

Amended Conditions: 2014SYE097 – Marrickville - DA201400370 - Newington College - Proposed entry forecourt, sporting complex and underground carpark; 200-244 Stanmore Road, Stanmore

PART E - RECOMMENDATION

- A. **THAT** the development application to demolish the existing chaplain's residence and Glasson Pavilion, excavation to accommodate new underground Old Boys Sporting Complex and carpark for 219 spaces, reconstruction of the Old Boys Oval with synthetic turf, new tennis pavilion, raised tennis court over new vehicle access from Stanmore Road, new college entry forecourt and signage and associated landscaping works be **APPROVED** and a **DEFERRED COMMENCEMENT CONSENT** be issued subject to the following terms and conditions:

PART A - DEFERRED COMMENCEMENT CONSENT

The consent will not operate and it may not be acted upon until the Council or its delegate is satisfied as to the following matters:

1. Separate Remediation Action Plans being prepared and submitted to Council's satisfaction in accordance with appropriate Department of Environment, Climate Change and Water guidelines, which stipulates how the areas affected by Stage 1 – Entry Forecourt and Stage 2 – Old Boys Sporting Complex will be remediated and validated so that no contamination remains unmanaged on site.

Evidence of the above matters must be produced to the Council or its delegate within 2 years of the date of this Determination otherwise the Consent will lapse.

PART B - CONDITIONS OF CONSENT

Once operative 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 No. and Issue	Plan Title	Date Issued	Prepared by	Date Submitted
DA01, A	Site Analysis Plan / Staging Plan	08/12/2014	Budden Nangle Michael & Hudson Architects	08/12/2014
DA02	Demolition Plan	23/07/2014	Budden Nangle Michael & Hudson Architects	04/08/2014
DA03, A	Level 1 Plan	03/11/2014	Budden Nangle Michael & Hudson Architects	04/11/2014
DA04, A	Level 2 Plan	03/11/2014	Budden Nangle Michael & Hudson Architects	04/11/2014
DA05, A	Level 3 Plan	03/11/2014	Budden Nangle Michael & Hudson Architects	04/11/2014
DA06, A	Proposed Elevations	03/11/2014	Budden Nangle Michael & Hudson Architects	04/11/2014
DA07, A	Proposed Sections	03/11/2014	Budden Nangle Michael & Hudson Architects	04/11/2014
DA08, A	College Entry	03/11/2014	Budden Nangle Michael & Hudson Architects	04/11/2014

DA10, A	Material Finishes Plan	03/11/2014	Budden Nangle Michael & Hudson Architects	04/11/2014
14161 – 7001, C	Landscape Plan Entry Forecourt	22/07/2014	Group GSA Pty Ltd	04/08/2014
14161 – 7002, B	Planting Schedule & Cross Section Entry Forecourt	30/07/2014	Group GSA Pty Ltd	04/08/2014
14161 – 7100, B	Key Plan Old Boys Complex	27/06/2014	Group GSA Pty Ltd	04/08/2014
14161 – 7101, B	Landscape Plan Old Boys Complex	27/06/2014	Group GSA Pty Ltd	04/08/2014
14161 – 7102, B	Landscape Plan Old Boys Complex	27/06/2014	Group GSA Pty Ltd	04/08/2014
14161 – 7103, B	Landscape Plan Old Boys Complex	27/06/2014	Group GSA Pty Ltd	04/08/2014
14161 – 7104, C	Landscape Plan Old Boys Complex	30/07/2014	Group GSA Pty Ltd	04/08/2014

and details submitted to Council on 4 August 2014, 4 November 2014 and 8 December 2014 with the application for development consent and as amended by the matters referred to in Part A of this Determination and the following conditions.

Reason: To confirm the details of the application submitted by the applicant.

2. 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,

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

3. The site shall be remediated in accordance with the approved Remediation Action Plans and to the appropriate criteria and validated by a suitably qualified consultant.

Reason: To ensure that appropriate and necessary remediation of the land is undertaken.

4. Amended plans must be submitted to Certifying Authority's satisfaction detailing the installation of obscure glazing to a height of 2 metres above the finished floor level along the entire eastern elevation of side passage on Level 2 of the Old Boy's Sporting Complex.

Reason: To protect the visual privacy of adjoining residential development.

5. Amended plans must be submitted to Certifying Authority's satisfaction detailing the walls surrounding the two (eastern) coach benches having a maximum height of 2 metres above the finished floor level to align with the height of the shade mesh privacy screening.

Reason: To protect the visual privacy and solar access of adjoining residential development.

6. Details must be submitted to Certifying Authority's satisfaction that incorporates the following recommendations prescribed by NSW Police - Marrickville Local Area Command in written correspondence, dated 26 August 2014:

- a) Security mirrors must be installed within corridors and on blind corners to enable users to see around blind corners.
- b) The installation of lighting in accordance with AS1158.1 within the car parking areas and any other common areas.
- c) The internal walls and ceilings of the car parking area must be painted a light colour.
- d) Landscape Maintenance Plan must be established to ensure regular landscape maintenance to ensure branches cannot act as a natural ladder to gain access to higher parts of the development.
- e) Signage must be erected at entry/exit points and throughout the development to assist users and warn intruders they will be prosecuted.

Reason: To ensure compliance with requirements of NSW Police - Marrickville Local Area Command.

7. The person acting on this consent must comply with the following conditions of the Section 139 Exception, issued by the Heritage Council under the Heritage Act 1977:

- a) Should any Aboriginal objects be uncovered by the work, excavation or disturbance of the area is to stop immediately and the Office of Environment and Heritage (Enviroline 131 555) must be notified in accordance with Section 89A of the *National Parks and Wildlife Act 1974* (NPW Act). Aboriginal objects in NSW are protected under the NPW Act. Unless the objects are subject to a valid Aboriginal Heritage Impact Permit, work must not recommence until approval to do so has been provided by the Office of Environment and Heritage.
- b) This exception does not allow the removal of State significant relics.
- c) Where substantial intact archaeological relics of State or local significance, not identified in the archaeological assessment or statement required by this exception, are unexpectedly discovered during excavation, work must cease in the affected area and the Heritage Council must be notified in writing in accordance with Section 146 of the Heritage Act 1977. Depending on the nature of the discovery, additional assessment and possibly an excavation permit may be required prior to the recommencement of excavation in the affected area.
- d) Anything done pursuant to this exception must be specified, supervised and carried out by people with knowledge, skills and experience appropriate to the work.

Reason: To ensure the development is undertaken in accordance with the Heritage Act 1977.

8. Amended plans and details must be submitted to Certifying Authority's satisfaction demonstrating that the recommendations contained within the following consultant reports have been appropriately incorporated into the development:

- a) Archaeological Assessment, prepared by Edward Higginbotham & Associates Pty Ltd, dated 14 July 2014;
- b) Traffic Impact Assessment, prepared by Traffix, dated 29 July 2014;
- c) Geotechnical Investigation Report, prepared by Consulting Earth Scientists, dated 6 June 2011;
- d) Acoustic Report, prepared by PKA Acoustic Consulting, dated 3 November 2014;
- e) Access Review Report, prepared by Morris-Goding Accessibility Consulting, dated 18 July 2014; and

f) Mechanical and Electrical Reports, prepared by Shelmerdines Consulting Engineers, undated;

Reason: To ensure the development incorporates the recommendations contained in the various consultant reports submitted with the application.

9. A Project Arborist, who has a minimum AQF Level 5 qualification in arboriculture and relevant experience shall be engaged for the duration of the project.

Reason: To provide professional Arboricultural guidance and ensure that the trees on the site are effectively managed and protected.

10. The *Melaleuca quinquenervia* (broad-leaved paperbark) must be retained and protected. If pruning is required it shall be carried out in accordance with a pruning specification prepared by the Project Arborist and in accordance with the Australian Standard *Pruning of Amenity Trees* AS 4373—2007.

Reason: To retain existing street trees where possible and ensure any pruning is undertaken in accordance with current best practice.

11. The 3 *Fraxinus griffithii* (evergreen ash) in front of 144 Stanmore Road must be retained and shall be crown lifted to provide adequate sight lines to provide with traffic safety guidelines. Pruning shall be carried out in accordance with a pruning specification prepared by the Project Arborist and in accordance with the Australian Standard *Pruning of Amenity Trees* AS 4373—2007.

Reason: To retain existing street trees where possible and ensure any pruning is undertaken in accordance with current best practice.

12. For each street tree that is removed, an advanced street tree must be planted at a location determined by Council. The trees shall be planted in accordance with the following criteria.

- a) The species shall be as per the Marrickville Street Tree Master Plan 2014 and approved by council.
- b) The container volume of the new trees shall be at least 75 litres.
- c) Supply and installation of the new trees shall comply with the appropriate specification and Detail Drawing 4 in Appendix 6 of the Marrickville Street Tree Master Plan 2014 (available on council website).
- d) The tree establishment period shall be 24 months from the date of practical completion.
- e) 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.

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.

13. The measures to manage and protect trees recommended in:

- a) The Arboricultural Impact Appraisal and Method Statement (Naturally Trees, 26 May 2014), Section 4 and Appendices 4 to 8, and
- b) The Arboricultural Impact Appraisal and Method Statement (Naturally Trees, 29 July 2014), Section 4 and Appendices 4 to 8 shall be implemented and complied with throughout the project.

Note: Appendix 6 Clause 2.4 shall be taken to read Australian Standard No. 4373—2007.

Reason: To provide the best protection possible for trees being retained t hereby ensuring that their stability and ongoing viability are not compromised.

14. New advanced trees shall be planted in accordance with the following criteria:

- a) The new trees shall be located within the subject property a minimum of 1.5 metres from any building and a minimum of 1 metre from any fence or landscape structure.
- b) Planting size shall be at least 45 litres.
- c) Trees must comply with NATSPEC.
- d) The new trees shall be planted by a qualified horticulturist or Arborist, with a minimum qualification of Certificate 3.
- e) Each replacement tree shall be maintained in a healthy and vigorous condition until it attains a height of 5 metres, from which time it is protected by Marrickville Development Control Plan (MDCP). If it dies or needs to be removed before that time it shall be replaced with a similar tree in accordance with these conditions at the expense of the applicant.

Reason: To ensure that new trees are of high quality and are properly planted to achieve optimum benefit for least cost for as long as practical.

15. The Project Arborist should assess the trees that are retained and protected no less than 2 years following completion of works to determine any significant impact suffered by any retained trees. Management recommendations to improve growing conditions and tree health should be implemented where appropriate. If any trees have been irreparably impacted, appropriate new trees should be planted (in accordance with the previous condition) to replace those trees. Removal of trees will require council consent.

Reason: To recognise that the significant development-related impacts upon the trees being retained may significantly affect their ongoing viability and to redress those potential additional impacts upon the school's urban forest.

16. All trees, covered by Part 2.20 of Marrickville Development Control Plan 2011 - Tree Management, not requiring removal to permit the erection of the development must be retained.

Reason: To preserve existing mature trees on the property.

17. All parking spaces and turning area thereto being provided in accordance with the design requirements set out within Part 2.10 of Marrickville Development Control Plan 2011 - Parking, and being used exclusively for parking and not for storage or any other purpose.

Reason: To ensure adequate manoeuvrability to all car parking spaces and that the spaces are used exclusively for parking.

18. A minimum of 5 car parking spaces, for persons with a disability, required as part of the total parking required under this Determination must be provided and marked as disabled car parking spaces.

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

19. No injury being 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.

20. The use of any plant and equipment not giving 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.

21. 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 doors to the car parking entry 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.

22. 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.

NOTE: A private electricity post/pole cannot be erected at the front of a property without having first obtained approval from Council. Council discourages the installation of private electricity posts/poles and any application for such a structure must be accompanied by a written document justifying/identifying the need for the pole's installation.

Reason: To ensure that the development is adequately serviced and does not adversely impact on the visual amenity of the area.

23. Should the development require the provision of an electrical substation, such associated infrastructure shall be incorporated wholly within the development site. Before proceeding with your development further, you are directed to contact Ausgrid directly with regard to the possible provision of such an installation on the property.

Reason: To provide for the existing and potential electrical power distribution for this development and for the area.

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

Reason: To ensure the work is carried out to an acceptable standard and in accordance with the Building Code of Australia.

25. All vehicles are to enter and leave the site in a forward direction.

Reason: To provide for safe traffic movements and to comply with Roads and Maritime Services requirements.

26. The areas of the site undergoing demolition (Glasson Pavilion, Old Boys Oval, Chaplains Residence, tennis courts) being photographically recorded and presented as an **Archival Record** (1 hard copy only). The record must be submitted to the satisfaction of Council's

Heritage and Urban Design Advisor in accordance with 'Guide to Photographic Archival Records' available on Council's website: <http://www.marrickville.nsw.gov.au/Documents/Marrickville%20Assets/guide%20to%20archival%20records%202012.pdf>. Once submitted the record will become available for public viewing at Council's Local Studies Archive.

Reason: To adequately document change to items and areas of heritage significance.

27. That the trusses and columns from the Glasson Pavilion be salvaged and sent to a local salvage yard or reused on site or in Marrickville.

Reason: To reduce construction waste.

28. That the stone from the demolished section of the wall is salvaged and reused in the proposed works to the boundary wall/entrance, and any excess is used elsewhere in landscaping the site. Construction details of the new gates and stone work shall be submitted to the satisfaction of Council's Heritage Advisor.

Reason: To reduce construction waste.

29. The privacy screening along the eastern elevation of the Old Boy's Sporting Complex and raised tennis courts must be maintained in a good condition at all times.

Reason: To ensure that the visual privacy of adjoining properties is maintained and that the material does not degrade to an extent that affects the visual appearance of the development.

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 Building Code of Australia.

30. No work must commence until:

- a) A PCA has been appointed. Where Council is appointed ensure all payments and paper work are completed (contact Council for further information). Where an Accredited Certifier is the appointed, Council must be notified within 2 days of the appointment; and
- b) A minimum of 2 days written notice must be given to Council of the intention to commence work.

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

31. 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.

32. Sanitary facilities are to 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 are to be located so that they will not cause a nuisance.

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

33. All demolition work must:

- a) Be carried out in accordance with the requirements of Australian Standard AS2601 'The demolition of structures' and the Work Health and Safety Act and Regulations; and
- b) Where asbestos is to be removed it must be done in accordance with the requirements of the WorkCover Authority of NSW and disposed of in accordance with requirements of the Department of Environment, Climate Change and Water.

Reason: To ensure that the demolition work is carried out safely.

34. 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.

35. All services in the building being demolished must be disconnected in accordance with the requirements of the responsible authorities before work commences.

Reason: To ensure that the demolition work is carried out safely.

36. A waste management plan must be prepared in accordance with Part 2.21 of Marrickville Development Control Plan 2011 - Site Facilities and Waste Management and submitted to and accepted by the PCA before work commences.

Reason: To ensure the appropriate disposal and reuse of waste generated on the site.

37. 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.

38. 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.

39. 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 shall 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.

40. The person acting on this consent is responsible for arranging and meeting the cost of a dilapidation report prepared by a suitably qualified person. The report is to be submitted to and accepted by the PCA **before work commences for Stage 2 – Old Boys Sporting Complex**, on the buildings on the adjoining properties at 57 Harrington Street, 24 Browns Avenue, 26 Browns Avenue and 28 Browns Avenue, if the consent of the adjoining property owner can be obtained. In the event that the consent of the adjoining property owner 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 for Stage 2 – Old Boys Sporting Complex**.

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

41. That prior to the commencement of works, the landscape plan shall be amended to show the street trees and pencil pines being retained and which trees will be removed. The Project Arborist must prepare a specification for the protection of the street trees and the pencil pines that are retained. These trees must be managed and protected in conjunction with the trees included in the Arboricultural Impact Appraisal and Method Statement, dated 26 May 2014.

Reason: To provide the best protection possible for trees being retained thereby ensuring that their stability and ongoing viability are not compromised.

42. All approved protection measures must be installed prior to commencing any work and must be maintained for the duration of construction and any tree on the footpath which is damaged or removed during construction must be replaced.

Reason: To ensure that all trees are appropriately protected during demolition and construction works.

43. a) The consent from Council must be obtained prior to the undertaking of any street tree pruning works. Only minor pruning works will be approved by Council.
b) Any pruning that is required to accommodate hoardings, scaffolding, or to accommodate the loading/unloading of vehicles, and has been approved by Council, must be carried out by a qualified Arborist (AQF3), and must be in accordance with AS4373 Australian Standards 'Pruning of Amenity Trees'.
c) The removal of any street tree approved by Council must include complete stump removal and the temporary reinstatement of levels so that no trip or fall hazards exist until suitable replanting occurs. Those works must be completed immediately following the trees removal.

Reason: To ensure that all street trees are appropriately protected during demolition and construction works.

44. 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.

45. 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.

46. 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

47. A detailed Traffic Management Plan to cater for construction traffic shall be submitted to and approved by Council before commencement of works. Details shall include proposed truck parking areas, construction zones, crane usage, truck routes etc.

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

48. 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.

49. Before commencing works the person acting on this consent must provide a contact number 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.

BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE FOR STAGE 1 – ENTRY FORECOURT

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

50. A validation report and any required documentation being submitted to and approved by the Principal Certifying Authority prior to the issue of any Construction Certificate for Stage 1 – Entry Forecourt.

Reason: To ensure that appropriate and necessary remediation of the land is undertaken.

51. Evidence of payment of the building and construction industry Long Service Leave Scheme for the component of work authorised under Stage 1, must be submitted to the Certifying Authority's satisfaction before the issue of any Construction Certificate for Stage 1 – Entry Forecourt. (The required payment can be made at the Council Offices).

NB: 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/levy_information/?levy_information/levy_calculator.stm

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

52. A levy of \$7,894.22 has been assessed as the contribution for the development under Section 94A of the Environmental Planning and Assessment Act 1979 and Marrickville Section

94/94A Contributions Plan 2014 (a copy of which may be inspected at the offices of the Council).

The Section 94A Levy referred to above is based on the estimated cost of the proposed development at time of lodgement of the application indexed quarterly in accordance with Marrickville Section 94/94A Contributions Plan 2014.

The Section 94A levy (as adjusted) must be paid to the Council **in cash or by unendorsed bank cheque (from an Australian Bank only) or EFTPOS (Debit only) or credit card*** before the issue of any Construction Certificate for Stage 1 – Entry Forecourt. Under Marrickville Section 94/94A Contributions Plan 2004 payment of Section 94A levies **CANNOT** be made by Personal Cheque or Company Cheque.

*NB A 1% credit card transaction fee applies to all credit card transactions.

(LEVY PAYMENT REFERENCE NO. DC000799)

NOTE: Under Marrickville Section 94/94A Contributions Plan 2014, the proposed cost of carrying out development is adjusted quarterly at time of payment of the levy in line with the *Consumer Price Index: All Groups Index Number for Sydney* provided by the Australian Bureau of Statistics.

Reason: To ensure that the approved development makes a contribution towards the provision, extension or augmentation of public amenities and public services in the area.

53. The person acting on this consent shall provide to Council a bond in the amount of \$4,523.20 and pay the related Section 138 (Roads Act) inspection fee of \$209.00 (GST inclusive) before the issue of any Construction Certificate for Stage 1 – Entry Forecourt to ensure the proper completion of the footpath and/or vehicular crossing works required as a result of this development.

Reason: To provide security for the proper completion of the footpath and/or vehicular crossing works.

54. Before the issue of any Construction Certificate for Stage 1 – Entry Forecourt an amended plan shall be submitted to the Certifying Authority's satisfaction addressing the requirements The Disability (Access to Premises – buildings) Standards 2010 (the Premises Standards).

Reason: To provide safe, equitable and dignified access to a building and its services and facilities.

55. Before the issue of any Construction Certificate for Stage 1 – Entry Forecourt the person acting on this consent must sign a written undertaking that they will be 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.

56. A Graffiti Management Plan for the Entry Forecourt must be prepared. The plan must include details of an anti-graffiti treatment to the elevations of the development and must be submitted to the Certifying Authority's satisfaction before the issue of any Construction Certificate for Stage 1 – Entry Forecourt.

Reason: To ensure appropriate anti graffiti treatment.

BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE FOR STAGE 2 – OLD BOYS SPORTING COMPLEX

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

57. A validation report and any required documentation being submitted to and approved by the Principal Certifying Authority prior to the issue of any Construction Certificate for Stage 2 – Old Boys Sporting Complex.

Reason: To ensure that appropriate and necessary remediation of the land is undertaken.

58. Evidence of payment of the building and construction industry Long Service Leave Scheme for the component of work authorised under Stage 2, must be submitted to the Certifying Authority's satisfaction before the issue of any Construction Certificate for Stage 2 – Old Boys Sporting Complex. (The required payment can be made at the Council Offices).

NB: 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/levy_information/?levy_information/levy_calculator.stm

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

59. A levy of \$290,680.54 has been assessed as the contribution for the development under Section 94A of the Environmental Planning and Assessment Act 1979 and Marrickville Section 94/94A Contributions Plan 2014 (a copy of which may be inspected at the offices of the Council).

The Section 94A Levy referred to above is based on the estimated cost of the proposed development at time of lodgement of the application indexed quarterly in accordance with Marrickville Section 94/94A Contributions Plan 2014.

The Section 94A levy (as adjusted) must be paid to the Council **in cash or by unendorsed bank cheque (from an Australian Bank only) or EFTPOS (Debit only) or credit card*** before the issue of any Construction Certificate for Stage 2 – Old Boys Sporting Complex. Under Marrickville Section 94/94A Contributions Plan 2004 payment of Section 94A levies **CANNOT** be made by Personal Cheque or Company Cheque.

*NB A 1% credit card transaction fee applies to all credit card transactions.

(LEVY PAYMENT REFERENCE NO. DC000761)

NOTE: Under Marrickville Section 94/94A Contributions Plan 2014, the proposed cost of carrying out development is adjusted quarterly at time of payment of the levy in line with the *Consumer Price Index: All Groups Index Number for Sydney* provided by the Australian Bureau of Statistics.

Reason: To ensure that the approved development makes a contribution towards the provision, extension or augmentation of public amenities and public services in the area.

60. The person acting on this consent shall provide to Council a bond in the amount of \$22,740.00 and pay the related Section 138 (Roads Act) inspection fee of \$209.00 (GST inclusive) before the issue of any Construction Certificate for Stage 2 – Old Boys Sporting Complex to ensure the proper completion of the footpath and/or vehicular crossing works required as a result of this development.

Reason: To provide security for the proper completion of the footpath and/or vehicular crossing works.

61. Before the issue of any Construction Certificate for Stage 2 – Old Boys Sporting Complex an amended plan shall be submitted to the Certifying Authority's satisfaction addressing the requirements The Disability (Access to Premises – buildings) Standards 2010 (the Premises Standards).

Reason: To provide safe, equitable and dignified access to a building and its services and facilities.

62. Vehicular access and associated vehicle standing areas being designed in accordance with Australian Standard AS 2890.1-2004, Australian Standard AS 2890.6-2009 and Marrickville Development Control Plan No. 19 - Parking Strategy so that:

- a) The layout and minimum dimensions of any standing area complies with clause 2.4 of AS2890.1-2004 such that:
 - (i) car spaces adjacent to high walls or fences are increased in width by an additional 300mm;
 - (ii) end spaces are provided with an additional 1m aisle extension; and
 - (iii) the location of columns within the carpark complies with figure 5.1 of AS 2890.1-2004;
- b) The maximum grade at the property boundary does not exceed 1 in 20 (5%) within 6m of the property boundary;
- c) The maximum ramp grades and changes in grade comply with AS2890.1:2004; and
- d) The vehicle egress is designed such that there are no obstructions to lines of sight, along the footpath and the roadway for drivers of egressing vehicles.

Details of compliance with the above requirements being submitted to the Certifying Authority's satisfaction before the issue of any Construction Certificate for Stage 2 – Old Boys Sporting Complex.

Reason: To ensure the vehicular access is not dangerously steep and that sufficient space is set aside within the property for parking.

63. The stormwater drainage and quality treatment measures shall be constructed generally in accordance with the Stormwater Management Report (80814357 dated October 2014) and Stormwater Drainage Plans 80814357-001, 80814357-005, 80814357-010, 80814357-015, 80814357-016, 80814357-020, 80814357-025, 80814357-035, 80814357-036, 80814357-037, 80814357-038 and 80814357-039 (Rev 02) submitted by Cardno subject to the submission of a detailed WSUD maintenance plan outlining how all elements of the water quality treatment facility will be maintained and to record annual inspections/maintenance works to be undertaken. The additional documentation shall be submitted to and approved by Council before the issue of any Construction Certificate for Stage 2 – Old Boys Sporting Complex.

Reason: To ensure that the site use of potable water is minimised and that the quality of stormwater discharged off site is improved.

64. Before the issue of any Construction Certificate for Stage 2 – Old Boys Sporting Complex the person acting on this consent must sign a written undertaking that they will be 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.

65. A Graffiti Management Plan for the Old Boys Sporting Complex must be prepared. The plan must include details of an anti-graffiti treatment to the elevations of the development and must be submitted to the Certifying Authority's satisfaction before the issue of any Construction Certificate for Stage 2 – Old Boys Sporting Complex.

Reason: To ensure appropriate anti graffiti treatment.

66. Noise attenuation measures must be incorporated into the development complying with Australian Standard 2021:2000 in relation to interior design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction), in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of any Construction Certificate for Stage 2 – Old Boys Sporting Complex together with certification by a suitably qualified acoustical engineer that the proposed noise attenuation measures satisfy the requirements of Australian Standard 2021:2000.

Reason: To reduce noise levels within the development from aircraft.

SITE WORKS

67. All excavation, demolition, construction, and deliveries to the site necessary for the carrying out of the development, are restricted to between 7.00am to 5.30pm Mondays to Saturdays, excluding Public Holidays. Notwithstanding the above no work must be carried out on any Saturday that falls adjacent to a Public Holiday.

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

68. Any contaminated soil excavated from the site is to be classified in accordance with the NSW Department of Environment, Climate Change and Water (2009) *Waste Classification Guidelines* and being carried out in accordance with the requirements of the NSW Officer of Environment and Heritage.

Reason: To provide for correct disposal of wastes.

69. The stormwater drainage and quality treatment measures for Stage 1 – Entry Forecourt must be constructed generally in accordance with Stormwater Management Report 14-56, dated 31 July 2014, and Stormwater Drainage Plans SW1 and SW2, submitted by Woolacotts Consulting Engineers.

Reason: To ensure that the site use of potable water is minimised and that the quality of stormwater discharged off site is improved.

70. The area surrounding the building work must be reinstated to Council's satisfaction upon completion of the work.

Reason: To ensure that the area surrounding the building work is satisfactorily reinstated.

71. 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 (d) can only be carried out by the PCA. The critical stage inspections are:

- a) After excavation for, and before the placement of, any footings.
- 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 Building Code of Australia.

72. 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 shall 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.

73. All demolition work must be carried out in accordance with the following:

- a) compliance with the requirements of Australian Standard AS 2601 'The demolition of structures' with specific reference to health and safety of the public, health and safety of the site personnel, protection of adjoining buildings and protection of the immediate environment;
- b) all works involving the demolition, removal, transport and disposal of asbestos cement must be carried out in accordance with the 'Worksafe Code of Practice for Removal of Asbestos' and the requirements of the WorkCover Authority of NSW and the Department of Environment, Climate Change and Water;
- c) all building materials arising from the demolition must be disposed of in an approved manner in accordance with Part 2.21 of Marrickville Development Control Plan 2011 – Site Facilities and Waste Management and any applicable requirements of the Department of Environment, Climate Change and Water;
- d) sanitary drainage, stormwater drainage, water, electricity and telecommunications must be disconnected in accordance with the requirements of the responsible authorities;
- e) the generation of dust and noise on the site must be controlled;
- f) the site must be secured to prohibit unauthorised entry;
- g) suitable provision must be made to clean the wheels and bodies of all vehicles leaving the site to prevent the tracking of debris and soil onto the public way;
- h) all trucks and vehicles associated with the demolition, including those delivering to or removing material from the site, must only have access to the site during work hours nominated by Council and all loads must be covered;
- i) all vehicles taking materials from the site must be loaded wholly within the property unless otherwise permitted by Council;
- j) no waste collection skips, spoil, excavation or demolition material from the site must be deposited on the public road, footpath, public place or Council owned property without the approval of Council; and
- k) the person acting on this consent must ensure that all contractors and sub-contractors associated with the demolition are fully aware of these requirements.

Reason: To ensure that the demolition work is carried out safely and impacts on the surrounding area are minimised.

74. All fill imported on to the site must be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported on to the site must also be compatible with the existing soil characteristic for site drainage purposes.

Council may require details of appropriate validation of imported fill material to be submitted with any application for future development of the site. Hence all fill imported onto the site should be validated by either one or both of the following methods during remediation works:

- a) Imported fill should be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
- b) Sampling and analysis of the fill material should be conducted in accordance with the EPA Sampling Design Guidelines (1995) to ensure that the material is not contaminated.

Reason: To ensure that imported fill is of an acceptable standard.

75. If the development involves an excavation that extends below the level of the base of the footings of a building on the adjoining allotments, including a public place such as a footway and roadway, the person acting on the consent, at their own expense must:

- a) protect and support the adjoining premises from possible damage from the excavation, and
- b) where necessary, underpin the adjoining premises to prevent any such damage. Where the proposed underpinning works are not "exempt development", all required consents must be obtained prior to the required works commencing; and
- c) give the owners of the adjoining land 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.

Where a dilapidation report has not been prepared on any building adjacent to the excavation, the person acting on this consent is responsible for arranging and meeting the cost of a dilapidation report prepared by a suitably qualified person. The report is to be submitted to and accepted by the PCA before works continue on site, if the consent of the adjoining property owner can be obtained.

Copies of all letter/s that have been sent via registered mail to the adjoining property owner and copies of any responses received must be forwarded to the PCA before work commences.

Reason: To ensure that adjoining buildings are preserved, supported and the condition of the buildings on the adjoining property catalogued for future reference in the event that any damage is caused during work on site.

76. 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.

77. Fixtures for bathroom and kitchen taps, showerheads, dishwashers, toilet cisterns and urinals having a minimum 3 Star WELS rating.

NOTE: Information on the star rating scheme, and all 'star' rated products are available to view at the Water Efficiency Labelling and Standards (WELS) website: www.waterrating.gov.au.

Reason: To conserve water.

78. New or replacement toilets having a minimum 3 Star WELS rating and being 6/3 litre dual flush or more efficient.

NOTE: Information on the star rating scheme, and all 'star' rated products are available to view at the Water Efficiency Labelling and Standards (WELS) website: www.waterrating.gov.au.

Reason: To conserve water.

79. 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.

80. Alignment levels for the site at all pedestrian and vehicular access locations shall match the existing adjacent top of kerb level plus 2.5%. **Note:** This may require the internal site levels to be adjusted locally at the boundary to ensure that they match the issued alignment levels.

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.

81. The access driveway widths are to be a minimum of 5.5 metres for at least 6 metres from the property line as per AS 2890.1 :2004. The design and construction of the vehicular crossing on Stanmore Road shall be in accordance with Roads and Maritime requirements. Details of these requirements should be obtained from Roads and Maritime Project Services Manager, Traffic Projects Section, Parramatta (Telephone 8849-2496). Detailed design plans of the proposed vehicular crossing are to be submitted to Roads and Maritime for approval prior to the commencement of any road works. A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by Roads and Maritime.

Reason: To comply with the requirements of the Roads and Maritime Services.

82. 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.

83. 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.

BEFORE OCCUPATION OF THE BUILDING

84. You shall obtain an Occupation Certificate from your PCA before you occupy or use the building. The PCA must notify the Council of the determination of the Occupation Certificate and forward the following documents to Council within two (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.

85. Occupation of the building is not permitted until such time as:

- a) All 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.

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

86. 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 twelve (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 must 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.

87. All works required to be carried out in connection with drainage, crossings, alterations to kerb and guttering, footpaths and roads resulting from the development shall be completed before the issue of any Occupation Certificate. 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.

88. The approved landscaping works for each stage must be carried out prior to occupation or use of the works authorised for the subject 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.

89. a) Upon completion of the required noise attenuation measures referred to in the "Before the Issue of a Construction Certificate" Section of this Determination and before the issue of any Occupation Certificate for Stage 2 – Old Boys Sporting Complex (whether an interim or final Occupation Certificate), a report must be prepared and submitted to the Certifying Authority's satisfaction by an accredited Acoustics Consultant, certifying that the final construction meets Australian Standard 2021:2000, State Environmental

Planning Policy (Infrastructure) 2007 and with the Department of Planning and Environment's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines" as set down in the subject condition of this consent. 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

- b) 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 aircraft and road noise and to ensure that the noise attenuation measures incorporated into the dwellings satisfactorily comply with the relevant sections of Australian Standard 2021:2000, State Environmental Planning Policy (Infrastructure) 2007 and with the Department of Planning and Environment's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines".

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

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

91. 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. Any encroachments on to Council road or footpath resulting from the building works will be required to be removed before the issue of any Occupation Certificate.

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

92. Heavy duty concrete vehicle crossings, in accordance with Roads and Maritime Services requirements shall be constructed at the vehicular access locations before the issue of any Occupation Certificate for Stage 2 – Old Boys Sporting Complex and at no cost to Council or the Roads and Maritime Services.

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

93. Prior to issue of any Occupation Certificate written verification from a suitably qualified competent person, stating that all stormwater drainage and quality treatment measures have been constructed in accordance with the approved plans and associated MUSIC Model, 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.

94. With the regard to the On Site Detention System (OSD), a Positive Covenant generally in accordance with supplement 7 of Marrickville Council Stormwater and On Site Detention Code shall be placed on the Title in favour of Council before the issue of any Occupation Certificate.

Reason: To ensure that the integrity of the OSD system is maintained and to comply with Marrickville Council Stormwater and On Site Detention Code.

95. With the regard to the Stormwater Treatment Facilities a Positive Covenant shall be placed on the Title in favour of Council before issue of any Occupation Certificate. 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 WSUD maintenance plan;
- b) The Proprietor shall have the stormwater quality treatment facilities inspected annually by a competent person and must provide the approved WSUD maintenance plan to the competent person to record the annual 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 is maintained.

96. All instruments under Section 88B of the Conveyancy Act used to create positive covenants, easements or right-of-ways shall include the condition that such positive covenants, 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.

97. Prior to issue of any Occupation Certificate the person acting on this consent shall obtain from Council a compliance Certificate(s) stating that all Road, 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 and Civil Works required to be undertaken as a result of this development have been completed satisfactorily.