

# CONDITIONS

**DA 2014.326.1**

7-9 Cavill Avenue & 5 Markham Place ASHFIELD 2131

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

**Demolition of existing structures and construction of 3-8 storey mixed use development comprising 93 dwellings and a 5 retail tenancies above 3 levels of basement car parking**

**A     General Conditions**

**(1)     Approved plans stamped by Council**

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

No.	Revision	Title	Prepared by	Amendment Date
13015/DA/1.01	A	Basement 03 Plan	H3 Architects	15.05.2015
13015/DA/1.02	A	Basement 02 Plan	H3 Architects	15.05.2015
13015/DA/1.03	A	Basement 01 Plan	H3 Architects	15.05.2015
13015/DA/1.04	A	Ground Floor Plan	H3 Architects	15.05.2015
13015/DA/1.05	A	Upper Ground Floor Plan	H3 Architects	15.05.2015
13015/DA/1.06	A	First Floor Plan	H3 Architects	15.05.2015
13015/DA/1.07	A	Second Floor Plan	H3 Architects	15.05.2015
13015/DA/1.08	-	Third Floor Plan	H3 Architects	21.11.2015
13015/DA/1.09	A	Fourth Floor Plan	H3 Architects	15.05.2015
13015/DA/1.10	-	Fifth Floor Plan	H3 Architects	21.11.2015
13015/DA/1.11	-	Sixth Floor Plan	H3 Architects	21.11.2015
13015/DA/1.12	A	Seventh Floor Plan	H3 Architects	15.05.2015
13015/DA/1.13	A	Roof Plan	H3 Architects	15.05.2015
13015/DA/2.01	B	Elevations & Materials	H3 Architects	13.05.2015
13015/DA/3.01	A	Sections	H3 Architects	15.05.2015
13015/DA/	A	Driveway Section	H3 Architects	15.05.2015

6.01				
13015/DA/ 1.11	-	Sixth Floor Plan	H3 Architects	21.11.2015
140026/ D000	4	Civil Design – Stormwater Notes Sheet	Jones Nicholson Consulting Engineers	25.05.2015
140026/ D070	4	Civil Design – Typical Drainage Details Sheet 1	Jones Nicholson Consulting Engineers	25.05.2015
140026/ D071	4	Civil Design – Typical Drainage Details Sheet 2	Jones Nicholson Consulting Engineers	25.05.2015
140026/ D075	3	Civil Design – Drainage Details	Jones Nicholson Consulting Engineers	25.05.2015
140026/ D100	4	Civil Design – Basement 3 Concept Stormwater Plan	Jones Nicholson Consulting Engineers	25.05.2015
140026/ D120	4	Civil Design – Basement 1 Concept Stormwater Plan	Jones Nicholson Consulting Engineers	25.05.2015
140026/ D200	4	Civil Design – Ground Floor Concept Stormwater Plan	Jones Nicholson Consulting Engineers	25.05.2015
140026/ D100	4	Civil Design – Basement 3 Stormwater Plan	Jones Nicholson Consulting Engineers	25.05.2015
140026/ S010	1	Structural Design – Site Plan	Jones Nicholson Consulting Engineers	14.11.2014
140026/ S015	2	Structural Design – Site Section	Jones Nicholson Consulting Engineers	09.02.2015
140026/ S016	1	Structural Design – Pile Sequence Sheet 1	Jones Nicholson Consulting Engineers	14.11.2014
140026/ S017	1	Structural Design – Pile Sequence Sheet 2	Jones Nicholson Consulting Engineers	14.11.2014
140026/ S018	1	Structural Design – Pile Sequence Sheet 3	Jones Nicholson Consulting Engineers	14.11.2014
140026/ S019	1	Structural Design – Pile Sequence Sheet 4	Jones Nicholson Consulting Engineers	14.11.2014
LA01	A	Tree Retention & Removal Plan	Taylor Brammer Landscape Architects	20.11.2014
LA02	A	Ground Floor/Level 1 Combined Context Plan	Taylor Brammer Landscape Architects	20.11.2014
LA03	A	Ground Floor Landscape Plan	Taylor Brammer Landscape Architects	20.11.2014
LA04	A	First Floor Landscape Plan	Taylor Brammer Landscape Architects	20.11.2014
LA05	A	Second Floor & Fifth Floor Landscape Plan	Taylor Brammer Landscape Architects	20.11.2014
LA06	A	Landscape Details	Taylor Brammer Landscape Architects	20.11.2014
-	-	Sculpture/Public Art Element	Taylor Brammer Landscape Architects	16.06.2015

Note: The architectural plans take precedence in respect of the built form. Should there be any inconsistency between the built form shown on the architectural and the engineering or landscape plans, the architectural plans take precedence.

## **(2) Public Art**

Detailed design for public art proposed to be located in the public open space is to be submitted to Council for its approval prior to the issue of any construction certificate. The public art shall consist of a sculptural element measuring at least 3.0m in height with a footprint of 1.5m by 1.5m and be located in accordance with the Sculpture/Public Art Element drawing prepared by Taylor Brammer and dated 16.6.2015. In addition to the above sculpture, the public art may also consist of a mural on the eastern wall of the stair located to the north of retail space No 01. The mural shall be at least 5.0m in height by 2.5m in width.

## **(3) Public Art Completion**

The approved public art shall be completed prior to the issue of any occupation certificate.

## **(4) Rights of Public Access**

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

- The entirety of the Public Domain to the south of the site - see drawing No. 13015-DA-1.04A prepared by H3 Architects.
- The land between the southern wall of Unit G04, the outer front courtyard wall/fence of Unit G04 and Retail 01 and the boundary of the site with Markham Place and its corner with Cavill Avenue - see drawing No. 13015-DA-1.04A prepared by H3 Architects.

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

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

- A lighting system to be incorporated along the public pedestrian right of way at the Applicant's cost.
- The maintenance of, and public liability insurance for users of, the public pedestrian right of way to be the responsibility of the Applicant, with Certificates of Currency to be provided to Council annually.
- Opening hours of the public pedestrian right of way to be twenty four (24) hours a day seven (7) days per week.
- Pavers shall be provided along the full extent of the publicly accessible open space using the type of pavers and pattern that have already been used in the surrounding area on Liverpool Road. (reconstituted granite 400x400x60 honed, acid etched PPX540:400D and PPX49:400D)

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

## **(5) Vehicle wash bays**

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

## **(6) Provision of wash bays in basement**

A minimum of one (1) car wash bay shall be provided in the basement level

## **(7) Exhaust fumes from car park**

Any exhaust ventilation from the carpark is to be ventilated away from the property boundaries of the adjoining properties, and in accordance with the provisions of AS1668.1, details demonstrating compliance are to be provided with the Construction Certificate.

**(8) No external service ducts**

Service ducts shall be provided within the building to keep external walls free of plumbing or any other utility installations. Such service ducts are to be concealed from view from the street. Details demonstrating compliance are to be provided in the Construction Certificate.

**(9) SEPP 65 – Design Verification**

Prior to release of the Construction Certificate design verification is required to be submitted from the original designer to confirm the development is in accordance with the approved plans and details and continues to satisfy the design quality principles in State Environmental Planning Policy No – 65 Design Quality of Residential Flat Building Development.

**(10) Haulage route information**

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

**(11) Lighting to basement/pedestrian routes-safety**

Lighting which meets the relevant Australian Standard of 40 lux, spaced at appropriate intervals to provide the required surveillance shall be provided to the vehicular basement parking area and along pedestrian access routes for safety and security purposes during the evenings. The proposed lighting shall be at the highest energy efficient rating. Details to be shown on the construction certificate.

**(12) Surveillance**

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

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

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

**(13) Entry control - safety**

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

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

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

**(14) Shopfront appearance**

To preserve the streetscape, roller shutters are not to be placed over the entrance or the windows of the retail premises

**(15) Air conditioners**

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

## **(16) Waste management**

The applicant shall enter into a private waste collection service contract. The applicant shall incorporate the requirement to service the building under private waste contract in the land title and in the bylaws. Details of how this is to be achieved shall be provided to the satisfaction of Council prior to issue of the construction certificate.

## ***B      Design Changes***

### **(1) Amended plans to be submitted**

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

#### **a) Car Parking:**

- i. The resident parking allocation to be 93 spaces.
- ii. The visitor parking space allocation to be increased to 23 spaces by reducing the number of retail spaces from 14 to 5.
- iii. All Visitor, Retail and Residential, Bicycle and Motorcycle parking spaces should be marked as such on site.
- iv. A 2.5m clearance from finished floor level to the lowest rooftop protrusion shall be provided over each disabled parking space to provide for unloading of wheelchairs
- v. A minimum of 2.2m clearance from finished floor level to the lowest protrusion from the roof within all carparking levels shall be provided.
- vi. The shared load/unload area adjacent to all Disabled Parking Spaces be fitted with a fixed bollard and the area hatched as per details on figure 2.2 of AS 2890.6:2009 to prevent those spaces being used for parking
- vii. Convex safety mirrors be fitted at the south east corners of the Basement 1 and Basement 2 parking areas to aid visibility to approaching traffic
- viii. A sightline splay of 2.0m x 2.5m should be provided and on either side of the driveway at the point where it meets the property boundary. This area should be kept clear of any visibility obstructions to ensure that there is adequate visibility to pedestrians on the Cavill Avenue footpath.
- ix. A minimum of 3.5m clearance from finished floor level to the lowest protrusion from the roof into the basement 1 carpark level and into and out of the manoeuvring area for the loading bay shall be provided.

#### **b) Disabled Access:**

- i. The design of the ground floor of the following units shall be amended to provide one toilet which is visitable by a person with disabilities compliant with AS 1428.1-2009:
  - G07-G10.
- ii. The design of one bathroom in each of the following units shall be amended to be accessible by and usable by a person in a wheelchair compliant with AS 1428.1-2009:
  - G04-G06;
  - G11-7.04

#### **c) Building Height**

No part of the structure (including pergola structures and stair shafts) located upon Lot 1, DP 126260, is to exceed 10m above ground level (existing). Amended plans demonstrating compliance are to be provided prior to issue of the Construction Certificate.

d) Drainage Easement Access

The access doors from the public area on the south of the building to the drainage easement are to be the same height as the doors to the adjacent shopfronts and to be constructed out of the same material provided that it is either translucent or solid and cannot be seen through.

e) Materials and Finishes

All external wall finishes (except those adjacent the eastern boundary) below a height of at least 3m above existing ground level are to be of an un-painted masonry material such as stone cladding, vitreous ceramic tile or face brickwork.

f) Footpath widening along Markham place

The publically accessible and trafficable footpath between the northern side of Markham Place and the southern perimeter of unit No. G04 and retail No. 01 is to measure a minimum of 3.6 metres in width from the edge of the kerb to the outer wall of the building / courtyard wall.

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

**(1) Consolidation of allotments**

The following properties are to be consolidated into one:

Street Address	Lot No.	Deposited Plan
5 Markham Place	1	131778
7 Cavill Avenue	1	126260
9 Cavill Avenue	2	339644

A plan of consolidation prepared by a registered surveyor and six (6) paper copies are to be submitted to Council for signature prior to registration at the Land Titles Office (Department of Information and Land Management). Evidence of consolidation from the Land Titles Office shall be submitted to Council or the Principal Certifying Authority prior to the release of a Construction Certificate.

**(2) Construction and Site Management Plan**

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

- (a) what actions and works are proposed to ensure safe access to and from the site and what protection will be provided to the road and footpath area from building activities, crossings by heavy equipment, plant and materials delivery, or static loads from cranes, concrete pumps and the like,
- (b) the proposed method of loading and unloading excavation machines, building materials, formwork and the erection of any part of the structure within the site,
- (c) the proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period,

- (d) how it is proposed to ensure that soil/excavated material is not transported on wheels or tracks of vehicles or plant and deposited on surrounding roadways,
- (e) the proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed by a chartered Civil Engineer or an accredited certifier.

Where it is proposed to:

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

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

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

### **(3) Erosion & sedimentation control-management plan**

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

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

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

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

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

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

Further information may be obtained from:

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

### **(4) Home Building Act 1989 Insurance**

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

## (5) Long service levy

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

## (6) Section 94 Development Contributions

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

<u>Community Infrastructure Type</u>	<u>Contribution</u>
Local Roads	\$13,347.91
Local Public Transport Facilities	\$55,086.42
Local Car Parking Facilities	\$0.00
Local Open Space and Recreation Facilities	\$968,725.81
Local Community Facilities	\$59,839.83
Plan Preparation and Administration	\$44,014.49
<b>TOTAL</b>	<b>\$1,141,014.46</b>

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

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

Where:

**\\$ C<sub>c</sub>** is the amount of the contribution for the current financial quarter

**\\$ C<sub>p</sub>** is the amount of the original contribution as set out in this development consent

**CPI<sub>c</sub>** is the Consumer Price Index (Sydney – All Groups) for the current financial quarter as published by the ABS.

**CPI<sub>p</sub>** is the Consumer Price Index for the financial quarter at the time of the original consent.

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

Council's Development Contributions Plan may be viewed at [www.ashfield.nsw.gov.au](http://www.ashfield.nsw.gov.au) or a copy may be inspected at Council's Administration Centre.

## (7) Damage deposit/footpath, road, kerb and gutter

A Damage Deposit of \$20,000 is to be submitted prior to any of the following:

- commencement of works or

- demolition or
- excavation upon the site or
- the release of the **Construction Certificate**

whichever may come first, covering repair and/or replacement of adjoining footpath, road shoulder, road pavement, kerbing and guttering both outside the subject site and the surrounding area. This is to be paid to Council and may be refunded subject to satisfactory completion of construction or demolition.

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

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

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

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

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

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

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

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

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

#### **(8) Footpath/laneway- photographs to be submitted**

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

#### **(9) Design and construction of car parking area**

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

#### **(10) Traffic Management Plan**

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

**(11) Services adjustment or relocation**

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

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

**(12) Pumpout system specifications**

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

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

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

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

**(13) Stormwater disposal-calculations**

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

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

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

- (i) Roof areas.
- (ii) Paved areas.
- (iii) Grassed areas.
- (iv) Garden areas.
- (v) The percentages of Pre-development and Post-development impervious areas

- (b) At each pit and or bend, a level of pipe is to be shown (the minimum grade for pipes is 1%).

- (c) All flowpaths both internal and external, which pass through or around the proposed development site, are to be shown on the Construction Certificate plan
- (d) Calculations and details are to be provided to Council showing that provisions have been made to ensure runoff from all storms up to the 100 year ARI, which cannot be conveyed within the piped drainage system (including pits and including overflows from roof gutters) is safely conveyed within formal or informal overland flow paths to the detention storage facility. Where it is not practicable to provide paths for overland flows the piped drainage system should be sized to accept runoff up to and including the 100-year ARI.
- (e) All garbage and waste areas must drain to the sewer and not the stormwater system.

**(14) Stormwater detention storage facility**

- (a) On-site Stormwater Detention storage shall be provided in conjunction with the stormwater disposal. This storage shall be designed in accordance with Council's Stormwater Management Code the minimum storage required for this site shall be 110m<sup>3</sup>. Details of the storage shall be submitted to and approved by Council or Certifier prior to the release of the Construction Certificate.

- (b) Prior to the release of the Construction Certificate, a maintenance schedule is to be prepared which clearly outlines the routine maintenance necessary to keep the OSD system working, this information is to be included in the Positive Covenant required for this development. Some of the issues that will need to be addressed are:

- where the storage and silt arrestor pits are located
- which parts of the system need to be accessed for cleaning and how access is obtained
- description of any equipment needed (such as keys and lifting devices) and where they can be obtained
- the location of screens and how they can be removed for cleaning
- who should do the maintenance (i.e. commercial cleaning company)
- how often should it be done

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

**(15) Existing drainage line—easement to be created**

An easement in favour of council shall be created over the existing drainage line located along the eastern boundary for the purpose of constructing and maintaining stormwater drainage structures. Prior to lodgement at the Land Titles Office Council shall approve the wording of the dedication and proof of lodgement is to be provided to Council prior to the release of the Construction Certificate. Proof of the dedication of the easement shall be furnished to Council prior to the Occupation Certificate being issued.

In accordance with Council's Stormwater Management Code, the easement width is to be the pipe, box, or channel section width plus 1.5m, with the easement having an overall minimum width of 2.5m.

**(16) Existing drainage line – to be adjusted**

The existing Council drainage line located within the site shall be reconstructed at the applicants expense in order to suitably fit within the proposed drainage easement to be dedicated to Council.

The pipes shall be a minimum 375mm diameter reinforced concrete spigot and socket with rubber ring joints, the existing pit and the adjoining Council pipeline at the property boundary shall be reconstructed to suit these works.

Plans reflecting these changes shall be submitted to Council, prior to the release of the Construction Certificate.

#### **(17) General Sydney Trains Conditions**

Prior to the issuing of a Construction Certificate the Applicant shall prepare and provide to Sydney Trains for approval/certification the following items:

- Final Geotechnical Report to include and/or address the following items:
  - The Final Geotechnical Report must be based on additional borehole testing below 15m RL to assist in the design of foundation piles and retaining wall design.
  - The lateral earth pressure recommendations based on the actual depth of basement excavation
  - The first 0.3m of socket depth is proposed to be ignored in assessing lateral toe bearing. In view of possible fractures during excavation, in addition to excavation induced fractures, shallow sockets are also susceptible to shear wedge failures along natural weak planes. The Final Geotechnical Report must also indicate the socketing criteria, giving consideration to the above and based on detailed design of the development
- Final Structural report/drawings based on the Final Geotechnical Report. Also to be provided are the detailed retaining wall design considering ground strength/stiffness, wall/anchor stiffness/geometry, surcharges etc. The submission should include detailed output on wall sectional forces (BM&SF) and deflection. Pile reinforcement checks shall also be provided.
- Construction methodology with construction details pertaining to structural support during excavation. The Applicant is to be aware that Sydney Trains will not permit any rock anchors/bolts (whether temporary or permanent) within its land, easements or stratum lots. It is noted that the proposal includes rock anchors within 500mm of the rail boundary. The Applicant shall provide details as to how it will be controlled and monitored to ensure that the proposed anchor bond lengths required by design do not pass beyond the rail boundary during construction as the rock strength qualities could be varied on the field from the predicted values.
- Cross sectional drawings showing the rail corridor, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the rail corridor. All rail assets such as steel masts, overhead wiring structures and service pits on the revised plans of Plan S0101 and Section S0152. All measurements are to be verified by a Registered Surveyor.
- A revised report titled "Interaction with RailCorp property for 5 Markham Place Ashfield" prepared by Jones Nicholson addressing all rail related conditions.
- A Derailment Risk Assessment Report prepared in accordance with the Transport for NSW (TfNSW) Enterprise Risk Management Standard.
- Detailed Survey Plan showing the relationship of the proposed developed with respect to Sydney Trains easement/stratum lot and tunnel location.
- A 3D numeric analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.

Any conditions issued by Sydney Trains as part of the approval/certification by Sydney Trains of any of the above documents of this condition will also form part of the consent conditions that the Applicant is required to comply with.

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

#### **(18) Public liability insurance - Sydney Trains Condition**

Prior to the issue of a Construction Certificate the Applicant must hold current public liability insurance cover for a sum to be determined by Sydney Trains. This insurance shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The Applicant is to contact Sydney Trains Rail Corridor Management Group to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.

#### **(19) Bond - Sydney Trains Condition**

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

#### **(20) Information to be submitted - Sydney Trains Condition**

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

- Machinery to be used during excavation/construction.
- Track/vibration monitoring plan detailing the proposed method of track monitoring during excavation and construction phases.
- Groundwater monitoring plan, if required.
- If required by Sydney Trains, a rail safety plan including instrumentation and the monitoring regime.

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

#### **(21) Electrolysis Risk - Sydney Trains Condition**

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

#### **(22) Revised acoustic assessment - Sydney Trains Condition**

A revised acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads-Interim Guidelines". The revised report shall provide the measured noise level results with time and the date of the "attended measurements were taken of at least 20 pass by" to assure the noise predictions and the noise mitigation recommendations are compatible with the peak train operating frequency. It is noted that the Noise Logger Results provided at Appendix C of the current report did indicate peak noise levels were at 5am to 9am during weekdays. However, the Noise Logger was positioned at the Southeast corner of the site at the far most distance away from the rail tracks noise sources and behind existing premises. As such revised noise logging is recommended closer to the source.

#### **(23) Throwing of objects onto the rail corridor - Sydney Trains Condition**

Given the possible likelihood of objects being dropped or thrown onto the rail corridor from balconies, windows and other external features (eg roof terraces and external fire escapes)

that are within 20m and face the rail corridor, the Applicant shall provide Sydney Trains for endorsement details of the measures to be installed (eg awning windows, louvres, enclosed balconies, window restrictors etc) which prevent the throwing of objects onto the rail corridor. These measures are to comply with Sydney Trains' requirements. The Principal Certifying Authority is not to issue the Construction Certificate until it has confirmed that these measures are to be installed and have been indicated on the Construction Drawings.

**(24) Risk Assessment/Management Plan - Sydney Trains Condition**

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

**(25) Aerial operations plan - Sydney Trains Condition**

Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.

**(26) Approval of reflective materials - Sydney Trains Condition**

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

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

**(27) Copies of documents - Sydney Trains Condition**

Copies of any certificates, drawings, approvals/certification or documents endorsed by, given to or issued by Sydney Trains must be submitted to Council for its records prior to the issuing of a Construction Certificate.

**(28) Maintenance plan - Sydney Trains Condition**

The Applicant must provide a plan of how future maintenance of the development (including the wall on the boundary) along the rail corridor is to be undertaken. The maintenance plan is to be submitted to Sydney Trains prior to the issuing of a Construction Certificate. The Principal Certifying Authority is not to issue a Construction Certificate until written confirmation has been received from Sydney Trains advising that the maintenance plan has been prepared to its satisfaction.

**(29) Construction Management Plan**

A Construction Traffic Management Plan (CTMP) be submitted to Council for approval prior to issue of any construction certificate. The CTMP shall address issues such as truck routes and frequencies during various stages of development, loading/unloading strategies, locations of any Work Zones or other temporary traffic restrictions, truck waiting areas, size of delivery vehicles, site worker parking etc. The CTMP should discuss in detail the location, duration and intent of any anticipated road or lane closures during the construction process. Associated traffic control plans and strategies to maintain vehicular access to neighbouring properties during those periods should also be outlined.

### **(30) Remediation**

A phase 2 detailed site contamination investigations shall be undertaken to ensure that the site is not contaminated. In the event that the site is contaminated a Remediation Action Plan shall be prepared by a suitably qualified person.

### **(31) Validation**

The applicant shall remediate the site suitable for residential purposes. The site shall be remediated unconditionally for residential use. Prior to the issue of any occupation certificate the applicant/developer is to provide a verification certificate to Council demonstrating that the site has been remediated in accordance with the final Remediation Action Plan.

## **D Conditions that must be complied with before work commences**

### **(1) Notice of Commencement – Notification of Works**

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

### **(2) Requirement for a Construction Certificate**

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

- (a) detailed plans and specifications of the building have been endorsed with a Construction Certificate by:
  - (i) Council; or
  - (ii) an accredited certifier; and
- (b) a principal certifying authority (PCA) has been appointed and the Council has been notified in writing of the appointment, and
- (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 shall show that the proposal complies with all development consent conditions and the *Building Code of Australia*.

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

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

### **(3) Inspections required by Principal Certifying Authority**

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

#### **(4) Site Controls**

Sediment and erosion controls must be in place before work is commenced on the site. The control strategies must be consistent with the technical requirements set out in the Sydney Coastal Councils' *Stormwater Pollution Control Code for Local Government*.

Material from the site is not to be tracked onto 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.

A sediment and erosion control plan must be prepared and identify appropriate measures for bunding and siltation fencing. Any such erosion and sedimentation controls shall also include the protection of stormwater inlets or gutter systems within the immediate vicinity of the site.

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.

#### **(5) Building location - check survey certificate**

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

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

#### **(6) Crane permit**

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

#### **(7) Site fencing/security**

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

#### **(8) Support for neighbouring buildings and notice to adjoining owners**

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

to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

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

Notes:

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

#### **(9) Sydney Water approval**

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer 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 Your Business then Building & Developing then Building & Renovating or telephone Sydney Water 13 20 92.

#### **(10) Structural Engineering Details**

Structural engineer's details prepared and certified by a practising structural engineer for all reinforced concrete and structural members is to be submitted to the Principal Certifying Authority for approval.

#### **(11) Structural engineer's details**

To ensure compliance with the provision of Section B of the *Building Code of Australia* structural engineer's details of all structural elements shall be submitted to the Principal Certifying Authority prior to commencement of work, including:

- (i) pier and beam footings;
- (ii) reinforced concrete slabs;
- (iii) stairs, including patio steps;
- (iv) retaining walls
- (v) all structural timber including floors, walls and roof; and
- (vi) all structural steel.

#### **(12) Timber – National Timber Framing Code**

All timber used in construction shall comply with the *National Timber Framing Code AS 1684 – 1992* details are to be submitted to the Principal Certifying Authority for consideration prior to commencement of work.

#### **(13) Dilapidation Reports**

A Dilapidation Report on the current structural condition of the existing buildings at 17-20 Markham Place and 11 Cavill Avenue must be prepared by a practicing structural engineer. The Dilapidation Report must be completed and submitted to the owner of the subject property and to Council prior to the commencement of any demolition, excavation or construction works. At the completion of the works, a second Dilapidation Report recording the structural condition must be prepared. That Report must be submitted to the owner of the subject property and to Council.

#### **(14) Erosion, dust, topsoil and sediment control (Non Standard Condition)**

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

**(15) On site detention system – check survey**

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

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

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

**(17) Hoarding – Sydney Trains approval**

The Applicant is to obtain Sydney Trains endorsement prior to the installation of any hoarding or scaffolding facing the common boundary with the rail corridor.

**(18) General Sydney Trains conditions**

- a) Prior to the commencement of works appropriate fencing is to be in place along the rail corridor to prevent unauthorised access to the rail corridor during construction. Details of the type of fencing and the method of erection of any new fencing are to be to Sydney Trains satisfaction prior to the fencing work being undertaken.
- b) Prior to the commencement of works, prior to the issue of the Occupation Certificate, or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.
- c) Prior to the commencement of works, the Applicant shall peg-out the common boundary with the rail corridor and/or rail easement to ensure that there is no encroachment. This work is to be undertaken by a registered surveyor.

**E Conditions that must be complied with during construction or demolition**

**(1) Plans to be available on site**

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

**(2) Advertisements on hoardings prohibited**

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

### **(3) Billposters - sign on hoarding**

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

### **(4) Building materials and equipment - storage/placement on footpath/roadway - Council approval**

All building materials and equipment shall be stored wholly within the property boundaries and shall not be placed on the footpath, grass verge or roadway without prior written approval of Council.

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

### **(5) Signs to be erected on building and demolition sites**

- (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; and
  - (b) showing the name and address of the contractor for the building work and the person in charge of the work site and a telephone number at which the person may be contacted outside working hours; and
  - (c) showing the name, address and telephone number of the Principal Certifying Authority appointed for the building works.
- (2) Any-sign shall be maintained and not removed until work has been finished.

### **(6) Demolition/excavation/construction - hours of work**

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

### **(7) Demolition requirements/standards**

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

- (a) Australian Standard 2601 and any requirements of the Workcover Authority.
- (b) The Waste Management Plan submitted with the Development Application.
- (c) The property is to be secured to prohibit unauthorised entry.
- (d) All precautions are to be exercised in the handling, removal and disposal of all asbestos materials. Licensed contractors and the disposal of asbestos is to be carried out in accordance with the requirements of the Work Cover Authority.
- (e) All other materials and debris is to be removed from the site and disposed of to approved outlets.
- (f) Any demolition on the site is to be conducted in strict accordance with, but not limited to, sections 1.5, 1.6, 1.7, 3.1 and 3.9 of the AS 2601 - 1991, demolition of structures. The following measures must be undertaken for hazardous dust control:

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

#### **(8) Waterproofing materials/installation – BCA/Australian Standards**

Approved products that are impervious to water shall only be used as a substrate or as a lining and as a finish to floors and walls of wet areas (i.e. bathroom/shower room, WC compartment and laundry). Floors and cubicles shall be properly graded and drained to approved outlets.

The wet areas in the building shall be impervious to water as required by Part 3.8.1 of the Building Code of Australia (BCA). The junction between the floor and wall and the construction of the bath shower recess, basin, sink or the like shall be in accordance with the BCA & AS 3740:2004 'Waterproofing of wet areas within residential buildings'.

On completion of the waterproofing of the wet areas, the Principal Certifying Authority shall be furnished with a certificate from the person responsible. This is to state that the materials are suitable for the situation and that the application and/or installation has been carried out in accordance with the manufacturer's instructions, the BCA and AS 3740.

#### **(9) Safety Glazing - BCA**

Safety glazing complying with B1 of the Building Code of Australia (BCA) is to be used in every glazed door or panel that is capable of being mistaken for a doorway or unimpeded path

of travel. The glazing must comply with AS 1288:2006 'Glass in Buildings – Selection and Installation'.

Framed panels or doors enclosing or partially enclosing a shower or bath shall be glazed with "A" or "B" grade safety glazing material in accordance with AS 1288 and Part 3.6.4 of the BCA.

#### **(10) Fire Detection/Alarm System installation and certification**

Smoke alarms must be installed in dwellings in accordance with Clause 3.7.2.3 of the Building Code of Australia (BCA) and AS 3786 on or near the ceiling in -

(a) any storey containing bedrooms -

-between each area containing bedrooms and the remainder of the dwelling, including any hallway associated with the bedrooms

(b) any storey not containing bedrooms.

Smoke alarms must be connected to the consumer mains power and have a stand-by power supply.

The licensed Electrical Contractor shall on completion of the installation of the smoke alarm system, submit to the Principal Certifying Authority a certificate certifying compliance with AS 3000 and AS 3786:1993.

#### **(11) BASIX Requirements**

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

#### **(12) Materials and colour schemes**

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

#### **(13) Footpath, kerb and gutter reconstruction**

The public footpath and kerb and gutter outside the site both in Markham & Cavill Avenue shall be completely reconstructed to the requirements of Council's Works & Infrastructure Department at the applicant's expense.

This shall necessitate the following works being carried out by the applicant:

1. All new footpath works on Council land shall be reconstructed using the type of pavers and pattern that have already been used in the surrounding area on Liverpool Road. (Pebblecrete pavers 400 x 400 x 60 honed, acid etched PPX540:400D and PPX49:400D or of similar type.)
2. All pavers shall be laid on a 100mm concrete sub base.
3. A permit to carry out these works on Public land will be required to be obtained. In order for Council to grant approval for these works plans and details shall be submitted to Council for approval.
4. All kerb works shall be to the satisfaction of Council.

This work shall be carried out prior to the release of the Occupation Certificate.

**(14) Footpath, kerb and gutter protection**

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

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

**(15) Redundant vehicular crossings-removal and replacements**

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

**(16) Vehicle access driveways**

A new vehicular access driveway shall be constructed in accordance with Council's standard drawing and specifications. The driveway shall be located a minimum of 1.0m clear of any existing stormwater pits, lintels or poles and 2m clear of any trees within the road reserve. The driveway shall also be located a minimum of 0.5m clear of any utility service opening such as Telstra, Sydney Electricity, Sydney Water or Natural Gas Company.

This work shall be carried out prior to the release of the Occupation Certificate.

**(17) Road opening permit- Council controlled lands**

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

**(18) Traffic control on public roads**

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

**(19) Engineering staff to inspect roadworks/drainage**

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

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

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

**(20) Finished ground surface levels at property boundary**

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

**(21) Spoil and building materials on road and footpath**

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

**(22) Stormwater runoff-collection/discharge**

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

**(23) Stormwater runoff**

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

**(24) Existing drainage line – to be reconstructed**

The existing Council drainage line located within the site shall be reconstructed at the applicants expense in order to suitably fit within the proposed drainage easement to be dedicated to Council.

The pipes shall be a minimum 375mm diameter reinforced concrete spigot and socket with rubber ring joints, the existing pit and the adjoining Council pipeline at the property boundary shall be reconstructed to suit these works.

A permit to carry out these works will be required to be obtained from Council. In order for Council to grant approval for these works plans and details shall be submitted to Council for approval.

**(25) General Sydney Trains Conditions**

- a) Unless advised by Sydney Trains in writing, all excavation, shoring and piling works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects.
- b) No rock anchors/bolts are to be installed into RailCorp's property.
- c) Unless advised by Sydney Trains in writing, the effect of construction induced settlement due to groundwater drawdown (potentially leading to track settlement) is to be avoided at all times.
- d) No work is permitted within the rail corridor, or rail easements, at any time unless prior approval or an Agreement has been entered into with Sydney Trains.
- e) Drainage shall not be discharged within the rail corridor.
- f) There is a need to ensure that the roots and foliage of trees being planted beside the rail corridor do not have an impact on the rail corridor. The development's landscaping and planting plan should be submitted to Sydney Trains for review.
- g) Sydney Trains or Transport for NSW (TfNSW), and persons authorised by those entities for the purpose of this condition, are entitled to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and these conditions of consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.
- h) No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and 1500V catenary, contact and pull-off wires of the adjacent tracks, and to any high voltage aerial supplies within or adjacent to the rail corridor.

## **(26) Underground Power**

The electrical power lines in front of the site on Markham Place must be placed underground and the 3 timber power poles removed prior to the issue of any Occupation Certificate. Details of suitable alternative means of lighting the Markham Place road reserve are to be provided to Council for approval prior to the issue of any Construction Certificate.

## **(27) Acoustics**

The development is to be constructed in accordance with the recommendations of the acoustic report prepared by Acouras Consultancy No. SYD2014-1080-R001B and dated 13/11/2014.

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

nil

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

#### **(1) Public liability insurance – outdoor area**

In respect of the tables and chairs to be located on the footpath, the proprietor of the premises will be required to hold public liability insurance to a value of ten million dollars. Proof of this shall be submitted to Council prior to the issue of an annual licence required by Condition and prior to the occupation of this area.

#### **(2) Sydney Water - Section 73 Compliance Certificate**

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

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

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

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

#### **(3) Approval to use/occupy building**

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

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

#### **(4) Landscaping completion**

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

#### **(5) Street Numbering**

Prior to the issue of an occupation certificate the developer shall furnish the Council with a schedule of individual unit/street numbers allocated to the units within each block of units, that is otherwise to be in accordance with the street numbering approval letter issued by Council.

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

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

They are:

*(a). Work-As-Executed Plans*

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

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

*(b) Engineer's Certificate*

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

- \* the soundness of the storage structure;
- \* the capacity of the detention storage;
- \* the emergency overflow system being in place;
- \* the works being constructed in accordance with the Council approved plans; and
- \* the freeboard from maximum water surface level to the finished floor and garage levels are at or above the minimum required in Council's Stormwater Code.
- \*

*(c) Restriction-As-To-User*

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

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

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

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

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

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

**(8) As built drawings**

Prior to the issuing of an Occupation Certificate the Applicant is to submit as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into Sydney Trains property or easements, unless agreed to be these authorities.

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

**(9) Sydney Trains Condition**

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

***H      Conditions that are ongoing requirements of development consents***

**(1) Hours of operation**

The hours of operation of the retail and work/live spaces are limited to the following:

Monday to Saturday:	7:00am – 10:00pm
Sunday/Public Holiday:	7:00am – 8:00pm

**(2) Trading hours- outdoor dining area**

The use of the public domain for outdoor dining shall be limited to the following hours:

Monday to Saturday:	7:00am – 10:00pm
Sunday/Public Holiday:	7:00am – 8:00pm

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

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

***I      Advisory Notes***

**(1) Other approvals**

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

- an Application for Approval under Section 68 of the *Local Government Act 1993* for any proposed activity under that Act, including any erection of a hoarding. All such applications must comply with the *Building Code of Australia*.
- an application for an Occupation Certificate under Section 109(C)(2) of the *Environmental Planning and Assessment Act 1979*.

**Note:** An application for an Occupation Certificate may be lodged with Council if the applicant has nominated Council as the Principal Certifying Authority.

## **(2) Works and requirements of other authorities**

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

## **(3) Application for a Construction Certificate**

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

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

## **(4) Modifications to your consent - prior approval required**

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

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