpath shall be 2.5 metres.

I Advisory Notes

(1) Other approvals

This development consent does not remove the need to obtain any other statutory consent or approval necessary under any other Act, including:

- an Application for Approval under Section 68 of the *Local Government Act 1993* for any proposed activity under that Act, including any erection of a hoarding. All such applications must comply with the *Building Code of Australia*.

- an application for an Occupation Certificate under Section 109(C)(2) of the *Environmental Planning and Assessment Act 1979*.

Note: An application for an Occupation Certificate may be lodged with Council if the applicant has nominated Council as the Principal Certifying Authority.

(2) Works and requirements of other authorities

- Sydney Water may require the construction of additional works and/or the payment of additional fees. Other Sydney Water approvals may also be necessary prior to the commencement of construction work. You should therefore confer with Sydney Water concerning all plumbing works, including connections to mains, installation or alteration of systems, and construction over or near existing water and sewerage services.
- Contact Sydney Water, Rockdale (Urban Development Section) regarding the water and sewerage services to this development.
- Australia Post has requirements for the positioning and dimensions of mail boxes in new commercial and residential developments. A brochure is available from your nearest Australia Post Office.
- Energy Australia/AGL Electricity/AGL Retail Energy or other alternative service/energy providers have requirements for the provision of connections.
- Energy Australia has a requirement for the approval of any encroachments including awnings, signs, etc over a public roadway or footway. The Engineer Mains Overhead Eastern Area should be contacted on 9663 9408 to ascertain what action, if any, is necessary.
- Telstra has requirements concerning access to services that it provides.

(3) Application for a Construction Certificate

The required application for a Construction Certificate may be lodged with Council. Alternatively, you may apply to an accredited private certifier for a Construction Certificate.

WARNING: Failure to obtain a Construction Certificate prior to the commencement of any building work is a serious breach of Section 81A(2) of the *Environmental Planning & Assessment Act 1979*. It is also a criminal offence which attracts substantial penalties and may also result action in the Land and Environment Court and orders for demolition.