

DEVELOPMENT APPLICATION: 10.2014.070.1
2-32 SMITH STREET SUMMER HILL

Report to JRPP

Attachment 6

Conditions of Consent

CONDITIONS

DA 2014.70.1

2-32 Smith Street SUMMER HILL 2130

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

Demolition of buildings except the 6 silos, the Mungo Scott Building and former amenities building, conversion and additions to the silos to create an 11 level Building (5A) comprising 45 dwellings and 216m² of commercial floor space; construction of a 7 level Building (5B) comprising 14 dwellings; construction of a 2 level (with attic) terrace Building (5C) comprising 6 dwellings; construction of a part 3 and part 6 level Building (5D) comprising 18 dwellings; conversion of a 2 level Building (5E) to commercial use comprising 244m² of floor area; 108 car space basement car parking, construction of new road from Edward street providing access to basement and future stage 3 and land dedication to Council and associated works

A General Conditions

(1) Approved plans stamped by Council

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

No.	Amen d- ment	Title	Prepared by	Amendmen t Date
DA-011	A	Site Plan	Hassell	16.10.2013
DA-012	B	Subdivision Plan	Hassell	05.09.2014
DA-040	A	Construction Management Plan	Hassell	16.10.2013
DA-050	B	Demolition Plan	Hassell	12.11.2013
DA-070	A	Flood Wall Plan-Sheet 01	Hassell	29.07.2014
DA-071	A	Flood Wall Plan-Sheet 02	Hassell	29.07.2014
DA-072	A	Flood Wall Plan-Sheet 03	Hassell	29.07.2014
DA-073	A	Flood Wall Plan-Sheet 04	Hassell	29.07.2014
DA-074	A	Flood Wall Plan-Sheet 05	Hassell	29.07.2014
DA-075	A	Flood Wall Elevation	Hassell	29.07.2014
DA-096	A	Stage 2 & 3 Basement 2 Plan	Hassell	16.10.2013
DA-097	A	Stage 2 & 3 Basement 1 Plan	Hassell	16.10.2013
DA-098	A	Basement 2	Hassell	16.10.2013
DA-099	A	Basement 1	Hassell	16.10.2013
DA-100	A	Ground	Hassell	16.10.2013
DA-101	A	Level 1	Hassell	16.10.2013
DA-102	A	Level 2	Hassell	16.10.2013
DA-103	A	Level 3	Hassell	16.10.2013
DA-104	A	Level 4	Hassell	16.10.2013
DA-105	A	Level 5	Hassell	16.10.2013
DA-106	A	Level 6	Hassell	16.10.2013
DA-107	B	Level 7	Hassell	29.07.2014
DA-108	B	Level 8 & 10	Hassell	29.07.2014
DA-109	B	Level 9	Hassell	29.07.2014
DA-110	C	Roof Plan@RL 45.44	Hassell	29.07.2014
DA-111	C	Roof Plan@RL 48.11	Hassell	29.07.2014
DA-120	A	Adaptable Apartments	Hassell	02.08.2013
DA-300	C	Elevation Sheet 1	Hassell	29.07.2014

DA-301	C	Elevation Sheet 2	Hassell	29.07.2014
DA-302	C	Elevation Sheet 3	Hassell	29.07.2014
DA-500	B	Section Sheet 1	Hassell	29.07.2014
DA-501	C	Section Sheet 2	Hassell	29.07.2014
DA-1001	A	Site Plan & Hardscape Palette	Hassell	16.10.2013
DA-1101	A	Tree Removal Plan	Hassell	16.10.2013
DA-1201	A	General Arrangement Plan Sheet 1	Hassell	16.10.2013
DA-1202	A	General Arrangement Plan Sheet 2	Hassell	16.10.2013
DA-1203	A	General Arrangement Plan Sheet 3	Hassell	16.10.2013
DA-1204	A	General Courtyard Arrangement	Hassell	16.10.2013
DA-1501	A	Planting Plan Sheet 1	Hassell	16.10.2013
DA-1502	A	Planting Plan Sheet 2	Hassell	16.10.2013
DA-1503	A	Planting Plan Sheet 3	Hassell	16.10.2013
DA-1504	A	Planting Plan Private Courtyards	Hassell	16.10.2013
DA-1601	A	Sections Communal Courtyard & Upper Plaza	Hassell	16.10.2013
DA-1602	A	Sections Lower Plaza & Open Space	Hassell	16.10.2013
DA-1603	A	Sections Private Courtyards	Hassell	16.10.2013
DA-1604	A	Sections Private Courtyards	Hassell	16.10.2013
DA-1701	A	Fence & Wall Details	Hassell	16.10.2013
DA-2000	A	Material Board	Hassell	16.10.2013
DA-2001	A	External Materials & Finishes Schedule	Hassell	16.10.2013
130513	A	Stage 2 Conceptual Subdivision Plan	Denny Linker & Co	03.06.2013\

In addition, the work shall be executed in accordance with the recommendations of the following supporting documents except as amended by these conditions:

No.	Amendment	Title	Prepared by	Date
ES5455	-	Remediation Action Plan-Stage Two Development Area	Aargus	05.09.2013
226506	-	Stage 2 – ESD Overview	Arup	05.11.2013
-	-	Access Report	Accessibility Solutions (NSW) Pty Ltd	31.10.2013
-	-	Tree Assessment	Stuart Pittendrigh	00.07.2013
-	-	Groundwater Management	Aargus	22.08.2013
-	-	Letter of recommendations of NSW Police (Ashfield Local Area Command) (except for recommendation to increase parking numbers)	NSW Police	08.09.2013
-	-	Roads and Maritime Services Conditions provided from the referral under State Environmental Planning Policy (Infrastructure) 2007	Roads and Maritime Services	TBA

(2) Land to which Consent Applies

This consent applies only to the land identified as Stage 2 on drawing number DA-001 dated 16.10.2013 prepared by Hassell, measuring a total of 8,451m2 and covering the following lots:

Lot No.	Deposited Plan No.
Part of 100	221222
Part of 1	73521
14	315
13	315

A	302421
B	302421
11	315
1	955001
1	951124

The consent does NOT apply, however, to Lot 1, DP 1140415.

(3) Conditions of Consent for Stage 1

These conditions (ie the conditions of consent for Stage 2) are dependant upon the Conditions of Consent for Stage 1 being satisfied. That Conditions of Consent C3, C8 and D7 for Stage 1 (Project Approval MP 10_0180) must be satisfied prior to the release of any Construction Certificate for Stage 2. That Conditions of Consent D7 for Stage 1 (Project Approval MP 10_0180) must be satisfied prior to the issue of the Construction Certificate for Stage 2.

(4) Dedication of Land

Portion 1 (ie the new roadway) is to be dedicated to Council prior to the issue of any occupation certificate (see drawing no. DA-012B prepared by Hassell).

Portions 3 (the 'plaza') and Portion 4 (the park) are not to be dedicated to Council and will not be accepted (see drawing no. DA-012B prepared by Hassell)..

(5) Lodgement of separate development application

A separate development application is to be submitted to Ashfield Council for the use and fit-out of the proposed retail and commercial tenancies including any advertising.

(6) Roads and Maritime Services Conditions

The development shall be undertaken in accordance with any conditions provided from the referral to RMS under State Environmental Planning Policy (Infrastructure) 2007.

(7) NSW Police Conditions

The development shall be undertaken in accordance with the recommendations of NSW Police (Ashfield Local Area Command) in their letter dated 8 September 2014 (with the exception of the recommendation to increase parking numbers).

B Design Changes

(1) Amended plans to be submitted

Amended plans and specifications incorporating the following amendments are to be submitted with the application for a construction certificate

- a) The southern corner at the intersection of the new internal road and Edward Street is to be rounded off in similar radius to that of the northern corner to allow the safe and proper movement of vehicles around the intersection. The developer is to provide revised plans to identify the changes and dimensions to the corners of the intersection.
- b) As an interim measure, road indented turning area at the corner junction of the new internal road to cater for all vehicles associated with the development is to be provided. The footway shall be constructed to lead around the turning area.
- c) The developer shall provide revised plans showing road width dimensions of the new internal road and dimensions of the indented parking area in accordance to AS2890.5.

The plans shall include the indented turning area and footway leading around the turning area at the corner junction of the road.

- d) The driveway access off the new internal road is to be designed to AS 2890.1:2004 Section 3.2. The first 6 metres of the driveway leading into the car park from the property/building line off the new internal road shall be a maximum 1:20 grade as required under Section 3.3.
- e) The applicant is to submit revised plans with all dimensional detail to the car park, including aisle widths, driveway width, parking spaces dimensions, ramp gradients-width-lengths etc. A report is also to be submitted to Council to address all these conditions in conjunction with revised plans prior to the release of the Construction Certificate. All parking spaces are to be shown on plan designated for residents, visitors, customer and commercial parking. The developer is to address in the report any service vehicle activity within the car park, and in turn provide and show on plan revised headroom and ramp gradients to cater for service vehicle access. All amended plans must comply with the following:
 - a. All ramp grades in the car park (including that of stage 3) will need to be a maximum of 1:5 grade for ramps shorter than 20 metres (transitions included). Otherwise ramps 20metres or more in length shall be a maximum of 1:6 grade. Appropriate transitions are to be provided where grades are over 1:8. This is to adhere to Council's Interim Development Assessment Policy 2013-Parking Part C11.
 - b. Turning areas are to be provided at all dead end aisles of the car park. Alternatively the developer can demonstrate not to have customer, visitor or commercial parking spaces designated near to or at dead end aisles. Appropriate measures should be included to prevent and direct such (public) vehicles away from dead end aisles, if turning areas are not provided.
 - c. Internal car park layout/circulation is to be designed to ensure vehicles entering the site do not queue back onto the new internal road and Edward Street.
 - d. Minimum pedestrian sight lines are to be provided at driveway exits in accordance to AS2890.1:2004. Section 3.2.4. Appropriate measures (signposting, line marking, mirrors) are also to be implemented to warn motorists of pedestrians crossing over the driveway and similarly pedestrians being cautioned with cars/trucks exiting the driveway.
 - e. The car park layout, spaces, aisles, ramp grades, headroom etc. are to be designed in accordance with AS 2890.1-2004 and AS 2890.6-2009(Disabled Parking). The headroom and ramp gradients would need to be adjusted in accordance to AS 2890.2:2002 for any service vehicle access in the car park up to the point where such vehicles are required to unload and load materials.
 - f. Small car spaces are not to be designated to residents.
 - g. All vehicles are to enter and exit the car park in a forward direction. Similarly, all vehicles are to enter and exit the new internal road to/from Edward Street in a forward direction.
 - h. Signposting (e.g "No Through Road", parking/regulatory restrictions) and line marking shall also be shown on the plan to Council's satisfaction. The developer will need to liaise with Council's Engineering Department on the detail to signposting and line marking of the road.
- f) Bicycle Racks: At least 10 bicycle racks are to be located in the Plaza in a suitable location for public use.
- g) Community Vegetable Gardens: The site plan is to be modified to include a suitable location for a community vegetable garden and associated composting facilities.
- h) Lighting: A lighting scheme is to be submitted to and approved by Council as follows:
 - a. New roads: The new road shall be illuminated with the highest energy efficiency rating street lighting provided on smart poles. Full details to be provided to the satisfaction of Council.

- b. Open Spaces: All publicly accessible open spaces including the plaza, the park and through site pedestrian access paths are to be illuminated to a 2P lighting standard using state of the art energy efficient luminaires.
- i) Heritage: A heritage interpretation strategy (including way-finding signage and (in consultation with Council and TNSW/light rail) is to be submitted to Council, and approved by Council's Heritage Advisor, prior to the issue of the Construction Certificate.
- j) Furniture: A detailed plan for the street furniture shall be submitted to, and approved by, Council prior to the issue of any construction certificate. It will pertain to both the plaza and the park and include layout and detailed specifications for street furniture proposed including seating, rubbish bins, and children's play equipment.
- k) Provision of public art: A public art feature shall be designed and constructed/installed at the applicants cost. This feature shall provide visual interest for pedestrians and interpret or reflect the local setting and/or landscape character and/or the cultural setting of the area. The feature shall be designed to ensure long-term durability and be resistant to vandalism. Details shall be approved by Ashfield Council prior to issue of Occupation Certificate, and the applicant is advised to liaise with Council during design stages.
- l) Landscape Design: Prior to the issue of a development consent the applicant is to submit the following information:
- a. General Information
 - Council ownership boundaries (as required by these conditions) are to be clearly shown on amended plans.
 - The details of the easements, positive covenants restrictions of use, etc, are to be provided.
 - The design information showing the proposed levels, lighting, drainage, irrigation, detailed landscape design information that includes a specification for construction and establishment maintenance.
 - The construction time lines, inspection and hold points, or the level of involvement by Council staff from the Parks and Trees section are to be indicated.
 - Information about the staging of the release of this area to the responsibility/ownership of Council for maintenance and repair (where relevant).
 - Provide detail of information about access for maintenance, litter collection, etc.
 - Information about the establishment maintenance period and warranty information of the completed works.
 - Draft conflict resolution agreement between the developer and Council concerning handover/ownership, warranty, transfer, repairs and maintenance.
 - b. Upper and Lower Plaza
 - Design details of the "interactive water play" area.
 - c. Proposed Open Space
 - Details of the furniture, bins, BBQ's, etc.
 - The landscaping of the area and embankment immediately adjacent to the canal should be of indigenous riparian vegetation and designed in consultation with Council's Parks and Trees and Sustainability Sections.
 - The reuse of all of the palm trees transplanted from the open space area are to be reused within the proposed open space.
 - New street trees are to be provided at approximately 5 metre centres along the street frontage/footpath areas of Smith Street.
 - Details of the Park boundary fencing that is required to prevent unauthorised use/access and injury to the public.

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

(1) Stormwater Plan

A Stormwater Drainage Concept Plan illustrating a stormwater drainage system that complies with Council's "Stormwater Management Code" is to be approved by Council prior to the issue of any Construction Certificate. This is to include stormwater drainage calculations to demonstrate that the site's storage volumes and discharge rates comply with Council's "Stormwater Management Code".

(2) Detailed Flood Wall Plans

Plans and details including heights of the proposed flood walls to be constructed for the full site frontage adjacent to the canal in order to minimise flooding on the site are to be approved by Council prior to the issue of any Construction Certificate. Note the full site frontage means the area of works covered by Stage 1 through to Stage 4.)

(3) Stormwater Plan

Clearly demonstrate that places of refuge above PMF levels are available in all buildings proposed as part of Stage 2 works. Also propose signage (including depth markers) and clear posted directions in each proposed building highlighting safe paths of egress in the event of flooding. The key is that people are directed away from Smith Street and toward Edward Street.

(4) Access Street Design

Details including cross sections & long sections for the new access street from Edwards shall be submitted. The design of the new access street shall provide for traffic calming and pedestrian safety measures to provide a slow speed safe environment for pedestrians.

(5) Demolition and Construction Traffic Management Plan

A Demolition and Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hour of operation, access arrangements and traffic control will be submitted to Council, for approval.

(6) Waste Management Plan

Prior to the issue of a Construction Certificate, the applicant shall prepare and submit a Waste Management Plan in accordance with the provisions of Ashfield Development Control Plan - Planning For Less Waste and the Waste Planning Guide for Development Applications (Planning for Less Waste, prepared by the Regional Waste Boards), including:

- (a) Estimations of quantities and type of materials to be reused, recycled or left over for removal from site;
- (b) Identification on a plan of on site material storage areas during construction, waste storage, recycling and composting areas;
- (c) Details of construction materials and methods to be used to minimise the production of waste in the completion of the new building work.
- (d) How waste is to be treated on the site.
- (e) How any residual non-reusable and non-recyclable waste is to be disposed of and including details of the approved waste disposal outlets where disposal will take place.

(7) Construction and Site Management Plan

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

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

Where it is proposed to:

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

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

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

(8) Soil and Water Management Plan

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

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

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

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

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

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

(9) Erosion & sedimentation control-management plan

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

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

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

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

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

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

Further information may be obtained from:

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

(10) Section 94 Development Contributions

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

<u>Community Infrastructure Type</u>	<u>Contribution</u>
Local Roads	\$19,061.46
Local Public Transport Facilities	\$74,428.75
Local Car Parking Facilities	\$0.00
Local Open Space and Recreation Facilities	\$1,362,538.95
Local Community Facilities	\$78,124.12
Plan Preparation and Administration	\$61,902.84

TOTAL	\$1,596,056.12
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If the contributions are not paid within the financial quarter that this consent is granted, the contributions payable will be adjusted in accordance with the provisions of the Ashfield Development Contributions Plan and the amount payable will be calculated on the basis of the contribution rates applicable at the time of payment in the following manner:

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

Where:

- \\$ C_c** is the amount of the contribution for the current financial quarter
- \\$ C_p** is the amount of the original contribution as set out in this development consent
- CPI_c** is the Consumer Price Index (Sydney – All Groups) for the current financial quarter as published by the ABS.
- CPI_p** is the Consumer Price Index for the financial quarter at the time of the original consent.

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

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

(11) Long service levy

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

(12) Services and infrastructure adjustment/relocation

The applicant shall meet the full cost for Telstra, Sydney Water, Energy Australia, AGL Electricity/AGL Retail Energy or alternative service/energy providers to adjust/relocate their services/infrastructure as required. The applicant shall make the necessary arrangements with the relevant service authority or relevant retail energy company.

(For information on the location of services contact the "Dial before you Dig" service on 1100.)

Documentary evidence from the utility authorities/retail energy company confirming that all of their requirements have been satisfied shall be submitted to Council with the Construction Certificate.

(13) Redundant crossing removal fee

Council will need to remove any redundant crossings and replace with kerbing and other ancillary works where necessary. Contact Council on 9716 1983 and you will be advised as to the estimate of cost of this work. **Note: Cost of this work to be borne by the applicant.**

(14) Site Remediation

The applicant shall remediate the site suitable for residential purposes. A stage 2 Remediation Action Plan shall be submitted with the construction certificate demonstrating that the site can be remediated unconditionally for residential use. Prior to the issue of occupation certificate

the applicant/developer is to provide a verification certificate to Council demonstrating that the site has been remediated in accordance with the final Remediation Action Plan.

(15) Home Building Act 1989 Insurance

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

(16) Security devices/measures

In order to achieve satisfactory levels of surveillance and ongoing security on the site, the following shall occur:

- (a) To Street/Road ground and first floor level windows, shall have fitted security locking devices, which comply with the relevant Australian Standard.
- (b) Ground floor and entry porticos shall have as a minimum double barrel security and fire locks.
- (c) Any hedging or other landscaping behind the fencing off Street/Road shall have a maximum mature height of 1m.
- (d) Where any tree planting is proposed along the eastern boundary with properties off Street/Road, it shall have tree planting of the following type:
 - tall canopies which commence at approximately 2.5m off ground;
 - semi transparent canopies which have a large degree of visual transparency.

Details to be shown on the construction certificate.

(17) Lighting to basement/pedestrian routes-safety

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

Details to be shown on the construction certificate.

(18) Surveillance

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

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

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

(19) Entry control - safety

At the entry to the basement car park, the following shall be provided:

- a boom gate;
- an intercom system between visitors and residents to entry and exit from the car park.

Each ground level entry area to the building shall have an intercom system whose purpose is to contact residents or the manager/caretaker to allow entry to visitors. Details to be shown on the application with the construction certificate.

(20) Communal composting facility

Council requires an area to be nominated onsite for communal composting. While the operation of such a facility will depend upon the attitudes of unit holders and their management, the potential should exist. It is appropriate for this area to be incorporated in the landscaping plans for the development. The operation of the facility should be the responsibility of the Body Corporate (or managing agent). The siting of communal composting facilities should consider: -

- location and proximity to units (including adjoining development), odour and location of the drainage system
- the design of the facility. It should be purpose-built. There are a variety of techniques available and advice on this and public health considerations can be obtained from Council
- careful signposting (to ensure inappropriate waste is not added).

Details to be provided with the application for a construction certificate.

(21) Street numbering

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

(22) Services adjustment or relocation

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

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

(23) Subdivision certificate to be obtained from Council

A subdivision certificate, being a certificate that authorises the registration of a plan of subdivision under Division 3 of Part 23 of the *Conveyancing Act 1919* is to be obtained from Council in accordance with Section 109C(1)D of the *Environmental Planning and Assessment Act 1979*.

(24) Plan of subdivision - Council signature

A final plan of subdivision, prepared by a registered surveyor, and six (6) paper copies, are to be submitted to Council for signature, prior to registration at the Land Titles Office.

(25) Subdivision Certificate issue requirements

A subdivision certificate will not be issued until:

- The Section 94 contributions and relevant fees and bonds are paid.
- A Compliance/Occupation Certificate is issued.

- The property has been developed in accordance with plans approved by Development Application No. and documentary evidence of compliance (or a compliance certificate) with conditions of consent has been submitted to Council.

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

A Damage Deposit of **\$50,000** is to be submitted prior to the release of the Construction Certificate covering repair and/or replacement of adjoining footpath, road shoulder, road pavement, kerbing and guttering both outside the subject site and the surrounding area. This is to be paid to Council and may be refunded subject to satisfactory completion of construction or demolition.

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

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

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

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

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

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

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

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

The return of the Damage Deposit shall not be refunded until all conditions of Consent have been completed and the Occupation Certificate has been released.

(27) Footpath/laneway- photographs to be submitted

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

(28) Design and construction of car parking area

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

(29) Services adjustment or relocation

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

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

(30) Direct discharge into Dobroyd Canal or Hawthorne Canal needs approval of Sydney Water

Hawthorne Canal are assets owned by Sydney Water. Where it is proposed to discharge stormwater directly into a drainage system under the control of Sydney Water, Council will not approve the application unless the applicant submits written approval from Sydney Water to Council that it has no objection to the proposed method of discharge.

This approval shall also include approval from Sydney Water in relation to the proximity of the proposed building to the drainage line.

(31) Pumpout system specifications

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

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

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

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

(32) Stormwater disposal-calculations

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

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

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

- (i) Roof areas.
 - (ii) Paved areas.
 - (iii) Grassed areas.
 - (iv) Garden areas.
 - (v) The percentages of Pre-development and Post-development impervious areas
- (b) At each pit and or bend, a level of pipe is to be shown (the minimum grade for pipes is 1%).
- (c) All flowpaths both internal and external, which pass through or around the proposed development site, are to be shown on the Construction Certificate plan
- (d) Calculations and details are to be provided to Council showing that provisions have been made to ensure that the piped drainage system including pits have been sized to accept runoff from all storms up to the 100 year ARI, (including overflows from roof gutters).
- (e) Each drainage leg leading to the detention tank shall have a silt arrestor pit installed immediately upstream from the detention tank.
- (f) The depth and location of all services within the area affected by the development (i.e. gas, water, sewer, electricity, Telstra, etc) shall be confirmed by the applicant on site prior to the release of the Construction Certificate.
- (g) All garbage and waste areas must drain to the sewer and not the stormwater system.
- (33) Stormwater detention storage facility**
- (a) On-site Stormwater Detention storage shall be provided in conjunction with the stormwater disposal. This storage shall be designed in accordance with Council's Stormwater Management Code. Details of the storage shall be submitted to and approved by Council or private certifier prior to the release of the Construction Certificate.
- (b) All on-site stormwater detention pits must be located on Common Property and not on private property.
- (c) Prior to the release of the Construction Certificate, a maintenance schedule is to be prepared which clearly outlines the routine maintenance necessary to keep the OSD system working and the flood wall maintained, this information is to be included in the Positive Covenant required for this development. Some of the issues that will need to be addressed are:
- where the storage and silt arrestor pits are located
 - which parts of the system need to be accessed for cleaning and how access is obtained
 - description of any equipment needed (such as keys and lifting devices) and where they can be obtained
 - the location of screens and how they can be removed for cleaning
 - who should do the maintenance (i.e. commercial cleaning company)
 - how often should it be done

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

(34) Stormwater runoff

Allowance shall be made for surface runoff from adjacent properties, and to retain existing surface flow path systems through the site. Any redirection or treatment of these flows shall not adversely affect any other properties.

(35) Flood levels for Finished Floor Levels (FFL)

The Finished Floor Levels (FFL) of all habitable rooms shall be as describe in the table below.

Design Flood Levels (mAHD)					
	5A	5B	5C	5D	5E
Lowest Floor Level	10.70	11.58	14.20	12.80	11.30
1% AEP Peak Flood Level (no flood walls)	10.72 (Both)	12.89 (OL)	n/a	n/a	n/a
1% AEP Peak Flood Level (with flood walls)	n/a	n/a	n/a	n/a	n/a
PMF Peak Flood Level	13.95 (Both)	13.97 (Both)	13.98 (OL)	13.97 (Both)	13.96 (Both)

OL – Overland

MS – Mainstream

Both – Both overland and mainstream

(36) Flood Emergency Response Planning

Suitable paths of egress will need to be highlighted as people on the site at the time of flooding may respond to the flooding risk by attempting to leave the site. Both Hawthorne Canal mainstream flooding and the Smith Street overland flow flooding contribute to evacuation difficulties.

The applicant shall clearly demonstrate that places of refuge above PMF levels are available in all buildings proposed as part of Stage 2 works. Also propose signage (including depth markers) and clear posted directions in each proposed building highlighting safe paths of egress in the event of flooding Key is that people are directed away from Smith Street and toward Edward Street.

The above details shall be tabulated and will be included in the Positive Covenant for the site. This work shall be carried out prior to the release of the Occupation Certificate.

(37) Erosion, dust, topsoil and sediment control

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

(38) Waste Management Plan

Prior to the demolition works and issue of a Construction Certificate stage 2, the applicant shall prepare and submit a Waste Management Plan in accordance with the provisions of Ashfield Development Control Plan - Planning For Less Waste and the Waste Planning Guide for Development Applications (Planning for Less Waste, prepared by the Regional Waste Boards), including:

- (a) Estimations of quantities and type of materials to be reused, recycled or left over for removal from site;

- (b) Identification on a plan of onsite material storage areas during construction, waste storage, recycling and composting areas;
- (c) Details of construction materials and methods to be used to minimise the production of waste in the completion of the new building work.
- (d) How waste is to be treated on the site.
- (e) How any residual non-reusable and non-recyclable waste is to be disposed of and including details of the approved waste disposal outlets where disposal will take place.

(39) Construction and Site Management Plan

Prior to demolition works and issue of a Construction Certificate for stages 1, 2 and 3 the applicant shall submit to Council or the accredited certifier a construction and site management plan that clearly sets out the following:

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

Where it is proposed to:

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

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

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

(40) Long service levy

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

the issue of a Construction Certificate stage 2. Payments can be made at Long Service Payments Corporation offices or most councils.

(41) Completion of Stage 1 Pedestrian Link

The pedestrian connection and open space link from Smith Street to the Lewisham West Light Rail Station ie Portions 3, 4 & 5 of the Stage 1 development consent) are to be completed (including landscaping and pavements) and open to the public prior to the issue of any Construction Certificate for Stage 2.

(42) Heritage Documentation

Prior to demolition of the following buildings, detailed measured drawings are to be provided to Council along with photographs in accordance with Heritage Council of NSW archival recording guidelines:

- Electrical sub-station building;
- Milling Baking and Technical centre;
- Store and former Air raid shelter
- Wooden bins, attached store, and the rail sidings
- Dust Control building.

The documentation is to be submitted to Council prior to issue of any construction certificate.

(43) Transport NSW

Prior to issue of any construction certificate, the applicant is to provide documentary evidence of consultation with Transport NSW in regards to flood mitigation works including any specific amendments to the project design to accommodate TNSW comments regarding light rail, including consideration of any flood impacts resulting from the design of the light rail station.

(44) Sydney Water Consultation

Prior to issue of any construction certificate, the applicant is to provide documentary evidence of consultation with Sydney Water in regard to any measures that might affect the entry of floodwater into the Hawthorne Canal and measures, such as fencing, to protect the public against exposure to areas of high flood hazard.

(45) Edward Street Footpath

Details are to be submitted to, and approved by, Council, documenting the proposed upgrade of the Edward Street footpath.

D Conditions that must be complied with before work commences

(1) Notice of Commencement – Notification of Works

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

(2) Requirement for a Construction Certificate

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

- (a) detailed plans and specifications of the building, construction and earth works have been endorsed with a Construction related to works the following stages:-
 - Construction Certificate stage 1 – Shoring and excavation;

- Construction Certificate stage 2 – Construction of basement structure; and
 - Construction Certificate stage 3 – Construction of all above ground structures.
- (b) detailed plans and specifications of the relevant building, construction and earth works are to be endorsed with each Construction Certificate by:
- (i) Council; or
 - (ii) an accredited certifier; and
- (c) a principal certifying authority (PCA) has been appointed and the Council has been notified in writing of the appointment, and
- (d) at least two days notice, in writing, has been given to Council of the intention to commence work.

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

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

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

(3) Public Liability Insurance – Works on Council/public lands

The applicant or any contractors carrying out approved works on public or Council controlled lands with consent shall have public liability insurance cover to the value of \$ and shall provide proof of such cover to the principal certifying authority prior to carrying out the works and annually for the period of time for which works are being carried out on Council or public lands.

(4) Dilapidation Reports

A Dilapidation Report on the current structural condition of the existing building at 32 Edward Street must be prepared by a practicing structural engineer. The Dilapidation Report must be completed and submitted to the owner of the subject property and to Council prior to the commencement of any demolition, excavation or construction works. At the completion of the works, a second Dilapidation Report recording the structural condition must be prepared. That Report must be submitted to the owner of the subject property and to Council.

(5) Inspections required by Principal Certifying Authority

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

(6) Sanitary facilities - demolition/construction sites

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

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

(7) Layout of buildings

The layout of all external walls, including retaining walls and contiguous piling must be checked and verified by survey prior to the commencement of construction to ensure that building construction complies with the development consent and does not encroach beyond the boundaries of the site.

(8) Crane permit

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

(9) Site fencing/security

The site must be appropriately secured and fenced to the satisfaction of Council during demolition, excavation and construction work to ensure there are no unacceptable impacts on the amenity of adjoining properties. Permits for hoardings and or scaffolding on Council land must be obtained and clearly displayed on site.

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

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

(11) On site detention system – check survey

REQUIREMENTS DURING CONSTRUCTION:

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

(12) Erosion, dust, topsoil and sediment control

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

(13) Construction zone

All construction vehicle activity should be accommodated on site. A construction zone would only be considered pending Traffic Committee approval, and that construction vehicles could use the kerb immediately outside the site without interfering with traffic movement through the area. A plan showing details of the length required and reasons to why construction vehicles could not be accommodated on site shall be submitted to Council in a minimum period of (6) weeks before commencement of construction for referral to the Traffic Committee. Relevant fees will apply as set out in Council's Fees and Charges.

(14) Road opening permit- Council controlled lands

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

(15) Traffic control on public roads

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

(16) Spoil and building materials on road and footpath

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

(17) Building location - check survey certificate

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

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

(18) Protection of public places - erection or demolition of building

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

(19) Support for neighbouring buildings and notice to adjoining owners

- (1) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
 - (a) must preserve and protect the building from damage, and
 - (b) if necessary, must underpin and support the building in an approved manner, and
 - (c) must at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

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

Notes:

- (i) Details of underpinning works, prepared and certified by a practicing structural engineer shall be submitted to and approved by the Principal Certifying Authority prior to the commencement of ANY works.
- (ii) allotment of land includes a public road and any other public place.

(20) Demolition work plan

Prior to demolition, the applicant shall submit a Work Plan prepared in accordance with AS 2601 by a person with suitable expertise and experience to the Principal Certifying Authority. The Work Plan shall identify any hazardous materials, the method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.

(21) Asbestos sheeting removal - EPA/Workcover Authority

Asbestos removal is to be carried prior to principal works commencing in accordance with Environmental Protection Authority and Workcover Authority requirements. Proper procedures shall be employed in the handling and removal of asbestos and products containing asbestos so as to minimise the risk to personnel and the escape of asbestos particles in the atmosphere. Work is only to be carried out with the prior consent of the Work Cover Authority.

Note: There are substantial penalties for non-compliance with the above requirements.

(22) Lead removal certification

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

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

(23) Garbage skips on Council land - Council approval

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

(24) Haulage route information

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

(25) Ground water

Treatment of ground water is to be addressed in accordance with the recommendations of the report by Aargus dated 22 August 2013 and documentary evidence of this provided to Council.

E Conditions that must be complied with during construction or demolition

(1) Building work in compliance with BCA

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

(2) Plans to be available on site

The Council stamped approved plans, Development Consent and Construction Certificate shall be held on site to be produced unobliterated to Council's officer at any time when required.

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

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

(4) Materials and colour schemes

Materials of construction are to be as specified in the schedule of finishes submitted with the development application and on the approved plans, except where amended by the conditions hereunder.

(5) BASIX Requirements

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

(6) Redundant vehicle crossings – removal and replacement

All redundant vehicular crossings shall be removed and replaced with concrete footpath, sandstone kerb and concrete gutter at no cost to Council at the applicant's expense.

(7) Footpath, kerb and gutter reconstruction

The public footpath, verge, and kerb and gutter outside the site shall be completely reconstructed to the requirements of Council's Works & Infrastructure Department at the applicant's expense, this work shall also include having all tree surrounds in filled with permeable paving. This work shall be carried out prior to the release of the Occupation Certificate.

The full length of Edward Street shall be is to be resheeted with 30mm of Asphaltic Concrete (AC 10) each edge adjacent to the kerb shall be milled to provide a satisfactory matching edge. This work shall be carried out prior to the release of the Occupation Certificate.

(8) Footpath, kerb and gutter protection

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

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

(9) Redundant vehicular crossings-removal and replacements

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

(10) Finished ground surface levels at property boundary

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

(11) Road opening permit- Council controlled lands

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

(12) Traffic control on public roads

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

(46) Sydney Water Requirements

Water supply and waste water connections are to be as set out in Sydney Water's letter dated 23 August 2011.

(13) Engineering staff to inspect roadworks/drainage

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

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

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

(14) Spoil and building materials on road and footpath

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

(15) Stormwater runoff-collection/discharge

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

NOTE: If approval is given from Sydney Water to discharge stormwater directly into its drainage system, the above Council stormwater discharge condition will not be enforced. However Sydney Water may require on-site detention.

If the stormwater, or part of the stormwater discharging from the site, is discharged into Council's pipe, then on-site detention as described above will be required to cater for this amount of stormwater.

(16) Surface overflow paths – storm recurrence event

Surface overflow paths shall be provided to allow for the 1-hour 1 in 100 year storm recurrence event, and any more intense events.

Should it not be possible to provide an overland escape route for excessive stormwater an increase of 50 % in the required volume of stormwater storage will be required.

(17) Excavations and backfilling - safety/standards

All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

(18) Advertisements on hoardings prohibited

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

(19) Billposters - sign on hoarding

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

(20) Demolition/excavation/construction - noise - Protection of the Environment Operations Act 1997

Noise arising from demolition/excavation/construction works shall be controlled in accordance with the requirements of *Protection of the Environment Operations Act 1997* and guidelines currently contained in the *NSW EPA Environmental Noise Control Manual*.

(21) Noise control during construction and demolition

For construction and demolition periods of 4 weeks or less the L10 level, measured over a period of 15 minutes when the construction or demolition site is in operation, must not exceed the background level by more than 20dB.

(22) Dust control

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

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

(23) Demolition requirements/standards

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

- (a) Australian Standard 2601 and any requirements of the Workcover Authority.
- (b) The Waste Management Plan submitted with the Development Application.
- (c) The property is to be secured to prohibit unauthorised entry.

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

(24) Site investigation & site audit statement

Following demolition activities, the soil must be tested by a person with suitable expertise, to ensure the soil contaminant levels are below acceptable health criteria for residential areas. The soil investigation shall be carried out in accordance with the NSW Environment Protection Authority's *Guidelines for consultants reporting on contaminated sites*.

(25) Signposting

All signposting and line marking work for the new internal road shall be carried out by the applicant, and the cost of this work shall be borne by the applicant.

(26) Vehicle wash bays

All vehicle wash bays shall be provided with a tap connected to a continuous supply of water and the wash bays shall be bunded and graded to a floor waste connected to the sewer.

(27) Bicycle Parking

54 Bicycle parking spaces shall be provided in the basement car park with secure bicycle storage racks.

(28) Flora and Fauna Protection

Suitable measures shall be implemented during construction to protect the long-nosed bandicoot population within the site and/or local area.

(29) Adaptable Housing

A total of 8 dwellings must be constructed as adaptable housing.

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

nil

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

(1) Approval to use/occupy building

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

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

(2) Sydney Water - Section 73 Compliance Certificate

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

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

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

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

(3) Landscaping completion

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

(4) Completion of Flood Wall

The proposed "Flood Wall" located along the south-east boundary of the site (as defined in the Concept Plan Approval) with the Inner West Light Rail (see drawing nos. DA-070 - DA-075 prepared by Hassell) is to be completed in its entirety prior to the issue of any Occupation Certificate for the Stage 2 works.

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

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

They are:

(a) Work-As-Executed Plans

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

- location
- pipe diameter
- gradient
- pipe material i.e. PVC or EW etc
- orifice size
- trash screen at orifice
- all buildings (including floor levels) and finished ground and pavement surface levels

(b) Engineer's Certificate

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

- the soundness of the storage structure;
- the capacity of the detention storage;
- the emergency overflow system being in place;
- the works being constructed in accordance with the Council approved plans; and
- the freeboard from maximum water surface level to the finished floor and garage levels are at or above the minimum required in Council's Stormwater Code.
- basement car park pumps are class one zone two (if used).

(c) Restriction-As-To-User

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

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

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

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

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

(e) The flood wall placement

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

In order to ensure that the on-site detention system is properly maintained the owner of the site shall each year provide Council with a Certificate from a practicing civil engineer stating that the on-site detention system is functioning correctly and has not been compromised in any manner.

(7) Redundant vehicular crossings-removal and replacements

All redundant vehicular crossings on Holden Street shall be removed and replaced with concrete pavers within the footpath area similar to the type in Hercules Street as well as concrete kerb and concrete gutter at no cost to Council at the applicant's expense. This work shall be carried out prior to the release of the Occupation Certificate.

(8) Rights of Public Access

The Applicant shall at its cost prepare the terms of easements for public pedestrian right of way for the following areas:

- The entirety of Portion 3 (the plaza) - see drawing no. DA-012B prepared by Hassell.
- The entirety of Portion 4 (the park) - see drawing no. DA-012B prepared by Hassell.
- Area (A) of Portion 2 (noted as Lot 5 on drawing 130513, issue A, dated 3.6.2013, prepared by Denny Linker & Co.

Relevant documentation creating the easements shall be submitted to Council for its approval prior to lodgement with the Land Titles Office. Proof of lodgement of the documents, creating the easement for public pedestrian right of way with the Land Titles Office, shall be provided to Council prior to release of the occupation certificate.

The terms of the easements to be created for the public pedestrian rights of way shall include, but not necessarily be limited to, the following matters:

- A lighting system to be incorporated along the public pedestrian right of way at the Applicant's cost.
- The maintenance of, and public liability insurance for users of, the public pedestrian right of way to be the responsibility of the Applicant, with Certificates of Currency to be provided to Council annually.
- Opening hours of the public pedestrian right of way to be twenty four (24) hours a day seven (7) days per week.

These must be registered on the title of any lots comprising the site prior to the issue of any Occupation Certificate.

H Conditions that are ongoing requirements of development consents**(1) Noise levels not to be exceeded**

The LA10 noise level emitted from the premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz -8kHz inclusive) by more than 5dB between 7:00am and 10:00pm at the boundary of any affected residence. The LA10 noise level emitted from the premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz - 8kHz inclusive) between 10:00pm and 7:00am at the boundary of any affected residence. Notwithstanding compliance with the above, the noise from the

premises shall not be audible within any habitable room in any residential premises between the hours of 10:00pm and 7:00am.

(2) Air conditioners - noise control - Protection of the Environment Operations Act 1997

The air conditioners as approved by this consent shall be installed and operated at all times so as not to cause "Offensive Noise" as defined by the *Protection of the Environment Operations Act 1997* that will adversely affect the amenity of the premises in close proximity to the property.

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

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

(4) Accessibility to be maintained

A continuous path of travel not exceeding 1:14 grade or complying with AS 1428 and/or a lift is to be maintained between the main street entrance to the residential complex, adaptable units, accessible car parking spaces, letter boxes, garbage storage area, recreation areas and clothes drying areas.

(5) Air conditioners

To preserve the streetscape, air conditioners or any plant equipment shall not be placed along the street façade or any place/part of the building that is visible from the public domain.

I Advisory Notes

(1) Other approvals

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

- an Application for Approval under Section 68 of the *Local Government Act 1993* for any proposed activity under that Act, including any erection of a hoarding. All such applications must comply with the *Building Code of Australia*.
- an application for an Occupation Certificate under Section 109(C)(2) of the *Environmental Planning and Assessment Act 1979*.
Note: An application for an Occupation Certificate may be lodged with Council if the applicant has nominated Council as the Principal Certifying Authority.
- an Application for a Subdivision Certificate under Section 109(C)(1)(d) of the *Environmental Planning and Assessment Act 1979* if land (including stratum) subdivision of the development site is proposed.
- an Application for Strata Title Subdivision under the *Strata Schemes (Freehold Development) Act 1973*, if strata title subdivision of the development is proposed.
- a development application for demolition approval under the *Environmental Planning and Assessment Act 1979* if consent for demolition is not granted by this consent.

(2) Works and requirements of other authorities

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

(3) Application for a Construction Certificate

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

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

(4) Modifications to your consent - prior approval required

Works or activities other than those authorised by the approval including changes to building configuration or use will require the submission and approval of an application to modify the consent under Section 96 of the *Environmental Planning & Assessment Act 1979*. You are advised to contact Council immediately if you wish to alter your approved plans or if you cannot comply with other requirements of your consent to confirm whether a Section 96 modification is required.

Warning: There are substantial penalties prescribed under the *Environmental Planning and Assessment Act 1979* for breaches involving unauthorised works or activities.

