

M E M O R A N D U M

TO: SYDNEY EAST JOINT REGIONAL PLANNING PANEL
ITEM: 2014SYE089
FROM: ANTHONY RANDALL - SENIOR DEVELOPMENT PLANNER
DATE: 17 December, 2014
SUBJECT: RailCorp (Sydney Trains) – Concurrence dated 16 December 2014
FILE REF: DA201400354

I refer to the:

- The Joint Regional Planning Panel (JRPP) Assessment Report dated 9 December 2014; and
- The Supplementary JRPP Assessment Report dated 15 December 2014.

This memo addresses RailCorp (Sydney Trains) response to the amendment of the application lodged by the applicant on 12 December 2014 proposing to stage the basement excavation works:

- a. so that the timing and location of civil works avoid the need to recommend deferred commencement conditions of consent:
 - i. to address the Part 3A Concept Plan approval No. MP08_195 – Further Environmental Assessment Requirement (FEAR) No. 26; and
 - ii. to satisfy the RailCorp concurrence; and
- b. so that civil works commence on the eastern side of the site; and
- c. so that civil works do not commence on the western side of the site in proximity to the light rail corridor until the requirements of RailCorp are met by the applicant.

RailCorp (Sydney Trains) has advised Marrickville Council that it grants concurrence to the development proposed in development application DA201400354 subject to the imposition of conditions listed in Attachment A to its letter at **ATTACHMENT 1**. The recommended conditions have been adjusted to include the conditions listed in Attachment A to the RailCorp (Sydney Trains) letter of 16 December 2014 and are included below at **ATTACHMENT 2**.

The matters for consideration with respect to this issue are addressed in The Supplementary JRPP Assessment Report dated 15 December 2014 under the heading 'State Environmental Planning Policy (Infrastructure) 2007 – Clause 86'. This section of the report also addresses the Concept Plan approval No. MP08_195 FEAR No. 26 – RailCorp requirements. Please note that this concurrence replaces the concurrence issued on the 18th November 2014.

RailCorp (Sydney Trains) has advised Marrickville Council that should Council or the JRPP choose not to impose the conditions in Attachment A (as written), then concurrence from Sydney Trains has not been granted to the proposed development.

Anthony Randall
SENIOR DEVELOPMENT PLANNER

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ATTACHMENTS

1. RailCorp (Sydney Trains) – Concurrence dated 16 December 2014
2. Further Revised Recommendation (Operational Conditions)



15 December 2014

The General Manager
Marrickville Council
PO Box 14
Petersham NSW 2049

ATTENTION: Anthony Randall

Dear Sir/Madam,

**STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007
DEVELOPMENT APPLICATION – DA201400354
72-90 Old Canterbury Road, Lewisham**

I refer to Council's letter requesting RailCorp's concurrence for the above development application in accordance with clause 86(1) of the above SEPP. It is noted that this development application relates to the construction of multi-storey buildings with basement carparking.

As of 1 July 2014 the property functions of RailCorp have been transferred to Sydney Trains. Whilst RailCorp still exists as the legal land owner of the rail corridor, its concurrence function under the above SEPP has been delegated to Sydney Trains.

As such, Sydney Trains now advises that the proposed development is being assessed in accordance with the requirements of Clause 86(4) being:

- a) the potential effects of the development (whether alone or cumulatively with other development or proposed development) on:
 - (i) the safety or structural integrity of existing or proposed rail infrastructure facilities in the rail corridor, and
 - (ii) the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor, and
- b) what measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects.

As Council is aware, in order to finalise the assessment of the proposed works in accordance with the above requirements Sydney Trains requested the provision of additional information on 27th August 2014. The Applicant submitted the requested additional information only on 17th November 2014.

In order for Council to submit its documentation to the Joint Regional Planning Panel (JRPP) for the determination of this DA on 17th December 2014, Council was required to finalise its assessment report by the 18th November 2014. However, as Sydney Trains had only received the requested information 17th November 2014 Sydney Trains was not in a position to finalise its detailed engineering assessment within one business day. As such Sydney Trains assisted Council by issuing its concurrence by way of deferred

commencement conditions in order for Council to meet its JRPP deadline and to show some goodwill to the Applicant given the submittal of the requested additional information.

As Council is also aware, the additional information provided by the Applicant was reviewed and due to a number of shortcomings of this documentation, Sydney Trains requested further additional information on 4th December 2014. Sydney Trains understands that the Applicant is currently preparing the additional information.

In the meantime the Applicant has requested that the matters listed in the Sydney Trains concurrence as deferred commencement conditions be made operational conditions. Sydney Trains has reviewed this request and has considered that this could only be done based on the phasing of works in order to facilitate works along the Old Canterbury Road alignment (being furthest away from the rail corridor) whilst the documentation for the works closest to the rail corridor is being reviewed.

In this regard, Sydney Trains advises Marrickville Council that it is granting concurrence to the development proposed in development application DA201400354 subject to the imposition of conditions listed in Attachment A. Please note that this concurrence replaces the concurrence issued on the 18th November 2014.

Should Council or the JRPP choose not to impose the conditions in Attachment A (as written), then concurrence from Sydney Trains has not been granted to the proposed development.

Please contact Mr Jim Tsirimiagos on 8575 0780 should you wish to discuss this matter. Finally, Sydney Trains requests that a copy of the Notice of Determination and conditions of consent be forwarded to Sydney Trains.

Yours sincerely,



Kevin Sykes
General Manager Property

Attachment A

B1. For the purposes of compliance with any Sydney Trains concurrence conditions, a reference to the Phase 1 and Phase 2 areas is a reference to the Phase 1 and Phase 2 areas as shown on the Rail Concurrence Staging/Phasing Plan prepared by PTW Architects, Drawing No A003-L00 – Revision A, dated 15/12/2014.

B2. In exercising its functions in relation to any Sydney Trains condition, Sydney Trains reserves the right to liaise with Transport for NSW and the light rail operator, and impose any requirements (as advised by those entities) on their behalf as if they were Sydney Trains requirements.

B3. Prior to the issuing of a Construction Certificate for works within the Phase 2 area, the Applicant shall prepare and provide to Sydney Trains for approval/certification the following items:

- 1. Final Geotechnical and Structural report/drawings that meet Sydney Trains requirements. The Geotechnical Report must be based on actual borehole testing conducting on the site closest to the rail corridor.*
- 2. Final Construction methodology with construction details pertaining to structural support during excavation.*
- 3. Final cross sectional drawings showing ground surface, rail tracks, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the Rail Corridor. All measurements are to be verified by a Registered Surveyor.*
- 4. Detailed Survey Plan showing the relationship of the proposed developed with respect to the Rail Corridor and infrastructure.*
- 5. If required by Sydney Trains, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.*
- 6. Machinery to be used during excavation/construction.*
- 7. If required by Sydney Trains as a result of the assessment of the documentation listed above, track monitoring plan detailing the proposed method of track monitoring during excavation and construction phases.*

Any conditions issued as part of the Sydney Trains approval/certification of the above documents will also form part of the consent conditions that the Applicant is required to comply with. The Principal Certifying Authority is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that this condition has been complied with. (It is advisable that the applicant seek approval/certification of the above documentation prior to or at the time of the issuing of a Construction Certificate for the Phase 1 area works in order to enable a logical transition of works from the Phase 1 area to the Phase 2 area).

B4. All excavation works with the Phase 2 area are to be supervised by a geotechnical engineer experience with such excavation projects.

B5. No rock anchors/bolts are to be installed into Sydney Trains property.

- B6. Sydney Trains or Transport for NSW (TfNSW), and persons authorised by them for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought.*
- B7. No work is permitted within the rail corridor, or rail easements, at any time unless prior approval or an Agreement has been entered into with TfNSW or the light rail operator.*
- B8. Copies of any certificates, drawings or approvals given to or issued by Sydney Trains must be submitted to Council for its records within 2 business days of the Applicant receiving these.*
- B9. Prior to the commencement of any works on the site, a Registered Surveyor shall peg-out the boundary delineating the Phase 1 and Phase 2 areas as show in red dashes on the Rail Concurrence Staging/Phasing Plan prepared by PTW Architects, Drawing No A003-L00 – Revision A, dated 15/12/2014. A temporary construction fence shall be placed on the pegged boundary to clearly identify the two work phase areas. The Registered Surveyor must provide written and photographic evidence to Sydney Trains and Council that this requirement has been undertaken. Works shall not commence until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied. The temporary construction fence can be removed once a Construction Certificate has been obtained for the Phase 2 area.*
- B10. Prior to the commencement of works, a Registered Surveyor shall peg-out the common boundary with the rail corridor and/or rail easement to ensure that there is no encroachment. The Registered Surveyor must provide written and photographic evidence to Sydney Trains and Council that this requirement has been undertaken. Works shall no commence until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.*
- B11. Prior to the issuing of an Occupation Certificate for each building within the Phase 2 area, the Applicant is to submit the as-built drawings to Sydney Trains and Council. The Principal Certifying Authority is not to issue the Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.*
- B12. Prior to the commencement of works within the Phase 2 area, and prior to the issue of the Occupation Certificate for any building within the Phase 2 area, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains, TfNSW, or the light rail operator and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.*

- B13. An acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines". The Applicant must incorporate in the development all the measures recommended in the report.*
- B14. Given the possible likelihood of objects being dropped or thrown onto the rail corridor from balconies, windows and other external features (eg roof terraces and external fire escapes) that are within 20m and face the rail corridor, the Applicant is required to install measures (eg awning windows, louvres, enclosed balconies, window restrictors etc) which prevent the throwing of objects onto the rail corridor. These measures are to comply with Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until it has confirmed that these measures are to be installed and have been indicated on the Construction Drawings.*
- B15. The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor from either the Phase 1 or Phase work areas must limit glare and reflectivity to the satisfaction of Sydney Trains. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.*
- B16. The Applicant is to obtain Sydney Trains endorsement prior to the installation of any hoarding or scaffolding within the Phase 2 area.*
- B17. If required by Sydney Trains, prior to the issue of a Construction Certificate for works within the Phase 2 area, the Applicant is to provide Sydney Trains with a report from a qualified structural engineer demonstrating that the structural design of the development satisfies the requirements of Australian Standard AS5100. The Principal Certifying Authority is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that it has received this report and the Principal Certifying Authority has also confirmed that the measures recommended in engineers report have been indicated on the Construction Drawings.*
- B18. Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.*

- B19. Prior to the issue of a Construction Certificate for works within the Phase 2 area, a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.*
- B20. No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and 1500V catenary, contact and pull-off wires of the adjacent tracks, and to any high voltage aerial supplies within or adjacent to the rail corridor.*
- B21. Prior to the issuing of a Construction Certificate for works within the Phase 1 or Phase 2 areas, the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.*
- B22. Prior to the commencement of works appropriate fencing is to be installed along the rail corridor to prevent unauthorised access to the rail corridor during construction. Details of the type of fencing and the method of erection are to be to Sydney Train's satisfaction prior to the fencing work being undertaken.*
- B23. The development shall have appropriate fencing fit for the future usage of the development site to prevent unauthorised access to the rail corridor by future occupants of the development. Prior to the issuing of an Occupation Certificate for the first building within the Phase 2 area, the Applicant shall liaise with Sydney Trains regarding the adequacy of any existing fencing along the rail corridor boundary. Details of the type of new fencing to be installed and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.*
- B24. Prior to the issue of a Construction Certificate for works within the Phase 2 area, the Applicant must hold current public liability insurance cover for a sum to be determined by Sydney Trains. This insurance shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The Applicant is to contact Sydney Trains Rail Corridor Management Group to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.*

- B25. Prior to the issue of a Construction Certificate for works within the Phase 2 area, the Applicant is to contact Sydney Trains Rail Corridor Management Group to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.*
- B26. The Applicant must provide a plan of how future maintenance of all structures within the Phase 2 area is to be undertaken. The maintenance plan is to be submitted to Sydney Trains prior to the issuing of the Construction Certificate for works within the Phase 2 area. The Principal Certifying Authority is not to issue a Construction Certificate until written confirmation has been received from Sydney Trains advising that the maintenance plan has been prepared to its satisfaction.*
- B27. Drainage from the proposed works under this application shall not be discharged direct into the rail corridor.*
- B28. There is a need to ensure that the roots and foliage of trees being planted beside the rail corridor do not have an impact on the rail corridor. The development's landscaping and planting plan should be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate for the Phase 2 area. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.*
- B29. Prior to issuing of the any Occupation Certificate within the Phase 2 area, the Applicant shall landscape an area 2m in width within the light rail corridor property boundary in order to screen the above ground structure of the development that is within close proximity to the rail corridor boundary. The Principal Certifying Authority is not to issue the Occupation Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.*
- B30. Prior to issuing of the first Occupation Certificate for a building within the Phase 2 area, the Principal Certifying Authority shall provide written confirmation to Sydney Trains that the Applicant has provided the lay-back or roll-back kerb at the end of Hudson Street to enable heavy vehicle access to the light rail corridor as required under development consent DA201400029.*
- B31. To ensure that graffiti can be easily removed, the Applicant is to ensure that the walls of the development facing the rail corridor within the Phase 2 area are coated with anti-graffiti paint or other coating.*
- B32. Where a condition of consent requires Sydney Trains endorsement the Principal Certifying Authority is not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from Sydney Trains that the particular condition has been complied with.*

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ATTACHMENT 2 - FURTHER REVISED RECOMMENDATION (OPERATIONAL CONDITIONS)

PART F - RECOMMENDATION

- A. **THAT** the development application to construct a mixed use development comprising 7 multi-storey buildings, between 4 & 10 storeys, over 2 levels of basement car parking, containing 314 dwellings, 113m2 retail tenancy, 246 car parking spaces, dedication and embellishment of public open space, road works and new pedestrian access routes, to be undertaken in 5 stages be **APPROVED** and a **CONSENT** be issued subject to the following terms and conditions:

CONDITIONS OF CONSENT

Once operative this part of the consent is subject to the following conditions:

GENERAL

1. The development must be carried out in accordance with plans and details listed below:

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by	Date Submitted
Dwg No. A001 Rev B	Cover Sheet	30.10.2014	PTW Architects	30.10.2014
Dwg No. A004 Rev A	Site Context Model	30.10.2014	PTW Architects	30.10.2014
Dwg No. A005-L00 Rev B	Site Plan	30.10.2014	PTW Architects	30.10.2014
Dwg No. A006-L00 Rev B	Setback Plan	30.10.2014	PTW Architects	30.10.2014
Dwg No. A005-L00 Rev E	Public/Private	30.10.2014	PTW Architects	30.10.2014
Dwg No. A008-P02 Rev B	Parking Level 02	30.10.2014	PTW Architects	30.10.2014
Dwg No. A009-P01 Rev B	Parking Level 01	30.10.2014	PTW Architects	30.10.2014
Dwg No. A010-L00 Rev B	Ground Plan	30.10.2014	PTW Architects	30.10.2014
Dwg No. A011-L01 Rev B	Level 1 Plan	30.10.2014	PTW Architects	30.10.2014
Dwg No. A012-L02 Rev B	Level 2 Plan	30.10.2014	PTW Architects	30.10.2014
Dwg No. A013-L03 Rev B	Level 3 Plan	30.10.2014	PTW Architects	30.10.2014
Dwg No. A014-L04 Rev B	Level 4 Plan	30.10.2014	PTW Architects	30.10.2014
Dwg No. A015-L05 Rev B	Level 5 Plan	30.10.2014	PTW Architects	30.10.2014
Dwg No. A016-L06 Rev B	Level 6 Plan	30.10.2014	PTW Architects	30.10.2014
Dwg No. A017-L07 Rev B	Level 7 Plan	30.10.2014	PTW Architects	30.10.2014
Dwg No. A018-L08 Rev B	Level 8 Plan	30.10.2014	PTW Architects	30.10.2014
Dwg No. A019-L09 Rev B	Level 9 Plan	30.10.2014	PTW Architects	30.10.2014
Dwg No. A020-RF Rev B	Roof Plan	30.10.2014	PTW Architects	30.10.2014
Dwg No. A040	Site Sections	30.10.2014	PTW Architects	30.10.2014

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by	Date Submitted
Rev B	Buildings DBA & CD			
Dwg No. A041 Rev B	Site Sections Buildings GFC & EG	30.10.2014	PTW Architects	30.10.2014
Dwg No. A042 Rev B	Ramp Sections	30.10.2014	PTW Architects	30.10.2014
Dwg No. A049 Rev B	Finish Schedule & Colour Scheme	30.10.2014	PTW Architects	30.10.2014
Dwg No. A050 Rev B	BLDG_A,B&D West Elevations	30.10.2014	PTW Architects	30.10.2014
Dwg No. A050 Rev B	BLDG_A,B&D West Elevations	30.10.2014	PTW Architects	30.10.2014
Dwg No. A051 Rev B	BLDG_A,B&D East Elevations	30.10.2014	PTW Architects	30.10.2014
Dwg No. A051 Rev B	BLDG_A,B&D East Elevations	30.10.2014	PTW Architects	30.10.2014
Dwg No. A052 Rev B	BLDG_D, F&G North Elevations	30.10.2014	PTW Architects	30.10.2014
Dwg No. A052 Rev B	BLDG_A,B&D North Elevations	30.10.2014	PTW Architects	30.10.2014
Dwg No. A053 Rev B	BLDG_C&D East Elevations	30.10.2014	PTW Architects	30.10.2014
Dwg No. A054 Rev B	BLDG_A,C,E&F South Elevations	30.10.2014	PTW Architects	30.10.2014
Dwg No. A054 Rev B	BLDG_A,C,E&F South Elevations	30.10.2014	PTW Architects	30.10.2014
Dwg No. A055 Rev B	BLDG_B,C,F&G North Elevations	30.10.2014	PTW Architects	30.10.2014
Dwg No. A056 Rev B	BLDG_E&G East Elevations	30.10.2014	PTW Architects	30.10.2014
Dwg No. A056 Rev B	BLDG_E&G East Elevations	30.10.2014	PTW Architects	30.10.2014
Dwg No. A060 Rev B	BLDG_A- Elevations	30.10.2014	PTW Architects	30.10.2014
Dwg No. A061 Rev B	BLDG_B- Elevations	30.10.2014	PTW Architects	30.10.2014
Dwg No. A062 Rev B	BLDG_C- Elevations	30.10.2014	PTW Architects	30.10.2014
Dwg No. A063 Rev B	BLDG_D- Elevations	30.10.2014	PTW Architects	30.10.2014
Dwg No. A064 Rev B	BLDG_E- Elevations	30.10.2014	PTW Architects	30.10.2014
Dwg No. A065 Rev B	BLDG_F- Elevations	30.10.2014	PTW Architects	30.10.2014
Dwg No. A066 Rev B	BLDG_G- Elevations	30.10.2014	PTW Architects	30.10.2014
Dwg No. A110 Rev A	Affordable Housing Plan	30.10.2014	PTW Architects	30.10.2014
Dwg No. A200 Rev A	BLDG_A-Section Detail Sheet_01	30.10.2014	PTW Architects	30.10.2014
Dwg No. A201 Rev A	BLDG_A-Section Detail Sheet_02	30.10.2014	PTW Architects	30.10.2014
Dwg No. A202 Rev A	BLDG_A-Section Detail Sheet_03	30.10.2014	PTW Architects	30.10.2014
Dwg No. AA010-	Building A	30.10.2014	PTW Architects	30.10.2014

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by	Date Submitted
L00 Rev B	Ground Plan			
Dwg No. AA011-L01 Rev B	Building A Level 1	30.10.2014	PTW Architects	30.10.2014
Dwg No. AA012-L2-3 Rev B	Building A Level 2-3	30.10.2014	PTW Architects	30.10.2014
Dwg No. AA013-L04 Rev B	Building A Level 4	30.10.2014	PTW Architects	30.10.2014
Dwg No. AA014-L5-7 Rev B	Building A Level 5-7	30.10.2014	PTW Architects	30.10.2014
Dwg No. AA015-L08 Rev B	Building A Level 8	30.10.2014	PTW Architects	30.10.2014
Dwg No. AA016-L09 Rev B	Building A Level 9	30.10.2014	PTW Architects	30.10.2014
Dwg No. AA050 Rev B	Building A Adaptable	30.10.2014	PTW Architects	30.10.2014
Dwg No. AA051 Rev B	Building A Adaptable	30.10.2014	PTW Architects	30.10.2014
Dwg No. AA052 Rev A	Building A Adaptable	30.10.2014	PTW Architects	30.10.2014
Dwg No. AA053 Rev A	Building A Adaptable	30.10.2014	PTW Architects	30.10.2014
Dwg No. AB010-L00 Rev B	Building B Ground Plan	30.10.2014	PTW Architects	30.10.2014
Dwg No. AB011-L1-3 Rev B	Building B Level 1-3	30.10.2014	PTW Architects	30.10.2014
Dwg No. AB012-L04 Rev B	Building B Level 4	30.10.2014	PTW Architects	30.10.2014
Dwg No. AB013-L5-7 Rev B	Building B Level 5-7	30.10.2014	PTW Architects	30.10.2014
Dwg No. AB014-L8-9 Rev B	Building B Level 8-9	30.10.2014	PTW Architects	30.10.2014
Dwg No. AB051 Rev B	Building B Adaptable Units	30.10.2014	PTW Architects	30.10.2014
Dwg No. AC010-L00 Rev B	Building C Ground Plan	30.10.2014	PTW Architects	30.10.2014
Dwg No. AC011-L1-2 Rev B	Building C Level 1-2	30.10.2014	PTW Architects	30.10.2014
Dwg No. AC012-L03 Rev B	Building C Level 3	30.10.2014	PTW Architects	30.10.2014
Dwg No. AC013-L04 Rev B	Building C Level 4	30.10.2014	PTW Architects	30.10.2014
Dwg No. AC014-L05 Rev B	Building C Level 5	30.10.2014	PTW Architects	30.10.2014
Dwg No. AC015-L06 Rev B	Building C Level 6	30.10.2014	PTW Architects	30.10.2014
Dwg No. AC050	Building C Adaptable Units	30.10.2014	PTW Architects	30.10.2014
Dwg No. AD010-L00 Rev B	Building D Ground Plan	30.10.2014	PTW Architects	30.10.2014
Dwg No. AD011-L01 Rev B	Building D Level 1	30.10.2014	PTW Architects	30.10.2014
Dwg No. AD012-L2-4 Rev B	Building D Level L2-4 Plan	30.10.2014	PTW Architects	30.10.2014
Dwg No. AD015-L5-7 Rev B	Building D Level L5-7 Plan	30.10.2014	PTW Architects	30.10.2014
Dwg No. AD018-	Building D Level	30.10.2014	PTW Architects	30.10.2014

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by	Date Submitted
L8 Rev B	8 Plan			
Dwg No. AD050	Building D Adaptable Units	30.10.2014	PTW Architects	30.10.2014
Dwg No. AD051	Building D Adaptable Units	30.10.2014	PTW Architects	30.10.2014
Dwg No. AE010-L00	Building E Ground Plan	30.10.2014	PTW Architects	30.10.2014
Dwg No. AE011-L1-2	Building E Level 1-2	30.10.2014	PTW Architects	30.10.2014
Dwg No. AE012-L3-4	Building E Level 3-4	30.10.2014	PTW Architects	30.10.2014
Dwg No. AE013-L5-6	Building E Level 5-6	30.10.2014	PTW Architects	30.10.2014
Dwg No. AF010-L00	Building F Ground Plan	30.10.2014	PTW Architects	30.10.2014
Dwg No. AF011-L01	Building F Level 1	30.10.2014	PTW Architects	30.10.2014
Dwg No. AF012-L2-3	Building F Level 2-3	30.10.2014	PTW Architects	30.10.2014
Dwg No. AF013-L4	Building F Level 4	30.10.2014	PTW Architects	30.10.2014
Dwg No. AF014-L5	Building F Level 5	30.10.2014	PTW Architects	30.10.2014
Dwg No. AF015-L6	Building F Level 6	30.10.2014	PTW Architects	30.10.2014
Dwg No. AF050	Building F Adaptable Units	30.10.2014	PTW Architects	30.10.2014
Dwg No. AG010-L00	Building G Ground Plan	30.10.2014	PTW Architects	30.10.2014
Dwg No. AG011-L1-3	Building G Level 1-3	30.10.2014	PTW Architects	30.10.2014
Dwg No. AG012-L04	Building G Level 4	30.10.2014	PTW Architects	30.10.2014
Dwg No. AG050	Building G Adaptable Units	30.10.2014	PTW Architects	30.10.2014
Dwg No. A210 Issue A	Typical Fence	11.11.2014	PTW Architects	14.11.2014
Letter by Darjo Spralja	Design Competition Certification	30.10.2014	PTW Architects	30.10.2014
Dwg No. CV-0200 Rev 1	Stormwater Drainage Key Plan	30.10.2014	En Struct	30.10.2014
Dwg No. CV-0201 Rev 1	Stormwater Drainage Plan Ground Floor Sheet 01	30.10.2014	En Struct	30.10.2014
Dwg No. CV-0202 Rev 1	Stormwater Drainage Plan Ground Floor Sheet 02	30.10.2014	En Struct	30.10.2014
Dwg No. C02 Rev 7	Bulk Earthworks Layout Plan Sheet 01	12.11.2014	En Struct	13.11.2014
Dwg No. C03 Rev 7	Bulk Earthworks Layout Plan	12.11.2014	En Struct	13.11.2014

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by	Date Submitted
	Sheet 02			
Dwg No. ST-SK-0001 Revision 1	Site Plan and Sections	01.10.2014	En Struct	17.11.2014
Dwg No. C04 Rev 4	Bulk Earthworks Site Sections	12.11.2014	En Struct	13.11.2014
Old Canterbury Road Lewisham. Landscape DA	Site Strategy 01-05	30.10.2014	Arcadia Landscape Architecture	30.10.2014
Old Canterbury Road Lewisham. Landscape DA	Design Concept 06-20	30.10.2014	Arcadia Landscape Architecture	30.10.2014
Old Canterbury Road Lewisham. Landscape DA	Material Scheme 21-24	30.10.2014	Arcadia Landscape Architecture	30.10.2014
Dwg no. DA_100 Issue D	Landscape Masterplan Plan	30.10.2014	Arcadia Landscape Architecture	30.10.2014
Dwg no. DA_201 Issue D	Landscape Softworks Plan	30.10.2014	Arcadia Landscape Architecture	30.10.2014
Dwg no. DA_202 Issue D	Landscape Softworks Plan	30.10.2014	Arcadia Landscape Architecture	30.10.2014
Dwg no. DA_203 Issue D	Landscape Softworks Plan	30.10.2014	Arcadia Landscape Architecture	30.10.2014
Dwg no. DA_204 Issue D	Landscape Softworks Plan	30.10.2014	Arcadia Landscape Architecture	30.10.2014
Dwg no. DA_205 Issue D	Landscape Softworks Plan	30.10.2014	Arcadia Landscape Architecture	30.10.2014
Dwg no. DA_301 Issue D	Details	30.10.2014	Arcadia Landscape Architecture	30.10.2014
Issue No. 02	BASIX Assessment	14.07.2014	Efficient Living Pty Ltd	23.07.2014
459245M_02	BASIX Certificate	14.07.2014	NSW Planning & Infrastructure	23.07.2014
459263M_02	BASIX Certificate	14.07.2014	NSW Planning & Infrastructure	23.07.2014
459268M_02	BASIX Certificate	14.07.2014	NSW Planning & Infrastructure	23.07.2014
459275M_02	BASIX Certificate	14.07.2014	NSW Planning & Infrastructure	23.07.2014
459278M_02	BASIX Certificate	14.07.2014	NSW Planning & Infrastructure	23.07.2014
459279M_02	BASIX Certificate	14.07.2014	NSW Planning & Infrastructure	23.07.2014
Ref no. 124672-PRSUBD Sheet 01	Draft Plans of Subdivision	29.10.14	JBW Surveyors Pty Ltd	30.10.2014
Ref no. 124672-PRSUBD Sheet 01	Draft Plans of Subdivision	29.10.14	JBW Surveyors Pty Ltd	30.10.2014
Dwg No. A0003-L00	Rail Concurrence Staging/Phasing Plan	15.12.2014	PTW Architects	15.12.2014

and details submitted to Council on 23 Jul 2014, 30 October 2014, 27 November 2014, 12 and 15 December 2014 with the application for development consent and as amended by the following conditions. Where any plans and/or information forming part of a construction certificate issued in relation to this consent are inconsistent with:

- (a) the plans and/or information approved under this consent; or
- (b) any relevant requirements of this consent;
- (c) the plans, information and/or requirements of this consent (as the case may be) shall prevail to the extent of the inconsistency.

All development approved under this consent shall be carried out in accordance with the plans, information and/or requirements of this consent taken to prevail by virtue of this condition.

Reason: To ensure the development is carried out in accordance with this Determination.

- 2. All works must be carried out in accordance with Development Consent No. 201400029.01 and as amended by the plans and requirements of the conditions of this consent.

Reason: To ensure that the requirements of this consent and Development Consent No. 201400029.01 are consistently applied.

- 3. The construction works of the development approved by this consent shall have the constructions certificates issued in accordance with the following 5 stages of construction work:

- a. **Stage 1A:** The drainage pipes approved in the DA201400029.01; and
- b. **Stage 1B:** The basement excavation works shown as Phase 1 on approved Plan Dwg No. A0003-L00 - Rail Concurrence Staging/Phasing Plan – by PTW Architects dated 15.12.2014 ; and
- c. **Stage 1C:** The basement excavation works shown as Phase 2 on approved Plan Dwg No. A0003-L00 - Rail Concurrence Staging/Phasing Plan – by PTW Architects dated 15.12.2014 must not commence until; and
- d. **Stage 2:** Construction of the entire basement including the roof over and associated access points; and
- e. **Stage 3:** Construction of Building D (on the corner of Longport and Brown Streets) and associated landscape surrounds, footpaths and pedestrian access for Building D to allow the function and operation of the loading dock / waste collection area; and
- f. **Stage 4:** Completion of Building D, Construction of Buildings A, B, C, E, F, G and associated landscape surrounds, footpaths and pedestrian access relevant to each individual building; and
- g. **Stage 5:** Completion of all remaining works in DA201400029.01, and construction and dedication of the Developers Works in accordance with the provisions of the Voluntary Planning Agreement submitted in relation to DA201400354 and agreed to by Council on 9 December 2014 (“VPA”).

Reason: To ensure all Construction Certificates and Occupation Certificates may be issued in a manner that allows the construction and occupation of the development to be staged over time whilst ensuring the required infrastructure, servicing, and amenity requirements of the development are met for each stage.

- 4. Where the Voluntary Planning Agreement (VPA) places pre-conditions on the issuing of a construction certificate or occupation certificate, no such certificate may be issued until such time as the relevant pre-conditions in the VPA have been satisfied.

Reason: To comply with the provisions of the Voluntary Planning Agreement.

- 5. Any development that is approved by this consent and which is the subject of the Voluntary Planning Agreement (VPA) must be carried out in compliance with the requirements of the VPA and this consent.

Reason: To comply with the provisions of the Environmental Planning and Assessment Act.

6. A total of 248 car spaces are to be provided and marked accordingly, including 31 visitor car parking spaces required as part of the total parking required under this Determination must be provided and marked as visitor car parking spaces. A sign legible from the street must be permanently displayed to indicate that visitor parking is available on site.

Reason: To ensure that visitor car parking spaces are provided and marked accordingly and that visitors are advised and directed to such parking.

7. No injury must be caused to the amenity of the neighbourhood by the emission of noise, smoke, smell, vibration, gases, vapours, odours, dust, particular matter, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health, the exposure to view of any unsightly matter or otherwise.

Reason: To ensure the operation of the premises does not affect the amenity of the neighbourhood.

8. The use of the premises, including any plant and equipment, must not give rise to:

- a) transmission of unacceptable vibration to any place of different occupancy;
- b) a sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 3dB(A). The source noise level shall be assessed as an LAeq,15min and adjusted in accordance with Environment Protection Authority guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content as described in the NSW Environment Protection Authority's Environmental Noise Control Manual and Industrial Noise Policy 2000 and The Protection of the Environment Operations Act 1997 (NSW).

NOTE: Marrickville Council has adopted a 3dB(A) goal in order to prevent background noise creep and the 5dB(A) criteria as outlined in the above mentioned references are not to be used.

Reason: To prevent loss of amenity to the area.

9. Noise and vibration from the use and operation of any plant and equipment and/or building services associated with the premises must not give rise to 'offensive noise' as defined by The Protection of the Environment Operations Act 1997 (NSW). In this regard the roller door to the car parking entries and loading dock is to be selected, installed and maintained to ensure their operation does not adversely impact on the amenity of the surrounding neighbourhood.

Reason: To protect the amenity of the surrounding neighbourhood.

10. No signs or goods must be displayed for sale or stored on the footpath in front of the premises at any time without the prior approval of Council.

Reason: To prevent the public footpath from being obstructed.

11. All loading and unloading in connection with the use of the retail tenancy must be carried out wholly within the property, during the approved hours of operation and in such a manner so as to not cause an inconvenience to the public.

Reason: To prevent use and obstruction of the adjacent public thoroughfare.

12. The hours of operation of the retail tenancy must be restricted to between the hours of 7.00am to 9.00pm Mondays to Saturdays, and 8.00am to 7.00pm on Sundays or Public Holidays.

Reason: To ensure that the operation of the premises does not interfere with the amenity of the locality.

13. The developer must liaise with the Sydney Water Corporation, Ausgrid, AGL and Telstra concerning the provision of water and sewerage, electricity, natural gas and telephones respectively to the property.

Reason: To ensure that the development is adequately serviced.

14. All building work must be carried out in accordance with the provisions of the National Construction Code (Building Code of Australia).
Reason: To ensure the work is carried out to an acceptable standard and in accordance with the National Construction Code (Building Code of Australia).
15. Owners and occupants of the approved development are not eligible for any existing or future resident parking scheme for the area. The person acting on this consent is responsible to advise any purchaser or prospective tenant of this condition.
Reason: To ensure the development does not reduce the amount of "on street" parking currently available.
16. The person acting on this consent shall provide security, in a manner satisfactory to Council for the proper maintenance of the road/drainage and public domain works in an amount of \$43,000.00 for a period of twelve (12) months from the date of completion of the works as surety for the proper maintenance of the road, drainage and public domain works. (If this bond has been provided in relation to DA201400029 then this additional bond will not be required).
Reason: To provide security for the maintenance of road, drainage and public domain works for a 12 month maintenance period.
17. The person acting on this consent shall, within fourteen (14) days of notification by Council, execute any and all maintenance works required by Council. In the event that the person acting on this consent fails to undertake such work, Council may undertake the required maintenance works, utilising part or all of the maintenance security and Council may recover any costs in excess of the security from the applicant.
Reason: To ensure all road, drainage and public domain works are maintained within a reasonable time limit during a 12 month maintenance period.
18. Prior to the issue of any Construction Certificate for Stage 3, the approved landscape plans shall be amended in accordance with the requirements of this condition so that a revised and updated landscape plans and details package shall be submitted to and approved by Council in accordance with the requirements of the Voluntary Planning Agreement for future public park and the remainder of the development site to ensure:
- a) the approved landscape concept plans are updated to construction standards before aboveground works commence on site; and
 - b) the approved landscape concept plans are updated to comply with the Further Design Works delivered from the Voluntary Planning Agreement; and
 - c) where relevant comply with the Marrickville Urban Forest Strategy; and
 - d) where relevant comply with the Marrickville DCP 2011, Clause 2.18 – Landscaping and Open Spaces; and
 - e) comply with the street tree replacement consent conditions; and
 - f) the soil depth shown on Dwg. No. DA301Rev 5 is stated as variable and must be adjusted in all planting areas so that:
 - i. the minimum soil depth on top of concrete slabs for all areas proposing the planting of turf is not less than 0.3 metres deep plus drainage material; and
 - ii. the minimum soil depth on top of concrete slabs for all areas proposing the planting of tree species is not less than 1 metre deep plus drainage material; and
 - iii. the minimum soil depth on top of concrete slabs for all for all areas proposing the planting of shrubs and groundcover species is not less than 0.4 metres deep plus drainage material; and
 - g) the Building D loading dock vehicle manoeuvring area is to be designed and constructed to be a pedestrian shared zone by detailing the pedestrian pathways in the manoeuvring area surface in a difference colour and material treatment than the

remainder in order to guide people and show pathway links clearly to the pedestrian pathway connections at the perimeter of the area; and

- h) each individual item of landscape furniture is specified on the landscape plans including identifying each items location, height, width, length, construction materials, colours, durability; and
- i) each individual item of public art is specified on the landscape plans including identifying for each public art piece the type, size, location, height, width, length, construction materials, colours, durability, and how they are integrated into the landscape and streetscape; and
- j) each individual fence and gate is specified on the landscape plans including identifying for each fence and gate the type, size, location, height, width, length, construction materials, colours, durability, and how that are integrated into the landscape and streetscape; and
- k) each individual walls is not higher than 0.8 metres and is specified on the landscape plans including identifying for each wall the type, location, height, width, length, construction materials, colours, durability, manufacturer, and how they are integrated into the landscape and streetscape; and
- l) all lighting is precisely specified on the landscape plans including identifying for each light the type, lux, size, location, height, width, length, construction materials, colours, durability, manufacturer, and how they are integrated into the landscape and streetscape, and comply with *Australian Standard AS/NZS1158.1.2:2010 - Lighting for roads and public spaces - Vehicular traffic (Category V) lighting - Guide to design, installation, operation and maintenance* and the principles of crime prevention through environmental design by not conflicting with landscape planting;
- m) each individual physical element of the way finding strategy is to be precisely specified on the landscape plans including identifying for each landscape features employed including for each element the type, location, height, width, length, construction materials, colours, durability, manufacturer, and how they are integrated into the landscape and streetscape; and
- n) all fencing within 20 metres of the light-rail corridor is to be approved by RailCorp (Sydney Trains) with documentary evidence of the RailCorp (Sydney Trains) approval supplied to Council with the landscape details package; and
- o) all lighting that generates light spill into the light-rail corridor is to be approved by RailCorp (Sydney Trains) with documentary evidence of the RailCorp (Sydney Trains) approval supplied to Council with the landscape details package
- p) the specifications for the landscape quality of the dedicated park land are matched into the landscaping specifications for the remainder of the site comprising proposed Lot 1 in the subdivision of Lot 11 DP 774322 & Lots 6, 7, 8 DP 977044 and the closed road being Part of Brown Street.

Reason: To ensure the landscape outcomes are coordinated and comply with the CPTED requirements.

19. Prior to the issue of any Construction Certificate by any Principal Certifying Authority for any works in Stage 3 comprising construction of Building D on the corner of Longport and Brown Streets and associated landscape surrounds, footpaths and pedestrian access plus all relevant works to allow the function and operation of the loading dock / waste collection area, the Further Design Works required in the Voluntary Planning Agreement for the completion of detailed landscape plans affecting the public open space must be completed to the satisfaction of the Council.

Reason: To comply with the provisions of the Environmental Planning and Assessment Act.

20. Prior to the issue of a Occupation Certificate for Stage 3 of the development the person acting on this consent must submit and have approved by the Principal Certifying Authority construction standard landscaping plans prepared for the issue of the Construction

Certificates for Stage 4 landscaping works to provide the documented landscape details package for the entire development. Excepting with a written dispensation being obtained and provided from Council, the construction standard landscaping plans design specification shall be entirely consistent with the specifications agreed with Council arising from the Further Design Works completed in accordance with the provisions of the Voluntary Planning Agreement affecting the public open space.

Reason: To ensure the landscape outcomes in the public open space match with the landscape outcomes on the development site.

21. Prior to the issue of a Construction Certificate for Stage 3 of the development the person acting on this consent must submit and have approved by Sydney Trains (RailCorp) and Marrickville Council a detailed landscaping plan designed for landscape embellishment and planting of the eastern side within the Light Rail Corridor in the location described as follows:

- i. The vacant land:
 - a. directly adjacent to the common boundary; and
 - b. for the full length of the common boundary; and
 - c. for the entire area between the light rail track clearance zone and the common property; and
- ii. that meets with the area of land able to be landscaped as specified by Sydney Trains (RailCorp) and to the satisfaction of Sydney Trains (RailCorp).

The detailed landscaping plan must address the following requirements:

- a) The planting schedule must ensure a complex habitat structure is achieved with a clearly definable under, mid and upper vegetation storey; and
- b) Species selected and planted shall be sourced from community or wholesale nurseries that stock Sydney region native species; and
- c) GreenWay Revegetation and Bushcare Management Plan (notably Section 7: Planning for Revegetation and Bushcare Works and the tree, shrub and groundcover plants species from Sydney Turpentine Ironbark Forest and Sandstone Vegetation Communities outlined in Appendix A, available on the website at <http://www.greenway.org.au/index.php/biodiversity/biodiversity-strategy>); and
- d) The groundcover layer must be dense (6 plants per m²) to provide habitat for the Long-nosed bandicoot, which is a ground-dwelling mammal; and
- e) Provide visual screening of the basement entry ramp and any basement sidewalls exposed to view from passengers using the light rail corridor; and
- f) Be designed to discourage people from applying graffiti to any basement sidewalls exposed to view from the light rail corridor; and
- g) Include an ongoing maintenance schedule, and maintenance plan; and
- h) Meet with any other requirements including but not limited to the design, planting and maintenance requirements of Sydney Trains (RailCorp).

The approved landscaping plan shall be implemented by ensuring that the landscape planting and associated works is to be installed prior to the issue of any Interim or Final Occupation Certificate by any Principal Certifying Authority for Stage 3 - Building D, and maintained for a period of not less than 12 months and not more than 2 years.

Reason: To provide for: the protection of the endangered Long-nosed Bandicoot population (NSW Threatened Species Conservation Act 1995) through the provision of increased foraging habitat; and augment the landscaping of the western side of the site; and provide visual screening of the development and underground basement entry ramp; and screen the state listed heritage items; and screen the light rail corridor; and provide anti-vandalism of any exposed basement sidewalls facing the light rail corridor.

22. The street trees approved to be removed shall be removed by an arborist with a minimum qualification of certificate 3 in arboriculture in compliance with WorkCover NSW Code of Practice: Amenity Tree Industry 1998. Trees shall be chipped, with the exception of any tree identified as having a contagious fungal or bacterial disease, and woodchip mulch shall be re-used.

Reason: To ensure trees are removed in a safe and environmentally responsible manner

23. That new trees shall be planted by a qualified horticulturist or arborist, with a minimum qualification of Certificate 3.

Reason: To ensure trees are properly planted at correct levels in suitable soil matrices.

24. For the purposes of compliance with any Sydney Trains concurrence issued on 16 December 2014 the person responsible for acting on this consent must ensure the following is complied with:

- a) For the purposes of compliance with any Sydney Trains concurrence conditions, a reference to the Phase 1 and Phase 2 areas is a reference to the Phase 1 and Phase 2 areas as shown on the Rail Concurrence Staging/Phasing Plan prepared by PTW Architects, Drawing No A003-L00 – Revision A, dated 15/12/2014.
- b) In exercising its functions in relation to any Sydney Trains condition, Sydney Trains reserves the right to liaise with Transport for NSW and the light rail operator, and impose any requirements (as advised by those entities) on their behalf as if they were Sydney Trains requirements.
- c) Prior to the issuing of a Construction Certificate for works within the Phase 2 area, the Applicant shall prepare and provide to Sydney Trains for approval/certification the following items:
 1. Final Geotechnical and Structural report/drawings that meet Sydney Trains requirements. The Geotechnical Report must be based on actual borehole testing conducting on the site closest to the rail corridor.
 2. Final Construction methodology with construction details pertaining to structural support during excavation.
 3. Final cross sectional drawings showing ground surface, rail tracks, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the Rail Corridor. All measurements are to be verified by a Registered Surveyor.
 4. Detailed Survey Plan showing the relationship of the proposed developed with respect to the Rail Corridor and infrastructure.
 5. If required by Sydney Trains, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.
 6. Machinery to be used during excavation/construction.
 7. If required by Sydney Trains as a result of the assessment of the documentation listed above, track monitoring plan detailing the proposed method of track monitoring during excavation and construction phases.
- d) Any conditions issued as part of the Sydney Trains approval/certification of the above documents will also form part of the consent conditions that the Applicant is required to comply with. The Principal Certifying Authority is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that this condition has been complied with. (It is advisable that the applicant seek approval/certification of the above documentation prior to or at the time of the issuing of a Construction Certificate for the Phase 1 area works in order to enable a logical transition of works from the Phase 1 area to the Phase 2 area).
- e) All excavation works with the Phase 2 area are to be supervised by a geotechnical engineer experience with such excavation projects.

- f) Prior to the commencement of any works on the site, a Registered Surveyor shall peg-out the boundary delineating the Phase 1 and Phase 2 areas as show in red dashes on the Rail Concurrence Staging/Phasing Plan prepared by PTW Architects, Drawing No A003-L00 – Revision A, dated 15/12/2014. A temporary construction fence shall be placed on the pegged boundary to clearly identify the two work phase areas. The Registered Surveyor must provide written and photographic evidence to Sydney Trains and Council that this requirement has been undertaken. Works shall not commence until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied. The temporary construction fence can be removed once a Construction Certificate has been obtained for the Phase 2 area.
- g) Prior to the issuing of an Occupation Certificate for each building within the Phase 2 area, the Applicant is to submit the as-built drawings to Sydney Trains and Council. The Principal Certifying Authority is not to issue the Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- h) Prior to the commencement of works within the Phase 2 area, and prior to the issue of the Occupation Certificate for any building within the Phase 2 area, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains, TfNSW, or the light rail operator and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.
- i) An acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Rsoads- Interim Guidelines". The Applicant must incorporate in the development all the measures recommended in the report.
- j) The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor from either the Phase 1 or Phase work areas must limit glare and reflectivity to the satisfaction of Sydney Trains. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- k) The Applicant is to obtain Sydney Trains endorsement prior to the installation of any hoarding or scaffolding within the Phase 2 area.
- l) If required by Sydney Trains, prior to the issue of a Construction Certificate for works within the Phase 2 area, the Applicant is to provide Sydney Trains with a report from a qualified structural engineer demonstrating that the structural design of the development satisfies the requirements of Australian Standard AS5100. The Principal Certifying Authority is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that it has received this report and the Principal Certifying Authority has also confirmed that the measures recommended in engineers report have been indicated on the Construction Drawings.
- m) Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.
- n) Prior to the issue of a Construction Certificate for works within the Phase 2 area, a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

- o) Prior to the issuing of a Construction Certificate for works within the Phase 1 or Phase 2 areas, the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
- p) Prior to the commencement of works appropriate fencing is to be installed along the rail corridor to prevent unauthorised access to the rail corridor during construction. Details of the type of fencing and the method of erection are to be to Sydney Train's satisfaction prior to the fencing work being undertaken.
- q) The development shall have appropriate fencing fit for the future usage of the development site to prevent unauthorised access to the rail corridor by future occupants of the development. Prior to the issuing of an Occupation Certificate for the first building within the Phase 2 area, the Applicant shall liaise with Sydney Trains regarding the adequacy of any existing fencing along the rail corridor boundary. Details of the type of new fencing to be installed and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.
- r) Prior to the issue of a Construction Certificate for works within the Phase 2 area, the Applicant must hold current public liability insurance cover for a sum to be determined by Sydney Trains. This insurance shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The Applicant is to contact Sydney Trains Rail Corridor Management Group to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.
- s) Prior to the issue of a Construction Certificate for works within the Phase 2 area, the Applicant is to contact Sydney Trains Rail Corridor Management Group to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.
- t) The Applicant must provide a plan of how future maintenance of all structures within the Phase 2 area is to be undertaken. The maintenance plan is to be submitted to Sydney Trains prior to the issuing of the Construction Certificate for works within the Phase 2 area. The Principal Certifying Authority is not to issue a Construction Certificate until written confirmation has been received from Sydney Trains advising that the maintenance plan has been prepared to its satisfaction.
- u) There is a need to ensure that the roots and foliage of trees being planted beside the rail corridor do not have an impact on the rail corridor. The development's landscaping and planting plan should be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate for the Phase 2 area. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
- v) Prior to issuing of the any Occupation Certificate within the Phase 2 area, the Applicant shall landscape an area 2m in width within the light rail corridor property boundary in order to screen the above ground structure of the development that is within close proximity to the rail corridor boundary. The Principal Certifying Authority is not to issue the Occupation Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
- w) Prior to issuing of the first Occupation Certificate for a building within the Phase 2 area, the Principal Certifying Authority shall provide written confirmation to Sydney Trains that the Applicant has provided the lay-back or roll-back kerb at the end of Hudson Street to enable heavy vehicle access to the light rail corridor as required under development consent DA201400029.

Reason: To comply with the concurrence requirements of RailCorp (Sydney Trains) in accordance with the provisions of Statement Environmental Planning Policy (Infrastructure) 2007.

25. Sydney Trains or Transport for NSW (Transport for NSW), and persons authorised by them for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought.

Reason: To comply with the concurrence requirements of RailCorp (Sydney Trains) in accordance with the provisions of Statement Environmental Planning Policy (Infrastructure) 2007.

26. No work is permitted within the rail corridor, or rail easements, at any time unless prior approval or an Agreement has been entered into with Transport for NSW or the light rail operator.

Reason: To comply with the concurrence requirements of RailCorp (Sydney Trains) in accordance with the provisions of Statement Environmental Planning Policy (Infrastructure) 2007.

27. Copies of any certificates, drawings or approvals given to or issued by Sydney Trains must be submitted to Council for its records.

Reason: To comply with the concurrence requirements of RailCorp (Sydney Trains) in accordance with the provisions of Statement Environmental Planning Policy (Infrastructure) 2007.

28. Prior to the commencement of works and prior to the issue of the Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains, Transport for NSW, or the light rail operator and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.

Reason: To comply with the concurrence requirements of RailCorp (Sydney Trains) in accordance with the provisions of Statement Environmental Planning Policy (Infrastructure) 2007.

29. The person acting on this consent shall obtain Sydney Trains endorsement prior to the installation of any hoarding or scaffolding facing the common boundary with the rail corridor.

Reason: To comply with the concurrence requirements of RailCorp (Sydney Trains) in accordance with the provisions of Statement Environmental Planning Policy (Infrastructure) 2007.

30. No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and 1500V catenary, contact and pull-off wires of the adjacent tracks, and to any high voltage aerial supplies within or adjacent to the rail corridor.

Reason: To comply with the concurrence requirements of RailCorp (Sydney Trains) in accordance with the provisions of Statement Environmental Planning Policy (Infrastructure) 2007.

31. Drainage from the proposed works under this application shall not be discharged direct into the rail corridor.

Reason: To comply with the concurrence requirements of RailCorp (Sydney Trains) in accordance with the provisions of Statement Environmental Planning Policy (Infrastructure) 2007.

32. There is a need to ensure that the roots and foliage of trees being planted beside the rail corridor do not have an impact on the rail corridor. The development's landscaping and planting plan should be submitted to Sydney Trains for review.
Reason: To comply with the concurrence requirements of RailCorp (Sydney Trains) in accordance with the provisions of Statement Environmental Planning Policy (Infrastructure) 2007.
33. To ensure that graffiti can be easily removed, the person acting on this consent shall ensure that the walls of the development facing the rail corridor within the Phase 2 area are coated with anti-graffiti paint or other coating.
Reason: To comply with the concurrence requirements of RailCorp (Sydney Trains) in accordance with the provisions of Statement Environmental Planning Policy (Infrastructure) 2007.
34. Where a condition of consent requires Sydney Trains endorsement the Principal Certifying Authority is not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from Sydney Trains that the particular condition has been complied with.
Reason: To comply with the concurrence requirements of RailCorp (Sydney Trains) in accordance with the provisions of Statement Environmental Planning Policy (Infrastructure) 2007.
35. An authorisation shall be obtained from NSW Office of Water 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 in the authorisation.
Reason: To comply with the General Terms of Approval of NSW Office of Water
36. 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 in contact with groundwater watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for reasonably foreseeable high water table elevations to prevent potential future inundation.
Reason: To comply with the General Terms of Approval of NSW Office of Water
37. Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater, and shall not themselves cause pollution of the groundwater.
Reason: To comply with the General Terms of Approval of NSW Office of Water
38. The proposed development must be served by a drinking water extension off the 300mm main in Longport Street.
Reason: To satisfy the requirements of the Sydney Water Corporation.
39. The proposed drinking water infrastructure for this development will be sized & configured according to the Water Supply Code of Australia WSA 03-2011-3.1 (Sydney Water Edition - 2012).
Reason: To satisfy the requirements of the Sydney Water Corporation.
40. The wastewater main available for connection is the 150mm main constructed under CONT.739
Reason: To satisfy the requirements of the Sydney Water Corporation.
41. The proposed development site is traversed by a number of wastewater mains and the proposed works are in close proximity to a Sydney Water asset. The person responsible for acting on this consent may be required to carry out additional works to facilitate the

development and protect the wastewater main. Subject to the scope of development, servicing options may involve adjustment/deviation and or compliance with the Guidelines for building over/adjacent to Sydney Water assets. Refer to your WSC for details of requirements.

Reason: To satisfy the requirements of the Sydney Water Corporation.

42. The proposed development must address:

- Prevention to impact on Sydney Water's remaining oviform stormwater pipe
- Existing Sydney Water stormwater drainage to be removed
- Stormwater easement on this property to be de-registered.

Reason: To satisfy the requirements of the Sydney Water Corporation.

43. The person responsible for acting on this consent must follow the Sydney Water's guidelines for constructing buildings over or adjacent to stormwater assets guidelines and must ensure that:

- No building or permanent structure is to be constructed within 1m from the outside wall of the stormwater asset.
- Ensure new Sydney Water stormwater assets are constructed away from any building and structurally independent from any structure.

Reason: To satisfy the requirements of the Sydney Water Corporation.

44. Sydney Water notes that Sydney Water stormwater pit (downstream from pit B11) will be renewed and the remaining oviform stormwater channels through the light rail corridor must be protected.

This work must be carried out as per Sydney Water standard procedures including:

- Connection angles are to be no greater than 30 degrees in the direction of the channel flow.
- Proposed connections that are 300mm or more in diameter require a qualified structural engineer to design the connection. A structural engineer's certificate is to be attached with the design drawings.
- Proposed connections that are less than 300mm in diameter can use Sydney Water's standard drawings to design the connection drawings.
- All drawings are to be submitted in Auto Cad to the Water Servicing Coordinator. The title of the drawings shall be as follows:[Suburb] Drainage Case No. [#44###444#] SW[Catchment Name] SWC [##]

Reason: To satisfy the requirements of the Sydney Water Corporation.

45. During construction if there is a need to connect to Sydney Water stormwater assets not shown on the works plans. The person acting on this consent must immediately consult with Sydney Water before any work is carried out.

Reason: To satisfy the requirements of the Sydney Water Corporation.

46. Removal of existing stormwater assets (150VC) in this property must be removed with care as per Sydney Water work procedures. The removal of stormwater assets must not impact on the structural integrity of any remaining Sydney Water assets. Sydney Water must be informed immediately of any damages. Any repair damages to remaining stormwater assets will be at the responsibility and the expense of the proponent.

Reason: To satisfy the requirements of the Sydney Water Corporation.

47. The person responsible for acting on this consent must consult with Sydney Water if during construction there is a need to connection to Hawthorne Canal.

Reason: To satisfy the requirements of the Sydney Water Corporation in addressing stormwater connections to natural waterways.

48. The person responsible for acting on this consent must consider Sydney Water's guidelines for stormwater connections to natural waterways which outline the process and design requirements for such activities. As per the guidelines, the applicant must refer to the relevant guidelines for further detail on requirements and the process for approval.

Reason: To satisfy the requirements of the Sydney Water Corporation in addressing stormwater connections to natural waterways.

49. Government agencies must be informed and notified by the person responsible for acting on this consent of the works required satisfy the requirements of Sydney Water Corporation including Council, Roads and Maritime Services, Sydney Trains, NSW Office of Water.

Reason: To satisfy the requirements of the Sydney Water Corporation in addressing other agency notification.

50. Refer to Stormwater Report 12 May 2014 prepared by Cardno and supporting documentation for DA 201400029. The report and documentation addressed Sydney Water's stormwater concerns regarding Sydney Water's assets, flood impacts, potential impacts to people, adjoining properties, infrastructure, utilities and services from the proposed Lewisham Estate at 78-90 Old Canterbury Road.

Reason: To satisfy the requirements of the Sydney Water Corporation in addressing flooding impacts.

51. As per above report Sydney Water will not require On-site Detention (OSD) for this development. OSD was identified that due to the location of the site and changes in behaviour of local catchment flows OSD is not required if the trunk drainage system is upgraded. The trunk drainage upgrade will also prevent overland flows, have no significant impacts to peak flood levels and it will cater for future development south of Hudson Street

Reason: To satisfy the requirements of the Sydney Water Corporation in addressing on-site stormwater detention.

52. The person responsible for acting on this consent must ensure Sydney Water's oviform stormwater pipe will not be impacted.

Reason: To satisfy the requirements of the Sydney Water Corporation in addressing on-site stormwater detention.

53. Stormwater run-off quality from the site should meet Councils requirements. Alternatively it must meet appropriate quality and quantity before discharged into a Sydney Water stormwater system. Developments must demonstrate stormwater quality improvement measures that meet the following specified stormwater pollutant reductions:

Pollutant	Pollutant load reduction objective (%)
Gross Pollutants (>5mm)	90
Total Suspended Solids	85
Total Phosphorus	65
Total Nitrogen	45

Reason: To satisfy the requirements of the Sydney Water Corporation in addressing stormwater quality.

54. Pursuant to Section 88B of the Conveyancing Act 1919 a restriction as to user is to be imposed on the title of proposed Lot 1 in the subdivision of Lot 11 DP 774322 & Lots 6, 7, 8 DP 977044 and the closed road being Part of Brown Street to give effect to the easements shown as (E2) - *Denotes Easement For Public Access Variable Width* on the approved plan titled "*Plan Showing the Concept of the Proposed Subdivision of Lot 11 DP 774322 & Lots 6, 7, 8 DP 977044 and the Closed Road Being Part of Brown Street*" by JBW Surveyors Pty Ltd – Plan Ref 124672-PRSUBD dated 29 October 2014 to give effect to the following:

- Any member of the general public shall be entitled to access the areas shown as (E2) *Denotes Easement For Public Access Variable Width*, on the land at any time, with no other legal restriction or binding limitation being imposed by the land owner to fetter those rights of access.

Reason: To satisfy the requirements of the Part 3A Concept approval No. MP08_0195 Schedule 3 - FEAR No. 15.

55. The owner and/or owners corporation of proposed Lot 1 in the subdivision of Lot 11 DP 774322 & Lots 6, 7, 8 DP 977044 and the closed road being Part of Brown Street shall hold

at all times Public Liability Insurance to the value of \$20,000,000 to cover any claim for damage, loss, injury or incident to a member of the general public arising on the land.

Reason: To satisfy the requirements of the Part 3A Concept approval No. MP08_0195 Schedule 3 - FEAR No. 15.

56. To ensure the design of the proposal reduces opportunities for crime:

- a) the principles of Crime Prevention through Environmental Design are to be provided in the construction plans and specification details including design for natural and passive surveillance, territorial reinforcement, space management, and access control including:
 - i. installation of Closed Circuit Television (CCTV) system that:
 - a. captures high definition quality footage; and
 - b. is capable of storing up to 14 days of footage that can be exported to media such as CD Rom, external hard disk drive, flash drive or similar; and
 - c. has vandalism resistant cameras installed that provide video surveillance of:
 1. all areas of both of the basement car park levels; and
 2. all areas inside the ground level entry foyer in Buildings A, B, C, D, E, F and G; and
 - ii. a multi-layered automatic access control system incorporating resident control swipe system and/or keypad access for:
 - swipe system and keypad access outside each building at entry door hold points to the Buildings A, B, C, D, E, F and G; and
 - iii. the ground level entry shall be designed to maximise surveillance opportunities to and from these areas from both inside the lobby, and from the residential units above and in the buildings opposite those entries for Buildings A, B, C, D, E, F and G; and
 - iv. the placement and orientation of common entry areas for Buildings A, B, C, D, E, F and G including foyers, lobbies and lifts shall maximise opportunities for natural supervision by caretakers, tenants and other guardians; and
 - v. the design of fences and gates to ensure passive surveillance is provided between public, semi-public and private spaces at ground level; and
 - vi. all lighting is specified including identifying for each light the type, lux, size, location, height, width, length, construction materials, colours, durability, and how they are integrated into the landscape and streetscape, and comply with *Australian Standard AS/NZS1158.1.2:2010 - Lighting for roads and public spaces - Vehicular traffic (Category V) lighting - Guide to design, installation, operation and maintenance* and do not conflict with landscape planting; and
- b) Prior to the issue of any Construction Certificate for each respective building in Stage 3 and 4 of the development the requirements of this condition must be submitted to and approved by the Principal Certifying Authority.
- c) All of the crime risk reduction measures are to be installed prior to the issue of the relevant Occupation Certificate associated with the works in Stage 3 and 4, with the exception of the crime risk reduction requirements affecting the basement levels which must be installed prior to the issue of any Occupation Certificate permitting use of the basement by residents.
- d) All of the crime risk reduction measures are to remain installed and be maintained by the owners corporation for the life of the development.

Reason: To ensure the design of the proposal reduces opportunities for crime and the principles of Crime Prevention through Environmental Design and the requirements of NSW Police.

57. Upon the completion of any remediation works stated in the Remediation Action Plan (RAP) the person acting on this consent must submit to Council a Validation and Monitoring Report. The report is to be conducted in accordance with the NSW Environment Protection Authority's *"Guidelines for Consultants Reporting on Contaminated Sites 1998"*.

Reason: To ensure that the remediated site complies with the objectives of the RAP

58. All heavy vehicles including waste service vehicles accessing the loading dock shall enter and leave the site via the intersection of Brown and Longport Streets.

Reason: To ensure that no heavy vehicles access the site via William Street.

59. A rotating beacon light and signage is to be installed on the external wall of the Building D adjacent to the loading dock doors, that is:

- a) To be positioned so that it readily visible by pedestrians in the vicinity;
- b) Installed so that the light automatically switches on and begins flashing when the doors are open and switches off when they are shut;
- c) A heavy duty sign/s is to be designed with dimensions of not less than 400mm (h) x 600mm (w), with black bold text, on a white background, with text not less than 100mm high on it's face which says: *Flashing Light - Caution Waste Collection Underway*.
- d) The signage and lighting must be installed, maintained, and be operating for the life of the development. Plans and Specification details of the light and sign that meet the terms of this condition are to be submitted to and approved by the Principal Certifying Authority (PCA) prior to the issue of any Construction Certificate for Stage 3 of the development, and be installed and operating in accordance with those plans and specifications prior to the issue any interim the Occupations Certificate for Stage 3 of the development that allows use and operation of the Building D – Loading Dock
- e) Any variations required to made to the size and installation parameters stipulated for both the lighting and signage parameters set out in this condition arising from installation constraints must only be varied by preparing plans and specifications addressing the intentions of this condition are met and submitting them to and having them approved by the Infrastructure Works and Service Section of Council prior to the issue of an any Construction Certificate for Stage 3 of the development by the PCA.

Reason: To allow trucks to safely enter and exit the loading dock in Building D to load and unload inside the site and service the development.

60. To provide access, safety, and limit the impact of waste collection services at the site the Building D loading dock must:

- a) Incorporate an access control system installed to the loading dock with an automatic opening and closing door; and
- b) Have the arrangements of the access control system supplied to the Council to allow Council's waste collection staff to remotely control the opening of the loading dock door upon arrival in waste collection vehicles; and
- c) Be designed so that the loading dock door is to remain open while waste collection vehicles are entering and exiting through the door; and
- d) Be designed so that the loading dock door closes automatically once waste collection vehicles have entered or exited the loading dock; and
- e) Be designed so that the loading dock door remains closed for the duration of the waste collection functions; and
- f) The remote control system is to activate the orange heavy duty rotating beacon light to warn pedestrian in the vicinity of waste collection vehicles manoeuvring and reversing on-site to access and exit the loading dock; and
- g) Have purpose designed and dedicated lift installed providing solely for the transfer of waste bins between the basement and the loading dock internal to the Building D; and

- h) Not have waste bins transferred to it by any means that involves bins being carted between the basement and the loading dock via any vehicle using any public road; and
- i) Not be operated for waste collection services outside of the hours of 8:00am to 5:00pm Monday to Friday; and
- j) Have a fin wall installed across the top of the loading dock door and down each side of the loading dock door, that projects not less than 0.6m from the wall of the building and is designed to ameliorate the visual impact of the door when viewed from the light-rail corridor, William and Brown Streets, and from residential units in Buildings B, C, F and G; and
- k) Be coloured in dark tinted natural tones complimenting the materials selection for the development;
- l) Be designed managed, construction, fit-out and operated to comply with the requirements of any approved acoustic reports, and must not give rise to any unreasonable adverse noise impact on residential amenity internal and external to the site; and
- m) Must not be serviced by using the Building D residential level lift core to transfer bins between the basement.

Prior to the issue of any Construction Certificate for Stage 3, plans and specification details that meet the terms of this condition are to be submitted to and approved by the Principal Certifying Authority (PCA), and be installed and operating in accordance with those plans and specifications for each stage of the development prior to the issue of the relevant Occupations Certificate.

Any variations required to made to parameters stipulated in this condition arising from installation constraints must only be varied by preparing plans and specifications addressing the intentions of this condition are met and submitting them to and having them approved by the Council prior to the issue of an any Construction Certificate for Stage 3 by the PCA.

Reason: To allow trucks to gain access to the building to load and unload adjacent to the site and service the development.

61. The applicant/owners/strata managers must provide to Council access rights permission for the Council staff to enter the building for the purpose of the delivery of Council's Waste Collection Services at the site as proposed in the development, and is to be maintained in place for the duration of the provision of the service by Council. The Council access rights permission is to be provided to the Infrastructure Works and Service Section of Council prior to the issue of any Occupation Certificate for Stage 3 of the development.

Reason: To ensure Council has legal entry to the building.

62. The applicant/owners/strata managers must provide a waiver to Council against any claims or liabilities made against Council and/or it's staff arising from any damages, accident, injury or any other incident arising as a result of the delivery of Council's Waste Collection Services at the site as proposed in the development, and is to be maintained in place for the duration of the provision of the service by Council.

The waiver is to be provided to the Infrastructure Works and Service Section of Council prior to the issue of any Occupation Certificate for Stage 3 of the development.

Reason: To ensure Council is indemnified against any claims.

63. The applicant/owners/strata managers must hold public liability insurance policy, in terms which are to the satisfaction of the Infrastructure Works and Service Section of Council, that covers the Council and it's staff that are permitted access rights to enter the building for the purpose of the delivery of Council's Waste Collection Services at the site as proposed in the development against any damages, accident, injury or any other incident, and is to be maintained in place for the duration of the provision of the service by Council. A copy of the public liability insurance is to be provided to the Infrastructure Works and Service Section of Council, prior to the issue of any Occupation Certificate for Stage 3 of the development.

Reason: To ensure Council is covered by insurance at property.

64. In order to ensure the design quality excellence of the development is retained:
- The design architect is to have direct involvement in the design documentation, contract documentation and construction stages of the project;
 - The design architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of design issues throughout the life of the project;
 - Evidence of the design architect's commission is to be provided to the Council prior to issue of a Construction Certificate for Stage 3 of the development.

The design architect of the project is not to be changed without prior notice and approval of the Council.

Reason: On the basis that the approved design is a result of a competitive design process mandated by the Part 3A Concept Approval and to ensure the design quality excellence of the development is retained.

65. Separate approval must be sought under the Airports (Protection of Airspace) Regulations 1996 for any cranes required to construct the buildings. Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Airports (Protection of Airspace) Regulations. Therefore any such crane activity that exceeds the height of the 79.0m AHD will require separate assessment.

Reason: To ensure the development meets with the requirements of the Department of Infrastructure and Regional Development.

66. To avoid impacts on the Long-nosed Bandicoots and threatened bat species that may roost or forage on the site, the following measures are to be implemented at all times during the construction of the project:

- Construction workers on the subject site shall be instructed as part of their worksite induction program about the importance of the site and the surrounding landscape as potential habitat for the inner western Sydney Population of the Long-nosed Bandicoot; and
- The induction program shall ensure that workers are able to identify:
 - Long-nosed Bandicoots; and
 - Indirect signs of Long-nosed Bandicoots activity; and
 - Areas within and adjacent to the subject site that are potential habitat for Long-nosed Bandicoots species; and
 - Know what actions to take in the event of a Long-nosed Bandicoot occurring on the site during the pre-construction and construction periods; and
- The construction site foreman shall ensure the site is checked each day before works commence at the subject site (including roof and internal spaces between walls of the construction site buildings, areas under site buildings, under vehicles, in and under material stockpiles) for signs of occupancy of the site by bandicoots and threatened bat species; and
- Bandicoot-proof fencing shall be erected around the entire perimeter of the subject site once the qualified ecologist is satisfied that there are no Long-nosed Bandicoots on the subject site; and
- If Long-nosed Bandicoots are found on the subject site just prior or during construction, then construction must stop and the landowner must contact the the Department of Environment, Climate Change and Water (DECCW) immediately about the best course of action to take to prevent injury or mortality to individual bandicoots; and
- Silt fences and sediment ponds should be appropriately placed around construction areas on the subject site to prevent runoff of sediment and nutrient-enriched waters into nearby drainage lines and bushland areas. The effectiveness of these traps should be closely monitored during construction, ensuring that treated site run-off meets EPA guidelines.

Reason: To ensure the development implements to the provisions of the Threatened Species Conservation Act 1995.

BEFORE COMMENCING DEMOLITION, EXCAVATION AND/OR BUILDING WORK

For the purpose of interpreting this consent, a Principal Certifying Authority (PCA) means a principal certifying authority appointed under Section 109E(1) of the Environmental Planning and Assessment Act 1979. Pursuant to Section 109E(3) of the Act, the PCA is principally responsible for ensuring that the works are carried out in accordance with the approved plans, conditions of consent and the provisions of the National Construction Code (Building Code of Australia).

67. No work must commence until:

- a) A PCA has been appointed. Where an Accredited Certifier is the appointed, Council shall be notified within 2 days of the appointment; and
- b) A minimum of 2 days written notice given to Council of the intention to commence work.

Reason: To comply with the provisions of the Environmental Planning and Assessment Act.

68. A Construction Certificate must be obtained before commencing building work. Building work means any physical activity involved in the construction of a building. This definition includes the installation of fire safety measures.

Reason: To comply with the provisions of the Environmental Planning and Assessment Act.

69. Sanitary facilities must be provided at or in the vicinity of the work site in accordance with the WorkCover Authority of NSW, Code of Practice 'Amenities for Construction'. Each toilet must be connected to the sewer, septic or portable chemical toilet before work commences. Facilities must be located so that they will not cause a nuisance.

Reason: To ensure that sufficient and appropriate sanitary facilities are provided on the site.

70. Where any loading, unloading or construction is to occur from a public place, Council's Infrastructure Services Division must be contacted to determine if any permits or traffic management plans are required to be obtained from Council before work commences.

Reason: To protect the amenity of the area.

71. The site must be enclosed with suitable fencing to prohibit unauthorised access. The fencing must be erected as a barrier between the public place and any neighbouring property, before work commences.

Enquiries for site fencing and hoardings in a public place, including the need for Council approval, can be made by contacting Council's Infrastructure Services Division.

Reason: To secure the area of the site works maintaining public safety.

72. A rigid and durable sign must be erected in a prominent position on the site, before work commences. The sign must be maintained at all times until all work has been completed. The sign is to include:

- a) The name, address and telephone number of the PCA;
- b) A telephone number on which Principal Contractor (if any) can be contacted outside working hours; and
- c) A statement advising: 'Unauthorised Entry to the Work Site is Prohibited'.

Reason: To maintain the safety of the public and to ensure compliance with the Environmental Planning and Assessment Regulations.

73. A Soil and Water Management Plan must be prepared in accordance with Landcom Soils and Construction, Volume 1, Managing Urban Stormwater (Particular reference is made to

Chapter 9, "Urban Construction Sites") and submitted to and accepted by the PCA. A copy of this document must be submitted to and accepted by PCA before work commences. The plan must indicate:

- a) Where the builder's materials and waste are to be stored;
- b) Where the sediment fences are to be installed on the site;
- c) What facilities are to be provided to clean the wheels and bodies of all vehicles leaving the site to prevent the tracking of debris and soil onto the public way; and
- d) How access to the site will be provided.

All devices must be constructed and maintained on site while work is carried out.

Reason: To prevent soil erosion and sedimentation of the stormwater network.

74. Prior to work commencing on Stage 2 for the basement construction works, the person acting on this consent is responsible for arranging and meeting the cost of dilapidation reports prepared by a suitably qualified person.

The reports are to include colour photographs and must be submitted to the Certifying Authority's satisfaction, with a colour copy being provided to Council and the respective property owner(s) of the identified properties.

If the consent of the adjoining property owner(s) can be obtained, the dilapidation reports are to be prepared for the buildings on the properties at No. 2, 4, 6, 8 William Street and No. 70 Old Canterbury Road, Lewisham.

In the event that the consent of the adjoining property owner(s) cannot be obtained copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the PCA before work commences.

Reason: To catalogue the condition of the adjoining properties for future reference in the event that any damage is caused during work on site.

75. Before commencing works the person acting on this consent must provide a contact number on the site construction safety sign for a designated person to be available during the demolition and construction for residents to contact regarding breaches of consent or problems relating to the construction.

Reason: To provide a person that residents can contact.

76. Alignment levels for the site at all pedestrian and vehicular access locations must be obtained from Council's Director, Infrastructure Services before the commencement of construction of the Stage 2 basement structures. The alignment levels must match the existing back of footpath levels at the boundary. Failure to comply with this condition will result in vehicular access being denied.

Reason: In accordance with Council's powers under the Roads Act, 1993, alignment levels at the property boundary will be required to accord with Council's design or existing road and footpath levels.

77. The person acting on this Determination must ensure that all workers on the site, including subcontractors, as part of their site induction, are made aware of the potential presence of Long-nosed Bandicoots (including what they look like) and measures to avoid physical harm to bandicoots before commencing any works on site including site preparation works.

Reason: To ensure all workers on the site are made aware of the potential presence of Long Nosed bandicoots on the development site.

78. If new street numbers or a change to street numbers (this includes unit and shop numbers) are required, a separate application must be made to and approved by council prior to those street numbers being displayed.

Reason: To ensure that the building is easily identifiable

79. The vehicular crossing and/or footpath works are required to be constructed by your own contractor. You or your contractor **must** complete an application for 'Construction of a Vehicular Crossing & Civil Works' form, lodge a bond for the works, pay the appropriate

fees and provide evidence of adequate public liability insurance, before commencement of works.

Reason: To ensure the civil works are constructed to Council's specifications.

80. The person acting on this consent shall apply as required for all necessary permits including crane permits, road opening permits, hoarding permits, footpath occupation permits and/or any other approvals under Section 68 (Approvals) of the Local Government Act, 1993 or Section 138 of the Roads Act, 1993.

Reason: To ensure all necessary approvals have been applied for.

81. Where it is proposed to carry out works in public roads or Council controlled lands, a road opening permit shall be obtained from Council before the carrying out of any works in public roads or Council controlled lands. Restorations shall be in accordance with Marrickville Council's Restorations Code. Failure to obtain a road opening permit for any such works will incur an additional charge for unauthorised works as noted in Council's adopted fees and charges.

Reason: To ensure that all restoration works are in accordance with Council's Code.

82. The person acting on this consent shall provide details of the means to secure the site and to protect the public from the construction works. Where the means of securing the site involves the erection of fencing or a hoarding on Council's footpath or road reserve the person acting on this consent shall submit a hoarding application and pay all relevant fees before commencement of works.

Reason: To secure the site and to maintain public safety

83. A detailed Traffic Management Plan to cater for construction traffic shall be submitted for approval to RMS and Council before commencement of works. Details shall include proposed truck parking areas, construction zones, crane usage, hours of operation, number of trucks, truck routes and traffic control etc. In addition The Traffic Management Plan shall include Traffic Control Plans that adequately address pedestrian management for each stage of the works and relocation of the construction access away from Hudson Street due to the potential conflict with pedestrians and construction vehicles.

Reason: To ensure construction traffic does not unduly interfere with vehicular or pedestrian traffic, or the amenity of the area.

84. The person acting on this consent shall submit a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site before commencement of works.

Reason: To ensure the existing condition of Council's infrastructure is clearly documented.

85. Prior to the commencement of works, the Applicant shall peg-out the common boundary with the rail corridor and/or rail easement to ensure that there is no encroachment. This work is to be undertaken by a registered surveyor.

Reason: To comply with the concurrence requirements of RailCorp (Sydney Trains) in accordance with the provisions of Statement Environmental Planning Policy (Infrastructure) 2007.

86. Prior to the commencement of works appropriate fencing is to be installed along the rail corridor to prevent unauthorised access to the rail corridor during construction. Details of the type of fencing and the method of erection are to be to Sydney Train's satisfaction prior to the fencing work being undertaken.

Reason: To comply with the concurrence requirements of RailCorp (Sydney Trains) in accordance with the provisions of Statement Environmental Planning Policy (Infrastructure) 2007.

87. Measurements of groundwater levels beneath the site from a minimum of three monitoring bores shall be taken. These measurements should be included in a report provided to the NSW Office of Water in support of the dewatering licence application, along with a schedule and indicative level predictions for 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.

Reason: To comply with the General Terms of Approval of NSW Office of Water

88. 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 parameters (e.g. permeability predicted by slug-testing, pump-testing or other means) and calculation method shall be included in the report submitted to the NSW Office of Water in support of the dewatering licence.

Reason: To comply with the General Terms of Approval of NSW Office of Water

89. A copy of a valid development consent for the project shall be provided in the report to the NSW Office of Water.

Reason: To comply with the General Terms of Approval of NSW Office of Water

90. Groundwater quality testing shall be conducted on a suitable number of samples using a suitable suite of analytes and completed by a NATA-certified laboratory, with the results collated and certificates appended to a report supplied to the NSW Office of Water. Samples must be taken prior to the substantial commencement of dewatering, 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.

Reason: To comply with the General Terms of Approval of NSW Office of Water

91. The method of disposal of pumped water shall be nominated (i.e. reinjection, 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 (sometimes referred to as "tailwater") must comply with the provisions of the *Protection of the Environment Operations Act 1997* and any requirements of the relevant controlling authority.

Reason: To comply with the General Terms of Approval of NSW Office of Water.

92. Contaminated groundwater (i.e. above appropriate NEPM 2013 investigation thresholds) shall not be reinjected into any aquifer without the specific authorisation of the NSW Environment Protection Authority (any such discharge would be regulated through a licence issued under the *Protection of the Environment Operations Act 1997* [POEO Act]). 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 that is to be reinjected must be compatible with, or improve the intrinsic or ambient groundwater in the vicinity of the reinjection site.

Reason: To comply with the General Terms of Approval of NSW Office of Water

BEFORE THE ISSUE OF THE RELEVANT CONSTRUCTION CERTIFICATES

For the purpose of interpreting this consent the Certifying Authority (Council or an Accredited Certifier) is that person appointed to issue the relevant Construction Certificates.

93. Prior to the issue of the relevant Construction Certificate, details must be submitted to Principal Certifying Authority's satisfaction that:

- a) incorporates the recommendations in Sections 4.1, 4.2.1, 4.2.3, 4.3, 4.4, 4.5, 4.6, 4.7, 4.8, 4.9, on pages 5 to 11 (excepting as modified by conditions of the consent) contained in Geotechnical Investigation, Reference No. 25985Zrpt2 Revision 01 - Preliminary Geotechnical Investigation prepared by JK Geotechnics, dated 9.11.2012 submitted to Council on 23.07.2014.

- b) incorporates the recommendations in Sections titled: General Waste Volumes, Retail Areas, Common Areas, Waste Room Areas, Collection of Waste, Waste Chutes and Equipment, Garbage room Construction Requirements and Table 2 – Residential Waste Generation, Table 3 – Bin Requirements, Table 4 – Retail Waste Generation, Appendix 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, contained in the Waste Management Plan, Revision D Waste Management Plan dated November 2014 prepared by Elephants Foot Recycling Solutions submitted to Council 14.11.2014. The transfer of waste bins using a buggy and trailer from the basement to the loading dock in Building D is not permitted to occur via William and Brown Street. A dedicated platform lift is to be installed directly below the loading dock in Building D down to the basement and is to be used to transfer bins from the basement to the loading dock. The use of the Building D lift to the residential levels is not permitted to occur at any time.
- c) incorporates the recommendations (excepting as modified by conditions of the consent) contained in Table 3, 4, 5, 6, 7, 8, 9, 10 and Sections 3.2, 4.1, 4.3, 5.1, 5.2, 5.3, 5.4, 6.1, 6.2, 6.3, 6.4, 7.1 and 7.2, of the Acoustic Investigation, 20120730.2/1312A/R3JR Revision 03 - Acoustic Assessment - 13.12.2013 prepared by Acoustic Logic submitted to Council on 23.07.2014.
- d) incorporates the recommendations (excepting as modified by conditions of the consent) contained in Section 11, 14, and 15 of the remediation action plan, CES131010- MG- AD Revision 01 Remediation Action Plan dated 24.06.2014 prepared by Consulting Earth Scientists submitted to Council on 23.07.2014 excepting as modified by conditions of this consent.
- e) incorporates the recommendations (excepting as modified by conditions of the consent) contained in Section 5 in the geotechnical investigation, Ref no. GEOTLCOV25177AA-AB Geotechnical Investigation Report dated 15.10.2014 prepared by Coffey Geotechnics Pty Ltd and letter dated 16 October 214 submitted to Council on 18.11.2014.
- f) incorporates the recommendations and findings (excepting as modified by conditions of the consent) contained in Section 4, 5, 6, 7, 9, 10 in the aeronautical assessment, Ref no. J0416 v1.0 Aeronautical Impact Assessment Report dated 23.06.2014 prepared by The Ambidji Group Pty Ltd and submitted to Council on 23.07.2014.
- g) incorporates the recommendations and findings contained in Section 3, 4, 5, 6, 7, 8, in the access review, Ref no. FINAL Access Review Report dated 15.07.2014 prepared by Morris Goding Accesibility Consulting and submitted to Council on 23.07.2014.
- h) incorporates the recommendations and findings (excepting as modified by conditions of the consent) contained in Section 4, 5, and 6 in the construction management plan, Ref no. CMP July 2014 Construction Management Plan Report dated July 2014 prepared by Karimbla Construction Services (NSW) Pty Ltd and submitted to Council on 23.07.2014.
- i) incorporates the recommendations (excepting as modified by conditions of the consent) contained in the stray rail current electrolysis risk report, Ref no. 810/M/14694R/Rev 2 Stray Rail Current Electrolysis Risk Report dated 22 August 2012 prepared by Savcor Pty Ltd and submitted to Council on 23.07.2014.
- j) incorporates the recommendations (excepting as modified by conditions of the consent) contained in the stormwater management report, Ref no. 59914017 Rev 2 Stormwater Management Report dated 12 May 2014 prepared by Cardno Pty Ltd and submitted to Council on 23.07.2014.
- k) incorporates the recommendations to avoid impacts on the Longnosed Bandicoot and Threatened bat species and general mitigation measures (excepting as modified by conditions of the consent) contained in the letter of 30 October 2014 and 7 November 214, Ref no. 0232/13lt1 prepared by Planning Ingenuity Pty Ltd and submitted to Council on 17.11.2014.
- l) incorporates the recommendations and findings (excepting as modified by conditions of the consent) contained in Section 9, 10, 11 and 12 in the social impact assessment,

Ref No. July 2014 Social Impact Statement dated July 2014 prepared by Sarah George Consulting and submitted to Council on 23.07.2014.

- m) incorporates the recommendations and findings (excepting as modified by conditions of the consent) contained in Section 4, 5, 6, and 7 in the traffic and parking impact assessment, Ref no. 14057 (Rev B) Assessment of Traffic and Parking Implications dated July 2014 prepared by Transport and Traffic Planning Associates and submitted to Council on 23.07.2014, and the supplementary letters of 29 October 2014, 17 and 27 November 2014.
- n) incorporates the recommendations and findings (excepting as modified by conditions of the consent) contained in Concepts Section in the Concept Design Assessment Report dated 30 October 2014 prepared by PTW Architects and submitted to Council on 30.11.2014.
- o) incorporates the recommendations and findings (excepting as modified by conditions of the consent) contained in the Sections called Concepts Design, Material Scheme, and Planting Scheme in the Landscape DA Report dated October 2014 prepared by Arcadia Landscape Architects and submitted to Council on 30.11.2014.

Reason: To ensure compliance with the recommendations of the expert reports accompanying the application.

94. Prior to the issue of any construction certificate for works in Stage 3 the Council must be provided with written evidence to its satisfaction confirming that the Voluntary Planning Agreement (VPA) lodged in conjunction with the development application and endorsed by Marrickville Council on 9 December 2014 has been registered on the title to all parcels of land to which this consent applies.

Reason: To comply with the provisions of the Part 3A Concept Plan No.

95. The separate lots comprising the development must be consolidated into one lot and under one title and registered at the NSW Department of Lands before the issue of a Construction Certificate for Stage 3.

Reason: To prevent future dealing in separately titled land, the subject of one consolidated site development.

96. Evidence of payment of the building and construction industry Long Service Leave Scheme, must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate. (The required payment can be made at the Council Offices).

NOTE: The required payment is based on the estimated cost of building and construction works and the long service levy rate, set by the Long Service Payments Corporation. The rate set by the Long Service Payments Corporation is currently of 0.35% of the cost of the building and construction work.

For more information on how to calculate the amount payable and where payments can be made contact the Long Services Payments Corporation - <http://www.lspc.nsw.gov.au>.

Reason: To ensure that the required levy is paid in accordance with the Building and Construction Industry Long Service Payments Act.

97. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's website at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92.

Following application a "Notice of Requirements" will be forwarded detailing 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.

Sydney Water written advice that you have obtained the Notice of Requirements must be submitted to Council's satisfaction before the issue of a Construction Certificate.

Reason: To comply with the requirements of that Act.

98. A design verification from a qualified designer, being a statement in which the qualified designer verifies that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design principles set out in Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development must be submitted to the Certifying Authority's satisfaction before the issue of the relevant Construction Certificate for Building D in Stage 3 and Building A, B, C, E, F, and G in Stage 4.
Reason: To comply with the requirements under State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development.
99. Bicycle storage with the capacity to accommodate a minimum of 180 bicycles must be provided in accordance with the requirements set out within Part 2.10 of Marrickville Development Control Plan 2011 - Parking, in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of the relevant Construction Certificate for basement structures in Stage 2.
Reason: To ensure sufficient bicycle storage facilities are provided on the site.
100. Letterboxes and mail collection facilities must be provided and adequately protected in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.
Reason: To ensure adequate mail collection facilities are provided.
101. Clothes dryers are to be included in each residential unit to provide indoor drying areas facilities for the development with details to be submitted demonstrating compliance with this condition to the Certifying Authority's satisfaction before the issue of the relevant Construction Certificate for Building D in Stage 3 and Building A, B, C, E, F, and G in Stage 4.
Reason: To ensure adequate indoor clothes drying facilities are provided.
102. Lighting details of the pedestrian areas, parking areas and all entrances must be submitted to the Certifying Authority's satisfaction before the issue of the relevant Construction Certificate for Buildings D in Stage 3 and Building A, B, C, E, F, and G in Stage 4..
Reason: To ensure appropriate lighting is provided to create a safe living environment.
103. Plans and specifications fully reflecting the selected commitments listed in BASIX Certificate submitted or a revised BASIX certificate as of a result of these conditions of consent with the application for development consent must be submitted to the Certifying Authority's satisfaction before the issue of the relevant Construction Certificate for Building D in Stage 3 and Building A, B, C, E, F, and G in Stage 4..
NOTE: The application for the Construction Certificate must be accompanied by either the BASIX Certificate upon which development consent was granted or a revised BASIX Certificate (Refer to Clause 6A of Schedule 1 to the Regulation).
Reason: To ensure that the BASIX commitments are incorporated into the development.
104. Noise attenuation measures must be incorporated into the development complying with Australian Standard 2021:2000, State Environmental Planning Policy (Infrastructure) 2007 and with the Department of Planning and Infrastructure's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines" in relation to interior design sound levels and in accordance with details being submitted to the Certifying Authority's satisfaction before the issue of the relevant Construction Certificate for Building D in Stage 3 and Building A, B, C, E, F, and G in Stage 4. together with certification by a suitably qualified acoustical engineer that the proposed noise attenuation measures satisfy the requirements of Australian Standard 2021:2000, State Environmental Planning Policy (Infrastructure) 2007 and with the Department of Planning and Infrastructure's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines".
Reason: To reduce noise levels within the development from aircraft and rail noise.

105. Details of an anti graffiti treatment to all elevation(s) adjoining and reachable from a publically accessible area of the development must be submitted to and approved by Council before the issue of the relevant Construction Certificate for Building D in Stage 3 and Building A, B, C, E, F, and G in Stage 4.
Reason: To ensure the proposed development remains free of graffiti.
106. Before the issue of a Construction Certificate for Stage 2 construction works the owner or builder must sign a written undertaking that they are responsible for the full cost of repairs to footpath, kerb and gutter, or other Council property damaged as a result of construction of the development. Council may utilise part or all of any Building Security Deposit (B.S.D.) or recover in any court of competent jurisdiction, any costs to Council for such repairs.
Reason: To ensure that all damages arising from the building works are repaired at no cost to Council.
107. In order to provide satisfactory pedestrian access to the light rail station a raised pedestrian crossing shall be constructed as noted on Plan 010-L00 (Rev B). Full detailed construction plans and specifications shall be submitted to and accepted by Council before to issue of the relevant Construction Certificate for Stage 2 construction works for basement structures. The raised pedestrian crossing shall be designed to generally match the level of the light rail platform so as to provide for equitable access. If necessary the design levels of the adjacent cul-de-sac shall be amended to achieve this outcome. The design shall also check the stopping site distance for vehicles approaching the pedestrian crossing from the crest of the ramp. In addition the lighting at the raised pedestrian crossing and the cul-de-sac shall be checked for compliance with AS1158.
Reason: To provide for means of equitable public pedestrian access to the light rail station.
108. Before the issue of a Construction Certificate for Stage 3 construction works the person acting on this consent shall undertake a traffic study to investigate the provision of both a Right Turn Bay from Old Canterbury Road into McGill Street and Seagull Treatment (i.e. to allow right turns into McGill Street and right turn out of McGill Street). This study should include, but not be limited to modelling of these two proposals to determine potential delays and the level of service for each proposal and feasibility of physically implementing such proposals including road safety issues and loss of potential parking.
Reason: To provide for suitable and safe right turn access to the development for southbound traffic.
109. Before the issue of the relevant Construction Certificate the person acting on this consent must provide detailed construction plans for the proposed 15m stormwater inlet pit adjacent to Building E at Old Canterbury Road. In addition a positive covenant shall be placed on the title requiring that this pit be adequately maintained in good working order.
Reason: To ensure sufficient inlet capacity is provided to capture the 1 in 100 year overland flows from Old Canterbury Road.
110. Detailed construction plans and specifications of the site stormwater drainage system generally in accordance with stormwater drainage plans CV-200 to CV-202 (Rev 1) by Enstruct Group P/L, and WSUD elements as proposed in the Stormwater Management Report prepared by Cardno (version 3 dated 31/10/14) shall be submitted to and approved by Council before the issue of the relevant Construction Certificate for Stage 2 construction works for the basement and ground level drainage. Engineering details shall be submitted to and approved by Council before the issue of Construction Certificates at each subsequent stage of construction works for individual buildings.
The stormwater drainage system must include the following elements:
- Stormwater treatment and re-use measures as detailed in the MUSIC model 59914017_LEWISHAM_v03.sqz submitted to Council;
 - Details of all site drainage including roof and basement drainage. All drainage below a level of 12.2m AHD shall be pumped to the surface drainage system so as to prevent any possible surcharge during extreme storm events from the trunk drainage system;

- iii. Pits shall be located at the boundary between the development site and the public open space at all locations where the site stormwater pipes cross from the development site to the proposed public open space. The number of these crosses points shall be reduced where possible;
- iv. Hydrologic and hydraulic calculations including a Hydraulic Grade Line analysis; and
- v. Provision of suitable site overland land flow paths to ensure that the blockage of any internal site stormwater pits will not result in the flooding of the buildings or the underground carpark. This may require the adjustment to the proposed surface level design.

Reason: To ensure that the site use of potable water is minimised and that the quality of stormwater discharged off site is improved as per the requirements Marrickville DCP 2011

111. Payment of a Bond, in the sum of \$430,000.00 for the proper performance of road, drainage and public domain works before the issue of a Construction Certificate. The security may be provided in one of the following methods:

- i. in full in the form of a cash bond; or
- ii. by provision of a Bank Guarantee by an Australian Bank in the following terms:
 - (a) the bank must unconditionally pay the guaranteed sum to the Council if the Council so demands in writing.
 - (b) the bank must pay the guaranteed sum within seven (7) days of demand without reference to the applicant or landowner or other person who provided the guarantee, and without regard to any dispute, controversy, issue or other matter relating to consent or the carrying out of development in accordance with the consent;
 - (c) the bank's obligations are discharged when payment to the Council is made in accordance with this guarantee or when the Council notifies the bank in writing that the guarantee is no longer required.

The bond shall be returned upon the satisfactory completion of the road, drainage and public domain works. The satisfactory completion of the works shall be as solely determined by Council. (If this bond has been provided in relation to DA201400029 then this additional bond will not be required).

Reason: To ensure all road, drainage and public domain works are completed within a reasonable time.

112. The person acting on this consent shall comply with the following requirements of Roads and Maritime Services (RMS) before the issue of the relevant Construction Certificate for Building D at Stage 3:

- i. Before implementing the proposed right turn prohibition at the intersections of Old Canterbury Road & Hudson Street, Old Canterbury Road & William Street and Longport & Brown Street a Traffic Management Plan shall be prepared and submitted to Council for endorsement and referred to RMS for review;
- ii. The proposed road works at the intersection of Old Canterbury Road & Hudson Street, Old Canterbury Road & William Street and Longport & Brown Street shall be designed to meet RMS's requirements, and endorsed by a suitably qualified and chartered Engineer (i.e. who is registered with the Institute of Engineers, Australia).
- iii. The design requirements shall be in accordance with the RMS's Road Design Guide and other Australian Codes of Practice.
- iv. The certified copies of the civil/traffic design plans shall be submitted to the RMS for consideration and approval before to the issue of a Construction Certificate;
- v. The RMS fees for administration, plan checking and civil works inspections and project management shall be paid by the developer before commencement of works; and

- vi. All works/regulatory signposting associated with the proposed development are to be at no cost to RMS or Council.

Reason: To comply with the requirements of RMS.

113. The alignment levels for the site at the boundary shall match the new design "top of kerb" height plus 2.5% on all streets frontages including Old Canterbury Road. This may require the internal site levels to be adjusted locally at the boundary to ensure that they match the above issued alignment levels. Amended plans detailing the alignment levels (at 20m intervals and critical points) shall be submitted to and approved by Council before the issue of the relevant Construction Certificate.

Reason: In accordance with Council's powers under the Roads Act, 1993, alignment levels at the property boundary will be required to accord with Council's design.

114. The foundations of the proposed development adjacent to Council's and Sydney Water's stormwater pipes shall be constructed so that no surcharge loads are imposed upon the pipe. Plans, and supportive documents, detailing the proposed foundations adjacent to the stormwater pipe, shall be submitted to Council and to Sydney Water before the issue of the relevant Construction Certificate for Building D in Stage 3 and Building A, B, C, E, F, and G in Stage 4.

Reason: To ensure the drainage system is protected.

115. No rock anchors/bolts are to be installed into Sydney Trains properly.

Reason: To comply with the concurrence requirements of RailCorp (Sydney Trains) in accordance with the provisions of Statement Environmental Planning Policy (Infrastructure) 2007.

116. The following items are to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate:

- Machinery to be used during excavation/construction.
- If required by Sydney Trains as a result of the assessment of the documentation submitted as part of the deferred commencement conditions, track monitoring plan detailing the proposed method of track monitoring during excavation and construction phases.
- A rail safety plan including instrumentation and the monitoring regime.

The Principal Certifying Authority is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that this condition has been complied with.

Reason: To comply with the concurrence requirements of RailCorp (Sydney Trains) in accordance with the provisions of Statement Environmental Planning Policy (Infrastructure) 2007.

117. Given the possible likelihood of objects being dropped or thrown onto the rail corridor from balconies, windows and other external features (e.g. roof terraces and external fire escapes) that are within 20m and face the rail corridor, the person responsible for acting on this consent is required to install measures (e.g. awning windows, louvers, enclosed balconies, window restrictors etc) which prevent the throwing of objects onto the rail corridor. These measures are to comply with Sydney Trains requirements.

The Principal Certifying Authority is not to issue the Construction Certificate until it has confirmed that these measures are to be installed and have been indicated on the Construction Drawings.

Reason: To comply with the concurrence requirements of RailCorp (Sydney Trains) in accordance with the provisions of Statement Environmental Planning Policy (Infrastructure) 2007.

118. Prior to the issue of the relevant Construction Certificate by any Principal Certifying Authority that includes design changes implemented to prevent objects being dropped or thrown onto the rail corridor from balconies, windows and other external features that are within 20 metres of, and are facing, the rail corridor, endorsement of the changes must first be obtained from Council in writing.

Reason: To ensure Council are satisfied with the design changes.

119. The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of Sydney Trains.

The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

Reason: To comply with the concurrence requirements of RailCorp (Sydney Trains) in accordance with the provisions of Statement Environmental Planning Policy (Infrastructure) 2007.

120. If required by Sydney Trains, prior to the issue of a Construction Certificate the person responsible for acting on this consent is to provide Sydney Trains with a report from a qualified structural engineer demonstrating that the structural design of the development satisfies the requirements of Australian Standard AS5100. The Principal Certifying Authority is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that it has received this report and the Principal Certifying Authority has also confirmed that the measures recommended in engineers report have been indicated on the Construction Drawings.

Reason: To comply with the concurrence requirements of RailCorp (Sydney Trains) in accordance with the provisions of Statement Environmental Planning Policy (Infrastructure) 2007.

121. Prior to the issue of a Construction Certificate the person responsible for acting on this consent is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The person responsible for acting on this consent must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.

Reason: To comply with the concurrence requirements of RailCorp (Sydney Trains) in accordance with the provisions of Statement Environmental Planning Policy (Infrastructure) 2007.

122. Prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

Reason: To comply with the concurrence requirements of RailCorp (Sydney Trains) in accordance with the provisions of Statement Environmental Planning Policy (Infrastructure) 2007.

123. Prior to the issuing of a Construction Certificate the person responsible for acting on this consent is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.

Reason: To comply with the concurrence requirements of RailCorp (Sydney Trains) in accordance with the provisions of Statement Environmental Planning Policy (Infrastructure) 2007.

124. Prior to the issue of a Construction Certificate the person responsible for acting on this consent must hold current public liability insurance cover for a sum to be determined by Sydney Trains. This insurance shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The person responsible for acting on this consent is to contact Sydney Trains Rail Corridor Management Group to obtain the level of insurance

required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the person responsible for acting on this consent on the level of insurance required.

Reason: To comply with the concurrence requirements of RailCorp (Sydney Trains) in accordance with the provisions of Statement Environmental Planning Policy (Infrastructure) 2007.

125. Prior to the issue of a Construction Certificate the person responsible for acting on this consent is to contact Sydney Trains Rail Corridor Management Group to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.

Reason: To comply with the concurrence requirements of RailCorp (Sydney Trains) in accordance with the provisions of Statement Environmental Planning Policy (Infrastructure) 2007.

SITE WORKS

126. All roof and surface stormwater from the site any catchment external to the site that presently drains to it, shall be collected in a system of pits and pipelines/channels and major storm event surface flow paths and being discharged to a Council controlled stormwater drainage system in accordance with the requirements of Marrickville Council Stormwater and On Site Detention Code.

Reason: To provide for adequate site drainage.

127. All stormwater drainage being designed in accordance with the provisions of the 1987 Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3.-2003 'Stormwater Drainage-' and Marrickville Council Stormwater and On Site Detention Code. Pipe and channel drainage systems shall be designed to cater for the twenty (20) year Average Recurrence Interval (A.R.I.) storm in the case of low and medium residential developments, the twenty (20) year A.R.I. storm in the case of high density residential development and commercial and/or industrial developments and the fifty (50) year A.R.I. storm in the case of heavy industry. In all cases the major event surface flow paths shall be designed to cater for the one hundred (100) year A.R.I. storm.

Reason: To provide for adequate site drainage.

128. In order to protect the site from flooding during a 1 in 100 year storm event the Flood Planning Levels (minimum floor levels) recommended in Table 4-2 of the Stormwater Management Report prepared by Cardno (version 3 dated 31/10/14) shall be adopted for habitable floor levels of the development and for protection of the underground car parks.

Reason: To protect the site and occupants from rising flood waters during a major storm events.

129. Prior to the installation of the proposed 10m x 1.5m heel proof grate detailed on the drainage plans a suitable grate design shall be approved for installation by Council. The person acting on this consent shall investigate options for a grate design that are aesthetically pleasing and the possibility of the inclusion of a motif or pattern to break up the expanse of the grate. The proponent shall discuss option with Council's Recreation Planner David Petrie.

Reason: To provide for a grate that is aesthetically pleasing.

130. With regard to the road and drainage works the person acting on this consent shall comply with all of the requirements of the Roads and Maritimes Services Sydney Assets Section as follows:

- i. All stormwater reconstruction in Old Canterbury Road and adjacent to the Light Rail Corridor must to be carried out to the satisfaction of RMS Sydney Asset Section;

- ii. The concrete pavement restoration in Old Canterbury Road, where disturbed by the proposed stormwater reconstruction works, is to be carried out in accordance with RMS Guidelines. The proponent must submit details to Sydney Asset for approval; and
- iii. When available updated drawings should be provided for further assessment and approval as follows;
 - a. Detailed cross sections for stormwater reconstruction works proposed in Old Canterbury Road and adjacent to the Light Rail Corridor;
 - b. Existing driveways and laybacks must be removed from the Old Canterbury Road frontage; and
 - c. Suitable kerb returns at the intersections of Old Canterbury Road, Hudson and William Streets that will cater for service vehicle turn paths considering only Left In and Left Out movements will be available at these intersections.

Reason: To comply with all of the requirements of RMS Assets Section.

131. The person acting on this consent shall comply with all of the requirements of the Roads and Maritimes Services as follows;
- i. All construction activity associated with the proposed development is to be contained on site as no construction zones will be permitted on Old Canterbury Road in the vicinity of the site.
 - ii. The proposed development should be designed such that road traffic noise from adjacent public roads is mitigated by durable materials, in accordance with EPA criteria for new land use developments (The Environmental Criteria for Road Traffic Noise, May 1999). Roads and Maritime's Environmental Noise Management Manual provides practical advice in selecting noise mitigation treatments.
 - iii. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD20 12/00 1. The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime. The report and any enquiries should be forwarded to:

Project Engineer, External Works
 Sydney Asset Management
 Roads and Maritime Services
 PO Box 973 Parramatta CBD 2124.
 Telephone 8848 2114
 Fax 8849 2766

- iv. If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.
- v. All works/regulatory signposting associated with the proposed development are to be at no cost to Roads and Maritime.

Reason: To comply with all of the requirements of RMS

132. The existing Sydney Water and Council stormwater pipes traversing the site shall remain operational and shall not be disconnected until written approval is provided from Council and Sydney Water.

Reason: To ensure that the existing stormwater drainage infrastructure remains in place until suitable alternate stormwater drainage has been constructed.

133. All excavation, demolition, construction, and deliveries to the site necessary for the carrying out of the development, must be restricted to between 7.00am to 5.30pm Mondays to Saturdays, excluding Public Holidays. Notwithstanding the above no work being carried out on any Saturday that falls adjacent to a Public Holiday. The only exception is for night-time

excavation, demolition, construction, and deliveries approved by the Roads and Maritime Service required to occur on the classified road network.

Reason: To minimise the effect of the development during the construction period on the amenity of the surrounding neighbourhood.

134. The placing of any materials on Council's footpath or roadway is prohibited, without the consent of Council. The placement of waste storage containers in a public place requires Council approval and must comply with Council's Policy - 'Placement of Waste Storage Containers in a Public Place'. Enquiries are to be made with Council's Infrastructure Services Division.

Reason: To ensure the public ways are not obstructed and the placement of waste storage containers in a public place are not dangerous to the public.

135. The works are required to be inspected at critical stages of construction, by the PCA or if the PCA agrees, by another certifying authority. The last inspection can only be carried out by the PCA. The critical stages of construction are:

- a) At the commencement of the building work;
- b) For Class 2, 3 and 4 buildings, prior to covering waterproofing in any wet areas (a minimum of 10% of wet areas within a building);
- c) Prior to covering any stormwater drainage connections, and after the building work has been completed and prior to any occupation certificate being issued in relation to the building; and
- d) After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

You are advised to liaise with your PCA to establish if any additional inspections are required.

Reason: To ensure the building work is carried out in accordance with the Environmental Planning and Assessment Regulations and the National Construction Code (Building Code of Australia).

136. All vehicles carrying materials to, or from the site must have their loads covered with tarpaulins or similar covers.

Reason: To ensure dust and other particles are not blown from vehicles associated with the use.

137. Satisfactory methods and/or devices must be employed on the site to prevent the tracking of mud/dirt onto the surrounding streets from vehicles leaving the site.

Reason: To prevent soil particles from being tracked and deposited onto the streets surrounding the site.

138. A certificate of survey from a registered land surveyor must be submitted to the PCA upon excavation of the footings and before the pouring of the concrete to verify that the structure will not encroach on the allotment boundaries.

Reason: To ensure all works are contained within the boundaries of the allotment.

139. A clear unobstructed path of travel of not less than 1,000mm must be provided to all exits and paths of travel to exits.

Reason: To provide safe egress in case of fire or other emergency.

140. No activities, storage or disposal of materials must take place beneath the canopy of any tree protected under Part 2.20 of Marrickville Development Control Plan 2011 - Tree Management at any time.

Reason: To protect existing trees.

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

Reason: To protect the environment.

142. Engineering measures designed to transfer groundwater around the basement shall be incorporated into the basement construction to prevent the completed infrastructure from restricting pre-existing groundwater flows.
Reason: To comply with the General Terms of Approval of NSW Office of Water
143. Piping, piling or other structures used in the management of pumped groundwater shall not create a flooding hazard. Control of pumped groundwater is to be maintained at all times during dewatering to prevent unregulated off-site discharge.
Reason: To comply with the General Terms of Approval of NSW Office of Water
144. 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.
Reason: To comply with the General Terms of Approval of NSW Office of Water
145. Pumped groundwater 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 shall be complied with.
Reason: To comply with the General Terms of Approval of NSW Office of Water
146. 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 sulfate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.
Reason: To comply with the General Terms of Approval of NSW Office of Water
147. 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.
Reason: To comply with the General Terms of Approval of NSW Office of Water
148. 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 procedures.
Reason: To comply with the General Terms of Approval of NSW Office of Water
149. 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.
Reason: To comply with the General Terms of Approval of NSW Office of Water

BEFORE OCCUPATION OF THE BUILDINGS

150. You must obtain an Occupation Certificate from your PCA before you occupy or use the building/s. The PCA must notify the Council of the determination of the Occupation Certificate and forward the following documents to Council within 2 days of the date of the Certificate being determined:
- a) A copy of the determination;
 - b) Copies of any documents that were lodged with the Occupation Certificate application;
 - c) A copy of Occupation Certificate, if it was issued;
 - d) A copy of the record of all critical stage inspections and any other inspection required by the PCA;
 - e) A copy of any missed inspections; and
 - f) A copy of any compliance certificate and any other documentary evidence relied upon in issuing the Occupation Certificate.

Reason: To comply with the provisions of the Environmental Planning and Assessment Regulations.

151. Occupation of Building D in Stage 3 and Building A, B, C, E, F, and G in Stage 4_ must not be permitted until such time as:

- a) All relevant preconditions to the issue of an Occupation Certificate specified in this development consent have been met;
- b) The building owner obtains a Final Fire Safety Certificate certifying that the fire safety measures have been installed in the building and perform to the performance standards listed in the Fire Safety Schedule; and
- c) An Occupation Certificate has been issued for the relevant building.

Reason: To comply with the provisions of the Environmental Planning and Assessment Act.

152. The owner of the premises, as soon as practicable after the Final Fire Safety Certificate is issued, must:

- a) Forward a copy of the Final Safety Certificate and the current Fire Safety Schedule to the Commissioner of Fire and Rescue New South Wales and the Council; and
- b) Display a copy of the Final Safety Certificate and Fire Safety Schedule in a prominent position in the building (i.e. adjacent the entry or any fire indicator panel).

Every 12 months after the Final Fire Safety Certificate is issued the owner must obtain an Annual Fire Safety Certificate for each of the Fire Safety Measures listed in the Schedule. The Annual Fire Safety Certificate shall be forwarded to the Commissioner and the Council and displayed in a prominent position in the building.

Reason: To ensure compliance with the relevant provisions of the Environmental Planning and Assessment Regulations and Building Legislation Amendment (Quality of Construction) Act.

153. A Section 73 Compliance Certificate from Sydney Water must be submitted to Council before occupation of the premises.

Reason: To comply with the requirements of that Act.

154. The Certifying Authority must apply to the Director-General for a BASIX Completion Receipt within 2 days of the issue of a final Occupation Certificate for Building D in Stage 3 and Building A, B, C, E, F, and G in Stage 4. Completion Receipts can be applied for at www.basix.nsw.gov.au.

Reason: To ensure compliance with the requirements under Section 154C of the Environmental Planning and Assessment Regulations 2000.

155. All instruments under Section 88B of the Conveyancy Act used to create easements or right-of-ways shall include the condition that such easements or right-of-ways may not be varied, modified or released without the prior approval of Marrickville Council.

Reason: To ensure Council's interests are protected.

156. Prior to the issuing of an Occupation Certificate the person responsible for acting on this consent is to submit the as-built drawings to Sydney Trains and Council. The Principal Certifying Authority is not to issue the Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

Reason: To comply with the concurrence requirements of RailCorp (Sydney Trains) in accordance with the provisions of Statement Environmental Planning Policy (Infrastructure) 2007.

157. Prior to issuing of an Occupation Certificate the person responsible for acting on this consent shall liaise with Sydney Trains regarding the adequacy of any existing fencing along the rail corridor boundary. The development shall have appropriate fencing fit for the future usage of the development site to prevent unauthorised access to the rail corridor by future occupants of the development. Details of the type of new fencing to be installed and the method of erection are to be to Sydney Train's satisfaction prior to the fencing work being undertaken.

Reason: To comply with the concurrence requirements of RailCorp (Sydney Trains) in accordance with the provisions of Statement Environmental Planning Policy (Infrastructure) 2007.

158. Prior to the issuing of any Occupation Certificate the person responsible for acting on this consent must provide a plan of how future maintenance of the development facing the rail corridor is to be undertaken. The maintenance plan is to be submitted to Sydney Trains. The Principal Certifying Authority is not to issue an Occupation Certificate until written confirmation has been received from Sydney Trains advising that the maintenance plan has been prepared to its satisfaction.

Reason: To comply with the concurrence requirements of RailCorp (Sydney Trains) in accordance with the provisions of Statement Environmental Planning Policy (Infrastructure) 2007.

159. Prior to issuing of the an Occupation Certificate the person responsible for acting on this consent shall landscape an area 2m in width within the light rail corridor property boundary in order to screen the above ground structure of the development that is within close proximity to the rail corridor boundary.

Reason: To comply with the concurrence requirements of RailCorp (Sydney Trains) in accordance with the provisions of Statement Environmental Planning Policy (Infrastructure) 2007.

160. Prior to issuing of an Occupation Certificate, the Principal Certifying Authority shall provide written confirmation to Sydney Trains that the person responsible for acting on this consent has provided the lay-back or roll-back kerb at the end of Hudson Street to enable heavy vehicle access to the light rail corridor as required under development consent DA201400029.

Reason: To comply with the concurrence requirements of RailCorp (Sydney Trains) in accordance with the provisions of Statement Environmental Planning Policy (Infrastructure) 2007.

161. Prior to the issue of any Interim or Final Occupation Certificate for each respective stage of construction work, and upon completion of the required noise attenuation measures referred to in the "Before the Issue of a Construction Certificate" Section for works in each stage of construction approved in this determination:

- a) a report must be prepared and submitted to the Certifying Authority's satisfaction by an accredited Acoustics Consultant, certifying that the final construction meets State Environmental Planning Policy (Infrastructure) 2007 and with the Department of Planning and Infrastructure's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines" as set down in the subject condition of this consent.
- b) Such report must include external and internal noise levels to ensure that the external noise levels during the test are representative of the typical maximum levels that may occur at this development; and
- c) Where it is found that internal noise levels are greater than the required dB(A) rating due to faulty workmanship or the like, necessary corrective measures must be carried out and a further certificate must be prepared and submitted to Council in accordance with the requirements as set down in Part a) of this condition.

Reason: To reduce noise levels within the dwellings from road and rail noise and to ensure that the noise attenuation measures incorporated into the dwellings satisfactorily comply with the relevant sections State Environmental Planning Policy (Infrastructure) 2007 and with the Department of Planning and Infrastructure's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines".

162. Prior to the issue of the relevant Occupation Certificate for each respective stage of construction work the landscaping necessary for each stage must be carried out for each

respective stage in accordance with the approved details and must be maintained at all times to Council's satisfaction.

Reason: To ensure adequate landscaping is maintained.

163. Prior to the issue of the Occupation Certificate for each respective stage of construction work a design verification from a qualified designer, being a statement in which the qualified designer verifies that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design principles set out in Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development must be submitted to Council's satisfaction.

Reason: To comply with the requirements under State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development.

164. Prior to the issue of the relevant Occupation Certificate for each respective stage of construction work the Certifying Authority must be satisfied that each of the commitments listed in BASIX Certificate referred to in this Determination have been fulfilled as required for each stage (whether an interim or final Occupation Certificate).

Reason: To ensure that all of the BASIX commitments have been fulfilled and to comply with the requirements under Section 154B of the Environmental Planning and Assessment Regulations 2000.

165. Prior to the issue of an Interim or Final Occupation Certificate for each respective stage of construction work, the person responsible for acting on this consent must make application and obtain approval from Council for a street number and identifier of separate occupancies (if applicable) which must be clearly displayed in a readily visible location (numbers having a height of not less than 75mm). If any new street numbers or change to street numbers (this includes unit and shop numbers) are required they must have the prior approval of council before being displayed.

Reason: To ensure that the building is easily identifiable

166. Prior to the issue of the relevant Occupation Certificate for work in each respective stage of construction all works required to be carried out in connection with drainage, crossings, alterations to kerb and guttering, footpaths, roads and all public domain works for each respective stage resulting from the development shall be completed. Works shall be in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-“Roadworks Specifications”.

Reason: To ensure person acting on this consent completes all required work.

167. Prior to the issue of the relevant Occupation Certificate for works in each respective stage of construction any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required for each stage as a result of the development shall be undertaken at no cost to Council. You are advised that Council has not undertaken a search of existing or proposed utility services adjacent to the site in determining this application.

Reason: To ensure all costs for the adjustment/augmentation of services arising as a result of the redevelopment are at no cost to Council

168. Prior to issue of the relevant Occupation Certificate for works in each respective stage of construction the person acting on this consent shall obtain from Council a compliance Certificate(s) for each respective stage of construction stating that all Road, Drainage, Footpath and Civil Works on Council property required to be undertaken as a result of this development have been completed satisfactorily and in accordance with Council approved plans and specifications.

Reason: To ensure that all Road, Footpath, Drainage and Civil Works required to be undertaken as a result of this development have been completed satisfactorily.

169. Prior to issue of the relevant Occupation Certificate for works in each respective stage of construction any adjustment or augmentation of any public utility services including Gas,

Water, Sewer, Electricity, Street lighting and Telecommunications required for that stage of construction as must be undertaken at no cost to Council.

Reason: To ensure all costs for the adjustment/augmentation of services arising as a result of the redevelopment are at no cost to Council.

170. Prior to the issue of the relevant Occupation Certificate for Building D in Stage 3 and Building A, B, C, E, F, and G in Stage 4 the person acting on this consent shall implement a Flood Emergency Response Plan (FERP) generally in accordance with the recommendations in the Stormwater Management Report prepared by Cardno (version 3 dated 31/10/14) and shall include the following;

- a) An evacuation plan in case of inundation of the underground carpark;
- b) Suitable pumps shall be provided within the garage to allow for the drainage of stormwater should the underground garage become inundated during flooding.
- c) Adequate flood warning systems, signage and exits shall be available to allow safe and orderly evacuation
- d) A written copy of the plan being made available to every employee, owner or tenant and re-distributed every 2 years; and
- e) Annual evacuation drills to be undertaken.

A copy of the plan shall be submitted to and approved by Council.

Reason: To protect the site and occupants from rising flood waters during a major storm events.

171. Prior to issue of any Occupation Certificate for works in Stage 3 the person acting on this consent must ensure that portion of the Brown Street Road reserve between buildings C and F is closed to provide a landscaped pedestrian through site link at no cost to Council.

Reason: To comply with Further Environmental Assessment Requirement No. 14 (of the Part 3A Concept Plan approval.

172. Prior to the issue of any Occupation Certificate for Building D in Stage 3 and Building A, B, C, E, F, and G in Stage 4 any encroachments on to Council road or footpath resulting from the building works will be required to be removed. No encroachments onto Council's road or footpath of any service pipes, sewer vents, boundary traps, downpipes, gutters, stairs, doors, gates, garage tilt up panel doors or any structure whatsoever shall not be permitted.

Reason: To ensure there is no encroachment onto Council's Road.

173. Prior to the issue of any Occupation Certificate for Building D in Stage 3 and Building E, F, and G in Stage 4 any damage to the existing stone kerb will require the replacement of the damaged individual stone units. The existing stone kerb adjacent to the site is of local heritage value and is to be preserved at no cost to Council. Any sandstone kerb and guttering approved for removal shall be carefully stacked and delivered to Council's materials storage yard in Bellevue Street, St Peters before the issue of the Occupation Certificate and at no cost to Council. Council's Overseer, Mr Joe Borg shall be contacted on 0412 645 115 to arrange for delivery.

Reason: To ensure that items of local heritage value are preserved.

174. Prior to the issue of any Occupation Certificate for Building E, and G in Stage 4 a total of eight (8) new street trees shall be installed at no cost to Council along Old Canterbury Road at a locations determined by council. The trees shall be planted in accordance with the following criteria:

- a) The species shall be Lophostemon confertus as per the Marrickville Street Tree Master Plan 2014.
- b) Location of trees to be determined by Tree Management Services Coordinator (02 9335 2242)
- c) The container volume of the new trees shall be minimum 100 litres and comply with the Marrickville Street Tree Master Plan section 6.4.2.
- d) Supply and installation of the new trees shall comply with the appropriate specification and Detail 6 in Appendix 6 of the Marrickville Street Tree Master Plan 2014.

- e) The trees shall be maintained in a healthy and vigorous condition for a **24 month** period from the time of planting and in accordance with the Marrickville Street Tree Master Plan section 6.4.4
- f) The installer shall remain responsible for tree maintenance for the duration of the tree establishment period in accordance with Appendix 6.4 Section 4 of the Marrickville Street Tree Master Plan. If the replacement tree is found to be faulty, damaged, dying or dead within this 12 month period, it shall be replaced with another tree of the same species, in compliance with the criteria outlined above.

Reason: To replace existing street trees that are removed with appropriate new advanced trees so as to maintain local amenity and urban forest canopy in the area.

175. Prior to the issue of any Occupation Certificate for Building D in Stage 3 and Building E, F, and G in Stage 4 the relevant building street frontage must have the footpaths in Brown, William and Hudson Streets reconstructed in concrete while the footpath along the Old Canterbury Road frontage shall be paved using the same treatment as the proposed paving along the main east/west central path through the public open space. In addition the kerb along the Old Canterbury Road frontage shall be reconstructed to RMS requirements. All footpath and kerb works shall be in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" at no cost to Council.

Reason: To provide suitable means of public road pedestrian access to the development and to ensure that the amenity of the area is in keeping with the standard of the development.

176. Prior to the issue of any Occupation Certificate for Building D in Stage 3 and Building A, B, C, E, F, and G in Stage 4 the relevant building street frontage must have heavy duty concrete vehicle crossings, in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" constructed at the vehicular access locations at no cost to Council.

Reason: To allow vehicular access across the footpath and/or improve the existing vehicular access.

177. Prior to the issue of any Occupation Certificate for Building D in Stage 3 and Building A, B, C, E, F, and G in Stage 4 the relevant building street frontage must have all redundant vehicular crossings to the site removed and replaced by kerb and gutter and footpath paving in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" at no cost to Council. Where the kerb in the vicinity of the redundant crossing is predominately stone (as determined by Council's Engineer) the replacement kerb shall also be in stone.

Reason: To eliminate redundant crossings and to reinstate the footpath to its normal condition.

178. Prior to the issue of any Occupation Certificate for the final building all Road and Stormwater Diversion Works approved by Development Consent DA201400029 shall be completed to Council's satisfaction. The works shall be in accordance with the following red mark-up plans (approved by Council letter dated 12/9/14); C001-5, C002-4, C003-6, C005-8, C006-4, C007-2, C008-2, C010-3, C011-4, C012-4, C013-6, C014-6, C015-4, C016-3, C017-2, C012-2, C019-2, C020-2, C021-2, C022-2, C023-2, C030-6, C031-6, C032-2, C035-4, C040-3, C050-3, C051-3, C060-6, C061-2, C070-4, C071-4, C072-2, C080-4, C081-5, C082-2, C083-2, C084-2, C090-5, C091-6, C092-4, C100-4, C101-2, C102-2, C120-3, and C121-2.

Reason: To ensure that works are carried out in accordance with the approved plans and to a proper standard.

179. Prior to the issue of any Occupation Certificate for the final building all works required to be undertaken on public roads shall be designed and constructed in accordance with Council's Standard Plans, AUS-SPEC#2-"Roadworks Specifications" and Council's Stormwater and On Site Detention Code. The works shall be supervised and certified by a qualified civil engineer who is listed under the Institution of Engineers, Australia "National Professional Engineers Register" (NPER) and shall state that the works have been constructed in

accordance with the above requirements. In addition, full works-as-executed plans in PDF or CAD format (dwg or dxf files), prepared and signed by a registered surveyor, shall be submitted to Council upon completion of the works. Before the commencement of works details of the supervising engineer shall be submitted to Council.

Reason: To ensure that works are carried out to a proper standard.

180. Prior to the issue of any Occupation Certificate for the final building written verification from a suitably qualified competent person, stating that all stormwater drainage, re-use and quality measures have been constructed in accordance with the approved plans and the Stormwater Management Report prepared by Cardno (version 3 dated 31/10/14) shall be submitted to and accepted by Council. In addition, full works-as-executed plans, prepared and signed by a registered surveyor, shall be submitted to Council. These plans must include levels for all drainage structures, buildings (including floor levels), finished ground levels and pavement surface levels.

Reason: To ensure drainage works are constructed in accordance with approved plans.

181. Prior to the issue of any Occupation Certificate for the final building and upon completion of the construction works a post construction CCTV inspection of all Council stormwater lines shall be undertaken (WSAA conduit inspection code standard) and any defects shall be rectified to Council's satisfaction. A CD copy of the inspection must be provided to Council with a report of any defects (and rectification works).

Reason: To ensure the pipeline is not damaged during construction and has been installed to Council's satisfaction.

182. Prior to the issue of the Occupation Certificate for works in Stage 4 with regard to the Stormwater Treatment Facilities a Positive Covenant shall be placed on the Title in favour of Council. The Positive Covenant shall include the following:

- a) The proprietor of the property shall be responsible for maintaining the stormwater treatment facility as outlined in the approved Stormwater Management Report prepared by Cardno (version 3 dated 31/10/14);
- b) The Proprietor shall have the stormwater quality treatment facilities inspected by a competent person in accordance with the requirements of the approved WSUD maintenance plan (Appendix E of the Stormwater Management Report) and must keep a record all of the inspections;
- 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 elements of the stormwater quality treatment facilities to ensure that the water quality targets provided in the design of the system are achieved and recover the costs of any such works from the proprietor.

Reason: To ensure that the integrity of the stormwater quality treatment facilities are maintained.

183. Prior to the issue of any Occupation Certificate for the final building the realignment of the boundary along Hudson Street to allow for road widening to provide parking, footpath and roundabout must be dedicated to Council as Public Road. The road widening shall also be extended to include the proposed wombat pedestrian crossing to the light rail station.

Reason: To provide road widening to facilitate adequate vehicle and pedestrian access to the site.

184. Prior to the issue of any Occupation Certificate for the final building the realignment of the boundary along William and Brown Streets and dedication to the public as road widening to allow for the construction of a 1.8m wide footpath adjacent to the development on Williams and Brown Streets. The road widening shall also include a 3m x 3m splay at the corner of Williams Street and Old Canterbury Road.

Reason: To provide road widening to facilitate adequate vehicle and pedestrian access to the site and to provide adequate sight-distance at intersections.

185. Prior to the issue of any Occupation Certificate for the final building easements for public access must be created over the proposed public access paths noted as E2 on the Draft Subdivision Plan 124673-PRSUBD dated 29/10/14 so as to allow for through public pedestrian access to the site.
Reason: To provide for through public pedestrian access to the site.
186. Prior to the issue of any Occupation Certificate for the final building easements for stormwater drainage of suitable width in favour of Marrickville Council noted as E1 on the Draft Subdivision Plan 124673-PRSUBD dated 29/10/14 must be created over the full length of the nominal centreline of all Council controlled drainage systems within the site of the proposed development at no cost to Council.
Reason: To provide for and protect the rights of Council to drain through the site of the proposed development.
187. Prior to the issue of any Occupation Certificate for the final building a linen plan of subdivision detailing any easements, splay corners and rights-of-way together with associated documents shall be lodged with the Land and Property Information Office at no cost to Council. A dealing number for registration of the easement shall be obtained from the Land Property Information Office.
188. Prior to the issue of any Occupation Certificate for the final building all redundant easements on the site title including redundant easements for drainage in favour of Council and/or Sydney Water shall be extinguished.
Reason: To rationalise encumbrances on the site title.
189. Prior to the issue of any Occupation Certificate for the final building the on street parking space on Hudson Street closest to the intersection of Old Canterbury Road shall be provided and marked as a "car share" car parking space. The person acting on this consent shall implement and organise a car share scheme including the provision of a car for this location.
Reason: To ensure that a car share space is provided for this location.
190. Prior to the issue of any Occupation Certificate for the final building a Transport Access Guide (TAG) shall be provided on the site in accordance with the requirements of the RMS. The RMS shall be consulted with respect to the location of the TAG on the site as required.
Reason: To comply with the statement of commitments attached to the Part 3A Concept Plan approval.
191. Prior to the issue of any Occupation Certificate for the final building the existing damaged or otherwise defective kerb and gutter, footpath and/or road pavement adjacent to the site must be restored in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications", at no cost to Council
Reason: To provide suitable means of public road vehicle and pedestrian access to the development and to ensure that the amenity of the area is in keeping with the standard of the development.
192. Prior to the issue of any Occupation Certificate for the final building, the Certifying Authority must be satisfied that all landscape works, including the street tree planting, have been undertaken in accordance with the approved plan and conditions of consent.
Reason: To ensure that the landscape works are consistent with the development consent.
193. Prior to the issue of any Occupation Certificate for the final building by any Principal Certifying Authority:
a. all clauses of the VPA that, by their terms, require compliance before the issue of an occupation certificate have been complied with; and
b. the Council has provided written confirmation of such compliance.
Reason: To ensure the requirements of the Voluntary Planning Agreement are met before the development is occupied.

ADVISORY NOTES

The Disability Discrimination Act 1992 (Commonwealth) and the Anti-Discrimination Act 1977 (NSW) impose obligations on persons relating to disability discrimination. Council's determination of the application does not relieve persons who have obligations under those Acts of the necessity to comply with those Acts.

A complete assessment of the application under the provisions of the National Construction Code (Building Code of Australia) has not been carried out. However, you are advised that the proposal may not comply with the National Construction Code (Building Code of Australia).

A complete assessment of the application under the provisions of the National Construction Code (Building Code of Australia) has not been carried out.

The approved plans must be submitted to the Customer Centre of any office of Sydney Water before the commencement of any work to ensure that the proposed work meets the requirements of Sydney Water. Failure to submit these plans before commencing work may result in the demolition of the structure if found not to comply with the requirements of Sydney Water.

The vehicular crossing and/or footpath works are required to be constructed by your own contractor. You or your contractor must complete an application for 'Construction of a Vehicular Crossing & Civil Works' form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, before commencement of works.

The property lies within the 0 - 20 Australian Noise Exposure Forecast (ANEF) Contour (2033), as advised by the Commonwealth Department of Aviation, and it would be advisable to noise attenuate the development in accordance with Australian Standard AS 2021 'Acoustics - Aircraft noise intrusion - Building siting and construction'.

Any natural light or ventilation gained by windows within 900mm of the boundary will not be taken into consideration in the event that the adjoining property owner makes application to Council to carry out building works on their property. The window has been consented to on the basis that alternative sources of light and ventilation are available to the room.

Buildings built or painted before the 1970's may have surfaces coated with lead-based paints. Recent evidence indicates that lead is harmful to people at levels previously thought safe. Children particularly have been found to be susceptible to lead poisoning and cases of acute child lead poisonings in Sydney have been attributed to home renovation activities involving the removal of lead based paints.

Precautions should therefore be taken if painted surfaces are to be removed or sanded as part of the proposed building alterations, particularly where children or pregnant women may be exposed, and work areas should be thoroughly cleaned before occupation of the room or building.

Further information and brochures on how to reduce exposure to lead based paints is available from Council's Planning and Environmental Services Division, ☐9335-2222.

Contact "Dial Before You Dig" before commencing any building activity on the site.

The enclosed Fact Sheet on Long-nosed Bandicoots should be read before commencing any works on site, including site preparation works.

In exercising its functions in relation to any Sydney Trains condition listed above, Sydney Trains reserves the right to liaise with Transport for NSW and the light rail operator, and impose any requirements (as advised by those entities) on their behalf as if they were Sydney Trains requirements.

