

15 May 2014

Roche Group Pty Ltd  
C/- Wes Van Der Gardner  
PO BOX 325  
DOUBLE BAY NSW 1360

Contact: Anna Walker  
Phone: 9367 9207  
File Ref: D/2013/406

**NOTICE OF DETERMINATION OF  
DEVELOPMENT APPLICATION NO: D/2013/406  
Issued under the Environmental Planning & Assessment Act 1979  
(Section 81(1)(a))**

**Applicant Name:** Roche Group Pty Ltd

**Applicant Address:** C/- Wes Van Der Gardner  
PO BOX 325  
DOUBLE BAY NSW 1360

**Land to be Developed:** **Lot 1 DP 619996, Lot 6 DP 617944, Lease Lot  
Lease Plan PETER 157  
100 - 102 Elliott Street, BALMAIN NSW 2041**

**Proposed Development:** Demolition of existing structures, construction of a mixed use development including 8 buildings with ground floor commercial (including serviced apartments and gymnasium) / retail uses, 102 residential units above, basement parking and associated works including bulk earthworks, tree removal, landscaping, signage and remediation.

**Determination:**

**Date of Determination:**

**Consent to Operate From:**

**Consent to Lapse On:** XXXX 2019

The following conditions have been included in response to development considerations and to ensure a high standard of development having regard to the effect upon the environment.

## **DEFERRED COMMENCEMENT**

The following deferred commencement conditions must be complied with to the satisfaction of Council, prior to the issue of an operational Development Consent.

1. Amended plans must be submitted incorporating the following amendments:

- a) The 5<sup>th</sup> floor of building C1 is to be deleted. Building C1 shall have a maximum height of RL16.5 to the underside of the roof. The roof shall have a similar pitch to the roof shown on plan DA7.50[A] dated 29.01.14 and building C1 shall have a resultant maximum ridge height of RL16.80. The lift overrun services of building C1 shall be reduced in height accordingly.
- b) The 5<sup>th</sup> floor of building C2 is to be deleted. Building C2 shall have a maximum height of RL17.5 to the underside of the roof. The roof shall have a similar pitch to the roof shown on plan DA7.60[A] dated 29.01.14 and building C2 shall have a resultant maximum ridge height of RL17.80. The lift overrun services of building C2 shall be reduced in height accordingly.
- c) Further to b) above. The northern half of building C2 is to be stepped down as was originally proposed on plan DA7.01[A] dated 22/08/2013 (subject to the deletion of the 5<sup>th</sup> floors). The northern half of the building is to have a maximum height of RL16.50 to the top of the slab of the uppermost 4<sup>th</sup> floor. The ridge of the roof of the northern part of building C2 shall not exceed RL16.80d) The second floor level of building A2 shall have its ceiling heights and associated roof lowered. The lowest point of the ceiling shall be reduced to 2.4m and shall butterfly up to a maximum ceiling height of 2.7m at the northern and southern elevations.
- e) The facades of each of the buildings fronting Elliott and Broderick Streets, and the adjacent waterway are to have their area of glazing reduced by 25% and this reduced glazing area replaced with masonry or other solid material in a manner which maintains the verticality of the glazing.
- f) The northern and southern elevations of the uppermost (4<sup>th</sup> floors) of building C2 (except for the stairwell services area) is to be clad in profiled metal roofing identified as MP1 on the materials legend.
- g) Privacy The LV1 adjustable louvers on the southern elevation of the bedrooms of Units C4.002, C4.102, C4.103, C4.202, C4.203 shall be changed to LV2 fixed louvers. The balconies of C4.102 and C4.202 shall have LV2 fixed louvers installed on their southern elevation. The fixed louvers on the eastern elevation of the balconies of C4.102 and C4.202 is to be removed and the glazing to the kitchen on the western elevation of Unit A2.109 is to be replaced with fixed obscure glazing.
- h) The underside of the balconies of all units must be designed to prevent exposed pipes and utilities being visible.
- i) Details of the mechanical ventilation system to the carpark are required including the location of ventilation outlets.
- j) The lift location and or pedestrian access to the lift of Building A1 at ground floor level is to be redesigned to provide a clear line of site from the lift to the external pathway to the north of Building A1. The lift

**Comment [WA1]:** Deferred commencement deleted as requested by JRPP

**Comment [WA2]:** Condition 1a) deleted as requested by JRPP

**Comment [WA3]:** Condition 1b) deleted as requested by JRPP

**Comment [WA4]:** Condition 1c) deleted as requested by JRPP

**Comment [WA5]:** Condition 1d) inserted into conditions instead of being deferred commencement. Now condition 26A.

**Comment [WA6]:** Condition 1e) deleted as requested by JRPP

**Comment [WA7]:** Condition 1f) deleted as requested by JRPP

**Comment [WA8]:** Condition 1g) inserted into conditions instead of being deferred commencement. Now condition 26A.

**Comment [WA9]:** Condition 1h) inserted into conditions instead of being deferred commencement. Now condition 26A.

**Comment [WA10]:** Condition 1i) inserted into conditions instead of being deferred commencement. Now condition 26B.

- location or pedestrian pathway at carpark mezzanine level, lower ground floor level and basement level shall be amended to provide a clear line of sight for pedestrians. The height of the lift overrun (RL29.00) shall not be further increased as a result of any changes.
- k) The pedestrian pathway from the carpark to the entrance to building C1 shall be clearly identified on the plans with no obstructions from parking spaces.
- l) Details of car park security are required to be provided including physical separation with roller shutter doors of the residential apartment parking component from the commercial uses (including serviced apartments and retail uses) and visitor parking. In this regard the residential apartment parking is to be located on the lowest level of parking. A roller shutter to the entrance to the car park from Elliott Street is to be provided that integrates with the design of the building. Details of how security access will operate with regard to the roller shutters including early morning access for garbage trucks and access for car share vehicles and serviced apartment parking is also to be provided. m) A maximum number of 237 parking spaces and a minimum of 54 bike storage spaces are to be provided to the development comprised of:
- 151 resident parking space inclusive of 10 accessible resident parking spaces
  - 21 resident visitor parking spaces of which 2 are to be accessible
  - 32 serviced apartment spaces inclusive of 4 accessible spaces
  - 4 serviced apartment staff spaces
  - 3 retail staff spaces
  - 2 retail visitor spaces
  - 1 accessible retail/commercial space
  - 18 commercial staff spaces
  - 2 car share bays
  - 1 car wash bay
  - 2 service vehicle spaces (in addition to loading docks)
  - 34 resident bike storage spaces; and
  - 20 visitor and staff bike storage spaces that are separated from the resident bike storage spaces.
- n) Public directional signage is to be provided adjacent to the ROW footways at the entrances to the following locations:
- i) Broderick Street (between Buildings A2 and C4)
  - ii) Elliott Street (on the northern side of Buildings A1)
  - iii) Elliott Street (between Buildings B1 and B2)
  - iv) At the northern end of the foreshore adjacent to Elliott Street (to the west of building C4)
  - v) At the foreshore adjacent to the stairs leading up through the development via the Rights of Way to Elliott and Broderick Streets.
  - vi) Internal to the development at the intersection of the Rights of Way through to Broderick Street / Elliott Street and the Foreshore.

**Comment [WA11]:** Condition 1j) modified and inserted into conditions instead of being deferred commencement. Now condition 26A.

**Comment [WA12]:** Condition 1k) inserted into conditions instead of being deferred commencement. Now condition 26A.

**Comment [WA13]:** Replaced with condition 44e)

**Comment [WA14]:** Condition 1m) deleted as requested by JRPP.

~~The public directional signage shall state "Public Access to x Street" and/or "Public Access to Foreshore". The public directional signage shall be similar in size to the Directory and Way Finding signage to the development as shown on the signage plan DA2.20[A] dated 22/8/2013.~~

~~e) The Right of Way footpath adjacent to the Broderick Street hammerhead provided access through the site shall have a minimum width of 2m.~~

~~p) The proposed pedestrian pathway within the private land of the development adjacent to the pool which provides access to the foreshore public open space is to be deleted. q) A Lighting Plan for the development shall be submitted detailing the following:~~

- ~~i) The lighting arrangements for all pedestrian entries from the street frontages of the site and internal to the site~~
- ~~ii) The lighting arrangements for all internal pedestrian walkways and communal areas,~~
- ~~iii) The lighting associated with signage for tenancy, building and directional signage.~~
- ~~iv) Lighting for the foreshore (to be bollard lighting)~~

~~All lighting is to be designed and positioned to minimise any detrimental impact upon the amenity of other premises and adjacent dwellings and that the outdoor lighting complies with the relevant provisions of *Australian Standard AS1158.3:2005 Pedestrian area (Category P) lighting — Performance and design requirements* and *Australian Standard AS 4282:1997 Control of the obtrusive effects of outdoor lighting*.~~

~~1A. A detailed plan of management for the serviced apartments is to be submitted. The plan shall detail how the serviced apartments will be operated and managed, and how the conditions of this development consent will be complied with. 2. Amended plans must be submitted incorporating the following amendments:~~

~~a) The access driveway, between Elliott Street and the property frontage, must be increased to a total of 12 metres wide, including an entry lane width of 6 metres, an exit lane width of 4 metres and a separation median width of 2 metres with a pedestrian refuge. Note that this amendment will require adjustment to Commercial Unit B2.001 for the additional width and B2.105 above to meet minimum headroom requirements for the access which will be impacted by widening the driveway.~~

~~b) The width of the circulation roadway, between the property boundary and the loading dock, must be widened to a minimum 9 metres, to accommodate concurrent opposing movements of an entering and exiting Medium Rigid Vehicle (MRV) and Small Rigid Vehicle (SRV), including transitions to the widened access driveway. In addition, the inside radius at the roadway curve must be increased sufficiently to accommodate the required vehicle manoeuvrability and sightlines for opposing vehicles. The design must be supported by swept path diagrams for the above vehicle~~

**Comment [WA15]:** Condition 1n) inserted into conditions instead of being deferred commencement. Now condition 26C.

**Comment [WA16]:** Condition 1o) inserted into conditions instead of being deferred commencement. Now condition 26A.

**Comment [WA17]:** Condition 1p) inserted into conditions instead of being deferred commencement. Now condition 26A.

**Comment [WA18]:** Condition 1q) inserted into conditions instead of being deferred commencement. Now condition 26D.

**Comment [WA19]:** Condition 1A inserted into conditions instead of being deferred commencement. Now condition 79A.

~~movements. Note that this will require reconfiguration of the carpark, loading dock and bin storage areas at a minimum.~~

~~e) The maximum gradient of the circulation roadway must not exceed 1 in 20 (5%) for the length of the longest wheel base of an MRV measured from the property boundary in accordance with AS 2890.2-2002.~~

~~d) A new ramp must be provided from the south western corner of the Lower Ground Level carpark to meet the south western corner of the Basement Level carpark, passing through proposed Apartment No's C4.003 and C4.004 which are to be deleted. The resulting T intersection at the south western corner of the Lower Ground Floor carpark must be designed for vehicles from the Lower Ground Floor carpark to give way to vehicles accessing the ramp. The maximum gradient of the new ramp must not exceed 1 in 20 (5%) for the first 6 metres from the T intersection. Any security gates or roller doors within the ramp must be located a minimum of 6 metres from the T intersection. The design must demonstrate adequate provision for vehicle/vehicle and vehicle/pedestrian sight lines.~~

~~The proposed ramp shown on Drawing No DA2.02[D] between the Lower Ground Level carpark and the Basement Level carpark must be deleted.~~

~~The carpark must be reconfigured internally, including the deletion of parking spaces to accommodate the new ramp and modification of the carpark layout in the vicinity of the deleted ramp. The plans must demonstrate compliance with all relevant requirements of AS/NZS 2890.1-2004.~~

~~Parking throughout the three levels of the basement carpark must be reallocated to accommodate a hierarchy of security accesses to the areas allocated for residential, serviced apartments, commercial and visitor parking. Residential parking areas must be secured to prevent the entry of unauthorised persons and vehicles at all times. All associated security doors, gates, fences, etc., must be included on the plans. Turning bays must be provided in the sections of the carpark open to the public, where applicable in accordance with Clause 2.4.2(c) of AS/NZS 2890.1-2004.~~

~~Longitudinal sections must be provided on both sides of the access driveway and all ramps, extending to the centreline of Elliott Street, to demonstrate compliance with the ground clearance and headroom requirements of the relevant standards and addressing the above requirements. Note that the levels at the boundary must be 205mm above the adjacent road gutter for the full width of the vehicle crossing.~~

~~Architectural plans must be updated to reflect the above changes prior to the consent becoming operable~~

1. Deleted

2. Deleted

3. Deleted

Comment [WA20]: Condition modified and added to condition 44.

3. Detailed engineering and landscape drawings of the open space/ foreshore land dedication as public land, shown in plan, elevation and section, including supporting documents are to be submitted to Consent Authority for approval by Council's Director Infrastructure and Service Delivery, Council's Manager Parks & Assets, and Council's Manager Assessments, incorporating the following:

a) The open space / foreshore land dedication is to be generally as identified on the Land Dedication Plan listed in **Condition No.6** of this consent, except where modified by this condition and **Condition No.38** of this consent. The design of the open space land must address the following:

i) The boundary line between the private land and the open space / foreshore land dedication area must be generally in accordance with the Foreshore Dedication Plan on Drawing No 13036-DA08 Rev D prepared by Aspect Studios and dated January 2014, except as marked up in Red by Council on this plan and as modified to address the following:

- Across the foreshore frontage of Building C4, the boundary line is to be relocated to the west, to the base of the easternmost existing "Timber Log Retainer" retaining wall as shown on the survey plan.
- Across the foreshore frontage of Building C3, the boundary line is shown on the top of an existing retaining wall. The boundary line is to be relocated to the base of this retaining wall as shown on the survey plan.
- Across the foreshore frontage of Building C2, a new retaining wall is to be constructed a minimum of 1000mm clear of the building, generally parallel to the Foreshore Building Line. The retaining wall is to be extended to join with the existing retaining wall in front of Building C3 described above. The boundary line is to be located at the base of the new retaining wall.
- Across the foreshore frontage of Building C1 and the adjacent pool area, the boundary line is to be relocated to the west, to be a minimum of 1000mm clear of the buildings and generally parallel with the Foreshore Building Line.

ii) Detailed engineering and landscape plans as required by this condition are to be provided depicting both the built and unbuilt features, contours and site levels (including finished levels) of the site, existing and proposed retaining walls, proposed landscape features, existing trees to removed or retained, lawn, and new trees and shrub plantings.

iii) All areas of land to be dedicated as public open space must not, by design cues or any other means, appear to be private land at any part or appear in any part to belong to the development rather than as public open space. Structural separation and/or clear ground form definition must be incorporated to clearly define the boundary between private land and public open space.

iv) The open space / foreshore land dedication is to include linkage/ connections to the existing public open space to the north of Elliott Street, including the footpath on both sides of Elliott Street, and to public connections through the development.

Comment [WA21]: 3a)iii) deleted as requested by JRPP.

Comment [WA22]: 3a)iv) deleted as requested by JRPP.

v) ~~Provision must be made for access for emergency vehicles and Council maintenance vehicles to the open space / foreshore land dedication, including gates or bollards as specified by Council.~~

Comment [WA23]: 3a)v) deleted as requested by JRPP.

vi) ~~All existing trees within the area of land to be dedicated to Council that are required to be retained by this consent must be identified on the engineering and landscape plans required by this condition, along with a detail of the appropriate protection methods which will be instituted to preserve these specimens during the construction period. All trees required to be retained as part of this consent are to be clearly tagged, and protected during the construction by fences, hoardings or any other measures as recommended by a Level 5 AQF Qualified Arborist with a minimum of 5 years' experience with trees on development sites.~~

vii) ~~The location of all trees which are permitted to be removed within the area of land to be dedicated to Council must be clearly identified on the engineering and landscape plans required by this condition.~~

viii) ~~The existing paved areas, landings and stairs and all associated structures located across the foreshore frontage of Building C2 are to be demolished and replaced by landscape areas. The gradients of the landscape areas must not exceed 1 in 6. A new retaining wall is to be constructed a minimum of 1000mm clear of Building C2, generally parallel to the Foreshore Building Line, then extending to join with the existing retaining wall to be retained in front of Building C3.~~

ix) ~~The landscape plans required by this condition, showing existing trees to be retained and trees to be removed within the area of land to be dedicated, must include the following details:~~

- ~~• Tree location;~~
- ~~• Trees are to be numbered;~~
- ~~• Species (predominantly native) with both botanical and common names;~~
- ~~• Container size and mature height;~~
- ~~• Planting details, mulching types and depth, soil cultivation and/or remediation details, edge treatments and irrigation details; and~~
- ~~• Typical details for all landscape treatments including new stone retaining walls, access stairs and viewing platforms are to be submitted to Council for approval.~~

x) ~~A maintenance plan with respect to all landscaping work within the area of land to be dedicated is to be provided.~~

xi) ~~Paving proposals for the path network are to be clearly identified on the engineering and landscape plans required by this condition.~~

xii) ~~Open Space furniture is to be clearly identified on the engineering and landscape plans required by this condition. Such plans must also show, detail and / or outline type and the fixing method for each item. Provision of park furniture is to include seats, litter bins, dog tidy bins, bollard lighting (pathways), signage, and provision of a water bubbler.~~

~~xiii) Lighting within the open space dedication must be limited to bollard lighting along pathways to be shown on the engineering and landscape plans required by this condition. This is to include the incorporation of an energy efficient lighting system.~~

~~xiv) A detailed stormwater drainage design prepared by a qualified practicing Civil Engineer which addresses subsoil drainage associated with retaining walls and landscape areas and includes the collection of seepage water at the top of the rock escarpment. The plans must also provide details of how stormwater and subsurface water is collected and disposed from behind the retaining walls and surface areas of the development site above, in the vicinity of the proposed property boundary.~~

~~xv) All works within the area of land to be dedicated to Council must comply with all relevant provisions of the Building Code of Australia (BCA).~~

~~All plans shall be generally consistent with the architectural and landscape plans listed in **Condition No.6** of this consent, except where modified by conditions of this consent and be approved by Council prior to the issue of a Construction Certificate.~~

~~b) A rehabilitation plan must be provided detailing a 30 year program of inspection and rehabilitation repairs including prioritisation to ensure the sea wall adjacent to the open space/ foreshore land dedication remains sound for at least a further 30 years from the issuing of a final Occupation Certificate. The plan must include estimated costs of any repair works at current rates and details of the work required to be done in order to satisfy **Condition No 81**. Any rehabilitation works identified as being required in the next 10 years must be undertaken by the applicant prior to the land being dedicated to Council. A legal and binding agreement must be made between the applicant and Council, prepared by the applicant, for the future owners of the development to meet the full costs of the implementation of the rehabilitation plan, including the cost of works to repair or replace the sea wall due to unforeseen failure.~~

~~c) A legal and binding agreement must made between the applicant and Council, prepared by the applicant, providing for the maintenance of all landscaped areas within the area of land to be dedicated to Council, including fixtures and fittings, plant material (including replacement of losses), irrigation components and paths, to be the responsibility of the applicant for a period of 12 months from the issuing of a final Occupation Certificate.~~

**Comment [WA24]:** Condition modified and updated as Condition 26E as per JRPP request.

~~The following conditions of consent including any other conditions that may arise from resolution of matters listed in the above condition, will be included in an operational Development Consent. The operational Development Consent will be issued by Council after the applicant provides sufficient information to satisfy Council in relation to the conditions of the deferred commencement consent.~~

## GENERAL CONDITIONS OF CONSENT



4. Demolition of the wharf does not form part of this consent.

Comment [WvdG25]: Renummer 1.

5. No air conditioning or air conditioning condensers form part of this consent. Any air conditioning or air conditioning condensers are required to be an integrated approach to the entire complex under a separate application.
6. Development must be carried out in accordance with Development Application No. D/2013/406 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
DA0.01 Rev A – Existing Conditions & Site Analysis	BatesSmart	22.08.13
DA1.01 Rev B - Site Plan	BatesSmart	29.01.14
DA2.01 Rev C – Basement Plan	BatesSmart	31.01.14
DA2.02 Rev D – Lower Ground Floor Plan	BatesSmart	07.02.14
DA2.03 Rev C – Ground Floor Plan	BatesSmart	31.01.14
DA2.04 Rev C – First Floor Plan	BatesSmart	31.01.14
DA2.05 Rev C – Second Floor Plan	BatesSmart	31.01.14
DA2.06 Rev C – Third Floor Plan	BatesSmart	31.01.14
DA2.07 Rev C – Roof Plan	BatesSmart	31.01.14
DA2.20 Rev A – Signage Plan	BatesSmart	22.08.13
DA3.10 Rev A – Building A1 LG, UG, 1 <sup>st</sup> and 2 <sup>nd</sup> Floor Plans & Roof Plan	BatesSmart	29.01.14
DA3.20 Rev A – Building A2 Lower Ground Floor Plan & Upper Ground Floor Plan	BatesSmart	29.01.14
DA3.21 Rev A – Building A2 First Floor Plan & Roof Plan	BatesSmart	29.01.14
DA3.30 Rev A – Building B1 Ground Floor Plan & First Floor Plan	BatesSmart	29.01.14
DA3.31 Rev A – Building B1 Second Floor Plan & Third Floor Plan	BatesSmart	29.01.14
DA3.32 Rev A – Building B1 Roof Plan & Third Floor Plan	BatesSmart	29.01.14
DA3.40 Rev A – Building B2 Ground Floor Plan & First Floor Plan	BatesSmart	29.01.14
DA3.41 Rev A – Building B2 Second Floor Plan & Third Floor Plan	BatesSmart	29.01.14
DA3.42 Rev A – Building B2 Roof Plan	BatesSmart	29.01.14
DA3.50 Rev A – Building C1 Ground Floor Plan & First Floor Plan	BatesSmart	29.01.14
DA3.51 Rev A – Building C1 Second Floor Plan & Third Floor Plan	BatesSmart	29.01.14
DA3.52 Rev A – Building C1 Penthouse Floor plan & Roof Plan	BatesSmart	29.01.14

DA3.60 Rev A – Building C2 Lower Ground Floor Plan & Upper Ground Floor Plan	BatesSmart	29.01.14
DA3.61 Rev A – Building C2 1 <sup>st</sup> , 2 <sup>nd</sup> , and 3 <sup>rd</sup> Floor Plans & Roof Plan	BatesSmart	29.01.14
DA3.70 Rev A – Building C3 Lower Ground Floor Plan	BatesSmart	29.01.14
DA3.71 Rev A – Building C3 Upper Ground Floor Plan & First Floor Plan	BatesSmart	29.01.14
DA3.72 Rev A – Building C3 Second Floor Plan & Third Floor Plan	BatesSmart	29.01.14
DA3.80 Rev A – Building C4 Ground Floor Plan & First Floor Plan	BatesSmart	29.01.14
DA3.81 Rev A – Building C4 Second & Third Floor Plans & Roof Plan	BatesSmart	29.01.14
DA3.90 Rev A – Basement Storage Plan	BatesSmart	29.01.14
DA7.01 Rev B – External Elevations	BatesSmart	29.01.14
DA7.02 Rev B – Building Elevations	BatesSmart	29.01.14
DA7.03 Rev B – Building Elevations	BatesSmart	29.01.14
DA7.10 Rev A – Building A1 – Elevations	BatesSmart	29.01.14
DA7.20 Rev A – Building A2 – Elevations	BatesSmart	29.01.14
DA7.30 Rev A – Building B1 – Elevations	BatesSmart	29.01.14
DA7.40 Rev A – Building B2 – Elevations	BatesSmart	29.01.14
DA7.50 Rev A – Building C1 – Elevations	BatesSmart	29.01.14
DA7.60 Rev A – Building C2 – Elevations	BatesSmart	29.01.14
DA7.70 Rev A – Building C3 – Elevations	BatesSmart	29.01.14
DA7.80 Rev A – Building C4 – Elevations	BatesSmart	29.01.14
DA8.01 Rev B – Sections	BatesSmart	29.01.14
DA8.02 Rev B – Sections	BatesSmart	29.01.14
DA8.10 Rev B – Ramp Sections	BatesSmart	29.01.14
DA8.20 Rev A – Streetscape & Landscape Interface Sections	BatesSmart	29.01.14
DA8.21 Rev A – Streetscape & Landscape Interface Sections	BatesSmart	29.01.14
DA8.22 Rev A – Streetscape & Landscape Interface Sections	BatesSmart	29.01.14
DA8.23 Rev A – Swimming Pool Sections	BatesSmart	17.22.14
DA8.30 Rev A – Details – Privacy Screens	BatesSmart	29.01.14
<del>DA7.01 Rev A – External Elevations (With respect to Building C2 being stepped – refer to condition 1c)</del>	<del>BatesSmart</del>	<del>22.08.2013</del>
Dwg No.13036-DA01 Rev D Context and Spatial Character Diagram	Aspect Studios	January 2014
Dwg No.13036-DA02 Rev D Landscape Master Plan	Aspect Studios	January 2014
Dwg No.13036-DA03 Rev D	Aspect Studios	January 2014

**Comment [WA26]:** Plan deleted as it refers to Condition 1c) which has been deleted.

Site Section – Lockhart Walk		
Dwg No.13036-DA04 Rev D Sections and Detail Plan – Lockhart Park	Aspect Studios	January 2014
Dwg No.13036-DA05 Rev D Sections and Detail Plan – The Terraces and Longview Walk	Aspect Studios	January 2014
Dwg No.13036-DA06 Rev D Planting Strategy	Aspect Studios	January 2014
Dwg No.13036-DA07 Rev D Tree Retention and Removal Diagram	Aspect Studios	January 2014
<del>Dwg No.13036-DA08 Rev D Foreshore Dedication Plan</del>	<del>Aspect Studios</del>	<del>January 2014</del>
Dwg No.13036-DA09 Rev A Details Plan	Aspect Studios	January 2014
Dwg No.13036-DA10 Rev A Foreshore Detail Plan – Sheet 1	Aspect Studios	January 2014
Dwg No.13036-DA11 Rev A Foreshore Detail Plan – Sheet 2	Aspect Studios	January 2014
Dwg No.13036-DA12 Rev A Foreshore Details – Paving Materials	Aspect Studios	January 2014
Dwg No.13036-DA13 Rev A Foreshore Details – Stairs and Walls	Aspect Studios	January 2014
Dwg No.13036-DA14 Rev A Foreshore Details – Furniture & Fixtures	Aspect Studios	January 2014
Dwg No.13036-DA15 Rev A Foreshore Details – Planting	Aspect Studios	January 2014
Foreshore Dedication Plan Dwg No. 13036-DA08 Rev D (As marked up in Red by Council to detail dedicated land referred to in Condition <del>3(a)(i))26E)</del>	Aspect Studios	January 2014
DA101 Rev B Sediment and Erosion Control Plan & Details	RGH Consulting Group	06.09.13
DA102 Rev B Basement Drainage Plan	RGH Consulting Group	06.09.13
DA103 Rev B Upper Basement Drainage Plan	RGH Consulting Group	06.09.13
DA104 Rev B Site Drainage Plan	RGH Consulting Group	06.09.13
DA105 Rev B Roof Drainage Plan	RGH Consulting Group	06.09.13
DA106 Rev B Details Sheet	RGH Consulting Group	06.09.13
DA107 Rev B Driveway Plan	RGH Consulting Group	06.09.13
DA108 Rev B Driveway Longitudinal Sections	RGH Consulting Group	06.09.13
DA109 Rev B	RGH Consulting	06.09.13

Comment [WA27]: Deleted as replaced by marked up plan by Council.

Comment [WA28]: Modified to refer to updated condition.

Overflow Concept Plan	Group	
DA110 Rev B Basement Excavation/Shoring Sections	RGH Consulting Group	06.09.13
DA111 Rev B Basement Shoring Details	RGH Consulting Group	06.09.13
DA112 Rev B Geotechnical Report Extracts	RGH Consulting Group	06.09.13
<b>Document Title</b>	<b>Prepared By</b>	<b>Dated</b>
Materials board – S11597	BatesSmart	31 January 2014
BASIX Certificate No.500589M_02 BASIX Certificate No.500613M_03	ESD Synergy	12 February 2014
BASIX Assessment Report Report No. ES20130712_00	ESD Synergy	12/02/2014
Updated Report on Preliminary Geotechnical Investigation Project 72412.01	Douglas Partners	August 2013
Integrated Retaining Wall Structural & Geotechnical Engineering Report Ref: 20110066_R05 Rev.03	RGH Consulting Group	6 September 2013
Amended Report on Phase 2 Contamination Assessment Project 72412.03 Rev 4	Douglas Partners	August 2013
Amended Remediation Action Plan Project 72412.03-Rev 01	Douglas Partners	August 2013
Arboricultural Comment – Tree Retention and Site Remediation Works	Tree Wise Men	10 March 2014
Arboricultural Impact Assessment Ref:2142-2013AIA	Tree Wise Men	September 2013
Integrated Water Cycle Management Plan Ref: 20110066_R01 Rev.08	RGH Consulting Group	6 September 2013
Water Balance Summary Report Ref: 20110066_R04 Rev.04	RGH Consulting Group	6 September 2013
Flood Risk Management Report Ref: 20110066_R02 Rev.09	RGH Consulting Group	6 September 2013
Foreshore Risk Management Report Ref: 20110066_R03 Rev.03	RGH Consulting Group	6 September 2013
DA Noise Assessment Project No.20110429.3	Acoustic Logic	5/09/2013
Access Report	Accessibility Solutions	11 September 2013
BCA – Section J DTS Compliance Report Report: S-R20130826_00	Thermal Environmental	28 August 2013
BCA Compliance Letter	Steve Watson & Partners	29 August 2013
Waste Management Plan – Operational Waste	The Mack Group	29/08/13
Email regarding Waste	The Mack Group	21 January 2014

In the event of any inconsistency between the approved plans and the conditions, the conditions will prevail.

## **EXTERNAL APPROVAL BODY CONDITIONS**

### **7. General Terms of Approval – Department of Primary Industries - Office of Water**

#### **GENERAL TERMS OF APPROVAL FOR CONSTRUCTION DEWATERING**

**These terms do not represent any form of authorisation for the extraction of groundwater**

#### General

- a) An authorisation shall be obtained for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of groundwater take identified.
- b) The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be impacted by any water table watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation.
- c) Construction methods and material used in and for construction shall not cause pollution of the groundwater.

#### Prior to excavation

- d) Measurements of groundwater levels beneath the site from a minimum of three monitoring bores shall be taken and a report provided to the NSW Office of Water. A schedule and indicative plans of the proposed ongoing water level monitoring from the date of consent until at least two months after the cessation of pumping shall be included in the report.
- e) A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and a report provided to the NSW Office of Water. Details of the calculation method shall be included in the report.
- f) A copy of a valid development consent for the project shall be provided to the NSW Office of Water.
- g) Groundwater quality testing shall be conducted and a report supplied to the NSW Office of Water. Samples must be taken prior to the commencement of pumping, and a schedule of the ongoing testing throughout the dewatering activity shall be included in the report. Collection and testing and interpretation of results must be done by suitably qualified persons and

NATA certified laboratory identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria.

- h) The method of disposal of pumped water shall be nominated (i.e. street drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided to the NSW Office of Water. The disposal of any contaminated pumped groundwater (tailwater) must comply with the provisions of the *Protection of the Environment Operations Act 1997* and any requirements of the relevant controlling authority.
- i) Contaminated groundwater shall not be reinjected into any aquifer. The reinjection system design and treatment methods to remove contaminants shall be nominated and a report provided to the NSW Office of Water. The quality of any pumped water (tailwater) that is to be reinjected must be compatible with, or improve the intrinsic or ambient groundwater in the vicinity of the reinjection site.

#### During excavation

- j) Piping or other structures used in the management of pumped groundwater (tailwater) shall not create a flooding hazard. Control of pumped groundwater (tailwater) is to be maintained at all times during dewatering to prevent unregulated off-site discharge.
- k) Measurement and monitoring arrangements to the satisfaction of the NSW Office of Water are to be implemented. Monthly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a report provided to the NSW Office of Water after dewatering has ceased. Daily records of groundwater levels are to be kept and a report provided to the NSW Office of Water after dewatering has ceased.
- l) Pumped groundwater (tailwater) shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc) without the controlling authorities approval and/or owners consent. The pH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater (tailwater) shall be complied with.
- m) Dewatering shall be undertaken in accordance with groundwater-related management plans applicable to the excavation site. The requirements of any management plan (such as acid sulphate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.
- n) The location and construction of groundwater extraction works that are abandoned are to be recorded and a report provided to the NSW Office of Water after dewatering has ceased. The method of abandonment is to be identified in the documentation.

- o) Access to groundwater management works used in the activity is to be provided to permit inspection when required by the NSW Office of Water under appropriate safety precautions.

Following excavation

- p) All monitoring records must be provided to the NSW Office of Water after the required monitoring period has ended together with a detailed interpreted hydrogeological report identifying all actual resource and third party impacts.

## 8. Ausgrid Conditions

- a) Prior to any development being carried out, the approved plans must be submitted to Ausgrid's local customer service office for approval to determine whether the development will affect Ausgrid's network or easements<sup>1</sup>.
- b) The applicant must check the location of underground cables by using Dial Before You Dig<sup>2</sup> and comply with the requirements of Ausgrid's *NS156 – Working Near or Around Underground Cables*<sup>3</sup>.
- c) Prior to the issue of a Construction Certificate (or an Occupation Certificate where a Construction Certificate is not required), the applicant must provide to the Council and Ausgrid a noise assessment report. The report must address, in relation to the adjacent substation, the requirements of the amenity or intrusive criteria in section 2.4 of the *EPA's NSW Industrial Noise Policy, 2000*<sup>4</sup>.
- d) The development must comply with both the Reference Levels and the precautionary requirements of the draft ARPANSA's *Radiation Protection Standard for Exposure Limits to Electric and Magnetic Fields 0 Hz – 3 kHz, 7 December 2006*<sup>5</sup>.
- e) The development must comply with *Ausgrid's Tree Safety Management Plan*<sup>6</sup>.
- f) The development must be carried out in accordance with the *Energy Network Association's Substation Earthing Guide, ENA EGI-2006*<sup>7</sup> so that hazardous step, touch and transfer voltages do not exist during fault conditions (50Hz or transient).

<sup>1</sup> <http://www.energy.com.au/energy/ea.nsf/Content/Safety+advice+for+contractors>

<sup>2</sup> <http://www.energy.com.au/energy/ea.nsf/Content/Safety+Dial+before+you+dig>

<sup>3</sup> <http://www.energy.com.au/energy/ea.nsf/Content/Network+standards>

<sup>4</sup> <http://www.epa.nsw.gov.au/noise/applicnotesindustnoise.htm>

<sup>5</sup> [http://www.arpansa.gov.au/Publications/drafts/dr\\_elf.cfm](http://www.arpansa.gov.au/Publications/drafts/dr_elf.cfm)

<sup>6</sup> <http://www.energy.com.au/energy/ea.nsf/Content/Safety+Trees+and+powerlines>

<sup>7</sup> <http://www.saiglobal.com/shop/script/search.asp>

9. In accordance with the provisions of Section 81A of the *Environmental Planning and Assessment Act 1979* construction works approved by this consent must not commence until:
- a) A Construction Certificate has been issued by Council or an Accredited Certifier. Either Council or an Accredited Certifier can act as the "Certifying Authority."
  - b) A Principal Certifying Authority has been appointed and Council has been notified in writing of the appointment.
  - 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 must show that the proposal complies with all Development Consent conditions, the Building Code of Australia and the relevant Australian Standards.

10. An Asbestos Survey prepared by a suitably qualified Occupational Hygienist shall be submitted prior to the commencement of demolition works which is to incorporate appropriate removal and disposal methods in accordance with the requirements of WorkCover NSW, NSW Environmental Planning and Assessment Amendment (Asbestos) Regulation 2009 and NSW Department of Environment, Climate Change and Water. A copy shall be forwarded to Council where Council is not the PCA.
11. The demolition works approved by this consent must strictly comply with the following conditions:
- a) The developer is to notify adjoining residents seven (7) working days prior to demolition. Such notification is to be clearly written on A4 size paper giving the date demolition will commence and be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of and directly opposite the demolition site.
  - b) Written notice is to be given to Council / Certifying Authority for inspection prior to demolition. Such written notice is to include the date when demolition will commence and details of the name, address, business hours and contact telephone number and licence number of the demolisher. The following building inspections must be undertaken by Council / Certifying Authority:
    - i) A *pre commencement* inspection when all the site works are installed on the site and prior to demolition commencing.
    - ii) A *final* inspection when the demolition works have been completed.

**NOTE:** Council requires 24 hours notice to carry out inspections. Arrangement for inspections can be made by phoning 9367 9222.



- c) Prior to demolition, the applicant must erect a sign at the front of the property with the demolisher's name, licence number, contact phone number and site address.
- d) Prior to demolition, the applicant must erect a 2.4m high temporary fence, hoarding between the work site and any public property (footpaths, roads, reserves etc). Access to the site must be restricted to authorised persons only and the site must be secured against unauthorised entry when work is not in progress or the site is otherwise unoccupied.
- e) The demolition plans must be submitted to the appropriate Sydney Water Office, to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements. If the development complies with Sydney Water's requirements, the plans will be stamped indicating that no further requirements are necessary.
- f) Demolition is to be carried out in accordance with the relevant provisions of Australian Standard 2601:2001: *Demolition of structures*.
- g) The hours of demolition work are limited to between 7:00am and 5.30pm on weekdays. No demolition work is to be carried out on Saturdays, Sundays and public holidays.
- h) Hazardous or intractable wastes arising from the demolition process must be removed and disposed of in accordance with the requirements of WorkCover New South Wales and the Department of Environment and Climate Change NSW.
- i) Demolition procedures must maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal.
- j) During demolition, public property (footpaths, roads, reserves etc) must be clear at all times and must not be obstructed by any demolished material or vehicles. The footpaths and roads must be swept (not hosed) clean of any material, including clay, soil and sand. On the spot fines may be levied by Council against the demolisher and/or owner for failure to comply with this condition.
- k) All vehicles leaving the site with demolition materials must have their loads covered and vehicles must not track soil and other materials onto public property (footpaths, roads, reserves etc) and the footpaths must be suitably protected against damage when plant and vehicles access the site.
- l) The burning of any demolished material on site is not permitted and offenders will be prosecuted.
- m) Care must be taken during demolition to ensure that existing services on the site (ie, sewer, electricity, gas, phone) are not damaged. Any damage

caused to existing services must be repaired by the relevant authority at the applicant's expense.

- n) Suitable erosion and sediment control measures in accordance with the Soil and Water Management Plan must be erected prior to the commencement of demolition works and must be maintained at all times.
- o) Prior to demolition, a Work Plan must be prepared and submitted to Council / Certifying Authority in accordance with the relevant provisions of Australian Standard 2601:2001 *Demolition of structures* by a person with suitable expertise and experience. The Work Plan must identify hazardous materials including surfaces coated with lead paint, method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
- p) If the property was built prior to 1987 an asbestos survey prepared by a qualified occupational hygienist is to be undertaken. If asbestos is present then:
  - i) A WorkCover licensed contractor must undertake removal of all asbestos.
  - ii) During the asbestos removal a sign "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400 mm x 300 mm is to be erected in a visible position on the site to the satisfaction of Council.
  - iii) Waste disposal receipts must be provided to Council / Certifying Authority as proof of correct disposal of asbestos laden waste.
  - iv) All removal of asbestos must comply with the requirements of WorkCover and Leichhardt Council.
  - v) An asbestos clearance certificate prepared by a qualified occupation hygienist must be provided at the completion of the demolition works.

#### **PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE FOR EXCAVATION AND REMEDIATION OF THE SITE**

12. Prior to the issue of a Construction Certificate, the applicant must prepare a Construction Management and Traffic Management Plan and submit these to Council for Approval by Council's Local Traffic Committee. The following matters should be addressed in the plan, where appropriate:
  - a) A plan view of the entire site and frontage roadways indicating:
    - i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways.

- ii) Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site.
  - iii) The locations of proposed work zones in the frontage roadways.
  - iv) Location of any proposed crane and concrete pump and truck standing areas on and off the site.
  - v) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries.
  - vi) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.
  - vii) An on-site parking area for employees, tradespersons and construction vehicles as far as possible.
  - viii) 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.
  - ix) How it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.
  - x) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed by a Chartered Civil Engineer, with National Professional Engineering Registration (NPER) in the construction of civil works or a survey company of Registered Surveyors with "preliminary accreditation" from the Institution of Surveyors New South Wales Inc. or an accredited certifier.
- b) Truck and Construction Vehicle Movements
- A Management Plan for heavy vehicle / truck movements shall be submitted addressing, but not limited to the following:
- i) The anticipated size of heavy vehicles/trucks and the number of trips generated on any given day;
  - ii) Heavy vehicles / trucks must enter and exit the site from Victoria Road, via Terry Street, Wellington Street and Elliott Street only;
  - iii) The intersection of Elliott Street and Terry Street must be assessed for manoeuvrability for heavy vehicles / trucks. Temporary modifications to the intersection and traffic control may be required to be implemented during the construction phase of the development at the applicant's expense;

- iv) Heavy vehicles / trucks are not permitted to exit the site before 9.30am; and
- v) Construction related vehicles must enter and exit the site via Elliott Street only.
- c) **Construction Noise**  
During excavation, demolition and construction phases, noise generated from the site must be controlled.
- d) **Occupational Health and Safety**  
All site works must comply with the occupational health and safety requirements of the New South Wales Work Cover Authority.
- e) **Toilet Facilities**  
During excavation, demolition and construction phases, toilet facilities are to be provided on the site, at the rate of one toilet for every twenty (20) persons or part of twenty (20) persons employed at the site.
- f) **Traffic control plan(s) for the site**  
All traffic control plans must be in accordance with the Roads and Traffic Authority publication "Traffic Control Worksite Manual" and prepared by a suitably qualified person (minimum 'red card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each stage.

Approval is to be obtained from Council for any temporary road closures or crane use from public property. Applications to Council shall be made a minimum of 4 weeks prior to the activity proposed being undertaken.

- 13 a) Before the issue of a Construction Certificate, the Principal Certifying Authority shall be satisfied that the approved landscape concept plans, listed below and endorsed with Council's stamp, have been amended in accordance with the requirements of this condition as well as other conditions of this consent:

<b><i>Plan no.</i></b>	<b><i>Drawn by</i></b>	<b><i>Dated</i></b>
DA01 – 14	Aspect Studios	January, 2014

The above landscape plans shall be amended in the following ways:

The planting detail shall show no level changes (build-up of soil or mulch) directly abutting the trunk of any tree to be retained.

Planting shall be nominated on the southern side of Building C4 that will mature to provide screening to the dwelling at 2 Broderick Street.

- b) Before the issue of a Construction Certificate, the Principal Certifying Authority and the Project Arborist shall be satisfied that no proposed

underground services (i.e. stormwater, sewerage, drainage, gas or other service) are located where trees to be retained will be detrimentally impacted.

**Note:** A plan detailing the routes of these services and trees to be retained shall be submitted to the Principal Certifying Authority and Project Arborist.

- c) The person acting on this consent shall submit a plan showing 75 litre (bag size) street trees (at 5 metre centres where site constraints allow) in the public domain in Elliott Street along the length of the site. The planting details, species, container size and locations shall be clearly identified on a Street Tree Planting Plan and submitted to Council's satisfaction before the issue a Construction Certificate.

Such plans to also contain details as to the location of power poles and overhead power lines, manholes, vehicular crossings, footpaths, subterranean services and the like. Tree stock shall be grown to the standard identified in the NATSPEC Guide: Specifying Trees for the prescribed supply size. The Street Tree Planting Plan shall be prepared by a Landscape Architect or qualified Landscape Designer. The Street Tree Planting Plan shall include annotation that specifies the following:

- i. The street trees must be planted by a qualified Arborist/Horticulturist (AQF Level 3 min).
  - ii. The tree pits must be inspected by Council's Parks Technical Officer before and after planting.
  - iii. The street trees must be maintained by a qualified Horticulturist/Arborist (AQF Level 2/3) for a minimum period of 128 months commencing on the planting date. Maintenance includes, but is not limited to, watering, weeding, removal of rubbish from tree base, pruning and fertilising and pest and disease control.
  - iv. At the completion of the 128 month maintenance period written approval must be obtained from Council before handover of the street trees to Council.
  - v. If any of the street trees requires replacement due to maintenance deficiencies during the 12 month maintenance period, the 12 month maintenance period will commence again from the date of the planting of the replacement tree.
14. A dilapidation report on the visible and structural condition of the following public infrastructure must be provided to Council prior to the issue of a Construction Certificate.
- a) Full width of Elliott Street, including road pavement, stormwater drainage infrastructure, kerb and gutter and footpath, from Darling Street and to the north western end.

- b) Full width of Terry Street, including road pavement, stormwater drainage infrastructure, kerb and gutter and footpath, between Victoria Road and Elliott Street.
- c) Full width of Wellington Street, including road pavement, stormwater drainage infrastructure, kerb and gutter and footpath, between Victoria Road and Terry Street.
- d) Full width of Broderick Street, including road pavement, stormwater drainage infrastructure, kerb and gutter and footpath, between Elliott Street and the western end.

**Comment [WvdG29]:** The extent of dilapidation survey is extremely extensive and overlaps roads already providing construction access to other major developments in the area, particularly Terry Street. Could the extent of survey for Terry Street be reduced to extend from Wise Street (which is east of the Anka Development) to Elliott Street, which would then remove the requirement to survey Wellington Street?

The dilapidation report is to be prepared by a practising Structural/Civil Engineer agreed to by both the applicant and Council. All costs incurred in achieving compliance with this condition shall be borne by the applicant.

The liability of any damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded by the requirements of this condition will be borne by the applicant.

15. A structural engineering report and plans that address the proposed works in the vicinity of the Elliott Street and Broderick Street boundaries, prepared by a qualified practicing Structural Engineer, must be provided prior to the issue of a Construction Certificate. The report and plans must be prepared/ amended to make provision for the following:
  - a) All existing retaining walls must be reconstructed. All components of the new retaining walls, including subsoil drainage, must be located entirely inside the property boundary.
  - b) The retaining walls must be adequate to withstand the loadings that could be reasonably expected from within the constructed road and footpath area, including normal traffic and heavy construction and earth moving equipment, based on a design life of 50 years.
  - c) The retaining walls must be entirely self-supporting in the event that excavation is undertaken within the road reserve adjacent to the property boundary to the depth of the proposed structure.
  - d) Provide relevant geotechnical/ subsurface conditions of the site, as determined by full geotechnical investigation.
16. Prior to the commencement of demolition works on the subject site or a Construction Certificate being issued for works approved by this development consent (whichever occurs first), a security deposit to the value of \$171,000 must be paid to Council to cover the cost of making good any damage caused to any Council property or the physical environment as a consequence of carrying out the works.

Payment will be accepted in the form of cash, bank cheque or bank guarantee.

Should any of Council's property and/or the physical environment sustain damage during the course of the demolition or construction works, or if the works put Council's assets or the environment at risk, Council may carry out any works necessary to repair the damage and/or remove the risk. The cost of these works will be deducted from the security.

An inspection fee of \$200.00 is also required to be paid to Council prior to the commencement of demolition works on the site or a Construction Certificate being issued for works approved by this development consent (whichever occurs first).

A request for release of the security may be made to the Council only after all construction work has been completed and the second Dilapidation Report required by **Condition 91** has been provided to Council.

The amount nominated is only current for the financial year in which the consent was issued and is revised each financial year. The amount payable must be consistent with Council's Fees and Charges in force at the date of payment.

17. Prior to the commencement of demolition works on the subject site or a Construction Certificate being issued for works approved by this development consent (whichever occurs first), a security deposit to the value of ~~\$278,300~~ **\$225,600** must be paid to Council to cover the costs associated with the road, footpath and drainage works required by this consent.

**Comment [WA30]:** Updated figure to reflect change to condition 38a).

Payment will be accepted in the form of cash, bank cheque, EFTPOS/credit card (to a maximum of \$10,000) or bank guarantee.

A request for release of the security may be made to the Council after all construction work has been completed.

The amount nominated is only current for the financial year in which the consent was issued and is revised each financial year. The amount payable must be consistent with Council's Fees and Charges in force at the date of payment.

18. An application must be made to Council for the issue of a Levels Certificate. The certificate, issued by Council, must be provided prior to the issue of a Construction Certificate.

The certificate specifies the surface levels in the road reserve adjacent to the property that must be used as the basis for the design of vehicle or pedestrian accesses, finished floor levels, fences, vents and any structures in the vicinity of the property boundary.

The Levels Certificate may specify levels in the adjacent road reserve to be changed from those existing.

19. A dilapidation report including a photographic survey of the following adjoining properties must be provided to Council prior to the issue of a Construction Certificate. The dilapidation report must detail the physical condition of those properties, both internally and externally, including walls, ceilings, roof, structural members and other similar items.

a) 2 Broderick Street, Balmain

The dilapidation report is to be prepared by a practising Structural Engineer agreed to by both the applicant and the owner of the adjoining property. All costs incurred in achieving compliance with this condition shall be borne by the applicant.

In the event that access for undertaking the dilapidation report is denied by an adjoining owner, the applicant must demonstrate, in writing that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed. Written concurrence must be obtained from the Certifying Authority in such circumstances.

20. A certificate prepared by a qualified Geotechnical Engineer must be provided prior to the issue of the Construction Certificate to the satisfaction of the Certifying Authority. This is to certify the existing rock formations and substrate on the site are capable of:
- a) Withstanding the proposed loads to be imposed.
  - b) Withstanding the proposed excavation, including any shoring works that may be required to ensure stability of the excavation.
  - c) Providing protection and support of adjoining properties.
  - d) The provision of appropriate subsoil drainage during and upon completion of construction works.
21. In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant must pay a long service levy at the prescribed rate of 0.0035 of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$25,000 or more. The Long Service Levy is payable prior to the issue of a Construction Certificate.
22. If any excavation extends below the level of the base of the footings of a building on an adjoining property, the person causing the excavation:
- a) Must preserve and protect the adjoining building from damage
  - b) 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.

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

In this condition, the allotment of land includes public property.

- 23. A Soil and Water Management Plan must be provided prior to the issue of a Construction Certificate. The Soil and Water Management plan must be compatible with the Construction Management and Traffic Management Plan referred to in this Development Consent and must address, but is not limited to the following issues:

- a) Minimise the area of soils exposed at any one time.
- b) Conservation of top soil.
- c) Identify and protect proposed stockpile locations.
- d) Preserve existing vegetation. Identify revegetation technique and materials.
- e) Prevent soil, sand, sediments leaving the site in an uncontrolled manner.
- f) Control surface water flows through the site in a manner that:
  - i) Diverts clean run-off around disturbed areas;
  - ii) Minimises slope gradient and flow distance within disturbed areas;
  - iii) Ensures surface run-off occurs at non erodable velocities;
  - iv) Ensures disturbed areas are promptly rehabilitated.
- g) Sediment and erosion control measures in place before work commences.
- h) Materials are not tracked onto the road by vehicles entering or leaving the site.
- i) Details of drainage to protect and drain the site during works.

- 24. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Service Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For Quick Check agent details please refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) see Building Developing and Plumbing then Quick Check or telephone 132092.

The Certifying Authority must ensure the Quick Check agent/Sydney Water has appropriately stamped the plans prior to the issue of a Construction Certificate.

25. Details of any proposed mechanical exhaust systems, detailing compliance with the relevant requirements of Clause F4.12 of the Building Code of Australia and Australian Standard 1668 Parts 1 and 2 (including exhaust air quantities and discharge location points) are to be submitted to Council or the Principal Certifying Authority for approval prior to the issue of a Construction Certificate.
26. A Waste Management Plan is to be provided prior to the issue of a Construction Certificate. The Waste Management Plan is to be prepared in accordance with Council's Development Control Plan No 38 – Avoid, Reuse, Recycle. The plan must address all issues identified in Development Control Plan No 38 including but not limited to:
- Estimated quantities of materials that are reused, recycled, removed from site.
  - On site material storage areas during construction.
  - Materials and methods used during construction to minimise waste.
  - Nomination of end location of all waste generated.

All requirements of the approved Waste Management Plan must be implemented during the construction of the development.

## PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE FOR BUILDING WORKS

### 26A. Amended plans are to be submitted to the Principal Certifying Authority incorporating the following amendments:

- The second floor level of building A2 shall have its ceiling heights and associated roof lowered. The lowest point of the ceiling shall be reduced to 2.4m and shall butterfly up to a maximum ceiling height of 2.7m at the northern and southern elevations.
- Privacy – The LV1 adjustable louvers on the southern elevation of the bedrooms of Units C4.002, C4.102, C4.103, C4.202, C4.203 shall be changed to LV2 fixed louvers. The balconies of C4.102 and C4.202 shall have LV2 fixed louvers installed on their southern elevation. The fixed louvers on the eastern elevation of the balconies of C4.102 and C4.202 is to be removed and the glazing to the kitchen on the western elevation of Unit A2.109 is to be replaced with fixed obscure glazing.
- The ground level entrance to the pedestrian accessway to the lift corridor of building A1 shall be widened to a minimum width of 2.0 metres, for a length of 3.0 metres. The entrance corridor should be provided with transparent glass doors.
- The proposed pedestrian pathway within the private land of the development adjacent to the pool which provides access to the foreshore public open space is to be deleted.
- The uppermost floor (third floor comprising units C4.301 and C4.302) of Building C4 is to be deleted.

**Comment [WA311]:** Condition 1d) inserted into conditions instead of being deferred commencement. Now condition 26A.

**Comment [WA32]:** Condition 1g) inserted into conditions instead of being deferred commencement. Now condition 26A.

**Comment [WA33]:** Condition 1j) modified and inserted into conditions instead of being deferred commencement. Now condition 26A.

**Comment [WA34]:** Condition 1p) inserted into conditions instead of being deferred commencement. Now condition 26A.

**Comment [WA35]:** New condition 26A requested by JRPP.

- vi) The underside of the balconies of all units must be designed to prevent exposed pipes and utilities being visible.
- vii) The pedestrian pathway from the carpark to the entrance to building C1 shall be clearly identified on the plans with no obstructions from parking spaces.
- viii) The Right of Way footpath adjacent to the Broderick Street hammerhead provided access through the site shall have a minimum width of 1.2m.

The amendments are to be provided prior to the issue of a Construction Certificate.

26B. Plans of the mechanical ventilation system to the carpark are required including the location of ventilation outlets. The plans shall be submitted to the Principal Certifying Authority prior to the release of the Construction Certificate.

26C. Public directional signage is to be provided adjacent to the ROW footways at the entrances to the following locations:

- i) Broderick Street (between Buildings A2 and C4)
- ii) Elliott Street (on the northern side of Buildings A1)
- iii) Elliott Street (between Buildings B1 and B2)
- iv) At the northern end of the foreshore adjacent to Elliott Street (to the west of building C1)
- v) At the foreshore adjacent to the stairs leading up through the development via the Rights of Way to Elliott and Broderick Streets.
- vi) Internal to the development at the intersection of the Rights of Way through to Broderick Street / Elliott Street and the Foreshore.

The public directional signage shall state "Public Access to x Street" and/or "Public Access to Foreshore". The public directional signage shall be similar in size to the Directory and Way Finding signage to the development as shown on the signage plan DA2.20[A] dated 22/8/2013.

Plans incorporating the public directional signage must be submitted to the Principal Certifying Authority prior to the release of the Construction Certificate.

26D. A Lighting Plan for the development shall be submitted to the Principal Certifying Authority prior to the release of the Construction Certificate detailing the following:

- i) The lighting arrangements for all pedestrian entries from the street frontages of the site and internal to the site
- ii) The lighting arrangements for all internal pedestrian walkways and communal areas.
- iii) The lighting associated with signage for tenancy, building and directional signage.
- iv) Lighting for the foreshore (to be bollard lighting)

All lighting is to be designed and positioned to minimise any detrimental impact upon the amenity of other premises and adjacent dwellings and that the outdoor lighting complies with the relevant provisions of *Australian Standard*

**Comment [WA36]:** Condition 1h) inserted into conditions instead of being deferred commencement. Now condition 26A.

**Comment [WA37]:** Condition 1k) inserted into conditions instead of being deferred commencement. Now condition 26A.

**Comment [WA38]:** Condition 1o) inserted into conditions instead of being deferred commencement. Now condition 26A.

**Comment [WvdG39]:** The maximum width that can be achieved without impacting on Building A2 is 1.4m

**Comment [WA40]:** Condition 1i) inserted into conditions instead of being deferred commencement. Now condition 26B.

**Comment [WvdG41]:** Same as Condition 25

**Comment [WA42]:** Condition 1n) inserted into conditions instead of being deferred commencement. Now condition 26C.

AS1158.3:2005 Pedestrian area (Category P) lighting – Performance and design requirements and Australian Standard AS 4282:1997 Control of the obtrusive effects of outdoor lighting.

**Comment [WA43]:** Condition 1q) inserted into conditions instead of being deferred commencement. Now condition 26D.

26E. Detailed drawings of the open space/ foreshore land dedication as public land, shown in plan, elevation and section, including supporting documents are to be submitted to Consent Authority for approval by Council's Director Infrastructure and Service Delivery, Council's Manager Parks & Assets, and Council's Manager Assessments, incorporating the following:

**Comment [WvdG44]:** We do not consider this condition reflects the JRPP's recommendation 2(f) requesting Council to give special attention to minimising the required information to that absolutely essential.

a) The open space / foreshore land dedication is to be as identified on the ~~ForeshoreLand~~ Dedication Plan listed in **Condition No.6** of this consent, except where modified by this condition and **Condition No.38** of this consent. The design of the open space land must address the following:

- The boundary line between the private land and the open space / foreshore land dedication area must be generally in accordance with the Foreshore Dedication Plan on Drawing No 13036-DA08 Rev D prepared by Aspect Studios and dated January 2014, except as marked up in Red by Council on this plan and as modified to address the following:
  - Across the foreshore frontage of Building C4, the boundary line is to be relocated to the west, to the base of the easternmost existing "Timber Log Retainer" retaining wall as shown on the survey plan.
  - Across the foreshore frontage of Building C3, the boundary line is shown on the top of an existing retaining wall. The boundary line is to be relocated to the base of this retaining wall as shown on the survey plan.
  - Across the foreshore frontage of Building C2, a new retaining wall is to be constructed a minimum of 1000mm clear of the building, generally parallel to the Foreshore Building Line. The retaining wall is to be extended to join with the existing retaining wall in front of Building C3 described above. The boundary line is to be located at the base of the new retaining wall.
  - Across the foreshore frontage of Building C1 and the adjacent pool area, the boundary line is to be relocated to the west, to be a minimum of 1000mm clear of the buildings and generally parallel with the Foreshore Building Line.
- Detailed drawings as required by this condition are to be provided depicting both the built and unbuilt features, contours and site levels (including finished levels) of the site, existing and proposed retaining walls, proposed landscape features, existing trees to removed or retained, lawn, and new trees and shrub plantings.
- All existing trees within the area of land to be dedicated to Council that are required to be retained by this consent must be identified on the drawings, along with a detail of the appropriate protection methods which will be instituted to preserve these specimens during the construction period. All trees required to be retained as part of this

consent are to be clearly tagged, and protected during the construction by fences, hoardings or any other measures as recommended by a Level 5 AQF Qualified Arborist with a minimum of 5 years' experience with trees on development sites. The drawings must also include the following details:

- Trees are to be numbered;
  - Species (predominantly native) with both botanical and common names;
  - Container size and mature height;
  - Planting details, mulching types and depth, soil cultivation and/or remediation details, edge treatments and irrigation details; and
  - Typical details for all landscape treatments including paving, new stone retaining walls, access stairs and viewing platforms are to be submitted to Council for approval.
- The location of all trees which are permitted to be removed within the area of land to be dedicated to Council must be clearly identified on the drawings.
  - The existing paved areas, landings and stairs and all associated structures located across the foreshore frontage of Building C2 are to be demolished and replaced by landscape areas. The gradients of the landscape areas must not exceed 1 in 6. A new retaining wall is to be constructed a minimum of 1000mm clear of Building C2, generally parallel to the Foreshore Building Line, then extending to join with the existing retaining wall to be retained in front of Building C3.
  - A maintenance plan with respect to all landscaping work within the area of land to be dedicated is to be provided.
  - Open Space furniture is to be clearly identified on the drawings, including detail and / or outline type and the fixing method for each item. Provision of park furniture is to include seats, litter bins, dog tidy bins, bollard lighting (pathways), signage, and provision of a water bubbler.
  - Lighting within the open space dedication must be limited to bollard lighting along pathways to be shown on the drawings. This is to include the incorporation of an energy efficient lighting system.
  - A detailed stormwater drainage design prepared by a qualified practicing Civil Engineer which addresses subsoil drainage associated with retaining walls and landscape areas and includes the collection of seepage water at the top of the rock escarpment. The plans must also provide details of how stormwater and subsurface water is collected and disposed from behind the retaining walls and surface areas of the development site above, in the vicinity of the proposed property boundary.

- A legal and binding agreement must be made between the applicant and Council, prepared by the applicant, providing for the maintenance of all landscaped areas within the area of land to be dedicated to Council, including fixtures and fittings, plant material (including replacement of losses), irrigation components and paths, to be the responsibility of the applicant for a period of 12 months from the issuing of a final Occupation Certificate.

All drawings shall be generally consistent with the architectural and landscape plans listed in **Condition No.6** of this consent, except where modified by conditions of this consent and be approved by Council prior to the issue of a Construction Certificate.

~~b) A maintenance plan must be provided detailing a 30 year program of inspection and rehabilitation repairs including prioritisation to ensure the sea wall adjacent to the open space/ foreshore land dedication remains sound for at least a further 30 years from the issuing of a final Occupation Certificate. The plan must include estimated costs of any repair works at current rates and details of the work required to be done in order to satisfy **Condition No 81**. Any rehabilitation works identified as being required in the next 10 years must be undertaken by the applicant prior to the land being dedicated to Council. A legal and binding agreement must be made between the applicant and Council, prepared by the applicant, for the future owners of the development to meet the full cost of works to repair or replace the sea wall due to unforeseen failure within 10 years of the Final Occupation Certificate.~~

27. Prior to the issue of a Construction Certificate, the site is to be remediated in accordance with:

- The relevant approved Remedial Action Plan, and
- Development Control Plan No. 42 – Contaminated Land Management, and
- State Environmental Planning Policy No. 55 – Remediation of Land and
- The guidelines in force under the Contaminated Land Management Act.

Within thirty (30) days after the completion of the remediation works, a notice of completion, including validation and/or monitoring report is to be provided to Council. This notice must be consistent with Clause 18 of State Environmental Planning Policy No. 55 – Remediation of Land.

The validation and/or monitoring report is to be independently audited and a Site Audit Statement issued. The audit is to be carried out by an independent auditor accredited by the New South Wales Department of Environment and Climate Change NSW. Any conditions recorded on the Site Audit Statement are to be complied with.

28. A formal crime risk assessment prepared by an appropriately qualified person shall be provided prior to the issue of a Construction Certificate with recommendations incorporated into the plans.

**Comment [WA45]:** Condition 26E replaces condition 3, no longer deferred commencement as per JRPP resolution.

**Comment [WvdG46]:** This part of deferred comment condition 3 is not referred to in the JRPP recommendation to be retained.

**Comment [WA47]:** Condition 28 deleted as not able to be delivered with certainty as to outcome.

29. Details of the following are to be provided with the Construction Certificate plans and documentation:
- i) Energy efficient fixtures and fittings to be installed in the serviced apartments
  - ii) Intercom systems to be provided to entrances to each building entrance
  - iii) Pedestrian entrances to all buildings are to be provided protection with an awning or equivalent.
  - iv) A 1.8m high timber paling fence shall be provided along the southern boundary shared with No.2 Broderick Street replacing the existing chainwire fence.
  - v) A secure lockable store for garden maintenance equipment shall be located within the development and shall not be visible from the public domain.

30. The construction certificate plans and documentation shall provide details which demonstrate the following minimum finished floor to finished ceiling heights for each level:

- Commercial and retail units – ~~2.73~~3m
- Serviced apartments – 2.4m for non-habitable rooms, 2.7m for habitable rooms
- Residential apartments (except second floor level of Building A2) – 2.4m for non-habitable rooms, 2.7m for habitable rooms.
- Second floor of building A2 – 2.4m at the middle of the floor butterflying up to 2.7m at the northern and southern elevations.

**Comment [WvdG48]:** The Architectural Plans commit to 2.7m ceiling heights in commercial and retail areas. It may be possible to increase to 3.0m but 3.3m is unachievable with only 3.5m floor to floor.

This condition does not authorise any increase in overall building heights to the designated RLs on the approved plans subject to height reductions required by Condition 26A i)4 of this consent.

31. All plant and associated equipment must be located within the approved building envelope and is not to be located on the roof apart from the lift overruns and in nominated plant enclosures shown on the Architectural Plans. Details on the location of all plant and equipment must be provided prior to the issue of a Construction Certificate.
32. The fire safety measures (both existing and proposed) to be implemented in the whole of the building premises are provided in the Fire Safety Schedule in Attachment 1 of this development consent.
33. Recommendations from the Access Report by Accessibility Solutions Pty Ltd, dated 11.09.13 shall be incorporated into the Construction Certificate plans and specifications.
34. All balustrading within the development is to be of the metal palisade type design shown on the submitted Broderick and Elliott Street montages. Details demonstrating compliance are to be provided with the Construction Certificate documentation.

35. The proposed directional and business identification *signage within and on the boundaries of the development site* shall be discrete and aim to respect the residential character of the surrounding Heritage Conservation Area, and not be visible from the surrounding waterways (in the case of the business Identification signs).

Details of compliance with this requirement to be submitted to Principal Certifying Authority prior to the release of the *Construction Certificate*.

36. An Excavation Permit 'Exception' endorsed by the Heritage Branch, NSW Office of Environment and Heritage (OEH) is to be provided to Council prior to issue of Construction Certificate. Refer to:  
[http://www.heritage.nsw.gov.au/docs/form\\_exemption\\_notification\\_s139.pdf](http://www.heritage.nsw.gov.au/docs/form_exemption_notification_s139.pdf)

OR

An Excavation Permit approved by the Heritage Council is to be provided prior to issue of a Construction Certificate (Application under Section 140 of the NSW Heritage Act, 1977). Refer to:  
<http://www.heritage.nsw.gov.au/docs/section140form2006.pdf>

(Note: A determination as to whether an excavation permit is required will be made by the Heritage Branch, NSW Office of Environment and Heritage (OEH).

37. Materials and finishes must be complementary to the character and streetscape of the area. Highly reflective roofing materials must not be used.

38. An engineering design of roadworks and stormwater drainage in Elliott Street and Broderick Street, ~~seawall rehabilitation works and foreshore open space~~ must be prepared by a qualified practicing Civil Engineer. The design must be prepared/ amended to make provision for the following:

~~a) Construction of a turning circle at the north western end of Elliott Street including continuous footpath around the turning circle with a minimum width of 1500mm, vehicle crossings and adjustments/ relocation of kerb and gutter, bollards, stormwater drainage, and road pavement.~~

~~Note that it may be necessary for the footpath to encroach onto the subject property to achieve the required footpath width in Elliott Street. If necessary, land dedication as public road will be required at no cost to Council to accommodate any encroachment.~~

Comment [WvdG49]: Should be deleted to be consistent with JRPP recommendation 2(f)

- ~~b) a) Construction of a concrete vehicle crossing at the Elliott Street frontage of the site.~~

- ~~e) b) Construction/ reconstruction of sandstone kerb and concrete gutter and concrete footpath and grass verge at the Elliott Street frontage, from the intersection with Broderick Street to the proposed vehicle crossing. Construction of concrete kerb, gutter and footpath and grass verge for the remaining Elliott Street frontage.~~

Comment [WA50]: Condition 38a) deleted by JRPP.



- d)c) Reconstruction of existing sandstone kerb and concrete gutter at the Broderick Street frontage. Construction of concrete kerb and gutter for the remaining Broderick Street frontage. Construction of concrete footpath for the full Broderick Street frontage of the site. A right of way must be created over the footpath where it is located within the subject property.
- e)d) Construction of a hammer head turning facility at the western end of Broderick Street, including adjustment to existing stormwater drainage infrastructure and provision of an overland flow weir. Note that the hammer head facility will encroach on the subject property and as such, land dedication as public road will be required at no cost to Council.
- f)e) Reconstruction of all existing Council stormwater drainage pits on the Elliott Street and Broderick Street frontages, including the provision of 2.4 metre extended kerb inlets.
- g)f) Construction of kerb ramps as required.
- h)g) Relocation of underground and above ground utility services as required.
- i)h) Installation/ relocation of parking/ traffic signs as required.
- j)i) The plans must show existing and proposed on street parking.
- k)j) The plans must show the location of retaining walls adjacent to the Elliott Street and Broderick Street boundaries.
- l)k) The design must be accompanied by detailed engineering drawings including relevant long and cross sections and location of utility services.
- m)l) The design must be in accordance with the relevant requirements of Austroads and all Australian Standards.
- n)m) Detailed engineering and landscape plans must be provided for the construction of the open space / foreshore land dedication in accordance with the requirements of **Condition No.3 26E** of this consent.
- o)n) The applicant must consult with Council's Manager – Parks and Assets in relation to the design of all works in the public road reserve or to be dedicated to Council.

Development Consent does NOT give approval to undertake any works on Council property. **An application must be made to Council for a Roadworks Permit under Section 138 of the Roads Act 1993 for approval to construct these works.**

The application must be accompanied by the above engineering design. The Roadworks Permit will only be issued when the design has been approved by Council. A copy of the Roadworks Permit must be obtained from Council prior to the issue of a Construction Certificate.

The applicant must bear the cost of construction of all works, including the cost of any required adjustment or relocation of any public utility service. Where the finished levels of the new works will result in changes to the existing surface levels, the cost of all necessary adjustments or transitions beyond the above scope of works shall be borne by the owner/applicant.

These works must be constructed in accordance with the conditions of the Roadworks Permit and be completed prior to the issue of an Occupation Certificate

39. A stormwater drainage design, incorporating on site stormwater detention (OSD) and on site retention/ reuse (OSR) facilities, prepared by a qualified practicing Civil Engineer must be provided prior to the issue of a Construction Certificate. The design must be prepared/ amended to make provision for the following:

- a) The design must be generally in accordance with the stormwater drainage concept plan on Drawing No DA102/B, DA103/B, DA104/B, DA105/B, DA106/B and DA109/B prepared by RGH Consulting Group and dated 6 September 2013.

The proposed rainwater re-use tank must be increased in capacity to 150,000 Litres consistent with the Basement Plan Drawing No DA2.01/C prepared by ~~Bates SmartRoche Group~~ and dated 31 January 2014.

- b) Comply with Council's Stormwater Drainage Code.
- c) Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, pits and pipelines and be discharged, together with overflow pipelines from any rainwater tank(s), by gravity to the Parramatta River.
- d) All plumbing within the site must be carried out in accordance with relevant provisions of Australian Standard AS/NZS 3500.3-2003 *Plumbing and Drainage – Stormwater Drainage*.
- e) The OSR facilities must supply water to all residential units, serviced apartments and commercial units for laundry purposes, the flushing of all toilets, car wash bays and outdoor usage such as irrigation.

40. ~~An overland floodway must be provided within the property, adjacent to the southern property boundary, between the western end of Broderick Street and the foreshore frontage A Flood Risk Management Plan, prepared by a qualified practicing Civil Engineer must be provided prior to the issue of a Construction Certificate. The Plan must be generally~~ in accordance with the ~~recommendations of the~~ Flood Risk Management Report Ref. No. 20110066\_R02 Rev. 09 prepared by RGH Consulting Group and dated 6 September 2013.

Comment [WA51]: Condition No.40 amended as requested by JRPP.

41. Deleted ~~A Foreshore Risk Management Plan, prepared by a qualified practicing Civil Engineer must be provided prior to the issue of a Construction Certificate. The Plan must be prepared/ amended to make provision for the following:~~

- ~~a) The report must be generally in accordance with the recommendations of the Foreshore Risk Management Report Ref. No. 20110066\_R03 Rev. 03 and Ref. 20110066\_R08 Rev. 01 prepared by RGH Consulting Group and dated 6 September 2013 and 31 January 2014 respectively.~~

~~Specify the architectural and structural plans upon which the above recommendations have been incorporated.~~

42. NSW Maritime approval for any proposed stormwater connect to Sydney Harbour/Parramatta River must be obtained prior to the issue of a Construction Certificate. Any requirements of NSW Maritime are to be complied with.

43. Prior to the issue of a Construction Certificate a dedication of the following areas must be made to Council as public road:

- a) The portion of land on which the hammer head turning area will be constructed adjacent to the western end of Broderick Street. The definition of the land must be determined from the engineering plan approved by Council for the Roadworks Permit.

- ~~b) The portion of land on which the footpath encroaches on the subject property, as required for the construction of the turning circle at the north western end of Elliott Street. The definition of the land must be determined from the engineering plan approved by Council for the Roadworks Permit.~~

A survey plan prepared by a registered surveyor of the proposed lot to be dedicated and one of the remnant lands must be submitted to Council, prior to registration at the New South Wales Department of Lands.

Council will not accept the dedication of any land unless it is suitable for its proposed use. A Site Audit Statement from a site auditor to this effect must be submitted to Council prior to dedication.

44. The design of the vehicular access and off street parking facilities must be amended to address the relevant provisions of Australian Standards, including but not limited to *AS/NZS 2890.1-2004 Parking Facilities - Off-Street Car Parking*, *AS 2890.2-2002 Parking Facilities - Off-Street commercial vehicles facilities*, *AS/NZS 2890.6-2009 Off-street parking for people with disabilities* and *AS 2890.3-1993 Parking Facilities - Bicycle parking facilities*. The following specific issues must be addressed in the design:

- a) The access driveway, between Elliott Street and the property frontage, must be increased to a total of 9 metres wide.

- b) The width of the circulation roadway, between the property boundary and the loading dock, must be widened, to accommodate concurrent opposing

**Comment [WA52]:** Condition No.41 no longer required as stamped foreshore risk management report concurred with in condition 6.

**Comment [WvdG53]:** JRPP recommendation 2(g) required the deletion of the turning circle at the end of Elliott Street.

**Comment [WA54]:** Condition 2 edited and added to Condition 44 as per JRPP resolution.

movements of an entering and exiting Medium Rigid Vehicle (MRV) and Small Rigid Vehicle (SRV), including transitions to the widened access driveway.

- c) The maximum gradient of the circulation roadway must not exceed 1 in 20 (5%) for the length of the longest wheel base of an MRV measured from the property boundary in accordance with AS 2890.2-2002.
- d) The circulation aisle on the lower ground floor level between the loading dock and internal ramp must be modified to separate the path of vehicles entering and exiting the car park and manage traffic movements. The amendments are to include:
- Physically separate traffic movements at the bends adjacent to the loading dock and at the top of the ramp.
  - Delete parking spaces 047-V to 050-V and relocate accessible parking space 001-V to replace 002-V and 003-V.
  - Further splaying of the entry to the ramp to extend across parking space 047-V.
  - Provision of signposting/line marking to prioritise traffic movements to/from the ramp, including a speed hump on the southern side of the ramp.
  - Deletion of solid wall at end of parking space 046-C to improve sight lines.
  - Widening of the access road past the loading dock which will include relocation of the disabled ramp, adjacent stairs and bicycle storage room.
- e) Parking throughout the three levels of the basement carpark must be allocated to accommodate a hierarchy of security accesses to the areas allocated for residential, serviced apartments, commercial and visitor parking. Residential parking areas must be secured to prevent the entry of unauthorised persons and vehicles at all times. All associated security doors, gates, fences, etc., must be included on the plans. Turning bays must be provided in the sections of the carpark open to the public, where applicable in accordance with Clause 2.4.2(c) of AS/NZS 2890.1-2004.
- a)f) Longitudinal sections must be provided on both sides of the access driveway and all ramps, extending to the centreline of Elliott Street, to demonstrate compliance with the ground clearance and headroom requirements of the relevant standards and addressing the above requirements. Note that the levels at the boundary must be 205mm above the adjacent road gutter for the full width of the vehicle crossing.
- ~~a) The design must be in accordance with the plans approved under Condition No 2.~~
- a)g) Longitudinal sections must be provided along each edge of all ramps to demonstrate that the longitudinal profiles comply with the Ground Clearance and grade requirements of AS/NZS 2890.1-2004 for a B99

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design vehicle. The vehicular access ramps must comply with the ramp grade requirements of Section 3.3 of AS/NZS 2890.1-2004.

- b)h)** Minimum Headroom of 2200mm must be provided throughout the access and parking facilities associated with the Commercial and Residential Parking Areas. Minimum Headroom of 2500mm must be provided above accessible parking spaces. Note that the Headroom must be measured to the lowest projection from the ceiling, such as lighting fixtures, sprinklers, ducts, etc, and at any open garage door.

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The loading dock and circulation roadway must have a minimum headroom clearance of 4500mm, measured perpendicular to the chord of the truck.

Headroom at a 'sag' type grade change must be measured in accordance with Figure 5.3 of AS/NZS 2890.1-2004.

- e)j)** Accessible parking spaces must comply with the dimensional requirements of Figure 2.1 of AS/NZS 2890.6-2009 Off-street parking for people with disabilities, including the provision of Shared Area.

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- e)j)** Parking aisles must comply with the Blind Aisle requirements of the Standard, as defined by Clause 2.4.2(c) of AS/NZS 2890.1-2004.

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- e)k)** The car parking facilities must be appropriately line marked and signposted in accordance with the requirements of Section 4 of AS/NZS 2890.1-2004.

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- f)l)** Car parking spaces must not be individually enclosed.

- g)m)** The bicycle storage area must be provided to accommodate the numerical requirements of DCP 2013 and be designed in accordance with relevant provisions of AS 2890.3-1993.

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- h)n)** Adequate sight lines to the pedestrian and vehicles must be provided at the access driveway. In this regard, the sight lines must comply with the requirements of both AS/NZS 2890.1-2004 and AS 2890.2-2002

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All bends and ramps within the carpark must be designed to comply with sight distance requirements of Clause 2.5 of AS/NZS 2890.1:2004.

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The design must be certified by a suitably qualified Civil Engineer and be provided prior to the issue of a Construction Certificate.

45. The residential waste and recycling rooms and the commercial waste and recycling room in the basement are to be built in accordance with the lower ground floor plan DA2.02[D] dated 7.2.2014 with respect to minimum sizes and proximity to the loading dock as well as the calculations as per the email from the Mack Group dated 21 January 2014.

The waste and recycling rooms are to have hot and cold water and be constructed of solid material, cement rendered and trowelled to a smooth even surface and subject to the following requirements:

- a) The floor must be of impervious material coved at the intersection with the walls, graded and drained to an approved floor waste within the room.
- b) Garbage rooms must be vented to the external air by natural or mechanical ventilation.

Details of the above are to be provided with the Construction Certificate plans and documentation.

- 46. An Access Management Plan must be provided by an Accredited Access Consultant prior to the issue of a Construction Certificate. Details of the Access Management Plan must address:
  - a) Confirmation whether the Disability (Access to Premises – Buildings) Standards 2010 is applicable to the development, in particular whether the Standards apply to the affected part.
  - b) Proposed requirements for access to the building or part of building for people with a disability in accordance with Part D3 of Building Code of Australia.
  - c) Conduct an assessment and identify any non-compliances with the Disability Standards 2010 and/or the Building Code of Australia where applicable and provide recommendations to achieve compliance with the relevant performance requirements.
  - d) Accessible carparking spaces should be provided, where applicable, in accordance with Part D3.5 of Building Code of Australia.
- 47. Details of lighting within the basement parking levels are to be provided with the Construction Certificate plans and documentation.
- 48. All retail & commercial shop front glazing must be clear and untinted. Any security grille must be open grille and see through and not a solid material. Details are to be provided prior to the issue of a Construction Certificate.

No advertising flags or banners or the like are to be erected on or attached to the retail or commercial shopfronts without the consent of Council.

Merchandise, public telephones, stored material, A-frame signs or the like must not be placed on the footway of other public areas without the consent of Council.

- 49. In addition to the public land dedication required by this consent, a monetary contribution pursuant to the provisions of Section 94 of the *Environmental Planning and Assessment Act 1979* for the services detailed in column A and for the amount detailed in column B must be made to Council prior to the issue of a Construction Certificate:

Column A	Column B
Open Space	<del>\$967,980</del> \$1,085,594
Transport & Access	<del>\$81,698</del> \$80,272.12
Community Facilities	<del>\$334,432</del> \$327,540.00

**The total contribution is: ~~\$1,384,110~~ \$1,493,406.12**

Payment will only be accepted in the form of cash, bank cheque or EFTPOS / Credit Card (to a maximum of \$10,000). It should be noted that personal cheques or bank guarantees cannot be accepted for Section 94 Contributions. Contribution Plans may be inspected on Council's website [www.leichhardt.nsw.gov.au](http://www.leichhardt.nsw.gov.au) or a copy purchased at the Citizen Service in Council's Administration Centre, 7-15 Wetherill Street, Leichhardt, during business hours.

Comment [WA55]:

## PRIOR TO THE COMMENCEMENT OF WORKS

50. All existing *sandstone sea walls* and *natural rock outcrops* within the foreshore precinct are to be retained and marked by survey on all architectural and landscape plans relating to the foreshore precinct of the subject site prior to works commencing on the site. Note: Compliance with this requirement may require amendments to the current landscape plans for the foreshore precinct of the development site.
51. Approval is given for the following works to be undertaken to trees on the site:

Schedule	
Tree	Approved works
3, 4, 21, 22, 23, 24, 25, 28, 29, 30, 31, 34, 36, 37, 38, 39, 40, 41, 42, 45, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 67, <del>68</del> , 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 88, 89, 90, 91, 93, 94, 96, 97, 98, 100, 101 and 102.	Removal

Comment [WA56]: Tree 68 now added, mistakenly not included and drawn to Council's attention by the applicant on 14<sup>th</sup> May as discussed with JRPP.

Removal of any other tree on the site is not approved.

Removal of the following trees from Council's nature strip to permit vehicular access shall be undertaken at no cost to Council by an experienced tree removal contractor/arborist holding public liability insurance amounting to a minimum cover of \$10,000,000.

Schedule
Tree
Trees 62, 63 – in Broderick Street

All works (including removal of existing structures and pavements) within the TPZ of trees 46-51 shall be undertaken as specified by, and under the direct supervision of, the Project Arborist in accordance with Section 4.2.3 of the Updated Arboricultural Impact Assessment prepared by Tree Wise Men, Ref No 2124-2013AIAAddendum and dated January, 2014. Any variation to the recommendations contained in the report shall be approved in writing by the Project Arborist.

All excavation (including for soil remediation works) within the TPZ of any tree to be retained shall be undertaken as specified by, and under the direct supervision of, the Project Arborist in accordance with Section 4.2.5 of the Updated Arboricultural Impact Assessment prepared by Tree Wise Men, Ref No 2124-2013AIAAddendum and dated January, 2014. Any variation to the recommendations contained in the report shall be approved in writing by the Project Arborist.

All pavements/ramps/terracing within the TPZ of Trees 1, 2, 8, 10, 11, 12, 13, 14, 15, 16, 18, 19, 27, 46-51 and 87 shall be designed in liaison with an AQF Level 5 Arborist and installed as specified by, and under the direct supervision of, the Project Arborist in accordance with Section 4.2.2 of the Updated Arboricultural Impact Assessment prepared by Tree Wise Men, Ref No 2124-2013AIAAddendum and dated January, 2014. Any variation to the recommendations contained in the report shall be approved in writing by the Project Arborist.

A 5 metre long section of existing footing/walling adjacent Trees 95 and 99 is to be retained during demolition and shall be incorporated into the landscape design. All demolition works within the TPZ of these trees shall be undertaken as specified by, and under the direct supervision of, the Project Arborist in accordance with Section 4.2.4 of the Updated Arboricultural Impact Assessment prepared by Tree Wise Men, Ref No 2124-2013AIAAddendum and dated January, 2014. Any variation to the recommendations contained in the report shall be approved in writing by the Project Arborist.

Works involving a piling rig within the dripline of Tree 64 shall be undertaken as specified by the Project Arborist.

52. A Project Arborist (AQF Level 5) shall be appointed for the duration (including demolition) of the works on site.

To preserve all trees to be retained on the site and adjacent to the site no works (including demolition) shall commence until Tree Protection Fencing (or trunk and ground protection) are installed in accordance with Section 4 of AS 4970 'Protection of trees on development sites' and the Tree Protection Plan (Dwg No 2142-2013TPP Sheets 1-2) prepared by Tree Wise Men and dated 02/09/13. The tree protection shall be approved in writing as complying with the above mentioned documents by the Project Arborist prior to works commencing.



Canopy pruning of any tree to be retained which is necessary to accommodate the approved works shall be undertaken as specified by, and under the direct supervision of, the Project Arborist in accordance with Section 4.2.4 and Attachment B of the Updated Arboricultural Impact Assessment prepared by Tree Wise Men, Ref No 2124-2013AIAAddendum and dated January, 2014. Tree pruning shall be undertaken in accordance with AS 4373 'Pruning of amenity trees' and shall be approved in writing as complying with the above mentioned documents by the Project Arborist prior to works commencing.

Upon installation of the required tree protection measures, an inspection of the site by the Principal Certifying Authority is required to verify that tree protection measures comply with all relevant conditions.

53. Site cranes and hoists may be erected within the boundaries of the site subject to compliance with the relevant provisions of Australian Standard AS 1418:2005 *Crane, hoists and winches*, Australian Standard AS 2549:1996 *Cranes (including hoists and winches)* and Australian Standard AS 2550:2002 *Cranes, hoists and winches*.

Cranes must not swing or hoist over any public property unless the relevant approval under Local Government Act 1993, Crown Lands Act 1989, or the Roads Act 1993 has been obtained prior to the commencement of works.

The use of the cranes and hoists must comply with the approved hours of construction. The cranes must not be illuminated outside approved working hours other than safety beacons required by the Civil Aviation Safety Authority. No illuminated signs are to be erected upon or displayed upon any crane.

54. The proposed structure(s) to be erected must stand wholly within the boundaries of the allotment. No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach onto adjoining properties or upon public property.

To ensure that the location of the building satisfies the provision of the approval, the footings and walls within one (1) metre of the boundaries must be set out by a registered surveyor prior to the commencement of works.

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:

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

55. The site must be secured and fenced prior to works commencing. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling onto public property. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons on public property.

If the work involves the erection or demolition of a building and is likely to cause pedestrian or vehicular traffic on public property to be obstructed or rendered inconvenient, or building involves the enclosure of public property, a hoarding or fence must be erected between the work site and the public property.

Separate approval is required to erect a hoarding or temporary fence on public property. Approvals for hoardings, scaffolding on public land must be obtained and clearly displayed on site for the duration of the works.

Any hoarding, fence or awning is to be removed when the work is completed.

56. The *Home Building Act 1989* requires that insurance must be obtained from an insurance company approved by the Department of Fair Trading prior to the commencement of works approved by this Development Consent.

If Council is nominated as the Principal Certifying Authority then a copy of the certificate of insurance must be submitted to Council prior to the works commencing.

If the work is to be undertaken by an owner-builder, written notice of their name and owner-builder permit number must be submitted to Council.

In all other cases, written notice must be given to Council of:

- a) the name and licence number of the principal contractor and
- b) the name of the insurer by which the work is insured under Part 6 of the *Home Building Act 1989*.

If arrangements for doing the residential work are changed while the work is in progress, further work must not be carried out unless the Certifying Authority has given Council written notice of the updated information.

This condition does not apply in relation to Crown building work that is certified, in accordance with Section 116G of the *Environmental Planning and Assessment Act 1979*, to comply with the technical provisions of the State's building laws.

57. Any person or contractor undertaking works on public property must take out Public Risk Insurance with a minimum cover of ten (10) million dollars in relation to the occupation of, and approved works within public property. The Policy is to note, and provide protection for Leichhardt Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the

works. The Policy must be valid for the entire period that the works are being undertaken on public property.

58. Prior to the commencement of works, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
59. Prior to the commencement of works a Management Plan for dust suppression is to be prepared by a suitably qualified person prior to any works commencing on site and a copy provided to Council. The plan is to be implemented upon commencement of any works.
60. Prior to the commencement of works, a Noise and Vibration Management Plan is to be prepared by a suitably qualified expert addressing the likely noise and vibration from demolition, excavation and construction of the proposed development and provided to the Principal Certifying Authority.

The Plan is to identify amelioration measures to ensure the noise and vibration levels will be compliant with the relevant Australian Standards. The report shall be prepared in consultation with any geotechnical report that itemises equipment to be used for excavation works. The Plan shall address, but not be limited to, the following matters:

- a) Identification of activities carried out and associated noise sources.
- b) Identification of potentially affected sensitive receivers, including residences, churches, commercial premises, schools and properties containing noise sensitive equipment.
- c) Determination of appropriate noise and vibration objectives for each identified sensitive receiver.
- d) Noise and vibration monitoring, reporting and response procedures.
- e) Assessment of potential noise and vibration from the proposed demolition, excavation and construction activities, including noise from construction vehicles.
- f) Description of specific mitigation treatments, management methods and procedures to be implemented to control noise and vibration during construction.
- g) Construction timetabling to minimise noise impacts including time and duration restrictions, respite periods and frequency.
- h) Procedures for notifying residents of construction activities likely to affect their amenity through noise and vibration.
- i) Contingency plans to be implemented in the event of non-compliance and/or noise complaints.

61. At least forty-eight (48) hours prior to the commencement of works, a notice of commencement form and details of the appointed Principal Certifying Authority shall be submitted to Council.
62. An application for any of the following on public property (footpaths, roads, reserves) shall be submitted and approved by Council prior to the commencement of works.
- a) Construction zone.
  - b) A pumping permit.
  - c) Mobile crane.
  - d) Skip bins other than those authorised by Leichhardt Council.
63. Prior to the commencement of works, a sign must be erected in a prominent position on the site on which the proposal is being carried out. The sign must state:
- a) Unauthorised entry to the work site is prohibited.
  - b) The name of the principal contractor (or person in charge of the site) and a telephone number at which that person may be contacted at any time for business purposes and outside working hours.
  - c) The name, address and telephone number of the Certifying Authority for the work.

Any such sign must be maintained while the work is being carried out, but must be removed when the work has been completed.

64. Waste water arising from the use must be directed to the sewers of the Sydney Water Corporation under a Trade Waste License Agreement. The pre-treatment of wastewater may be a requirement of the Corporation prior to discharge to the sewer. Details of the Corporation's requirements must be obtained prior to the commencement of works and submitted to Council or the Principal Certifying Authority.

#### **DURING WORKS**

65. Any soil proposed to be disposed off site must be classified, removed and disposed of in accordance with the *EPA Environmental Guidelines; Assessment, Classification and Management of Liquid and Non-Liquid Wastes 1999* and the *Protection of the Environmental Operations Act 1997*.

Any soil, which fails to meet the criteria, is not to be disposed of off-site unless agreed to in writing by the Department of Environment and Conservation. Results of the testing are to be forwarded to Leichhardt Council and the Department of Environment and Conservation for acknowledgement before any off-site disposal and before proceeding with any construction works.

66. During all phases of demolition, excavation and construction, it is the full responsibility of the applicant and their contractors to:

- a) Ascertain the exact location of the Council stormwater drainage pipeline and associated pits between Broderick Street and Sydney Harbour in the vicinity of the works.
- b) Take measures to protect the in-ground Council stormwater drainage pipeline and associated pits.
- c) Ensure dedicated overland flow paths are satisfactorily maintained through the site.

Stormwater drainage pipes can be damaged through applying excessive loading (such as construction machinery, material storage and the like). All proposed structures and construction activities must be sited fully clear of Council's stormwater drainage pipes, pits, easements, watercourses and overland flow paths on the site.

If the Council pipeline is uncovered during construction, all work must cease and the Principal Certifying Authority and Council must be contacted immediately for advice. Any damage caused to the Council stormwater drainage system must be immediately repaired in full as directed and at no cost to Council.

67. No changes shall be made to the location or type of tree protection measures without the direct approval of the Project Arborist. The Tree Protection Plan shall be displayed at the site management office and all contractors and subcontractors shall be briefed on the required tree protection measures prior to commencing work on the site.

No storage or disposal of materials taking place beneath the canopy of any tree protected under Council's Tree Management Controls at any time unless endorsed in writing by the Project Arborist.

All builders' refuse, spoil and/or material unsuitable for use in landscape areas being removed from the site on completion of the building works.

If tree roots are required to be severed for the purposes of constructing the approved works, they shall be cut cleanly using a sharp and 'fit for purpose' tool. The pruning shall be undertaken by an experienced Arborist with a minimum qualification of AQF (Australian Qualification Framework) Level 3 in Arboriculture. Roots with a diameter greater than 30mm shall not be pruned without the approval of the Project Arborist.

The canopy trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height whereby they will be protected by Council's Tree Management Controls. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species and at the same size as the initial installation.

68. A copy of the approved plans must be kept on site for the duration of site works and be made available upon request.
69. The site must be appropriately secured and fenced at all times during works.
70. Building materials and machinery are to be located wholly on site.
71. All excavations and backfilling associated with the development must be executed safely, properly guarded and protected to prevent them from being dangerous to life or property and in accordance with the design of a structural engineer.

If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must:

- a) Preserve and protect the building from damage.
  - b) If necessary, underpin and support the building in an approved manner.
  - c) Give at least seven (7) days notice to the adjoining owner before excavating, of the intention to excavate.
72. All fill used with the proposal shall be virgin excavated material (such as clay, gravel, sand, soil and rock) that is not mixed with any other type of waste and which has been excavated from areas of land that are not contaminated with human made chemicals as a result of industrial, commercial, mining or agricultural activities and which do not contain sulphate ores or soils.
  73. Demolition, remediation works, excavation and building work must be restricted to the hours of 7:00am to 5:30pm Monday to Friday inclusive, 7:00am to 1:00pm Saturday. Work is not be carried out on Sunday or Public Holidays unless in the case of emergencies arising from unforeseen circumstances. Should out of hours work be necessitated for emergency purposes the applicant is to advise Council in writing within 48 hours of the work occurring of the nature of the work and the reasons for the working occurring during that time.
  74. The development site must be inspected at the following stages during construction:
    - a) At the commencement of the building work, and
    - b) Prior to covering waterproofing in any wet areas, and
    - c) Prior to covering any stormwater drainage connections, and
    - d) After the building work has been completed and prior to any occupation certificate being issued in relation to the building.
  75. Noise arising from the works must be controlled in accordance with the

requirements of the *Protection of the Environment Operations Act 1997* and guidelines contained in the New South Wales Environment Protection Authority Environmental Noise Control Manual.

76. Construction material and vehicles shall not block or impede public use of footpaths or roadways.
77. Where any works are proposed in the public road reservation, the following applications must be made to Council, as applicable:
- a) For installation or replacement of private stormwater drainage lines or utility services, including water supply, sewerage, gas, electricity, etc. an application must be made for a *Road Opening Permit*.
  - b) For construction/reconstruction of Council infrastructure, including vehicular crossings, footpath, kerb and gutter, stormwater drainage, an application must be made for a *Roadworks Permit*.

Note: Private stormwater drainage is the pipeline(s) that provide the direct connection between the development site and Council's stormwater drainage system, or street kerb and gutter.

78. The sign/s approved by this Development Consent must be erected in a secure manner to ensure safety and its installation is not to involve measures that would cause irreversible damage to the building.
79. The requirements of the Soil and Water Management Plan must be maintained at all times during the works and any measures required by the Soil and Water Management Plan shall not be removed until the site has been stabilised to the Principal Certifying Authority's satisfaction.

Material from the site is not be tracked into the road by vehicles entering or leaving the site. At the end of each working day any dust/dirt or other sediment shall be swept off the road and contained on the site and not washed down any stormwater pit or gutter.

The sediment and erosion control measures are to be inspected daily and defects or system failures are to be repaired as soon as they are detected.

#### PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

~~79A. A detailed plan of management detailing how the serviced apartments will be operated and managed for the serviced apartments is to be submitted to the Private Certifying Authority prior to the issue of an Occupation Certificate, to Council's satisfaction. The plan shall detail how the serviced apartments will be operated and managed including minimum and maximum lengths of stay, and how the conditions of this development consent will be complied with.~~

80. An Occupation Certificate must be obtained prior to any use or occupation of the development or part thereof. The Principal Certifying Authority must ensure that

**Comment [WA57]:** Condition 1A inserted into conditions instead of being deferred commencement. Now condition 79A. Additional words added "prior to the issue of an Occupation Certificate to Council's satisfaction".

**Comment [WvdG58]:** The wording change reflects the wording of the previous deferred commencement condition 1A and is consistent with the JRPP recommendation 2(i) which required deletion of Condition 114 relating to length of stay

all works are completed in compliance with the approved Construction Certificate plans and all conditions of this Development Consent.

81. Prior to the issue of any Occupation Certificate, a dedication of land of approximately **2160m<sup>2</sup>** along the foreshore being generally in accordance with the Land Dedication Plan listed in **Condition No.6** of this consent, must be made to Council for the provision of public open space.

A survey plan prepared by a registered surveyor of the proposed lot to be dedicated and lot/s for the remnant land must be submitted to Council for approval, and for execution of the subdivision certificate, prior to registration at the Lands and Property Information New South Wales.

Council will not accept the dedication of any land unless it is in a suitable state for its proposed use. This will require compliance with the following:

- a) Remediation of the land and the provision to Council of the Site Audit Statement referred to in **Condition No.6** certifying that the land is suitable for use as a park and recreational open space.

~~b) Certification by a qualified and experienced engineer, satisfactory to Council, that whole of the existing seawall bounding the land to be dedicated, in its entirety, has a life expectancy of 30 years subject to implementation of the approved rehabilitation plan and the agreement between the applicant and Council as required under Deferred Commencement Condition No 2.~~

**Comment [WvdG59]:** This part of deferred comment condition 3 is not referred to in the JRPP recommendation to be retained. As per suggested deletion of Condition 26(b)

~~e)b)~~ The land dedicated for public open space must be completed in accordance with the ~~landscape plan and engineering~~ drawings approved by this consent, including all embellishment and planting as required by **Condition No 38 and Condition No.3-26E** of this consent, to Council's satisfaction, and possession of the dedicated land given to Council.

~~d)c)~~ Prior to release of the Occupation Certificate the applicant is to erect directional signage indicating public access to the park and foreshore dedication as detailed in condition ~~4(n)26C.~~

All land dedications associated with roadworks in ~~Elliott Street and~~ Broderick Street and all Rights of Way and other easements associated with the footpath in Broderick Street must also be included in the plan of subdivision referred to above, which must be registered and the easements must be on title/s of the burdened lots prior to the issue of any Occupation Certificate.

**Comment [WvdG60]:** As turning head is not required, there is no longer any requirement for land dedication on Elliott Street

Note: See **Condition No 83** for the required terms of the easements.

This dedication has been imposed pursuant to Section 94 of the Environmental Planning and Assessment Act 1979, and the Leichhardt Open Space and Recreation Contributions Plan, after identifying that the development will increase the demand for local and district open space within the area.



82. Prior to **any** Occupation Certificate being issued for works in conjunction with this development, and prior to Council signing a Subdivision Certificate for the plan referred to in **Condition No 83**, the public footpath within the subject property for the full Broderick Street frontage, east of the hammer head referenced in **Condition No 38** must be constructed in accordance with the approved plans and to Council satisfaction.
83. The requirements of the easement/s for the footpath along the Broderick Street frontage are as follows:
- a) The site of the registered right of way (ROW) shall be a minimum of 1.2 metres wide.
  - b) The easement is not to be limited in height. The ROW is to provide an unobstructed public access path along the Broderick Street frontage. No built structures are to be permitted to overhang this ROW.
  - c) The right of way is to be in favour of Council ("Authority Benefited") and any persons authorised by it *"to go, pass and repass at all times over the Easement Site:-*
    - *on foot or bicycle; and/or*
    - *with wheelchairs and/or other disabled access aids; and*
    - *with or without animals; and*
    - *consistent with use as a public footpath."*
  - d) The terms of the registered ROW must include that the owner of the burdened lot must maintain the footpath and keep it in good repair to the satisfaction of Council.
  - e) Without limiting that requirement, the terms of the ROW are to include:

*"The Authority Benefited and every person authorised by it may do anything reasonably necessary to exercise and enjoy its rights including carrying out work within the Easement Site such as constructing, placing, repairing or maintaining pathways and other trafficable surfaces. This does not limit the obligation of the owner of the lot burdened to maintain the easement site and keep it and the constructed footpath in good repair"*
  - f) There must also be created an easement for support benefiting the stratum to be subject to the right of way in favour of Council and burdening the stratum lots under and the lot to be subject to the right of way. This easement for support must state that it cannot be released or varied without the consent of Leichhardt Council.
  - g) The precise wording of the Section 88B Instrument setting out the terms of the easements are to be to the satisfaction of Council's Manager Property and Commercial services. The applicant must submit the Section 88B Instrument to Council for approval at the same time as the plan of subdivision is submitted to Council.

- h) Proof of registration of the Plan and Section 88B Instrument at the Lands and Property Information NSW, and the recording of the right of way and easement for support on the relevant titles, must be provided prior to the issue of an Occupation Certificate.

84. The requirements for the Rights of Way (ROWs) for the footpaths providing through site links from Broderick Street through to Elliott Street and from Elliott Street to the Foreshore dedicated land (as indicated on Foreshore Dedication Plan Dwg No. 13036-DA08 Rev D dated January 2014 prepared by Aspect Studios) are as follows:

- a) The site of the registered right of ways (ROWs) shall be a minimum of ~~1.2-0~~ metres wide.
- b) The ROWs are not to be limited in height. The ROWs are to provide an unobstructed public access path through the site. No built structures are to be permitted to overhang these ROWs.
- c) The rights of way are to be in favour of Council ("Authority Benefited") and any persons authorised by it "to go, pass and repass at all times over the paths":-
- on foot or bicycle; and/or
  - with wheelchairs and/or other disabled access aids; and
  - with or without animals; and
  - consistent with use as a public footpath."
- d) The terms of the registered ROWs must include that the owner of the burdened lot must maintain the footpath and keep it in good repair to the satisfaction of Council.
- e) Without limiting that requirement, the terms of the ROW are to include:
- "The Authority Benefited and every person authorised by it may do anything reasonably necessary to exercise and enjoy its rights including carrying out work within the footpaths such as constructing, placing, repairing or maintaining pathways and other trafficable surfaces. This does not limit the obligation of the owner of the lot burdened to maintain the ROW footpaths and keep them in good repair"*
- f) There must also be created an easement for support benefiting the stratum to be subject to the right of way in favour of Council and burdening the stratum lots under and the lot to be subject to the right of way. This easement for support must state that it cannot be released or varied without the consent of Leichhardt Council.
- g) The precise wording of the Section 88B Instrument setting out the terms of the easements are to be to the satisfaction of Council's Manager Property and Commercial services. The applicant must submit the Section

**Comment [WvdG61]:** This width is consistent with the width specified in the condition 83 above and complies with the width suggested at condition 26A (viii) where the maximum width that can be achieved without impacting on Building A2 is 1.4m. Alternatively, leave as 2.0m and add "except alongside the Broderick Street turning head, where a minimum of 1.2m is acceptable".

88B Instrument to Council for approval at the same time as the plan of subdivision is submitted to Council.

- h) Proof of registration of the Plan and Section 88B Instrument at the Lands and Property Information NSW, and the recording of the right of way and easement for support on the relevant titles, must be provided prior to the issue of an Occupation Certificate.

85. Prior to the issue of an Occupation Certificate, a covenant must be created under Section 88E of the Conveyancing Act 1919, burdening the owner(s) with the requirement to maintain the lowest levels (excluding parking) of buildings B1, C1, C2, C3 and C4 for use as serviced apartments.

The terms of the 88E instrument shall include, but not be limited to, the following:

- a) The Council shall have the right to enter upon the land referred to above to inspect the premises.

The proprietor or successor must bear all costs associated in the preparation of the subject 88E instrument. Proof of registration with Land Property Information must be submitted to and approved by the Principal Certifying Authority prior to the issue of an Occupation Certificate.

86. An *interpretive strategy* shall be prepared for the development site by a suitably qualified and experienced historian, heritage architect, heritage consultant, archaeologist or the like.

The *interpretive strategy* is to be prepared in accordance with the *NSW Heritage Office - Heritage Interpretation Policy 2005* and which details and interprets all of the former significant uses of the site including the use of the property by the *traditional owners of the land*.

Accordingly, any recommended *interpretive signage* which forms part of this *strategy*, in addition to the use of the site by *its traditional owners*, shall also provide details of the *early large residential estates in the locality* and *associated large homes*, subsequent *early industrial uses* and the later *Nutri-Metics land use*. In this regard, it is desirable that the *interpretive signage* occur on the site in the vicinity of the foreshore and also in other key entry points to the development.

All costs associated with the implementation of the *strategy* shall be borne by the applicant.

A suitably qualified and experienced historian, heritage architect, heritage consultant, archaeologist or the like must be commissioned to assist and to provide advice on the design development, contract documentation and to oversee the implementation of the *interpretive strategy*.

The full implementation of the *interpretive strategy* shall be completed prior to release of the *Occupation Certificate*.

87. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that the stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards.

Works-as-executed plans of the stormwater drainage system, certified by a Registered Surveyor, together with certification by a qualified practicing Civil Engineer to verify that the drainage system has been constructed in accordance with the approved design and relevant Australian Standards, must be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

The works-as-executed plan(s) must show the as built details in comparison to those shown on the drainage plans approved with the Construction Certificate. All relevant levels and details indicated must be marked in red on a copy of the Principal Certifying Authority stamped Construction Certificate plans.

88. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that an Operation and Management Plan has been prepared and implemented for the on site detention / on-site retention/re-use facilities. The Plan must set out the following at a minimum:

- a) The proposed maintenance regime, specifying that the system is to be regularly inspected and checked by qualified practitioners.
- b) The proposed method of management of the facility, including procedures, safety protection systems, emergency response plan in the event of mechanical failure, etc.

The Plan must be prepared by a suitably qualified professional and provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

89. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that the vehicle access and off street parking facilities have been constructed in accordance with the development consent and relevant Australian Standards and the following has been implemented within the property, where applicable:

- a) The car park has been completed, line marked and all signage relating to car parking erected.
- b) A notice has been clearly displayed at the Elliott Street frontage to indicate that visitor parking is available within the property with access from Elliott Street.
- c) Sign(s) have been erected that clearly indicate(s) to the drivers of vehicles both on and off the property which driveway access they are to use to enter or leave the subject land.

- d) Sign(s) have been erected that clearly indicate to the drivers of vehicles both on and off the property the location and means of access to the car parking area(s).

Certification by a qualified practicing Civil Engineer that the vehicular access and off street parking facilities have been constructed in accordance with the above must be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

- 90. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that all approved road, footpath and/or drainage works, including vehicle crossings, have been completed in the road reserve in accordance with Council Roadworks Permit.

Works-as-executed plans of the extent of roadworks, including any component of the stormwater drainage system that is to revert to Council, certified by a Registered Surveyor, together with certification by a qualified practicing Civil Engineer to verify that the works have been constructed in accordance with the approved design and relevant Australian Standards, must be provided to Council prior to the issue of an Occupation Certificate.

Video inspection must be carried out of completed stormwater drainage works that are to revert to Council and a copy provided to Council to support the certification of those works.

The works-as-executed plan(s) must show the as built details in comparison to those shown on the plans approved with the Roadworks Permit. All relevant levels and details indicated must be marked in red on a copy of the Council stamped plans.

Written notification from Council that the works approved under the Roadworks Permit have been completed to its satisfaction and in accordance with the conditions of the Permit, must be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

- 91. A second Dilapidation Report addressing the public infrastructure identified in Condition 14, including a photographic survey and structural condition, must be submitted after the completion of works. A copy of this Dilapidation Report must be lodged with Council and the Principal Certifying Authority prior to the issue of an Occupation Certificate.

Any damage identified in the Dilapidation Report must be fully rectified by the applicant or owner at no cost to Council prior to the issue of an Occupation Certificate.

- 92. Before the issue of the Occupation Certificate, the Principal Certifying Authority is to be satisfied that all tree protection and landscape works, including street tree planting, have been undertaken in accordance with the approved plan(s) and conditions of consent. A copy of an active Landscape Management

Contract for the maintenance of the landscaping for a period of not less than three years after the installation is to be provided prior to the issue of the Occupation Certificate.

93. Provision must be maintained for access to and within the building on the site for persons with a disability in accordance with the provisions of Australian Standard AS 1428.1:2001 *Design for access and mobility – General requirements for access – new building work* prior to the issue of an Occupation Certificate.
94. A report prepared by a suitably qualified and experienced person shall be obtained prior to an occupation certificate being issued for the works which demonstrates that noise and vibration from all plant and equipment will satisfy the relevant provisions of the Protection of the Environment Operations Act 1997 and relevant regulations, guidelines and conditions of consent. A copy of the report is to be included in the occupation certificate documentation.
95. The approved ~~237~~~~245~~ parking spaces and minimum of 54 bike storage spaces must be allocated as detailed below. All spaces must be appropriately line marked and labelled according to this requirement prior to the issue of an Occupation Certificate. If the development is strata subdivided, the car park layout must be in accordance with the required allocation.
- ~~151~~ resident parking space inclusive of 10 accessible resident parking spaces
  - ~~24~~~~25~~ resident visitor parking spaces of which 2 are to be accessible
  - ~~32~~~~36~~ serviced apartment spaces inclusive of 4 accessible spaces
  - 4 serviced apartment staff spaces
  - 3 retail staff spaces
  - 2 retail visitor spaces
  - 1 accessible retail/commercial space
  - 18 commercial staff spaces
  - 2 car share bays
  - 1 car wash bay
  - 2 service vehicle spaces (in addition to loading docks)
  - 34 resident bike storage spaces; and
  - 20 visitor and staff bike storage spaces that are separated from the resident bike storage spaces.
96. All allotments involved in this proposal must be consolidated into one allotment. Evidence of registration shall be submitted to Council or the Principal Certifying Authority prior to the issue of an Occupation Certificate.
97. A car wash bay graded to an internal drainage point, connected to a Sydney Water sewer and with access to a water supply must be provided. Car wash bays are not be used for engine degreasing or mechanical repairs and must be signposted accordingly. Work is to be completed prior to the issue of an Occupation Certificate.

**Comment [WA62]:** Condition modified as per JRPP request to provide as much parking as possible subject to deletion of spaces as per redesign to basement entry.

98. A second Dilapidation Report [for 2 Broderick Street \(refer Condition 19\)](#) including a photographic survey must be submitted after the completion of works. A copy of this Dilapidation Report together with the accompanying photographs must be given to the property owners of 2 Broderick Street, Balmain referred to in this Development Consent. A copy must be lodged with Council and the Principal Certifying Authority prior to the issue of an Occupation Certificate.

~~99. The existing boundary fence between the site and the property known as 2 Broderick Street is to be replaced with timber paling fencing to a height of 1.8m at the applicant / owners expense prior to the issue of an Occupation Certificate.~~

Comment [WvdG63]: This is a repeat of Condition 29 (iv)

100. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must be satisfied that a Fire Safety Certificate for all essential fire or other safety measures has been completed.

101. Prior to the issue of any Occupation Certificate, the Principal Certifying Authority must ensure that ~~all aspects of the Flood Risk Management Plan have been implemented~~ the overland floodway between Broderick Street and the foreshore frontage has been constructed in accordance with the approved design and relevant Australian Standards.

Certification by a qualified practicing Civil Engineer ~~that all aspects of the flood risk management plan have been implemented and constructed in accordance with the development consent and with relevant Australian Standards~~ must be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

Comment [WA64]: Condition modified to reflect changes to condition 40.

102. Deleted ~~Prior to the issue of any Occupation Certificate, the Principal Certifying Authority must ensure that all aspects of the Foreshore Risk Management Plan have been implemented in accordance with the approved design and relevant Australian Standards.~~

~~Certification by a qualified practicing Civil Engineer that all aspects of the foreshore risk management plan have been implemented and constructed in accordance with the development consent and with relevant Australian Standards must be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.~~

Comment [WA65]: Condition no longer required as condition 41 deleted.

103. Prior to the issue of an Occupation Certificate, a registered surveyor must provide certification of the height of each building to the satisfaction of the Principal Certifying Authority.

104. All letter boxes must be constructed and located in accordance with the relevant provisions of Australian Standard AS/NZS 4253:1994 *Mailboxes* and to Australia Post's satisfaction. Work is to be completed prior to the issue of an Occupation Certificate.

105. A street / shop number must be clearly displayed at the ground level frontage of the each building prior to the issue of an Occupation Certificate. A separate

application must be made to Council if new street numbers or a change to street numbers is required.

106. Prior to the issue of an Occupation Certificate, a positive covenant must be created under Section 88E of the *Conveyancing Act 1919*, burdening the owner(s) with the requirement to maintain the on-site detention and on-site retention/re-use facilities on the property.

The terms of the 88E instrument with positive covenant shall include, but not be limited to, the following:

- a) The Proprietor of the property shall be responsible for maintaining and keeping clear all pits, pipelines, trench barriers and other structures associated with the on-site stormwater detention facilities ("OSD") and on-site retention/re-use facilities ("OSR").
- b) The Proprietor shall have the OSD and OSR inspected annually by a competent person.
- c) The Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order all pits, pipelines, trench barriers and other structures in or upon the said land which comprise the OSD and OSR or which convey stormwater from the said land; and recover the costs of any such works from the proprietor.
- d) The registered proprietor shall indemnify the Council and any adjoining land owners against damage to their land arising from the failure of any component of the OSD and OSR, or failure to clean, maintain and repair the OSD and OSR.

The proprietor or successor must bear all costs associated in the preparation of the subject 88E instrument. Proof of lodgement with the Lands and Property Information NSW must be submitted to and approved by the Principal Certifying Authority prior to the issue of an Occupation Certificate / Subdivision Certificate.

107. Prior to the issue of an Occupation Certificate, a positive covenant must be created under Section 88E of the *Conveyancing Act 1919*, burdening the owner(s) with the requirement to ensure the ongoing maintenance of the overland flow path through the site adjacent to the southern property boundary, between Broderick Street and Parramatta River.

Council requires the preparation of covenant under Section 88E of the *Conveyancing Act 1919* to. The terms of the 88E instrument with positive covenant shall include, but not limited to the following:

The terms of the 88E instrument with positive covenant must include, but not be limited to, the following:



- a) The proprietor of the property shall be responsible for maintaining and keeping clear the overland flowpath.
- b) The Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order all components or structures in or upon the said land which comprise the overland flowpath; and recover the costs of any such works from the proprietor.
- c) The registered proprietor shall indemnify the Council and any adjoining land owners against damage to their land arising from the failure of any component of the overland flowpath, or failure to clean, maintain and repair the overland flowpath.

108. The lighting referred to in Condition 26D shall be installed prior to the issue of an Occupation Certificate.~~Prior to the issue of an Occupation Certificate, t~~The Certifying Authority must be satisfied that all outdoor lighting is designed and positioned to minimise any detrimental impact upon the amenity of other premises and adjacent dwellings and that the outdoor lighting complies with the relevant provisions of Australian Standard AS 1158.3:2005 *Pedestrian area (Category P) lighting – Performance and design requirements* and Australian Standard AS 4282:1997 *Control of the obtrusive effects of outdoor lighting*.

**Comment [WA66]:** Condition modified in relation to condition 1q becoming an operational condition 26D.

108A. The public directional signage referred to in Condition 26C shall be installed prior to the issue of an Occupation Certificate.

**Comment [WA67]:** Condition added in relation to condition 1n becoming an operational condition 26C.

109. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall be satisfied that:

- a) Access to the pool/spa is restricted by a child resistant barrier in accordance with the regulations prescribed in the *Swimming Pools Act 1992*. The pool shall not be filled with water or be allowed to collect stormwater until the child resistant barrier is installed. The barrier is to conform to the requirements of Australian Standard 1926.1-2012, *Safety barriers for swimming pools*.
- b) Any mechanical equipment associated with the swimming pool and spa shall be located in a sound-proof container and positioned so that there is no increase in noise level at any point at the boundary with another property including a public place. Prior to operation of the pool pump, the Principal Certifying Authority shall be satisfied that noise levels associated with the pool/spa pumping units shall not exceed 5dB(a) at the boundaries of the site. Evidence from a practising acoustical engineer demonstrating compliance with the above must be submitted to the Principal Certifying Authority prior to the operation of the pool.
- c) A high level overflow pipe has been provided from the back of the skimmer box to the filter backwash line discharging to the sewer. This line must not directly vent the receiving Sydney Water sewer. Evidence from the

installer, indicating compliance with this condition must be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

- d) Permanently fixed water depth markers are to be clearly and prominently displayed on the internal surface above the water line at the deep and shallow ends on in-ground pools / spas and on the outside of aboveground pools / spas.
- e) A cardiopulmonary resuscitation information poster authorised by the Life Saving Association is to be displayed on the pool / spa area.

110. 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 Building Developing and plumbing section on the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 132092 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure 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 Certifying Authority prior to the issue of an Occupation Certificate.

111. At the completion of the installation of any mechanical exhaust system for the basement, a certificate from the installer shall be submitted to Council or the Principal Certifying Authority indicating the following:-

- a) inspection, testing and commissioning details,
- b) date of inspection testing and commissioning,
- c) the name and address of the individual who carried out the test, and
- d) a statement that the service has been designed, installed and is capable of operating to the above standard.

The mechanical exhaust vent shall extend no less than one (1) metre above the subject buildings apex, or the adjoining buildings apex in the event of a shared common wall.

Any discharge to the atmosphere from the subject development shall not result in any odour or other air impurity being detected outside the boundaries of the property.

Noise and vibration from the use of the mechanical exhaust and/or ventilation system shall not exceed the background noise level by more than 5dB(A) and shall not be audible in any premises of a neighbouring occupancy.

112. The Principal Certifying Authority must not issue an Occupation Certificate unless a design verification statement from a qualified designer is submitted in accordance with State Environmental Planning Policy No 65—Design Quality of Residential Flat Development.

113. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that all works have been completed in accordance with the approved Waste Management Plan referred to in this development consent.

Proof of actual destination of demolition and construction waste shall be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

### ONGOING CONDITIONS OF CONSENT

~~114. Minimum length of stay for the serviced apartments is 4 consecutive nights and maximum length of stay is 3 months. The management company of the serviced apartments is to keep records detailing lengths of stay accordingly which are to be made available to Council on request. The operation and use of the serviced apartments shall be in accordance with the plan of management.~~

**Comment [WA68]:** Condition deleted as per JRPP resolution. New condition added to reference plan of management referenced at Condition 79A.

115. Full public access and use must be permitted and maintained to the pontoon.

116. A waste management plan shall be utilised for ongoing waste & recycling management of the different uses throughout the development.

**Comment [WvdG69]:** JRPP recommendation 2(i) required deletion of the entire Condition 114. The requirement for the preparation of a Plan of Management is included at Condition 79A and is consistent with previous deferred commencement condition 1A.

~~117. Parking and bike storage in the car park shall be provided and allocated as follows. A maximum of 245 237 parking spaces are to be provided and a minimum of 54 bike storage spaces are to be provided to the development comprised of:~~

- ~~• 151 resident parking space inclusive of 10 accessible resident parking spaces~~
- ~~• 21 25 resident visitor parking spaces of which 2 are to be accessible~~
- ~~• 32 36 serviced apartment spaces inclusive of 4 accessible spaces~~
- ~~• 4 serviced apartment staff spaces~~
- ~~• 3 retail staff spaces~~
- ~~• 2 retail visitor spaces~~
- ~~• 1 accessible retail/commercial space~~
- ~~• 18 commercial staff spaces~~
- ~~• 2 car share bays~~
- ~~• 1 car wash bay~~
- ~~• 2 service vehicle spaces (in addition to loading docks)~~
- ~~• 34 resident bike storage spaces; and~~
- ~~• 20 visitor and staff bike storage spaces that are separated from the resident bike storage spaces.~~

**Comment [WA70]:** Condition modified as per JRPP request to provide as much parking as possible subject to deletion of spaces as per redesign to basement entry.

118. Suitable signs shall be erected at the vehicular entrance to the carpark advising of visitor parking within the property.

**Comment [WvdG71]:** Repeat of Condition 95

119. All vehicles must enter and exit the site in a forward direction.
120. An annual Fire Safety Statement must be given to Council and the New South Wales Fire Brigade commencing within twelve (12) months after the date on which the initial Interim / Final Fire Safety Certificate is issued.
121. The owner/manager of the site is responsible for the removal of all graffiti from the building and fences within seventy-two (72) hours of its application. Any rectification works shall be of a colour that is consistent with the colour of the building or structure.

122. The retail and commercial tenancies within the development shall only be open for business and used for the purpose approved between 7.00am and 7.00pm on any day within the following hours:

Monday to Saturday: 7.00am to 6.00pm

Sundays and Public Holidays: 9.00am to 4.00pm

**Comment [WvdG72]:** SEPP (Exempt and Complying Development Codes) 2008 allows between 7.00am and 7.00pm on any day

123. All outdoor lighting must not detrimentally impact upon the amenity of other premises and adjacent dwellings and must comply with, where relevant, Australian Standard AS 1158.3:2005 *Lighting for roads and public spaces – Pedestrian Area (Category P) lighting – Performance* and design requirements and Australian Standard AS 4282:1997 *Control of the obtrusive effects of outdoor lighting*.
124. The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997* and Regulations.

In this regard, the operation of the premises and plant and equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background  $L_{A90, 15min}$  noise level, measured in the absence of the noise source/s under consideration by 5dB(A). The source noise level shall be assessed as an  $L_{Aeq, 15min}$  and adjusted in accordance with the NSW Industrial Noise Policy and Environmental Noise Control Manual (sleep disturbance).

125. There are to be no emissions or discharges from the premises which will give rise to an offence under the *Protection of the Environment Operations Act 1997* and Regulations.
126. All loading and unloading operations for commercial uses are to be carried out wholly within the site.

The loading dock must be used in connection with the approved use.

All loading and unloading operations must be carried out via the entrance in Elliott Street.

Provision shall be made for an operational procedure to allow residents of the

development to book a loading bay for removalist trucks.

127. Pedestrian access to the basement car park must be kept clear of obstacles, including parked vehicles, at all times.
128. Any basement car parking space must not be individually enclosed without prior development consent.
129. The parking bays proposed for the commercial / retail component of the development must be easily accessible and be clearly designated marked and signed. Access to these bays must not be restricted in any way by security doors or intercom access during business hours approved for the commercial development.
130. The parking bays proposed for the residential component of the development must be inaccessible to visitors to the commercial component of the development and shall be clearly designated, marked and signed. In addition, the parking bays must be appropriately marked or signed to indicate which residential unit they have been allocated to. Car spaces that are stacked must be allocated to the same residential unit.
131. Access to the swimming pool/spa must be restricted by fencing or other measures as required by the Swimming Pools Act, 1992.

Noise levels associated with pool/spa pumping units shall not exceed the background noise level (L90) by more than 5dBA at the boundaries of the site.

All drainage, including any overland waters associated with the pool/spa, must be pipe-drained to the nearest sewer system in accordance with the requirements of Council. No drainage, including overflow from the pool or spa shall enter Council's stormwater system. This condition does not preclude any future intention to harvest pool run-off and backwash water as a source of greywater for re-use in landscaping and toilet flushing which would require consultation with Council and New South Wales Health.

The disposal of backwash and/or the emptying of a swimming pool into a reserve, watercourse, easement or storm water drainage system is prohibited. These waters are to discharge via a permanent drainage line into Sydney Water's sewer in accordance with Australian Standard Australian Standard AS 3500.2:2003 *Plumbing and drainage – Sanitary plumbing and drainage*. Permission is to be obtained from Sydney Water prior to the emptying of any pool to the sewer.

Lighting from the swimming pool and other facilities shall not detrimentally impact the amenity of other premises and adjacent dwellings.

A resuscitation chart is to be displayed and maintained at all times.

132. The Operation and Management Plan for the on site detention on-site retention/re-use facilities, approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times.
133. All owners, tenants and occupiers of this building are not eligible to participate in any existing or proposed Council Resident Parking Schemes. All occupants and/or employees of this building will be ineligible to obtain Council Resident Parking Scheme parking permits. The owner of the dwelling must advise in writing all intending owners, tenants and occupiers of the dwelling, at the time of entering into a purchase / lease / occupancy agreement, of this prohibition.
134. Signs reading "all owners, tenants and occupiers of this building are advised that they are not eligible to obtain Resident Parking Scheme parking permits from Council", must be located in prominent places such as at display apartments and on directory boards or notice boards, where they can easily be observed and read by people entering the building. The signs must be erected prior to the issue of an Occupation Certificate being issued and must be maintained in good order at all times.
135. The approved business signage must be maintained in a presentable and satisfactory state of repair.
- The level of illumination and / or lighting intensity used to illuminate the sign/s is to be minimised to ensure that excessive light spill or nuisance is not caused to any nearby premises. Illumination shall cease between the hours of 7.00pm and 7.00am.
- No consent is given or implied for any form of illumination or floodlighting to any sign.
- No A-frame signs or sandwich boards are to be used in associated with the occupancy with on the street or on private property without the consent of Council.
136. At all times, the loading, car parking spaces, driveways and footpaths must be kept clear of goods and must not be used for storage purposes.
137. A public address system or sound amplifying equipment that permits the emission of sound onto any public place must not be installed or used unless Development Consent has been obtained.
138. All newly planted trees on site (excluding Foreshore Dedication Land once dedicated) must be appropriately maintained on an on-going basis. Maintenance includes watering, weeding, removal of rubbish from tree bases, pruning, fertilizing, pest and disease control and any other operations required to maintain a healthy vigorous tree.
139. The premises shall not be used for any purpose other than that stated in the Development Application plans without the prior consent of the Council unless the change to another use is permitted as exempt development.

140. That general household collection items (i.e bulky goods) for Council's twice yearly Council Cleanup are to be presented on Elliott and Broderick Streets in accordance with Council's requirements.

## **PRESCRIBED CONDITIONS**

### **A. BASIX Commitments**

Under clause 97A(3) of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled. The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

In this condition:

- a) Relevant BASIX Certificate means:
  - (i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or
  - (ii) if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
- b) BASIX Certificate has the meaning given to that term in the Environmental Planning & Assessment Regulation 2000.

### **B. Building Code of Australia**

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

### **C. Home Building Act**

- 1) Building work that involves residential building work (within the meaning and exemptions provided in the Home Building Act 1989) must not be carried out unless the Principal Certifying Authority for the development to which the work relates has given Leichhardt Council written notice of the following:
  - a) in the case of work for which a principal contractor is required to be appointed:
    - i) the name and licence number of the principal contractor, and
    - ii) the name of the insurer by which the work is insured under Part 6 of that Act, or
  - b) in the case of work to be done by an owner-builder:
    - i) the name of the owner-builder, and

- ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
- 2) If arrangements for doing residential building work are changed while the work is in progress so that the information submitted to Council is out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council), has given the Council written notice of the updated information.

Note: A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

#### **D. Site Sign**

- 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;
  - b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
  - c) showing the name, address and telephone number of the Principal Certifying Authority for the work.
- 2) Any such sign must be maintained while the building work or demolition work is being carried out, but must be removed when the work has been completed.

#### **E. Condition relating to shoring and adequacy of adjoining property**

- (1) For the purposes of section 80A (11) of the Act, it is a prescribed condition of development consent that if the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
  - (a) protect and support the adjoining premises from possible damage from the excavation, and
  - (b) where necessary, underpin the adjoining premises to prevent any such damage.
- (2) The condition referred to in subclause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.



## NOTES

1. This Determination Notice operates or becomes effective from the endorsed date of consent.
2. Section 82A of the *Environmental Planning and Assessment Act 1979* provides for an applicant to request Council to review its determination. This does not apply to applications made on behalf of the Crown, designated development, integrated development or a complying development certificate. The request for review must be made within six (6) months of the date of determination or prior to an appeal being heard by the Land and Environment Court. Furthermore, Council has no power to determine a review after the expiration of these periods. A decision on a review may not be further reviewed under Section 82A.
3. If you are unsatisfied with this determination, Section 97 of the *Environmental Planning and Assessment Act 1979* gives you the right of appeal to the Land and Environment Court within six (6) months of the determination date.
4. Failure to comply with the relevant provisions of the *Environmental Planning and Assessment Act 1979* and/or the conditions of this consent may result in the serving of penalty notices or legal action.
5. Works or activities other than those approved by this Development Consent will require the submission of a new development application or an application to modify the consent under Section 96 of the *Environmental Planning and Assessment Act 1979*.
6. This decision does not ensure compliance with the *Disability Discrimination Act 1992*. Applicants should investigate their potential for liability under that Act.
7. This development consent does not remove the need to obtain any other statutory consent or approval necessary under any other Act, such as (if necessary):
  - a) Application for any activity under that Act, including any erection of a hoarding.
  - b) Application for a Construction Certificate under the *Environmental Planning and Assessment Act 1979*.
  - c) Application for an Occupation Certificate under the *Environmental Planning and Assessment Act 1979*.
  - d) Application for a Subdivision Certificate under the *Environmental Planning and Assessment Act 1979* if land (including stratum) subdivision of the development site is proposed.

- e) Application for Strata Title Subdivision if strata title subdivision of the development is proposed.
  - f) Development Application for demolition if demolition is not approved by this consent.
  - g) Development Application for subdivision if consent for subdivision is not granted by this consent.
  - h) An application under the Roads Act 1993 for any footpath / public road occupation. A lease fee is payable for all occupations.
8. Prior to the issue of the Construction Certificate, the applicant must make contact with all relevant utility providers (such as Sydney Water, Energy Australia etc) whose services will be impacted upon by the development. A written copy of the requirements of each provider, as determined necessary by the Certifying Authority, must be obtained.
9. You may need a permit before filling a new or renovated swimming pool which holds more than 10,000 litres of water. You are advised to contact Sydney Water on 132092 to obtain this permit.

## Attachment 1 – Fire Safety Schedule

Issued pursuant to **Section 168** Environmental Planning and Assessment Regulation 2000

APPLICATION DETAILS	
Application No.	D/2013/406
Address Of Property:	100-102 Elliott Street, Balmain
Owners Name:	
Owners Address:	
Date of Issue:	

This Fire Safety Schedule specifies the fire safety measures (both existing and proposed) that should be implemented in the whole of the building premises. A tick (✓) indicates an applicable measure.

Exist.	Prop.	Fire Safety Measures	Minimum Standard of Performance	
			Design & Installation	Maintenance
<input type="checkbox"/>	<input checked="" type="checkbox"/>	1 Access panels, doors and hoppers to fire resisting shafts	AS1530.4; AS4072.1 Part C3.10(b) C3.13 & C3.15 (BCA)	AS1851-2005
<input type="checkbox"/>	<input checked="" type="checkbox"/>	2 Automatic fail-safe devices (electromagnetic devices)	Part C3.6, D2.21, D2.22 & Spec. C3.4 (BCA); AS4085	AS4085 or visual inspection to identify that measure is being maintained in accordance with original installation
<input type="checkbox"/>	<input checked="" type="checkbox"/>	3 Automatic fire detection and alarm systems	AS1603; AS1670; AS3786; Spec.E2.2a (BCA)	AS1851-2005; AS1670.6
<input type="checkbox"/>	<input type="checkbox"/>	4 Automatic fire suppression systems	AS2118; Part C2.3 & E1.5 (BCA), Spec. E1.5 (BCA)	AS1851-2005
<input type="checkbox"/>	<input checked="" type="checkbox"/>	5 Emergency lighting (rear stairs)	AS/NZ 2293.1; Part E4.2 & E4.4 (BCA)	AS2293.2
<input type="checkbox"/>	<input type="checkbox"/>	6 Emergency lifts	AS1735.2; Part C2.10 & C3.10 & E3.4 (BCA)	AS1735.10
<input type="checkbox"/>	<input checked="" type="checkbox"/>	7 Exit signs	AS/NZ2293.1; Part E4.5 & E4.6 & E4.8 (BCA)	AS2293.2
<input type="checkbox"/>	<input checked="" type="checkbox"/>	8 Fire Alarm Communication Link (connected to NSW Fire Brigades via private monitoring service provider)	AS4428.6 – alarm signalling equipment (ASE); AS3013 and AS1670.3 – monitoring network performance	AS1851-2005
<input type="checkbox"/>	<input type="checkbox"/>	9 Fire blankets	AS2444; AS3504	AS1851-2005
<input type="checkbox"/>	<input type="checkbox"/>	10 Fire control centres and rooms	Part E1.8 (BCA); Spec. E1.8 (BCA)	Visual inspection to identify that integrity and operation is being maintained in accordance with original installation
<input type="checkbox"/>	<input checked="" type="checkbox"/>	11 Fire dampers	AS1668.1; AS1668.2 AS1682.1; AS1682.2; Part C3.15(c) BCA	AS1851-2005
<input type="checkbox"/>	<input checked="" type="checkbox"/>	12 Fire doors (and self-closing devices)	AS/NZ 1905.1; Part C3.4, C3.5, C3.7, C3.8, C3.10 & C3.11 (BCA); Spec.C3.4 (BCA)	AS1851-2005
<input type="checkbox"/>	<input checked="" type="checkbox"/>	13 Fire hydrant systems	AS2419.1; Part E1.3 (BCA)	AS1851-2005
<input type="checkbox"/>	<input checked="" type="checkbox"/>	14 Fire safety & emergency evacuation procedure	AS3745	AS1851-2005
<input type="checkbox"/>	<input checked="" type="checkbox"/>	15 Fire seals protecting openings in fire-resisting	AS4072.1; AS1530.4; Part	AS1851-2005 or visual

		Fire Safety Measures		Minimum Standard of Performance	
Exist.	Prop.			Design & Installation	Maintenance
			components of the building	C3.12 & C3.15 (BCA); Spec. C3.15 (BCA)	inspection to identify that integrity and operation is being maintained in accordance with original installation
<input type="checkbox"/>	<input type="checkbox"/>	16	Fire shutters	AS1905.2; Part C3.4 (BCA); Spec. C3.4 (BCA)	AS1851-2005
<input type="checkbox"/>	<input type="checkbox"/>	17	Fire windows	Part C3.4 (BCA); Spec. C3.4 (BCA)	AS1851-2005
<input type="checkbox"/>	<input checked="" type="checkbox"/>	18	Hose reel systems	AS2441; AS1221; Part E1.4 (BCA)	AS1851-2005
<input type="checkbox"/>	<input checked="" type="checkbox"/>	19	Lightweight construction (walls, ceilings, column/beam protection)	AS1530.4; Part C1.8 (BCA); Spec. C1.8 (BCA)	Visual inspection to identify that integrity is being maintained in accordance with original installation
<input type="checkbox"/>	<input type="checkbox"/>	20	Mechanical air handling systems	AS/NZ 1668.1; Part E2 (BCA); Spec. E2.2a & E2.2b (BCA)	AS1851-2005
<input type="checkbox"/>	<input checked="" type="checkbox"/>	21	Paths of travel for stairways, passageways & ramps	Part D1.6 (BCA); Sec.186 EP&A Regs 2000	Visual inspection to identify that these areas are being kept clear, unimpeded and unobstructed at all times
<input type="checkbox"/>	<input type="checkbox"/>	22	Perimeter vehicle access for emergency vehicles	Part C2.3 & C2.4 (BCA)	Visual inspection to ensure these areas remain clear and functional at all times
<input type="checkbox"/>	<input checked="" type="checkbox"/>	23	Portable fire extinguishers	AS2444; AS1841; Part E1.6 (BCA)	AS1851-2005
<input type="checkbox"/>	<input type="checkbox"/>	24	Pressurising system	AS 1668.1; Table E2.2a (BCA)	AS1851-2005
<input type="checkbox"/>	<input checked="" type="checkbox"/>	25	Required exit doors (exit latches)	Part D2.19; D2.20; D2.21; D2.22 (BCA)	Visual inspection to identify that integrity and operation is being maintained in accordance with original installation
<input type="checkbox"/>	<input type="checkbox"/>	26	Safety curtains in proscenium openings	Part H1.3 & Spec. H1.3 (BCA); NSW Spec H101.10 (BCA)	Visual inspection to identify that integrity and operation is in accordance with original installation
<input type="checkbox"/>	<input type="checkbox"/>	27	Smoke and heat vents	AS2427; AS2428; AS2665; Part C2.3 & E2 (BCA); Spec. E2.2c (BCA)	AS1851-2005
<input type="checkbox"/>	<input type="checkbox"/>	28	Smoke control system	AS1668.1; Part E2.2 (BCA)	AS1851-2005
<input type="checkbox"/>	<input checked="" type="checkbox"/>	29	Smoke dampers	AS1668.1; AS1668.2 AS1682.1; AS1682.2; Part E2.2b(ii) A & B (BCA)	AS1851-2005
<input type="checkbox"/>	<input checked="" type="checkbox"/>	30	Smoke detectors and heat detectors	AS3786, AS1670: Part E2 (BCA); Spec. E2.2(a) (BCA)	AS1851-2005; AS1670.6
<input type="checkbox"/>	<input type="checkbox"/>	31	Smoke doors	Part C2.5; C2.14 & D2.6 (BCA); Spec. C3.4 (BCA)	AS1851-2005
<input type="checkbox"/>	<input checked="" type="checkbox"/>	32	Solid core doors (and self-closing devices)	AS2688; AS2689; Part C3.11 (BCA)	Physical inspection to identify that integrity and operation of doors is being maintained
<input type="checkbox"/>	<input checked="" type="checkbox"/>	33	Sound Systems and Intercom Systems for Emergency Purposes	AS1670.4; Part E4.9 (BCA)	AS1851-2005
<input type="checkbox"/>	<input type="checkbox"/>	34	Stand-by power systems / Emergency generator backup	AS2419.1; Part E1.3 (BCA); Spec. E1.8 (BCA) Spec. G3.8 (BCA)	Visual inspection to identify that integrity and operation is being maintained
<input type="checkbox"/>	<input type="checkbox"/>	35	Wall-wetting sprinkler and drencher systems	AS2118; Part C3.4 & E1.5 (BCA); Spec. E1.5 (BCA)	AS1851-2005
<input type="checkbox"/>	<input checked="" type="checkbox"/>	36	Warning and operational signs	Parts C3.6, D2.23, E3.3 & NSW Part H101.8 (BCA); AS1668.1, AS1905.1, AS2118; Sec183 of EP&A Regs 2000	Visual inspection to identify that signs are in accordance with original installation
<input type="checkbox"/>	<input checked="" type="checkbox"/>	37	Alternative Solution – Fire Safety Engineering Report		

