

**INSERT DATE**

Stithos Pty Ltd  
Greg Gav (Sole Director and Secretary)  
Level 8  
219 Castlereagh St  
SYDNEY NSW 2000

Contact: Iain Betts  
Phone: 9367 9296

File Ref: D/2014/646

**NOTICE OF DETERMINATION OF  
DEVELOPMENT APPLICATION NO: D/2014/646  
Issued under the Environmental Planning & Assessment Act 1979  
(Section 81(1)(a))**

**Applicant Name:** Stithos Pty Ltd

**Applicant Address:** Greg Gav (Sole Director and Secretary)  
Level 8  
219 Castlereagh St  
SYDNEY NSW 2000

**Land to be Developed:** Lot 7 DP 448755, Lot 16 DP 69760, Lot 5 DP 745976, Lot 6 DP 745976, Lot 1 DP 745978, Lot 1 DP 920105, Lot 1 DP 972151, Lot 1 DP 745979, Lot 9 DP 666322  
30-40 George Street, LEICHHARDT NSW 2040

**Proposed Development:** Site preparation works (including diversion of services, demolition of existing structures and excavation) and construction of 2 buildings of between 4 and 8 storeys in height. The buildings shall comprise 123 residential units above a 2 level basement car park with 125 parking spaces. Associated works include providing communal open space incorporating a pool, landscaping works, removal of trees, provision of roof gardens with plunge pools, and strata subdivision.

**Determination:**

**Date of Determination:**

**Consent to Operate From:**

**Consent to Lapse On:** XXXX 2020

**DRAFT CONDITIONS OF CONSENT FOR 30-40 GEORGE STREET**  
**LEICHHARDT – D/2014/646**

**DEFERRED COMMENCEMENT CONDITIONS**

1. The following deferred commencement conditions must be complied with to the satisfaction of Council, prior to the issue of an operational Development Consent.
  - a) The basement carpark must be redesigned to accommodate a garbage truck as shown in the Drawing No S.DA940, Revision A prepared by Nordon Jago Architects and dated 17 April 2015. The design will require significant amendments to the carpark access ramp, Building B and associated central courtyard. The following issues must be addressed in the revised designs:
    - i) The waste collection and the driveway access ramp must accommodate the garbage truck as shown in the Drawing No S.DA940, Revision A prepared by Nordon Jago Architects and dated 17 April 2015 and comply with AS 2890.2-2002 Parking Facilities - Off-Street commercial vehicles facilities. The design must be supported by swept path diagrams to demonstrate manoeuvring for entry and exit of these vehicles, longitudinal sections for both sides of the access ramp and show 3300mm headroom is provided throughout the path of travel. The level of the driveway must be 180mm above the adjacent road gutter level for the full width of the vehicle crossing.
    - ii) Building B and the central courtyard must be redesigned to accommodate the increased height and length of the access ramp. This includes satisfactory resolution and compliance with the following:
      - a. Redesign of the central courtyard to the new levels and setback or deletion of the rear courtyards of the ground floor units on the northern side of the central courtyard as required.
      - b. Pedestrian access is to be provided between the entry foyer of Building B and central courtyard.
      - c. Natural light and ventilation to all dwellings on the ground floor of Building B in accordance with the Building Code of Australia.
      - d. Deletion of dwelling D5 on the first floor of Building B.
      - e. Incorporation of the master bedroom, bathroom and ensuite associated with deleted dwelling D5 into the adjoining dwelling D4. Reconfiguration of D4 is permitted in order to accommodate the additional floor area.
    - iii) The waste collection storage rooms in Basement 1 must be relocated to be immediately adjacent to the proposed loading bay.

The Section 94 Contributions required by Condition 3 of this consent may be amended by Council as necessary in response to the above design changes.

- b) The communal change room/toilet amenities associated with the communal swimming pool shall be relocated from Basement 1 to the Ground Floor Level.
- c) The proposed through-site link shall be redesigned to apply the Safer By Design principles. Specially, the revised link should provide clear sight lines from the public street at each side of the link; the landscape treatment is to clearly delineate publicly accessible and private spaces and provide for surveillance; and be free of potential entrapment points.
- d) The ground level communal open space shall be designed to be accessed via a secure entrance from the through-site link.
- e) The proposed spiral staircases and adjacent / associated projecting fin walls to the rooftop terraces are to be deleted and replaced with internalised staircases.
- f) Amended plans are to be provided that includes the following information and / or clearly details the following:
  - i) A full western elevation of Building B (the George Street fronting building).
  - ii) Walls / fencing to all boundaries are to be shown on the architectural drawings.
  - iii) Letterbox locations to all apartments, including communal letterbox locations.
  - iv) A strata subdivision plan.

The operational Development Consent will be issued by Council (in writing) after the applicant provides sufficient information to satisfy Council in relation to the conditions of the deferred commencement consent.

If the applicant fails to satisfy Council as to the above matters within 5 years from the date of determination this consent will lapse.

## **GENERAL CONDITIONS OF CONSENT**

The following conditions apply to this consent. Conditions imposed by Sydney Water and Ausgrid also apply to this consent and are attached to this consent document as Attachment A and Attachment B.

### **2. Creation of public rights of way over both through-site links:**

A right of way for general public access and traverse is to be created over the site through-link. The through-site links is the pathway located at the northern part of the site as shown on the approved plans, measuring approximately 6.0m wide and providing direct access between George Street and Upward Street. The terms of the rights of way are to be as approved by Council's Manager

Property and Commercial Services and will include, but not be limited to, the rights of way being unrestricted and unimpeded, construction and maintenance, signage and lighting. All costs associated with the rights of way are to be borne by the developer/applicant including all legal costs pertinent to the creation of such rights and insurance. The rights of way are to be legally constituted prior to the issue of any Occupation Certificate for any part of the site.

### 3. Section 94 contributions

The following Section 94 Contributions are to be paid in full prior to release of any Construction Certificate.

The VPA excludes the six affordable units from any Section 94 levy. Of the remaining 117 units any dwelling in excess of 53sqm would exceed the \$20,000 cap imposed by the State Government. Council has identified three units of less than 53sqm in area (not including the affordable units). These three units would generate a Section 94 levy of \$46,657.61 as demonstrated in the below table:

<b>Contribution Plan</b>	<b>Contribution</b>
<b>Community Facilities</b>	\$6,126.00
<b>Open Space</b>	\$40,071.00
<b>Local Area Traffic Management</b>	\$419.66
<b>Bicycle</b>	\$40.95
<b>Commercial Carparking</b>	\$0.00
<b>Total</b>	<b>\$46,657.61</b>

The remaining 114 units are capped at \$20,000 per dwelling, being \$2,280,000 as demonstrated in the below table:

<b>Contribution Plan</b>	<b>Adjusted Contribution</b>
<b>Community Facilities</b>	\$292,895.68
<b>Open Space</b>	\$1,977,208.72
<b>Local Area Traffic Management</b>	\$7,869.86
<b>Bicycle</b>	\$2,025.74
<b>Total</b>	<b>\$2,280,000.00</b>

Therefore the payable Section 94 levy is **\$2,326,657.60**

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

A receipt demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate.

Note: The final Section 94 Contributions payable may be amended in response to the design changes required in 'Deferred Commencement' Consent Condition 1(a).

4. Voluntary Planning Agreement obligations

Four one-bedroom dwelling units are to be dedicated and transferred to an affordable housing provider, and two one bedroom units leased to an affordable housing provider for a minimum 10 years in accordance with the commitments of the Voluntary Planning Agreement. These affordable housing units shall be equitable distributed throughout the development.

These arrangements are to be made prior to the issue of any interim or final occupation certificate and registered to the certificate of title.

5. Tree Removal

Approval is given for the following works to be undertaken to trees on the site:

<b>Schedule</b>	
<b>Tree/location</b>	<b>Approved works</b>
<i>Cinnamomum camphora</i> (Camphor Laurel) located on the Upward Street frontage	Removal
<i>Eucalyptus robusta</i> (Swamp Mahogany) located on the Upward Street frontage	Removal
2 x <i>Cupressus sempervirens</i> (Italian Cypress) located on the Upward Street frontage	Removal

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

6. Approved Plans

Development must be carried out in accordance with Development Application No. D/2014/646 and the following plans and in accordance with the recommendations contained within the supplementary documentation referred to in the following table, *except where amended or superseded* by the conditions of this consent.

<b>Plan Reference</b>	<b>Drawn By</b>	<b>Dated</b>
Site Survey Job Bo: 2200-14	Daw & Walton Consulting Surveyors	24/04/2014
S.DA040 Issue B (Demolition Plan)	Nordon Jago	25.02.2015
S.DA022 Issue B (Site Plan)	Nordon Jago	25.02.2015
S.DA059 Issue B (Site Cover & Deep Soil Planting)	Nordon Jago	25.02.2015
S.DA092 Issue E (Basement 1 Plan)	Nordon Jago	17.04.2015
S.DA091 Issue D (Basement 2 Plan)	Nordon Jago	17.04.2015
S.DA100 Issue D (Ground Floor	Nordon Jago	17.04.2015

Plan)		
S.DA101 Issue D (Level 1 Plan)	Nordon Jago	17.04.2015
S.DA102 Issue C (Level 2 Plan)	Nordon Jago	17.04.2015
S.DA103 Issue C (Level 3 Plan)	Nordon Jago	17.04.2015
S.DA104 Issue C (Level 4 Plan)	Nordon Jago	17.04.2015
S.DA105 Issue C (Level 5 Plan)	Nordon Jago	17.04.2015
S.DA106 Issue C (Level 6 Plan)	Nordon Jago	17.04.2015
S.DA107 Issue C (Level 7 Plan)	Nordon Jago	17.04.2015
S.DA108 Issue C (Level 8 Plan)	Nordon Jago	17.04.2015
S.DA300 Issue C (North & South Elevations)	Nordon Jago	17.04.2015
S.DA301 Issue C (East & West Elevations)	Nordon Jago	17.04.2015
S.DA200 Issue B (Section 1 & 2)	Nordon Jago	25.02.2015
S.DA201 Issue B (Section 3 & 4)	Nordon Jago	25.02.2015
S.DA202 Issue B (Section 5 & 6)	Nordon Jago	25.02.2015
S.DA203 Issue B (Section 7 & 8)	Nordon Jago	25.02.2015
S.DA310 Issue A (Fence Details)	Nordon Jago	25.02.2015
S.DA160 Issue A (Adaptable Units Layouts)	Nordon Jago	25.02.2015
D00 – D07 Revision A (Stormwater Drawings)	Australian Consulting Engineers	19/05/2014
FG 14 290 Sheets 1,2,3,6,& 8 Issue D & Sheets 4 & 5 Issue E(Landscape Plan)	Formed Gardens	15/04/2015
S.DA920 Issue A (Ground Level Storage)	Nordon Jago	17.04.2015
S.DA921 Issue A (Level 1 Storage)	Nordon Jago	17.04.2015
S.DA922 Issue A (Level 2 Storage)	Nordon Jago	17.04.2015
S.DA923 Issue A (Level 3 Storage)	Nordon Jago	17.04.2015
S.DA924 Issue A (Levels 4 & 5 Storage)	Nordon Jago	17.04.2015
S.DA925 Issue A (Levels 6 & 7 Storage)	Nordon Jago	17.04.2015
S.DA940 Issue A (Basement Waste Collection)	Nordon Jago	17.04.2015
S.DA930 Issue A (Roof Terrace Balustrade Detail)	Nordon Jago	17.04.2015
S.DA059 Issue D (Site Cover & Deep Soil Planting)	Nordon Jago	17.04.2015
<b>Document Title</b>	<b>Prepared By</b>	<b>Dated</b>
Waste Management Plan	The Mack Group	04/03/2015

Statement of Compliance Access for People with a Disability Job No: 214218	Accessible Building Solutions	03/03/2015
Environmental Noise Impact Assessment, Ref #: 20140844.1/0503A/R1/GC, Revision 1	Acoustic Logic	5/03/2015
Traffic Impact Assessment Ref #: 14.246r01v03	traffix	5/03/2015
Arboricultural Impact Assessment	Blue Gum Tree Care and Consultancy	March 2015
Social Impact Assessment Ref#: CC150023	Barker Ryan Stewart	March 2015
Mechanical Services Letter Project #: 140164	JHA	25/02/2015
BCA Capability Report Ref# J140340	Vic Lilli & Partners Consulting	27/02/2015
Site Audit Statement Section B	Dr Ian C Swane	9 December 2014
Preliminary Geotechnical Investigation Report	Environmental Investigations	19 August 2014
Stormwater Quantity & Quality Report numbered 140398.SQR2	Australian Consulting Engineers	September 2014
BASIX Certificate numbered 572233M	Building Sustainability Assessments	8 September 2014
Assessor Certificate numbered 14911077	Building Sustainability Assessments	8 September 2014
Detailed Site Investigation Report numbered E22266 AB_Rev 0	Environmental Investigations	20 October 2014
Remediation Action Plan numbered E22266 AC RAP	Environmental Investigations	17 October 2014

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

## **CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

***(note: staged construction certificates may be issued pertaining to differing components of the works subject to all documentation requirements, certification requirements being fully undertaken as pertinent to the scope of works covered by the staged construction certificate – in this regard reference to “before the issue of a construction certificate” – or similar wording- in any condition may be taken by the Principal Certifying Authority to mean a staged construction certificate pertaining to part only of the physical works encompassed within this development consent. This allowance does not preclude the issuance of a construction certificate pertaining to the entirety of the development consent.)***

**Note: Payment of all bonds, levies and deposits must be made in FULL prior to the release of the first construction certificate for any works on site under the terms of this consent.**

7. Amended plans are to be submitted incorporating the following amendments:
- a) The ground floor courtyards associated with Building A (the Upward Street building) that encroach within the pedestrian through-site link are to be deleted.
  - b) The dwelling entries of the ground floor apartments shall have a door that is clearly delineated.
  - c) The high timber picket fencing to the George and Upward Street frontages shall have a density not exceeding 50%.
  - d) Proposed pergolas and / or shading devices fronting George Street shall not extend more than one (1) metre into the building setback areas prescribed in the George and Upward Street Development Control Plan 2014.
  - e) All glass balustrades to apartment balconies on Levels 1 and above of both Buildings A and B shall be deleted and replaced with balustrades of solid non-see through materials (may be metal or steel panels) to a height of 750mm, and have horizontal metal or steel louvres above to a height of 350mm. The louvres are to consist of slats fixed into a horizontal position with the gap between the slats being no greater than 50mm.
  - f) All swimming pools located on the roof top terraces are to be deleted and replaced with rooftop gardens.
  - g) The rooftop terrace glass balustrades as shown on Drawing D.DA930A, prepared by Nordon Jago Architects and dated 17/4/2015 shall be deleted and replaced with a 1m depth planter bed with screen planting to a height of 1.6m above the terrace floor levels.

Details demonstrating compliance with the requirements of this condition are to be marked on the plans and be submitted to the Principal Certifying Authority's satisfaction prior to the issue of any Construction Certificate.

- 7A. An application must be made to Council for the issue of a Levels Certificate. The certificate, issued by Council, must be provided prior to the issue of a Construction Certificate.

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

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



8. The proposed footpath adjacent to the northern property boundary, between George Street and Upward Street must be lowered and regraded to ensure a minimum 150mm step down is provided from all entries to Building B Ground Floor and a continuous overland flowpath is provided to Upward Street.
9. An engineering design of road and stormwater drainage works in Upward Street, George Street, Treadgold Street North and South and Flood Street must be prepared by a qualified practicing Civil Engineer. The applicant must bear the cost of construction of these works. The design must make provision for the following:
  - a) The George Street, Flood Street and Treadgold Street North and South intersections and roadways in between, must be modified to incorporate the following:
    - i) A roundabout must be constructed at the Treadgold Street North/ Flood Street intersection. The design must address all expected vehicle, pedestrian and cycle movements and street lighting upgrade.
    - ii) Treadgold Street South is to be converted to a one way westbound restriction and Treadgold Street North to a one way eastbound restriction.
    - iii) Installation of traffic control measures at all associated intersections and mid block roadways, to ensure safe controlled movements for pedestrians, cyclists and vehicles. Works are to include signposting, linemarking, kerb realignments, kerb ramps, landscaping, traffic calming, and median treatments as required.
    - iv) The design must ensure minimal loss of on street parking occurs.
  - b) Reconstruction of George Street for the full frontage of the site, including transitions beyond. The design is to include:
    - i) Grass verges and street trees, including water sensitive urban design elements such as rain gardens.
    - ii) Concrete kerb and gutter and footpath for the full property frontage.
    - iii) Swept path diagrams for the proposed vehicle access to the site.
  - c) Construction and reconstruction of sandstone kerb and concrete gutter and footpath for the full Upward Street frontage.
  - d) Resheeting of the full width of the George Street road pavement for the full property frontage.
  - e) Resheeting of half road width of the Upward Street road pavement for the full property frontage.

- f) Closure of all redundant vehicle crossings at all property frontages of the site.
- g) Construction of concrete vehicular crossing at the George Street frontage of the site.
- h) Construction of kerb ramps in association with all new works at all intersections.
- i) All stormwater inlet pits must be constructed/ reconstructed with a minimum clear lintel length of 2400mm and the stormwater pipelines must be constructed/ reconstructed with a minimum 375mm in diameter.
- j) All utility services must be shown on the engineering plans and stormwater drainage long sections. Where there is a conflict with existing services, test holes must be undertaken as part of the design process.
- k) Relocation/ installation of parking/ traffic signs and linemarking as required.
- l) The plans must show existing and proposed on street parking, signposting and linemarking for all affected roads.
- m) Video inspection must be carried out on completed stormwater drainage works that are to revert to Council ownership and a copy provided to Council to support the certification of the works.
- n) The design must be in accordance with the relevant requirements of Austroads and all Australian Standards.
- o) The applicant must consult with Council's Manager – Parks and Assets and Manager – Traffic in relation to the design of all works in the public road reserve, including those lands to be dedicated as public road.

The design must be certified by a suitably qualified Civil Engineer and be submitted to and approved by Council prior to this consent becoming operable

The design must be submitted to Council's Local Traffic Committee and approved by Council.

Development Consent does NOT give approval to undertake any works on Council property. An application must be made to Council for a Roadworks Permit under Section 138 of the Roads Act 1993 for approval to construct these works. Detailed engineering drawings (plans, sections and elevation views) and specifications of the works required by this Condition must accompany the Application form.

The Roadworks Permit must be provided prior to the issue of a Construction Certificate.

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

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

10. Prior to the commencement of demolition works on the subject site or a Construction Certificate being issued for works approved by this development consent (whichever occurs first), a security deposit to the value of \$236,500 must be paid to Council to cover the cost of making good any damage caused to any Council property or the physical environment as a consequence of carrying out the works.

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

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

An inspection fee of \$214.00 is also required to be paid to Council prior to the commencement of demolition works on the site or a Construction Certificate being issued for works approved by this development consent (whichever occurs first).

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

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

11. Prior to the commencement of demolition works on the subject site or a Construction Certificate being issued for works approved by this development consent (whichever occurs first), a security deposit to the value of \$349,400 must be paid to Council to cover the costs associated with the road, footpath and drainage works required by this consent.

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

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

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

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

12. A stormwater drainage design, incorporating on site stormwater detention (OSD) and on site retention/ reuse (OSR) facilities, prepared by a qualified practicing Civil Engineer must be provided prior to the issue of a Construction Certificate. The design must be prepared/ amended to make provision for the following:
  - a) The design must be generally in accordance with the stormwater drainage concept plan prepared by Australian Consulting Engineers on Drawing No, D00/Rev A dated 5 August 2014, D01/Rev C dated 3 March 2015, D02/Rev B dated 3 March 2015, D03/Rev C dated 3 March 2015, D04/Rev B dated 3 March 2015, D05/Rev B dated 26 February 2015, D06/Rev A 1 September 2014, D07/Rev A dated 19 May 2014.
  - b) An overland flowpath must be provided within the setback of the proposed buildings to the public road frontages. The courtyards, setbacks and side passage ways must be graded so that bypass flows from the site drainage system are directed to the overland flowpaths through to the public drainage system. All basement accesses must be protected by a 150mm step from the entry threshold to the external finished surface level.
  - c) Boundary fences along the southern and northern boundaries of the site must be of lightweight or partially open construction to ensure they do not block surface and subsurface water flows from/to adjoining properties.
  - d) Comply with Council's Stormwater Drainage Code.
  - e) A pump-out system for stormwater disposal is permitted for drainage of the basement areas only and must be designed in accordance with the following criteria:
    - i) The proposed pump system must consist of two (2) pumps, connected in parallel, with each pump being capable of emptying the holding tank at a rate equal to the rate of inflow for the one hour duration, 100 year Average Recurrence Interval (ARI) storm event. The holding tank must be capable of holding one hour's runoff from a one-hour duration 20 year ARI storm event.
    - ii) An overflow, flashing light and audible alarm is to be provided to warn of pump failure.
    - iii) The pump system must discharge to the OSD storage tank(s).

- f) All plumbing within the site must be carried out in accordance with relevant provisions of Australian Standard AS/NZS 3500.3-2003 Plumbing and Drainage – Stormwater Drainage.
13. The design of the vehicular access and off street parking facilities must be amended to address the relevant provisions of Australian Standards, including but not limited to *AS/NZS 2890.1-2004 Parking Facilities - Off-Street Car Parking*, *AS/NZS 2890.6-2009 Off-street parking for people with disabilities* and *AS 2890.3-1993 Parking Facilities - Bicycle parking facilities*. The following specific issues must be addressed in the design:

- a) The design must be in accordance with the plans approved under **Deferred Commencement Condition No 1**.
- b) Longitudinal sections must be provided along each edge of all ramps to demonstrate that the longitudinal profiles comply with the Ground Clearance and grade requirements of AS/NZS 2890.1-2004 for a B99 design vehicle. The vehicular access ramps must comply with the ramp grade requirements of Section 3.3 of *AS/NZS 2890.1-2004*.

The floor/finished levels within the property must be adjusted to ensure that the levels at the boundary comply with those obtained in the Levels Certificate issued by Council for the full width of the vehicle crossing.

- c) Minimum Headroom of 2200mm must be provided throughout the access and parking facilities associated with the Residential Parking Areas.

Minimum Headroom of 2500mm must be provided above accessible parking spaces.

Minimum Headroom of 3300mm must be provided throughout the path of travel of the Medium Rigid Vehicle and garbage truck.

Note that the Headroom must be measured to the lowest projection from the ceiling, such as lighting fixtures, sprinklers, ducts, etc, and at any open garage door.

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

- d) Accessible parking spaces must comply with the dimensional requirements of Figure 2.1 of *AS/NZS 2890.6-2009 Off-street parking for people with disabilities*, including the provision of Shared Area.
- e) Parking aisles must comply with the Blind Aisle requirements of the Standard, as defined by Clause 2.4.2(c) of *AS/NZS 2890.1-2004*.
- f) The car parking facilities must be appropriately line marked and signposted in accordance with the requirements of Section 4 of *AS/NZS 2890.1-2004*.

- g) The bicycle storage area must be provided to accommodate the numerical requirements of DCP 2013 and be designed in accordance with relevant provisions of AS 2890.3-1993.
- h) Adequate sight lines to the pedestrian and vehicles must be provided at the access driveway. In this regard, the sight lines must comply with the requirements of both AS/NZS 2890.1-2004 and AS 2890.2-2002.
- i) All bends and ramps within the carpark must be designed to comply with sight distance requirements of Clause 2.5 of AS/NZS 2890.1:2004.
- j) Access aisles and ramps must be designed as circulation roadways where required in accordance with Clauses 2.5.1 and 2.3.3 of AS/NZS 2890.1-2004.
- k) Accessible and visitor parking spaces for residents must be distributed throughout and be located in close proximity to the lift shaft of the units and must include the building adjacent to Upward Street.
- l) The carpark must be designed to allow for the safe and convenient movement of rubbish between the collection points within each building, particularly the Upward Street building and the proposed waste storage area(s).
- m) The proposed two car wash bays must be widened sufficient to allow adequate access around the vehicles for cleaning and to minimise overspray.
- n) The south western bicycle parking area in Basement 2 must be reconfigured to ensure that adequate access is provided. Additional bicycle parking area(s) must be provided within the basement carpark to provide convenient access for visitors.
- o) Parking throughout the two levels of the basement carpark must include a hierarchy of security accesses to the areas allocated for residential and visitor parking. Residential parking areas must be secured to prevent the entry of unauthorised persons and vehicles at all times. All associated security doors, gates, fences, etc., must be included on the plans. Turning bays must be provided in the sections of the carpark open to the public, where applicable in accordance with Clause 2.4.2(c) of AS/NZS 2890.1-2004.
- p) Security doors to the basement carpark must be set back a minimum of 11 metres from the property boundary.

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

14. A dilapidation report on the visible and structural condition of the following public infrastructure must be provided to Council prior to the issue of a Construction Certificate.

- a) Full width of George Street, including road pavement, stormwater drainage infrastructure, kerb and gutter and footpath, between Parramatta Road and Treadgold Street South.
- b) Full width of Treadgold Street South, including road pavement, stormwater drainage infrastructure, kerb and gutter and footpath.
- c) Full width of Flood Street, including road pavement, stormwater drainage infrastructure, kerb and gutter and footpath, between Parramatta Road and Treadgold Street South.
- d) Full width of Upward Street at the property frontage.

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

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

15. A structural engineering report and plans that address the proposed works in the vicinity of the George Street and Upward Street frontages, prepared by a qualified practicing Structural Engineer, must be provided prior to the issue of a Construction Certificate. The report and plans must be prepared/ amended to make provision for the following:
  - a) All components of any retaining walls, including subsoil drainage, must be located entirely within the property boundary.
  - b) Any proposed retaining walls that provide support to the road reserve must be adequate to withstand the loadings that could be reasonably expected from within the constructed road and footpath area, including normal traffic and heavy construction and earth moving equipment, based on a design life of 50 years.
  - c) Retaining walls must be entirely self-supporting in the event that excavation is undertaken within the road reserve adjacent to the property boundary to the depth of the proposed structure.
  - d) Provide relevant geotechnical/ subsurface conditions of the site, as determined by full geotechnical investigation.
16. Any air conditioning unit on the site must be installed and operated at all times so as not to cause "Offensive Noise" as defined by the Protection of the Environment (Operations) Act 1997. Domestic air conditioners must not be audible in nearby dwellings between 10:00pm to 7:00am on Monday to Saturday and 10:00pm to 8:00am on Sundays and Public Holidays.

Details of the acoustic measures to be employed to achieve compliance with this condition must be provided prior to the issue of a Construction Certificate.

17. The bicycle storage within the basement on the site must accommodate a minimum of 75 bicycles and be designed in accordance with Australian Standard AS 2890.3:1993 *Parking Facilities – Bicycle parking facilities*. Details are to be provided prior to the issue of a Construction Certificate.
18. Any south facing windows (i.e directly facing neighbouring properties to the south) are to be acoustically treated to manage noise impacts from existing and anticipated development. Details to be included on the construction certificate documents.
19. In accordance with the provisions of Section 81A of the *Environmental Planning and Assessment Act 1979* construction works approved by this consent must not commence until:
  - a) A Construction Certificate has been issued by Council or an Accredited Certifier. Either Council or an Accredited Certifier can act as the “Certifying Authority.”
  - b) A Principal Certifying Authority has been appointed and Council has been notified in writing of the appointment.
  - c) At least two days notice, in writing has been given to Council of the intention to commence work.

The documentation required under this condition must show that the proposal complies with all Development Consent conditions, the Building Code of Australia and the relevant Australian Standards.

20. A notice of proposed work form must be given to Council in accordance with State Environmental Planning Policy No. 55 – Remediation of Land, Clause 16. At least thirty (30) days notice is required, except in the case of work required to be carried out immediately under the terms of remediation order (in which case at least one (1) day notice is required).

Clause 16 of State Environmental Planning Policy No. 55 – Remediation of Land, requires that the notice must:

- a) Be in writing.
- b) Provide the name, address and telephone number of the person who has the duty of ensuring that the notice is given.
- c) Briefly describe the remediation work.
- d) Show why the person considers that the work is category 2 remediation work by reference to Clause 9, 14 and (if it applies) 15(1).



- e) Specify, by reference to its property description and street address (if any), the land on which the work is to be carried out.
- f) Provide a map of the location of the land.
- g) Provide estimates of the dates for the commencement and completion of the work.

The following additional information must be submitted with the notice to Council:

- h) Copies of any preliminary investigation, detailed investigation and remediation action plan for the site.
- i) Contact details for the remediation contractor and any other party responsible for ensuring compliance of remediation work with regulatory requirements.
- j) Development of an appropriate site management plan for the remediation/development phase including a health and safety plan that takes into account all potential contaminants on the site, including polycyclic aromatic hydrocarbons, metals including mercury, and asbestos.

21. Prior to the issue of a Construction Certificate for any building works on the site, the site is to be remediated in accordance with:

- a) The relevant approved Remedial Action Plan and an unconditional Site Audit Statement Section B prepared by an Accredited Site Auditor in accordance with the NSW EPA *Guidelines for the NSW Site Auditor Scheme* and *Managing Land Contamination Planning Guidelines*, and
- b) Development Control Plan No. 2013 Part C1.8 – Contaminated Land Management, and
- c) State Environmental Planning Policy No. 55 – Remediation of Land and
- d) The guidelines in force under the Contaminated Land Management Act.
- e) Any remediation order of the EPA.

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

The validation report is to confirm validation of suitability in accordance with the site validation plan included in the RAP, including validation of imported topsoil. This includes validation of any fill that remains on the site.

A Section A Site Audit Statement is to be obtained at the completion of remediation, certifying that the site is suitable for the proposed use.

Should the Site Audit Statement conclude that the site is not suitable in its current state, following the implementation of the approved remediation action plan, or that the Site Audit Statement imposes impractical or unwieldy conditions, the construction certificate must not be issued.

21A. Prior to the issue of any Construction Certificate for building works, certification from an appropriately qualified environmental consultant is to be provided stipulating that the site has been remediated in accordance with the approved Remediation Action Plan and that this Remediation Action Plan been complied with throughout excavation, demolition & development work stages. The certification shall also include:

- a) A validation and site monitoring report prepared in accordance with relevant guidelines issued under the Contaminated Land Management Act 1997 must be submitted to the Council within one month from completion of the remediation work.
- b) A detailed survey of all sites used for landfill disposal must be prepared within one month from completion of the remediation work, and submitted to Council.
- c) Identification of the extent and depth of all fill material in relation to existing roadways and buildings. The survey must also include a detailed survey of all site used as landfill disposal pits, identifying boundaries and depth of disposal pits in relation to existing roadways and buildings.

Details demonstrating compliance with the requirements of this condition is to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any interim / final occupation certificate.

21B. A validation report shall be prepared by a suitably qualified Environmental Consultant and be submitted to Council upon completion of remediation works and prior to the issue of a Construction Certificate for any building works on the site. The validation report shall be prepared in accordance with relevant NSW Environment Protection Authority guidelines, including the guidelines 'Consultants Reporting on Contaminated Sites' and shall include :

- Description and documentation of all works performed
- Results of validation testing and monitoring
- Validation results if any imported fill was transferred to site
- Demonstrate how all agreed clean-up criteria and relevant regulations have been satisfied

Confirmation and justification as to the suitability of the site for the proposed use and the potential for off site migration of any residual contaminants.

22. Consent is granted for the demolition of all improvements currently existing on the property, subject to strict compliance with the following conditions:

- a) The developer is to notify adjoining residents seven (7) working days prior to demolition. Such notification is to be clearly written on A4 size paper

giving the date demolition will commence and be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of and directly opposite the demolition site.

- b) Written notice is to be given to Council / Certifying Authority for inspection prior to demolition. Such written notice is to include the date when demolition will commence and details of the name, address, business hours and contact telephone number and licence number of the demolisher. The following building inspections must be undertaken by Council / Certifying Authority:
  - i) A *pre commencement* inspection when all the site works are installed on the site and prior to demolition commencing.
  - ii) A *final* inspection when the demolition works have been completed.

**NOTE:** Council requires 24 hours notice to carry out inspections. Arrangement for inspections can be made by phoning 93679222.

- c) Prior to demolition, the applicant must erect a sign at the front of the property with the demolisher's name, licence number, contact phone number and site address.
- d) Prior to demolition, the applicant must erect a 2.4m high temporary fence, hoarding between the work site and any public property (footpaths, roads, reserves etc). Access to the site must be restricted to authorised persons only and the site must be secured against unauthorised entry when work is not in progress or the site is otherwise unoccupied.
- e) The demolition plans must be submitted to the appropriate Sydney Water Office, to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements. If the development complies with Sydney Water's requirements, the plans will be stamped indicating that no further requirements are necessary.
- f) Demolition is to be carried out in accordance with the relevant provisions of Australian Standard 2601:2001: *Demolition of structures*.
- g) The hours of demolition work are limited to between 7:00am and 5.30pm on weekdays. No demolition work is to be carried out on Saturdays, Sundays and public holidays.
- h) Hazardous or intractable wastes arising from the demolition process must be removed and disposed of in accordance with the requirements of WorkCover New South Wales and the Department of Environment and Climate Change NSW.
- i) Demolition procedures must maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal.

- j) During demolition, public property (footpaths, roads, reserves etc) must be clear at all times and must not be obstructed by any demolished material or vehicles. The footpaths and roads must be swept (not hosed) clean of any material, including clay, soil and sand. On the spot fines may be levied by Council against the demolisher and/or owner for failure to comply with this condition.
- k) All vehicles leaving the site with demolition materials must have their loads covered and vehicles must not track soil and other materials onto public property (footpaths, roads, reserves etc) and the footpaths must be suitably protected against damage when plant and vehicles access the site.
- l) The burning of any demolished material on site is not permitted and offenders will be prosecuted.
- m) Care must be taken during demolition to ensure that existing services on the site (ie, sewer, electricity, gas, phone) are not damaged. Any damage caused to existing services must be repaired by the relevant authority at the applicant's expense.
- n) Suitable erosion and sediment control measures in accordance with the Soil and Water Management Plan must be erected prior to the commencement of demolition works and must be maintained at all times.
- o) Prior to demolition, a Work Plan must be prepared and submitted to Council / Certifying Authority in accordance with the relevant provisions of Australian Standard 2601:2001 *Demolition of structures* by a person with suitable expertise and experience. The Work Plan must identify hazardous materials including surfaces coated with lead paint, method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
- p) If the property was built prior to 1987 an asbestos survey prepared by a qualified occupational hygienist is to be undertaken. If asbestos is present then:
  - i) A WorkCover licensed contractor must undertake removal of all asbestos.
  - ii) During the asbestos removal a sign "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400 mm x 300 mm is to be erected in a visible position on the site to the satisfaction of Council.
  - iii) Waste disposal receipts must be provided to Council / Certifying Authority as proof of correct disposal of asbestos laden waste.
  - iv) All removal of asbestos must comply with the requirements of WorkCover and Leichhardt Council.

- v) An asbestos clearance certificate prepared by a qualified occupation hygienist must be provided at the completion of the demolition works.
23. 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 principles set out in Part 2 of *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development* must be provided prior to the issue of a Construction Certificate.
24. A dilapidation report including a photographic survey of the following adjoining properties must be provided to Council prior to the issue of a Construction Certificate. The dilapidation report must detail the physical condition of those properties, both internally and externally, including walls, ceilings, roof, structural members and other similar items.
- a) 22 George Street, Leichhardt (unless the owner/s of this property advise in writing that they do not require any such report)
  - b) 42 George Street, Leichhardt (unless the owner/s of this property advise in writing that they do not require any such report)
  - c) 44 George Street, Leichhardt (unless the owner/s of this property advise in writing that they do not require any such report)
  - d) 59 Upward Street, Leichhardt (unless the owner/s of this property advise in writing that they do not require any such report)

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

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

25. A minimum of 13 car parking spaces for use by persons with a disability must be provided as part of the total car parking requirements. Consideration must be given to the means of access from the car parking spaces to adjacent buildings, to other areas within the building and to footpath and roads and must be clearly shown on the plans prior to the issue of a Construction Certificate.

All details must be prepared in accordance with Australian Standard AS/NZS 2890.1:2004 *Parking Facilities – Off street car parking* and the relevant provisions of Australian Standard 1428.1:2001 *Design for Access and Mobility – General requirements for access - New building work* and Australian Standard 1428.4:2002 *Design for Access and Mobility – Tactile indicators*.

26. The basement car park entry to the basement carpark must be provided with an intercom system and each ground level entry area to the building must have an intercom system. Details of the intercom systems must be provided prior to the issue of a Construction Certificate.
27. A certificate prepared by a qualified Geotechnical Engineer must be provided prior to the issue of the Construction Certificate to the satisfaction of the Certifying Authority. This is to certify the existing rock formations and substrate on the site are capable of:
- a) Withstanding the proposed loads to be imposed.
  - b) Withstanding the proposed excavation, including any shoring works that may be required to ensure stability of the excavation.
  - c) Providing protection and support of adjoining properties.
  - d) The provision of appropriate subsoil drainage during and upon completion of construction works.
28. Details and location of the proposed waste, recycling and bulky goods storage room(s) are to be provided prior to the issue of a Construction Certificate. Rooms used for the storage of waste, recycling and bulky garbage items and rooms used for the washing and storage of waste and recycling receptacles are to be constructed of solid material, cement rendered and trowelled to a smooth even surface and subject to the following requirements:
- a) The waste and recycling storage rooms in Basement 1 must be relocated to be immediately adjacent to the proposed loading bay.
  - b) The apartment blocks where garbage chutes are proposed, separate waste rooms for recyclable waste and food organics must be provided at each level to suit the number of units.
  - c) The floor must be of impervious material coved at the intersection with the walls, graded and drained to an approved floor waste within the room.
  - d) Waste/recycling rooms must be vented to the external air by natural or mechanical ventilation.
  - e) The waste and recycling storage room/areas must be accessible by the nominated contractor collection vehicles

Note: All waste and recycling bins and bulky garbage items must be collected by a waste collection vehicle from the truck loading area in Basement Level 1. Waste or recycling bins or bulky garbage items are not permitted to be presented to any Public road frontage for collection.

29. Prior to the issue of a Construction Certificate, the Certifying Authority must be satisfied that all outdoor lighting is designed and positioned to minimise any detrimental impact upon the amenity of other premises and adjacent dwellings and that the outdoor lighting complies with the relevant provisions of Australian Standard AS 1158.3:2005 *Pedestrian area (Category P) lighting – Performance and design requirements* and Australian Standard AS 4282:1997 *Control of the obtrusive effects of outdoor lighting*.
30. In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant must pay a long service levy at the prescribed rate of 0.0035 of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$25,000 or more. The Long Service Levy is payable prior to the issue of a Construction Certificate.
31. An application must be made to Council for the issue of a Levels Certificate. The certificate, issued by Council, must be provided prior to the issue of a Construction Certificate.

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

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

32. A Soil and Water Management Plan must be provided prior to the issue of a Construction Certificate. The Soil and Water Management plan must be compatible with the Construction Management and Traffic Management Plan referred to in this Development Consent and must address, but is not limited to the following issues:
- a) Minimise the area of soils exposed at any one time.
  - b) Conservation of top soil.
  - c) Identify and protect proposed stockpile locations.
  - d) Preserve existing vegetation. Identify revegetation technique and materials.
  - e) Prevent soil, sand, sediments leaving the site in an uncontrolled manner.
  - f) Control surface water flows through the site in a manner that:
    - i) Diverts clean run-off around disturbed areas;
    - ii) Minimises slope gradient and flow distance within disturbed areas;
    - iii) Ensures surface run-off occurs at non erodable velocities;
    - iv) Ensures disturbed areas are promptly rehabilitated.
  - g) Sediment and erosion control measures in place before work commences.

- h) Materials are not tracked onto the road by vehicles entering or leaving the site.
  - i) Details of drainage to protect and drain the site during works.
  - j) A durable sign, available from Council must be erected during the works in a prominent location on site, warning of penalties should appropriate measures required by the Soil and Water Management Plan not be maintained.
33. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Service Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For Quick Check agent details please refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) see Building Developing and Plumbing then Quick Check or telephone 132092.

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

34. Prior to the issue of a Construction Certificate, the applicant must prepare a Construction Traffic Management Plan (CTMP).

The CTMP for heavy vehicle / truck movements shall be submitted and approved by the Local Traffic Committee, addressing, but not limited to the following:

- i) The anticipated size of heavy vehicles/trucks and the number of trips generated on any given day.
  - ii) Heavy vehicles / trucks must enter the site via Parramatta Road - George Street and exit the site via George Street – Treadgold Street South – Flood Street – Parramatta Road only.
  - iii) The intersections of George Street/ Parramatta Road, Treadgold Street South/ George Street and Treadgold Street South/ Flood Street must be managed by manned traffic control during work hours throughout the demolition and construction phases. Temporary modifications to these intersections may also be required to be implemented at the applicant's expense during these periods.
  - iv) Construction related vehicles must enter and exit the site via George Street only.
35. Details of any proposed mechanical exhaust systems, detailing compliance with the relevant requirements of Clause F4.12 of the Building Code of Australia and Australian Standard 1668 Parts 1 and 2 (including exhaust air quantities and discharge location points) are to be submitted to Council or the Principal Certifying Authority for approval prior to the issue of a Construction Certificate.
36. A Waste Management Plan is to be provided prior to the issue of a Construction Certificate. The Waste Management Plan is to be generally in accordance with the Waste Management Plan listed in **Condition 6** of this



consent. The plan must address all issues identified in Development Control Plan Part D Section 2 including but not limited to:

- a) Estimated quantities of materials that are reused, recycled, removed from site.
- b) On site material storage areas during construction.
- c) Materials and methods used during construction to minimise waste.
- d) Nomination of end location of all waste generated.

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

## **PRIOR TO THE COMMENCEMENT OF WORKS**

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

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

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

38. The proposed structure(s) to be erected must stand wholly within the boundaries of the allotment, with the exception of awnings to shops/commercial premises which may project over the footpath. No portion of the proposed structure, excepting awnings as above, including gates and doors during opening and closing operations, shall encroach onto adjoining properties or upon public property.

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

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

- a) location of the each building with respect to the boundaries of the site;

- b) level of the each floor in relation to the levels on the site (all levels are to be shown relative to Australian Height Datum);
  - c) site coverage of the buildings on the site.
39. The site must be secured and fenced prior to works commencing. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling onto public property. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons on public property.

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

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

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

40. Any person or contractor undertaking works on public property must take out Public Risk Insurance with a minimum cover of ten (10) million dollars in relation to the occupation of, and approved works within public property. The Policy is to note, and provide protection for Leichhardt Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public property.
41. Prior to the commencement of works, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
42. Prior to the commencement of works, a Noise and Vibration Management Plan is to be prepared by a suitably qualified expert addressing the likely noise and vibration from demolition, excavation and construction of the proposed development and provided to the Principal Certifying Authority.

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

- a) Identification of activities carried out and associated noise sources.
- b) Identification of potentially affected sensitive receivers, including residences, churches, commercial premises, schools and properties containing noise sensitive equipment.

- c) Determination of appropriate noise and vibration objectives for each identified sensitive receiver.
  - d) Noise and vibration monitoring, reporting and response procedures.
  - e) Assessment of potential noise and vibration from the proposed demolition, excavation and construction activities, including noise from construction vehicles.
  - f) Description of specific mitigation treatments, management methods and procedures to be implemented to control noise and vibration during construction.
  - g) Construction timetabling to minimise noise impacts including time and duration restrictions, respite periods and frequency.
  - h) Procedures for notifying residents of construction activities likely to affect their amenity through noise and vibration.
  - i) Contingency plans to be implemented in the event of non-compliance and/or noise complaints.
43. At least forty-eight (48) hours prior to the commencement of works, a notice of commencement form and details of the appointed Principal Certifying Authority shall be submitted to Council.
44. Prior to the commencement of works, a sign must be erected in a prominent position on the site on which the proposal is being carried out. The sign must state:
- a) Unauthorised entry to the work site is prohibited.
  - b) The name of the principal contractor (or person in charge of the site) and a telephone number at which that person may be contacted at any time for business purposes and outside working hours.
  - c) The name, address and telephone number of the Certifying Authority for the work.

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

45. To preserve the following tree/s, no work shall commence until the area beneath their canopy is fenced off at the specified radius from the trunk/s to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site.

<b>Schedule</b>	
<b>Tree/location</b>	<b>Radius in metres</b>
<i>Syzigium paniculatum</i> located at the	Refer to Arboricultural Impact

rear of 59 Upward Street	Assessment referenced in <b>Condition 6</b>
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The tree protection fencing being constructed of galvanised pipe and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres in height prior to work commencing.

46. Prior to works commencing, tree protection signage is to be attached to each tree protection zone, displayed in a prominent position and the sign repeated at 10 metre intervals or closer where the fence changes direction. Each sign shall contain in a clearly legible form, the following information:
  - a) Tree protection zone;
  - b) This fence has been installed to prevent damage to the trees and their growing environment both above and below ground and access is restricted;
  - c) Any encroachment not previously approved within the tree protection zone shall be the subject of an arborist's report;
  - d) The arborist's report shall provide proof that no other alternative is available;
  - e) The arborist's report shall be submitted to the Principal Certifying Authority for further consultation with Council; and
  - f) The name, address and telephone number of the builder and project arborist.
47. Prior to works commencing and throughout construction, the area of the tree protection zone being mulched to a depth of 100mm with composted organic material being 75% Eucalyptus leaf litter and 25% wood.
48. Upon installation of the required tree protection measures, an inspection of the site by the Principal Certifying Authority is required to verify that tree protection measures comply with all relevant conditions.
49. The trees to be retained shall be inspected, monitored and treated by a qualified Arborist during and after completion of development works to ensure their long term survival. Regular inspections and documentation from the Arborist to the Principal Certifying Authority are required at the following times or phases of work:

<b>Schedule</b>	
<b>Tree/location</b>	<b>Time of Inspection</b>
<i>Syzigium paniculatum</i> located at the rear of 59 Upward Street	<ul style="list-style-type: none"> <li>• Directly following installation of protective fencing,</li> <li>• During excavation within the <i>Tree Protection Zone</i>,</li> </ul>

	<ul style="list-style-type: none"> <li>At any time fencing is required to be altered, At project completion to verify that protection measures have been undertaken.</li> </ul>
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Arborist - for the purpose of this condition a suitably qualified professional shall have as a minimum, Level 5 (Diploma) certification in Arboriculture under the Australian Qualification Framework (AQF).

## DURING WORKS

50. Building materials and machinery are to be located wholly on site.
51. All excavations and backfilling associated with the development must be executed safely, properly guarded and protected to prevent them from being dangerous to life or property and in accordance with the design of a structural engineer.  
  
If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must:
  - a) Preserve and protect the building from damage.
  - b) If necessary, underpin and support the building in an approved manner.
  - c) Give at least seven (7) days notice to the adjoining owner before excavating, of the intention to excavate.
52. The site must be appropriately secured and fenced at all times during works.
53. Excavation, building or subdivision work must be restricted to the hours of 7:00am to 5:30pm Monday to Friday inclusive, 7:00am to 1:00pm Saturday. Work is not be carried out on Sunday or Public Holidays.
54. The development site must be inspected at the following stages during construction:
  - a) At the commencement of the building work, and
  - b) Prior to covering waterproofing in any wet areas, and
  - c) Prior to covering any stormwater drainage connections, and
  - d) After the building work has been completed and prior to any occupation certificate being issued in relation to the building.
55. Where any works are proposed in the public road reservation, the following applications must be made to Council, as applicable:

- a) For installation or replacement of private stormwater drainage lines or utility services, including water supply, sewerage, gas, electricity, etc. an application must be made for a *Road Opening Permit*.
- b) For construction/reconstruction of Council infrastructure, including vehicular crossings, footpath, kerb and gutter, stormwater drainage, an application must be made for a *Roadworks Permit*.

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

- 56. Noise arising from the works must be controlled in accordance with the requirements of the *Protection of the Environment Operations Act 1997* and guidelines contained in the New South Wales Environment Protection Authority *Interim Construction Noise Guideline*.
- 57. A copy of the approved plans must be kept on site for the duration of site works and be made available upon request.
- 58. Construction material and vehicles shall not block or impede public use of footpaths or roadways.
- 59. Where any works are proposed in the public road reservation, the following applications must be made to Council, as applicable:
  - a) For installation or replacement of private stormwater drainage lines or utility services, including water supply, sewerage, gas, electricity, etc. an application must be made for a *Road Opening Permit*.
  - b) For construction/reconstruction of Council infrastructure, including vehicular crossings, footpath, kerb and gutter, stormwater drainage, an application must be made for a *Roadworks Permit*.

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

- 60. The requirements of the Soil and Water Management Plan must be maintained at all times during the works and any measures required by the Soil and Water Management Plan shall not be removed until the site has been stabilised to the Principal Certifying Authority's satisfaction.

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

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

61. No trees on public property (footpaths, roads, reserves etc) are to be removed or damaged during construction including for the erection of any fences, hoardings or other temporary works unless specifically approved in this consent.

No activities, storage or disposal of materials taking place beneath the canopy of any tree protected under Council's Tree Preservation Order at any time.

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

The canopy replenishment trees to be planted being maintained in a healthy and vigorous condition until they attain a height of 4 metres whereby they will be protected by Council's Tree Management Controls. Any of the trees found faulty, damaged, dying or dead being replaced with the same species.

62. No activities, storage or disposal of materials taking place beneath the canopy of any tree protected under Council's Tree Management Controls at any time.
63. All builders' refuse, spoil and/or material unsuitable for use in landscape areas being removed from the site on completion of the building works.
64. If tree roots are required to be severed for the purposes of constructing the approved works, they shall be cut cleanly using a sharp and 'fit for purpose' tool. The pruning shall be undertaken by an experienced Arborist with a minimum qualification of AQF (Australian Qualification Framework) Level 3 in Arboriculture.
65. No tree roots of 30mm or greater in diameter located within the specified radius of the trunk(s) of the following, tree(s) shall be severed or injured in the process of any works during the construction period.

<b>Schedule</b>	
<b>Tree/location</b>	<b>Radius from trunk</b>
<i>Syzigium paniculatum</i> located at the rear of 59 Upward Street	Refer to Arboricultural Impact Assessment referenced in <b>Condition 6</b>

66. No mechanical excavation being undertaken within the specified radius of the trunk(s) of the following tree(s) until root pruning by hand along the perimeter line of such works is completed:

<b>Schedule</b>	
<b>Tree/location</b>	<b>Radius from trunk</b>
<i>Syzigium paniculatum</i> located at the rear of 59 Upward Street	Refer to Arboricultural Impact Assessment referenced in <b>Condition 6</b>

67. All excavation within the specified radius of the trunk(s) of the following tree(s) being hand dug:

<b>Schedule</b>
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<b>Tree/location</b>	<b>Radius from trunk</b>
<i>Syzigium paniculatum</i> located at the rear of 59 Upward Street	Refer to Arboricultural Impact Assessment referenced in <b>Condition 6</b>

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

68. An Occupation Certificate must be obtained prior to any use or occupation of the development or part thereof. The Principal Certifying Authority must ensure that all works are completed in compliance with the approved Construction Certificate plans and all conditions of this Development Consent.
69. Before the issue of the Occupation Certificate, the Principal Certifying Authority is to be satisfied that all landscape works, including tree planting, have been undertaken in accordance with the approved plan(s) and conditions of consent. A copy of an active Landscape management contract for the maintenance of the landscaping for a period of not less than three years after the installation is to be provided prior to the issue of the Occupation Certificate.
70. Provision must be maintained for access to and within the building and the site for persons with a disability in accordance with the provisions of Australian Standard AS 1428.1:2001 *Design for access and mobility – General requirements for access – new building work* prior to the issue of an Occupation Certificate.
71. Where necessary to achieve compliance with the Building Code of Australia, all allotments involved in this proposal must be consolidated into one allotment. Evidence of registration shall be submitted to Council or the Principal Certifying Authority prior to the issue of an Occupation Certificate.
72. The car wash bays must be graded to an internal drainage point, connected to a Sydney Water sewer and with access to a water supply must be provided. Car wash bays are not be used for engine degreasing or mechanical repairs and must be signposted accordingly. Work is to be completed prior to the issue of an Occupation Certificate.
73. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that the stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards.

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

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



74. The approved parking spaces located within the basement must be allocated in accordance with George and Upward Streets DCP. All spaces must be appropriately line marked and labelled according to this requirement prior to the issue of an Occupation Certificate. If the development is strata subdivided, the car park layout must be in accordance with the required allocation:
- a) 12 visitor spaces
  - b) 12 of the total number of required total number of carspaces are to be designed as disabled spaces
  - c) one space dedicated for maintenance vehicles
  - d) two dedicated car wash bays
  - e) one dedicated cars share space
75. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that the vehicle access and off street parking facilities have been constructed in accordance with the development consent and relevant Australian Standards and the following has been implemented within the property, where applicable:
- a) The car park has been completed, line marked and all signage relating to car parking erected.
  - b) A notice has been clearly displayed at the George Street frontage to indicate that visitor parking is available within the property with access from George Street.
  - c) Sign(s) have been erected that clearly indicate(s) to the drivers of vehicles both on and off the property which driveway access they are to use to enter or leave the subject land.
  - d) Sign(s) have been erected that clearly indicate to the drivers of vehicles both on and off the property the location and means of access to the car parking area(s).

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

76. A second Dilapidation Report for private property listed in **Condition 24**, including a photographic survey must be submitted after the completion of works. A copy of this Dilapidation Report together with the accompanying photographs must be given to the property owners referred to in this Development Consent. A copy must be lodged with Council and the Principal Certifying Authority prior to the issue of an Occupation Certificate.

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

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

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

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

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

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

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

79. All letter boxes must be constructed and located in accordance with the relevant provisions of Australian Standard AS/NZS 4253:1994 *Mailboxes* and to Australia Post's satisfaction. Work is to be completed prior to the issue of an Occupation Certificate.
80. A street number must be clearly displayed at the ground level frontage of each building and shop tenancy prior to the issue of an Occupation Certificate. A separate application must be made to Council if new street numbers or a change to street numbers is required.
81. Tactile ground surface indicators complying with Australian Standard AS 1428.4:2002 *Design for access and mobility – Tactile indicators* must be provided at the point of common public access to the building and at the vehicular access points to assist people with visual impairments in gaining access to and from the public way and the premises prior to the issue of an

Occupation Certificate. Such works are to be undertaken wholly within the boundaries of the site.

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

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

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

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

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

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

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

- a) The proposed maintenance regime, specifying that the system is to be regularly inspected and checked by qualified practitioners.

- b) The proposed method of management of the facility, including procedures, safety protection systems, emergency response plan in the event of mechanical failure, etc.

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

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

- a) Access to the pool is restricted by a child resistant barrier in accordance with the regulations prescribed in the *Swimming Pools Act 1992*. The pool shall not be filled with water or be allowed to collect stormwater until the child resistant barrier is installed. The barrier is to conform to the requirements of Australian Standard AS 1926:2012
- b) Any mechanical equipment associated with the swimming pool shall be located in a sound-attenuating container and positioned to minimise acoustic impacts on habitable rooms of surrounding properties. Prior to operation of the pool pump, the Principal Certifying Authority shall be satisfied that noise levels associated with the pool/spa pumping units shall not exceed 5dB(a) above the ambient background noise in any habitable room of adjoining properties. Evidence from a practising acoustical engineer demonstrating compliance with the above must be submitted to the Principal Certifying Authority prior to the operation of the pool pump or issue of an Occupation Certificate.
- c) A high level overflow pipe has been provided from the back of the skimmer box to the filter backwash line discharging to the sewer. This line must not directly vent the receiving Sydney Water sewer. Evidence from the installer, indicating compliance with this condition must be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.
- d) Permanently fixed water depth markers are to be clearly and prominently displayed on the internal surface above the water line at the deep and shallow ends on in-ground pools / spas and on the outside of aboveground pools / spas.
- e) A durable cardiopulmonary resuscitation information poster sign authorised by the Life Saving Association is to be displayed in the pool / spa area in accordance with clause 10 of the *Swimming Pool Regulation 2008*.

86. A report prepared by a suitably qualified and experienced acoustic consultant shall be submitted to Council prior to an Occupation Certificate being issued for the development which demonstrates and certifies that noise and vibration emissions from the development, including from all plant and equipment, comply with the relevant provisions of the *Protection of the Environment Operations Act 1997*, NSW Environment Protection Authority's Industrial Noise Policy and Noise Control Manual and conditions of Council's approval,

including any recommendations of the acoustic report referenced in the conditions of the approval.

Details demonstrating compliance with the requirements of this condition is to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Occupation Certificate.

#### **PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE**

87. Prior to the issue of a Subdivision Certificate, the applicant shall submit an original plan of subdivision plus three (3) copies for Council's endorsement and administration sheet. The following details shall also be submitted:

- a) Evidence that all conditions of Development Consent D/2014/646 have been satisfied.
- b) Evidence of payment of all relevant fees and S94 contributions.
- c) The 88E instrument plus six (6) copies.
- d) A copy of the final Occupation Certificate issued for the development.
- e) All surveyor's or engineer's certification required by the Development Consent.
- f) A copy of the Section 73 Compliance Certificate issued by Sydney Water.

All parking spaces and common property, including visitor car parking spaces and on-site detention facilities must be included on the final plans of subdivision and allocated in accordance with the approved plans.

88. Car Parking provided shall only be used in conjunction with the dwellings / units contained within the development. In the case of Strata subdivision parking shall be individually allocated to units as part of their unit entitlement or clearly marked as common property in accordance with the approved plans and/or conditions of this consent.

Visitor parking facilities required by this consent are to be designated as common property on the strata plan, and under no circumstances shall Strata by-laws be created to grant exclusive use of nominated visitors parking spaces to occupants / owners of units or tenancies within the building.

Details are to be provided prior to the issue of a Subdivision Certificate.

89. A Registered Surveyor shall provide certification that all services (eg drainage, stormwater, water supply, gas, electricity, telephone) as constructed are contained within each lot or within appropriate easements to accommodate such services. The certification is to be provided prior to the issue of a Subdivision Certificate.

90. Prior to the issue of an Subdivision Certificate, a positive covenant must be created under Section 88E of the *Conveyancing Act 1919*, burdening the owners with the requirement to meet all costs of waste, recycling and bulky garbage collection services, using a commercial operator.

The terms of the 88E instrument with positive covenant shall include, advice that the property is ineligible to utilise the Council collection services; however, property owners will be required to pay the domestic waste charge on each residential dwelling in accordance with the Local Government Act.

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

## **ONGOING CONDITIONS OF CONSENT**

91. All waste, recycling and bulky garbage collection must be undertaken at the property owners or owner's corporation expense. Note that the property is not eligible for the provision of these services by Council even though Council will continue to levy a waste management services charge to all property owners in accordance with the Local Government Act. Property owners must advise all potential purchasers in writing of this prohibition.
92. All waste and recycling bins and bulky garbage items must be collected by a waste collection vehicle from the truck loading area in Basement Level 1. All removalist vehicles shall only load/unload goods within the basement level. Waste or recycling bins or bulky garbage items are not permitted to be presented to any Public road frontage for collection. Removalist vehicles are not permitted to load/unload goods to any Public road frontage.
93. The owner/manager of the site is responsible for the removal of all graffiti from the building and fences within seventy-two (72) hours of its application.
94. Air conditioning units for any sole occupancy unit are to not be visible from the public domain.
95. All outdoor lighting must not detrimentally impact upon the amenity of other premises and adjacent dwellings and must comply with, where relevant, Australian Standard AS 1158.3:2005 *Lighting for roads and public spaces – Pedestrian Area (Category P) lighting – Performance* and design requirements and Australian Standard AS 4282:1997 *Control of the obtrusive effects of outdoor lighting*.
96. Internalised study spaces and storage rooms within apartments are not be to enclosed in such a way as to create additional habitable rooms for which natural light and ventilation pursuant to Building Code of Australia requirements is unable to be achieved.
97. Pedestrian access to the basement car park must be kept clear of obstacles, including parked vehicles, at all times.

98. Driveways and parking spaces must not be used for manufacture, storage or display of goods, materials and equipment. The spaces must be available at all times, for all vehicles associated with the development.
99. At all times, the loading dock, car parking spaces, driveways and footpaths must be kept clear of goods and must not be used for storage purposes.
100. All owners, tenants and occupiers of this building are not eligible to participate in any existing or proposed Council Resident Parking Schemes. All occupants and/or employees of this building will be ineligible to obtain Council Resident Parking Scheme parking permits. The owner of the dwelling must advise in writing all intending owners, tenants and occupiers of the dwelling, at the time of entering into a purchase / lease / occupancy agreement, of this prohibition.
101. Signs reading "all owners, tenants and occupiers of this building are advised that they are not eligible to obtain Resident Parking Scheme parking permits from Council", must be located in prominent places such as at display apartments and on directory boards or notice boards, where they can easily be observed and read by people entering the building. The signs must be erected prior to the issue of an Occupation Certificate being issued and must be maintained in good order at all times.
102. The Operation and Management Plan for the on-site detention on-site retention/re-use facilities, approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times.
103. All loading and unloading operations are to be carried out wholly within the site. The loading dock must be used in connection with the approved use.

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

104. Any car parking space must not be individually enclosed without prior development consent.
105. The Operation and Management Plan for the basement pump out facilities, approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times.
106. At all times, the garbage/service vehicle parking area, car parking spaces, driveways and footpaths must be kept clear of goods and must not be used for storage purposes.
107. Access to the swimming pool must be restricted by fencing or other measures as required by the Swimming Pools Act, 1992 at all times

Noise levels associated with pool pumping units shall not exceed the background noise level (L90) by more than 5dBA above the ambient background within habitable rooms of adjoining properties. Pool plant and equipment shall be enclosed in a sound absorbing enclosure or installed within

a building so as to not create an offensive noise as defined under the Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Noise Control) Regulation 2008.

Pool plant and equipment must be installed and operated at all times so as not to cause "offensive noise" as defined by the Protection of the Environment Operations Act 1997. Domestic pool pumps and filters must not be audible in nearby dwellings between 8:00pm to 7:00am Monday to Saturday and 8:00pm to 8:00am Sundays and Public Holidays.

All drainage, including any overland waters associated with the pool, must be pipe-drained via the filter to the nearest sewer system in accordance with the requirements of Council & Sydney Water. No drainage, including overflow from the pool or spa shall enter Council's stormwater system.

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

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

## **Attachment A**

### **108. Sydney Water Conditions**

#### **a) Sydney Water Servicing**

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

Applications must be made through an authorised Water Servicing Coordinator. For help either visit [www.sydneywater.com.au](http://www.sydneywater.com.au) > Plumbing, building and developing> Developing> Land development or telephone 132092.

#### **b) Wastewater**

The proposed development site is traversed by a number of wastewater mains. The wastewater main available for connection is the 225 VC main located in George Street. Where proposed works are in close proximity to a Sydney Water asset, the developer may be required to carry out additional works to facilitate their development. Detailed requirements are to be provided at Section 73 Phase.

#### **c) Water**

To serve the proposed development the developer is required to provide a 200mm water main amplification.



All works are to be constructed in accordance with the Water Supply Code of Australia WSA 03-2011-3.1 (Sydney Water Edition - 2012).

## **Attachment B**

### 109. Ausgrid condition

- a) An existing substation is located adjacent to the site. Developer is to ensure the development meets the requirements of Ausgrid's Network Standards in relation to fire and blast segregation. Ausgrid's Network Standards are available in our web site <http://www.ausgrid.com.au/> under the caption Network Standards.
- b) The developer is required to make a formal submission to Ausgrid by means of a duly completed Connection Application form, to allow Ausgrid to assess any impacts on its infrastructure and determine the electrical supply requirements for the development (eg. whether a substation is required on site). In general, works to be considered by Ausgrid include, but are not limited to, the following:
  - i. Changes in electrical load requirements.
  - ii. Changes to Ausgrid's infrastructure (ie. asset relocations, decommissioning substations etc).
  - iii. Works affecting Ausgrid's easements, leases and/ or right of ways.
  - iv. Changing the gradients of any roads or paths.
  - v. Changing the level of roads or foot paths.
  - vi. Widening or narrowing of roads.
  - vii. Closing roads or laneways to vehicles.
  - viii. In all cases Ausgrid is to have 24 hour access to all its assets.

The developer is to ensure that the proposed works do not compromise Ausgrid's technical standards and statutory requirements, in regards to the safe and reliable operation and maintenance of Ausgrid's network.

## **PRESCRIBED CONDITIONS**

### **A. BASIX Commitments**

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

In this condition:

- a) Relevant BASIX Certificate means:
  - i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Act, a BASIX Certificate

- that is applicable to the development when this development consent is modified); or
  - ii) if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
- b) BASIX Certificate has the meaning given to that term in the Environmental Planning & Assessment Regulation 2000.

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

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

## **C. Home Building Act**

- 1) Building work that involves residential building work (within the meaning and exemptions provided in the Home Building Act 1989) must not be carried out unless the Principal Certifying Authority for the development to which the work relates has given Leichhardt Council written notice of the following:
  - a) in the case of work for which a principal contractor is required to be appointed:
    - i) the name and licence number of the principal contractor, and
    - ii) the name of the insurer by which the work is insured under Part 6 of that Act, or
  - b) in the case of work to be done by an owner-builder:
    - i) the name of the owner-builder, and
    - ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
- 2) If arrangements for doing residential building work are changed while the work is in progress so that the information submitted to Council is out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council), has given the Council written notice of the updated information.

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

## **D. Site Sign**

- 1) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
  - a) stating that unauthorised entry to the work site is prohibited;

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

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

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

#### **NOTES**

- 1. This Determination Notice operates or becomes effective from the endorsed date of consent.
- 2. If you are unsatisfied with this determination, Section 97 of *the Environmental Planning and Assessment Act 1979* gives you the right of appeal to the Land and Environment Court within six (6) months of the determination date.
- 3. Failure to comply with the relevant provisions of *the Environmental Planning and Assessment Act 1979* and/or the conditions of this consent may result in the serving of penalty notices or legal action.
- 4. Works or activities other than those approved by this Development Consent will require the submission of a new development application or an application to modify the consent under Section 96 of the *Environmental Planning and Assessment Act 1979*.
- 5. This decision does not ensure compliance with the *Disability Discrimination Act 1992*. Applicants should investigate their potential for liability under that Act.

6. This development consent does not remove the need to obtain any other statutory consent or approval necessary under any other Act, such as (if necessary):
- a) Application for any activity under that Act, including any erection of a hoarding.
  - b) Application for a Construction Certificate under the *Environmental Planning and Assessment Act 1979*.
  - c) Application for an Occupation Certificate under the *Environmental Planning and Assessment Act 1979*.
  - d) Application for a Subdivision Certificate under the *Environmental Planning and Assessment Act 1979* if land (including stratum) subdivision of the development site is proposed.
  - e) Application for Strata Title Subdivision if strata title subdivision of the development is proposed.
  - f) Development Application for demolition if demolition is not approved by this consent.
  - g) Development Application for subdivision if consent for subdivision is not granted by this consent.
  - h) An application under the Roads Act 1993 for any footpath / public road occupation. A lease fee is payable for all occupations.
  - i) An application under the Water Management Act 2000 for any activity approvals.
7. Prior to the issue of the Construction Certificate, the applicant must make contact with all relevant utility providers (such as Sydney Water, Energy Australia etc) whose services will be impacted upon by the development. A written copy of the requirements of each provider, as determined necessary by the Certifying Authority, must be obtained.
8. You may need a permit before filling a new or renovated swimming pool which holds more than 10,000 litres of water. You are advised to contact Sydney Water on 132092 to obtain this permit.

**Have you made a political donation?**

If you (or an associate) have made a political donation or given a gift to a Councillor, political party or candidate at the local government elections during the last two (2) years you may need to include with your application a full disclosure of this matter. For information go to Council's website at [www.leichhardt.nsw.gov.au/Political-Donations.html](http://www.leichhardt.nsw.gov.au/Political-Donations.html). If you have made a reportable donation, failure to provide a completed declaration with your application is an offence under the Environmental Planning and Assessment Act, 1979 for which you may be prosecuted.