

DRAFT CONDITIONS OF CONSENT FOR 22 GEORGE STREET LEICHHARDT – D/2014/713

GENERAL CONDITIONS OF CONSENT

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

Creation of public rights of way over both through-site links:

1. A right of way for general public access and traverse is to be created over both site through-links. The site through links are those pathways located at the northern and southern parts 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. The rights of way are to be legally constituted prior to the issue of any Occupation Certificate for any part of the site.

Amended plans

2. Amended plans are to be submitted incorporating the following amendments:
 - a) Other than dwellings having access to ground level courtyards, all dwellings are to have a balcony off the main living room which is not less than 2.0m deep. This may mean a number of balconies projecting into the building articulation zones as identified by the Development control Plan for the site.
 - b) In order to improve sunlight access to dwellings as per the requirements of the design guidelines for residential flat buildings, the following measures are to be incorporated into the construction certificate drawings:
 - i) all five dwelling units on the top floor of Building E are to be provided with roof lights/skylights to facilitate sunlight penetration to living rooms.
 - c) Any balcony/habitable room which is directly opposite the balcony/habitable room of any other dwelling, and which has a separation of less than 12m is to be provided with screening to mitigate overlooking between these building elements.
 - d) Storage areas for each unit are to be as designated on the storage plans approved under condition 7 of this consent.

- e) Not less than 27 dwellings are to be constructed in accordance with the adaptable dwellings plans as per condition 7 of this consent.
- f) The area located between Building B and Building C adjacent to Upward St is to support at least one additional canopy tree in a “deep soil” mound or planter arrangement.

Waste

3. The following amendments are to be made to the garbage store and loading dock to make provision for at grade collection of garbage.
 - a) The garbage service lift and adjacent floor area must have a minimum floor level of RL 12.0m AHD.
 - b) The loading dock must have a finished floor level of 11.15m AHD
 - c) A roller door or similar access opening with minimum opening width of 4000mm is to be provided at the southern wall of the garbage store.
 - d) The hoist at the north east corner of the garbage store and the ramp at the southern side are to be deleted.
 - e) A kerb with minimum height of 150mm and 1m wide footpath / landing is to be provided at the garbage store opening such that the opening has a finished floor level of 11.30m AHD.
 - f) The floor level of the garage store is to be graded at a maximum grade of 1 in 8 (12.5%) between the finished floor level of the service lift and the floor level of the loading dock.

Legal Agreement for Overland Flowpath

4. The applicant/owner is to enter into a legally binding contract/agreement with Council that will permit the overland flow path to be made operational at such later stage as Council/Sydney Water require in order to fulfil flood risk mitigation strategies. All costs associated with this agreement are to be borne by the applicant. This agreement is to be entered into and bound to the title of the property prior to issue of any Occupation Certificate.

Bicycle racks

5. Bicycle racks are to be provided for casual bicycle parking outside any proposed retail tenancies. The location of these is not to impede pedestrian movement. These modifications are to be incorporated into the approved construction certificate plans:

Voluntary Planning Agreement obligations

6. Seven one-bedroom dwelling units are to be dedicated and transferred to an affordable housing provider.

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

Approved plans

7. Development must be carried out in accordance with Development Application No. D/2012/429 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.

Plan Reference	Drawn By	Dated
Bulk Excavation Plan A00.002 Revision G	Bates Smart	5/5/15
Site Analysis Plan A00.003 Revision G	Bates Smart	5/5/15
Floor plans A02.000 Revision G	Bates Smart	5/5/15
Floor plans A02.001 Revision G	Bates Smart	5/5/15
Floor plans A02.002 Revision G	Bates Smart	5/5/15
Floor plans A02.003 Revision G	Bates Smart	5/5/15
Floor plans A02.004 Revision G	Bates Smart	5/5/15
Floor plans A02.005 Revision G	Bates Smart	5/5/15
Floor plans A02.006 Revision G	Bates Smart	5/5/15
Floor plans A02.007 Revision G	Bates Smart	5/5/15
Floor plans A02.008 Revision G	Bates Smart	5/5/15
Basement Floor Plans B01(G) & B02(F)	Bates Smart	5/5/15
Roof Plan A02.009 Revision G	Bates Smart	5/5/15
Elevations A07.000 Revision G	Bates Smart	5/5/15
Elevations A07.001 Revision G	Bates Smart	5/5/15
Elevations A07.002 Revision G	Bates Smart	5/5/15
Elevations A07.003 Revision G	Bates Smart	5/5/15
Sections A08.000 Revision G	McGregor + Coxall	5/5/15
Materials & finishes & layout & grading plan LD_DD_02 D, LD_DD_03 D,	McGregor + Coxall	18/3/15
Planting Plan LD_DD_04 D, & LD_DD_05 D	McGregor + Coxall A/A	18/3/15
Deep Soil Zone LD_DD_08 A	McGregor + Coxall	12/3/15

Deep Soil Zone LD_DD_09 A	McGregor + Coxall	A/A
Landscape Plans 00 Revision E	McGregor + Coxall	Undated
Landscape Plans 01 Revision E	McGregor + Coxall	Undated
Landscape Plans 02 Revision E	McGregor + Coxall	Undated
Landscape Plans 03 Revision F	McGregor + Coxall	Undated
Landscape Plans 04 Revision F	McGregor + Coxall	Undated
Landscape Plans 05 Revision F	McGregor + Coxall	Undated
Landscape Plans 06 Revision E	McGregor + Coxall	Undated
Landscape Plans 07 Revision E	McGregor + Coxall	Undated
Landscape Plans 08 Revision E	McGregor + Coxall	Undated
Landscape Plans 09 Revision E	McGregor + Coxall	Undated
Landscape Plans 10 Revision E	McGregor + Coxall	Undated
Landscape Plans 11 Revision E	McGregor + Coxall	Undated
Storage Plans SK01-B01 & B02 (F) and drawings B0-000, 001, 002, 003, 004, 005, 006, 007, 008 (all F)	Bates Smart	27/3/15
Document Title (Supplementary documentation)	Prepared By	Dated
Basix Certificate 55147M_06	Wood & Grieve Engineers	19/5/2015
Waste Management Plan	Elephants Foot Recycling Solutions	(amended) December 2014
Statement of Compliance - Access for people with a disability	Accessible Building Solutions	4/12/2014
Geotechnical Report GEOTLCOV25083AB-AN	Coffey	15/12/2014
Design Report Issue E Project Number S11722 (section 3.3.2 – privacy treatments to balconies; section 5.3 materials, colours and finishes; section 9.0 adaptable units plans)	Bates Smart	December 2014
Remediation Action Plan 14101RP01_RAP2 Rev. 8	Environmental Strategies	November 2014
Acoustic Report Rev. 2	Wood & Grieve Engineers	12/12/2014

Transport Impact Assessment 14S1444000	GTA Consultants	12/12/14
BCA Assessment Report 2014/0711 R1.1	Steve Watson & Partners	December 2014
Integrated Water Cycle Management Plan Rev. 1	Wood & Grieve Engineers	10/12/14

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

CONDITIONS OF CONSENT - REMEDIATION

General Remediation Conditions

- 8 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.

9 The site is to be remediated in accordance with:

- a) The relevant approved Remedial Action Plan and 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.

Remediation Conditions - Prior to release of any Construction Certificate.

- 10. 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 is being remediated in accordance with the approved Remediation Action Plan and that this Remediation Action Plan is being 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.

11. A validation report shall be prepared by a suitably qualified Environmental Consultant and be submitted to Council upon completion of soil remediation works. 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.

12. All remediation works and documentation are to be consistent with the conditions of the Site Audit Statement Section B signed by Jason Clay dated 19 December 2014.
13. A Community Consultation Plan shall be developed to provide the proponent and the community with the appropriate resources to manage environmental and amenity impacts through information sharing and working in partnership. The plan should include however not be limited to the following:

- a) Site notice boards located at the entrance/s to the site and around the boundary in conspicuous positions. Any site notice should be durable and weatherproof and is to be displayed throughout the works period. The notice is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted. The site notice is to have minimum dimensions of 841mm x 595mm (A1) with any text on the notice board to be a minimum of 30 point type size;
- b) periodic newsletters mailed or emailed to neighbours, concerned residents and business operators;

c) the site notice board and newsletter should include as a minimum the following information:

- i) approved hours of work
- ii) contact person for the site i.e the site/project manager and their contact phone, fax, mobile numbers and email address
- iii) the responsible managing company (if any) and its address
- iv) the site activities and time frames
- v) 24 hour contact phone number for any complaints

d) formal complaint management system to respond to all complaints in a timely manner and advise complainants of outcomes

e) establish protocols for resolving differences

The Community Consultation Plan is to be submitted to the satisfaction of the Certifier and implemented prior to commencement of excavation works on the site.

The proponent is to ensure that the 24 hour contact number is attended by a person with authority to respond to matters raised by the community.

Remediation Conditions - Prior to release of a Construction Certificate for any building works at or above ground level.

14. Prior to release of any construction certificate for works at or above ground level a copy of the Environmental Management Plan (EMP) as required by condition 4 of the Site Audit Statement Section B signed by Jason Clay dated 19 December 2014 is to be provided to Leichhardt Council for its records. This EMP is to include details of the following:

- The groundwater remediation system is to be fully funded by the applicant/developer for a period of not less than five years from the date of commencement of the strategy – details of funding model to be provided including confirmation of legal enforceability.
- Funding for the five year period is to be provided by way of a dedicated fund with details to be provided to the satisfaction of Council.
- This fund is to include an allowance for emergency rectification in the event of a failure of the system.
- The fund amount is to be an amount not less than that advised by the Site Auditor as being appropriate for purpose.
- The developer is to advise Council in writing when the groundwater remediation strategy has commenced.

All details above to be to the satisfaction of the Site Auditor.

Remediation Conditions to be observed/implemented during any excavation or construction works.

15. During excavation and construction all measures identified by the Site Auditor as being necessary for the protection of human health and all measures identified in the Human Health Risk Assessment for the site/proposal are to be fully implemented in order to ensure the protection of workers on site. Any

physical protection measures including but not limited to masks, breathing equipment, wash down facilities and the like are to be provided on site at the applicants cost.

16. In the event that an “unexpected finds” incident necessitates additional remediation measures not identified in the approved Remediation Action Plan these measures are to be documented by an appropriately qualified person, and that documentation is to be reviewed and agreed to by the Site Auditor and provided to Council for its records within 14 days of the Site Auditors concurrence.
17. The ongoing remediation strategy for the ground water remediation is to be in accordance with an Environmental Management Plan adopted and in operation for the site. This is to be fully funded by the applicant/developer for a period of not less than five years from the date of commencement of the strategy. Funding for the five year period is to be provided by way of a dedicated fund created by virtue of a Section 88E instrument under the Conveyancing Act 1919 (or other alternative as agreed to by Council) with details to be provided to the satisfaction of Council. This fund is to include an allowance for emergency rectification in the event of a failure of the system. The fund amount is to be an amount not less than that advised by the Site Auditor as being appropriate for purpose. The developer is to advise Council in writing when the groundwater remediation strategy has commenced.
18. The Site Auditor is to advise Council in writing of the commencement of the EMP for the site.

Remediation Conditions - Prior to release of any Occupation Certificate.

19. The site is not to be occupied by any employee (other than those persons employed as part of the construction process) or any resident until the Site Auditor is satisfied that occupation will not entail any risk to human health and has issued a Section A Site Audit Statement. The Site Auditor is to advise Council in writing when such occupation has been authorised, and is to outline the reasons why occupation has been deemed acceptable in the context of the adopted remediation strategy. A copy of the Section A Site Audit Statement is to be provided to Council upon issue.
20. Prior to the occupation of any part of the site the Site Auditor is to provide Council with an emergency plan to be implemented in the event of a failure of the ground water remediation equipment. This emergency plan is to include but not be limited to
 - measures which will be implemented to determine if/when failure has occurred,
 - the extent of failure
 - responsibility for rectification including financial responsibility
 - immediacy measures to protect human health and the environment in the event of such failure whilst rectification/repair is being undertaken
 - Emergency evacuation procedure if necessary.The terms of this Emergency Plan to be to the satisfaction of the Environment Protection Authority and the Emergency Plan is to be brought into effect and

implemented by virtue of a Section 88E instrument under the Conveyancing Act 1919 (or other alternative as agreed to by Council)

21. In the event that the ground water remediation strategy is required to operate beyond the five year period identified in condition above sufficient by-law obligations are to be provided in the terms of the Body Corporate to ensure that adequate ongoing funding is available for this purpose. This may take the form of a covenant attached to the title or created by virtue of a Section 88E instrument under the Conveyancing Act 1919 (or other alternative as agreed to by Council) but in any circumstance is to be registered on the title/titles for the development in a manner which ensures all prospective purchasers are suitably informed of the funding and maintenance responsibilities of the Body Corporate. This requirement is to be fulfilled prior to the release of any Occupation Certificate.

Ongoing Remediation Conditions

22. a) The Environmental Management Plan is to operate on-site until such time as an unconditional Site Audit Statement A has been issued by the Site Auditor and a copy thereof provided to Council for its records.
- b) The Emergency Plan is to be implemented on site in the event of any failure of the groundwater system.
- 23 The groundwater treatment system is to be inspected once every six months by a suitably qualified person, and certification is to be provided to Council after each inspection confirming that the ground water treatment system is operational and adequate.

OTHER (NON-REMEDATION) 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, and 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.)

Unless otherwise agreed to in writing by Council, payment of all bonds, levies and deposits which are required by Council for the purposes of protecting/managing Council assets and infrastructure 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.

Section 94 contributions

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

Contribution Plan	Contribution
Community Facilities	\$730 070.80
Open Space	\$4 776 983
Local Area Traffic Management	\$39 196.55
Bicycle	\$4 827.57
Total	\$5 551 077.90

The total section 94 contribution payable for this development is **\$5,551,077.90**.

- 25 A Flood Risk Management Plan, prepared by a qualified practicing Civil Engineer must be provided prior to the issue of a Construction Certificate. The Plan must be prepared/ amended to make provision for the following:

- a) The design must be generally in accordance with:

Flood Risk Management Report prepared by Wood & Grieve Engineers dated 10 December 2014
Flood Study prepared by Wood & Grieve Engineers dated 10 September 2014.

- b) An overland flowpath for flood waters must be provided within the setback of Building C between the low point in McAleer Street and Upward Street. The design of the overland flowpath must address the following:

- i) The design must generally be in accordance with the Landscape Plan on Drawing No 350SL 02 / E prepared by McGregor Coxall dated 8 December 2014.
- ii) The overland flowpath is to be implemented over an area of not less than 215 square metres of the site disposed as measured 5.5 metres in from the McAleer Street boundary of the site and 5.5 metres in from the Upward Street boundary of the site extending from the south-western corner of the site to the proposed main entry to Building C.
- iii) The overland flowpath must have the capacity to convey the difference between the 20 year Average Recurrence Interval (ARI) flood flow and the 100 year ARI flow.
- iv) The overland flowpath must be designed in accordance with the guidelines of the NSW Government's Floodplain Development Manual. The velocity depth ratio must not exceed 0.4m²/s.
- v) The design must allow for the flowpath to be extended through the upstream property, immediately to the east, in the future to align with the low point in McAleer Street.
- vi) The flowpath must be designed and constructed such that it remains non-operational until such time as Council and/or Sydney Water require the implementation of the flowpath in order to implement a flood mitigation strategy across this catchment.
- vii) The design must be incorporated into the approved construction

certificate plans.

- c) Recommendations on all precautions to minimise risk to personal safety of occupants and the risk of property damage for the total development. The flood impacts on the site shall be assessed for the 100 year ARI and Probable Maximum Flood (PMF) storm events. The precautions shall include but not be limited to the following:
 - i) An assessment of the Population At Risk (PAR) and evacuation measures and methods for mitigating the increased population at risk.
 - ii) Types of materials to be used to ensure the structural integrity of the building to immersion and impact of velocity and debris.
 - iii) Waterproofing methods, including electrical equipment, wiring, fuel lines or any other service pipes or connections.
 - iv) Flood warning signs/depth indicators for areas that may be inundated
 - v) A flood evacuation strategy.
 - vi) On site response plan to minimise flood damage.
 - d) Specify the architectural and structural plans upon which the above recommendations have been incorporated.
26. Architectural plans, amended to address all relevant recommendations of the Flood Risk Management Plan prepared under Condition No 25 must be provided prior to the issue of a Construction Certificate. The design must be prepared/ amended to make provision for the following:
- a) Specification of materials
 - b) Waterproofing works, where applicable.
27. An engineering design that addresses all relevant recommendations of the Flood Risk Management Plan prepared under Condition No 25 prepared by a qualified practicing Structural 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) Structural integrity of all structures from immersion and/or impact of velocity and debris.
 - b) Waterproofing works, where applicable.
28. A stormwater drainage design, incorporating on site stormwater retention and detention facilities (OSR/OSD), 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:

Schematic Stormwater Layout on Drawing No C-400/D prepared by

Wood & Grieve Engineers dated 10 December 2014
Integrated Water Cycle Management Plan Rev 1 prepared by Wood & Grieve Engineers dated 10 December 2014.

- b) 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).
 - c) 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.
 - d) The proposed rainwater tanks must be connected to a pump system for internal reuse for the flushing of all toilets within Building C, all commercial areas of Building B and for outdoor usage such as irrigation.
29. 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.
30. 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 access driveway to the basement carpark must be a minimum of 6.6 metres wide.
 - b) 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. The longitudinal profile must comply with the Ground Clearance requirements of AS/NZS 2890.1-2004.

- c) The driveway crest must be raised above the Flood Planning Level to reduce the potential entry of flood water to the basement. The driveway crest must have a minimum surface level of RL 12.00m AHD.
- d) The three intersections in the parking aisle at the base of the access ramp must be designed so that both the approach roadways and the intersection area are wide enough to accommodate turning vehicles and there is adequate intersection sight distance. Each of these three intersections must be designed to allow a B85 vehicle to pass a B99 vehicle including the swept path clearances in accordance with Clause 2.5.2 of AS/NZS 2890.1-2004.

To accommodate the above requirements, Parking Space 88 and 121 must be deleted. The car share space must be relocated to Parking Space 122. Parking Space 136 and 137 must be allocated to Visitor Parking.

- e) Parking Space 58, 61 and 63 must be deleted to provide adequate area for manoeuvring for vehicles within the parking aisle and for vehicles entering and exiting Parking Space 59, 60, or 62.
- f) The design of the basement carpark must include a minimum of two combined car wash bays / visitor spaces within the development.
- g) Minimum Headroom of 2200mm must be provided throughout the access and parking facilities. Minimum Headroom of 2500mm must be provided above any accessible parking space(s). 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.

- h) The vehicle access must provide clear sight lines (triangles) to pedestrians in George Street in accordance with the requirements of Clause 3.2.4(b) of AS/NZS 2890.1-2004.
- i) 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.

- 31. An engineering design of road and stormwater drainage works in Upward Street, McAleer 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) Upgrade and diversion of the existing Sydney Water stormwater drainage system between McAleer Street and Upward Street generally in accordance with Drawing No's 140662 Sheets 1 to 7 dated 28 August 2014. The design must be amended to address the following:
 - i) The design must be consistent with Council's Flood Mitigation strategy for this catchment based on the Flood Risk Management Study and Plan currently being prepared.
 - ii) The design must incorporate inlet improvements and associated pipeline extensions in McAleer Street and Upward Street as specified in Council's Flood Mitigation strategy.
 - iii) The design must detail the overland flowpath between McAleer Street and Upward Street in accordance with the Flood Risk Management Plan required by Condition 22 (Adele, flood condition).
 - iv) The design must be approved by Sydney Water and Council.
- b) 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.
- c) Reconstruction of George Street for the full frontage of the site, including transitions beyond. The design is to include:
 - i) Planter beds 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 both vehicle accesses to the site.
- d) Reconstruction of McAleer Street road pavement for the full extent of the proposed drainage works, including kerb and gutter and footpath reconstruction.

- e) Reconstruction of kerb and gutter and footpath for the full Upward Street frontage.
- f) Resheeting of the full width of the George Street road pavement for the full property frontage.
- g) Resheeting of half road width of the Upward Street road pavement for the full property frontage.
- h) Closure of all redundant vehicle crossings at all property frontages of the site.
- i) Construction of two concrete vehicular crossings at the George Street frontage of the site.
- j) Construction of kerb ramps in association with all new works at all intersections.
- k) All stormwater inlet pits, for the extent of the George Street, McAleer Street and Upward Street frontages of the site must be constructed/ reconstructed with a minimum clear lintel length of 2400mm.
- l) 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.
- m) Relocation/ installation of parking/ traffic signs and linemarking as required.
- n) The plans must show existing and proposed on street parking, signposting and linemarking for all affected roads.
- o) 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.
- p) The design must be in accordance with the relevant requirements of Austroads and all Australian Standards.
- q) 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.

32. 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.

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.

33. 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 \$873,300.00 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.

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.

34. A structural engineering report and plans that address the proposed works in the vicinity of the George Street, McAleer 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.
35. The bicycle storage facilities within the basement carpark must accommodate a minimum of 200 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.
36. A minimum of 29 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*.

37. 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.

38. Prior to the issue of a Construction Certificate, the applicant must prepare a Construction Management and Traffic Management Plan. The following matters should be addressed in the plan, where appropriate:

- a) A plan view of the entire site and frontage roadways indicating:
 - i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways.
 - ii) Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site.
 - iii) The locations of proposed work zones in the frontage roadways.
 - iv) Location of any proposed crane and concrete pump and truck standing areas on and off the site.
 - v) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries.
 - vi) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.
 - vii) An on-site parking area for employees, tradespersons and construction vehicles.
 - viii) 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.
 - ix) How it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.
 - x) 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, with National Professional Engineering Registration (NPER) in the construction of civil works or a survey company of Registered Surveyors with "preliminary accreditation" from the Institution of Surveyors New South Wales Inc. or an accredited certifier.
- b) Truck and Construction Vehicle Movements
A Management Plan 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.
- c) Construction Noise
During excavation, demolition and construction phases, noise generated from the site must be controlled.
- d) Occupational Health and Safety
All site works must comply with the occupational health and safety requirements of the New South Wales Work Cover Authority.
- e) Toilet Facilities
During excavation, demolition and construction phases, toilet facilities are to be provided on the site, at the rate of one toilet for every twenty (20) persons or part of twenty (20) persons employed at the site.
- f) Traffic control plan(s) for the site
All traffic control plans must be in accordance with the Roads and Traffic Authority publication "Traffic Control Worksite Manual" and prepared by a suitably qualified person (minimum 'red card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each stage.

Approval is to be obtained from Council for any temporary road closures or crane use from public property. Applications to Council shall be made a minimum of 4 weeks prior to the activity proposed being undertaken.

39. Prior to the issue of a Construction Certificate structural certification prepared by a suitably qualified Structural Engineer must be provided to the Principal Certifying Authority confirming that the internal road/driveway, cross over, kerb and gutter and access pavement servicing the waste collection point have been designed to meet the loading requirements of a 26.0 tonne garbage/recycling truck (when loaded) with a turning circle of 25.0 metres and length of 9.3 metres.

Details 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.

40. Details of the proposed garbage rooms are to be provided prior to the issue of a Construction Certificate. Rooms used for the storage of garbage and rooms used for the washing and storage of garbage 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 floor must be of impervious material coved at the intersection with the walls, graded and drained to an approved floor waste within the room.
 - b) Garbage rooms must be vented to the external air by natural or mechanical ventilation.
 - c) Waste and recycling storage rooms/areas for all developments should be capable of accommodating Council's standard waste and recycling containers in accordance with Part D – Waste of Development Control Plan 2013
 - d) Waste storage and recycling areas or rooms shall be flexible in design allowing for future changes of use or tenancy.
 - e) Waste and recycling storage rooms / areas serving residential units must be located separately to storage rooms / areas designated for non-residential uses and in accordance with the approved plans and/or within the approved building envelope, design and form.
 - f) The waste and recycling storage room/areas must be accessible by Council's or nominated contractor collection vehicles

Any modifications required to address this condition externally or to the vehicle parking/manoeuvring areas must be the subject of further approval from Council under Section 96 of the Environmental Planning and Assessment Act 1979.

Details 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

41. A Waste Management Plan is to be provided prior to the issue of a Construction Certificate. The Waste Management Plan is to be prepared in accordance with Part D Section 2 – Resource Recovery and Waste Management of DCP2013. The plan must address all issues identified in the Development Control Plan including but not limited to:
- a) Estimated volume (m3) or weight (t) of materials that are reused, recycled or 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 and recycling generated from a facility authorised to accept the material type for processing or disposal and retention of waste dockets to be made available to Council Officer on request
- e) A clear statement within the Waste Management Plan of responsibility for the transferral of waste and recycling bins within the property and between floors where applicable to the collection point in accordance with DCP 2013.
- f) Recycling bins are to be provided within the building core on each level for collection of paper and comingled recycling. The Waste Management Plan must make provision for the collection and removal of recycling from each floor on a daily basis and to be emptied into larger 240 litre bins in the bin storage area on ground / basement floor for collection on the normal collection day.

All requirements of the approved Waste Management Plan must be implemented during the demolition, excavation and construction of the development.

- 42. 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.

- 43. Any north or south facing windows (i.e directly facing either the north or south neighbouring properties, are to be acoustically treated to manage noise impacts from existing and anticipated development. Details to be included on the construction certificate documents.

- 44. 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.

45. 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.
46. 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) 10-12 George Street (unless the owner/s of this property advise in writing that they do not require any such report)
 - b) 30-40 George Street (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.

47. 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.
48. A landscape plan prepared by a qualified Landscape Architect or Landscape Consultant must be provided prior to the issue of a Construction Certificate. The plan must include:

- a) Location of all proposed and existing planting delineating existing trees to be retained, removed or transplanted.
 - b) A detailed planting schedule including species by botanical and common names, quantities, pot sizes and estimated size at maturity.
 - c) At least 85% of the plantings must be native species from the Sydney locale.
 - d) At least 20 trees capable of a height of four (4) metres.
 - e) Details of planting procedure.
 - f) Details of earthworks including mounding, retaining walls, and planter boxes.
 - g) A landscape maintenance strategy for the owner / occupier to administer over a twelve (12) month establishment period.
 - h) Details of drainage and watering systems.
49. 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*.
50. 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.
51. 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.
52. 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 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.
53. 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.

PRIOR TO THE COMMENCEMENT OF WORKS

54. 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.

55. 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 building with respect to the boundaries of the site;
 - b) level of the floor in relation to the levels on the site (all levels are to be shown relative to Australian Height Datum);
56. 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.

57. 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.
58. 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.

59. 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.
60. 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.
61. 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.

DURING WORKS

62. 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.

63. Building materials and machinery are to be located wholly on site.

64. 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.

65. The site must be appropriately secured and fenced at all times during works.

66. 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.

67. 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.

68. 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.

69. 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*.

70. A copy of the approved plans must be kept on site for the duration of site works and be made available upon request.

71. Construction material and vehicles shall not block or impede public use of footpaths or roadways.

72. 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.

73. 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.

74. 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.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

75. 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.
76. Prior to the issue of an Occupation Certificate, the Principle 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 Principle 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 Principle Certifying Authority stamped Construction Certificate plans.

77. Prior to the issue of an Occupation Certificate, the Principle 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 customer parking for the commercial component of the development is available within the property.

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 Principle Certifying Authority prior to the issue of an Occupation Certificate.

78. A second Dilapidation Report addressing the public infrastructure identified in this consent 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.

79. 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 Principal Certifying Authority prior to the issue of an Occupation Certificate.

80. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that all aspects of the flood risk management plan have been implemented in accordance with the approved design and relevant Australian Standards.

Certification by a qualified practicing Civil Engineer that all aspects of the flood risk management plan have been implemented and constructed in accordance with the development consent and with relevant Australian Standards must be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

81. 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 a Occupation Certificate / Subdivision Certificate.

82. Prior to the issue of an Occupation Certificate, the Principle 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.

83. Prior to the issue of an Occupation Certificate, the Principle Certifying Authority must ensure that an Operation and Management Plan has been prepared and implemented for the basement pump out 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.

84. 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.
85. A Travel Access Guide for the local area is to be made available to residents and non residential tenants of the development prior to occupation.
86. The approved parking spaces located within the basement must be allocated as detailed below. 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) nil parking provision for studio dwellings
 - b) 9 spaces for the business tenancies
 - c) 29 visitor spaces
 - d) 68 spaces shared between the one bedroom and one bedroom plus study units (n.b not all one bed/one bed + study apartments will be provided with parking)

- e) 133 spaces for the two bedroom and two bedroom plus study units
- f) 8 spaces for the three bedrooms units
- g) 28 of the total number of required total number of residential and business carspaces are to be designed as disabled spaces
- h) one space dedicated for maintenance vehicles
- i) one dedicated car wash bays
- k) one dedicated carshare space

Total parking required: 250 spaces maximum

- 87. 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.
- 88. 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 one year after the installation is to be provided prior to the issue of the Occupation Certificate.
- 89. Prior to the issue of an Occupation Certificate, the Principle 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 Principle 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 Principle Certifying Authority stamped Construction Certificate plans.

- 90. Prior to the issue of an Occupation Certificate, the Principle 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 Terry Street and new road frontages to indicate that customer parking for the commercial component of the development is available within the property with access from Terry Street.

c) 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 Principle Certifying Authority prior to the issue of an Occupation Certificate.

91. A second Dilapidation Report addressing the public infrastructure identified in this consent 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.

92. 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 Principal Certifying Authority prior to the issue of an Occupation Certificate.

93. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that all aspects of the flood risk management plan have been implemented in accordance with the approved design and relevant Australian Standards.

Certification by a qualified practicing Civil Engineer that all aspects of the flood risk management plan have been implemented and constructed in accordance with the development consent and with relevant Australian Standards must be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

94. 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 a Occupation Certificate / Subdivision Certificate.

95. A second Dilapidation Report for private property (if required) 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.
96. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority is to be satisfied that all landscape works, including the removal of all noxious weed species, have been undertaken in accordance with the approved landscape plan and conditions of Development Consent.
97. 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.

98. A street / shop 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.
99. 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.
100. 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.
101. 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.

102. The existing overhead powerlines adjacent to the site in George Street are to be relocated underground prior to the issue of any Occupation Certificate for the site.
103. Prior to the issue of an Occupation Certificate, the Principle 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.

104. Prior to the issue of an Occupation Certificate, the Principle Certifying Authority must ensure that an Operation and Management Plan has been prepared and

implemented for the basement pump out 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.

105. Acoustic treatment to north or south facing windows (i.e directly facing either the north or south neighbouring properties), so as to manage noise impacts from existing and anticipated development is to be confirmed by way of certification from an appropriately qualified person.

ONGOING CONDITIONS OF CONSENT

106. Paper and co-mingled recycling bins are to be provided on each residential floor. If recycling bins cannot be accommodated separately in a bin store area, then the building manager may implement an alternative management solution as follows:
- (i) In order to accommodate paper and co-mingled recycling bins on each floor the building manager is to utilise smaller bins and manage collection and removal on a daily basis, I.E. 80 or 120 litre bins which are then emptied into larger 240 litre bins in the bin storage area on ground / basement floor for collection by Council on the normal collection day.
107. Pedestrian access to the basement car park must be kept clear of obstacles, including parked vehicles, at all times.
108. Any basement car parking space must not be individually enclosed without prior development consent.
109. 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.
110. 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.
111. The parking bays proposed for the commercial / retail component of the development must be easily accessible and be clearly designated marked and signed. Access to these bays must not be restricted in any way by security doors or intercom access during business hours approved for the commercial development.

112. The parking bays proposed for the residential component of the development must be inaccessible to visitors to the commercial component of the development and shall be clearly designated, marked and signed. In addition, the parking bays must be appropriately marked or signed to indicate which residential unit they have been allocated to.
113. 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.
114. 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.
115. The Flood Risk Management Plan approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times.
116. 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.
117. 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.
118. All newly planted trees on site must be appropriately maintained on an on-going basis. Maintenance includes watering, weeding, removal of rubbish from tree bases, pruning, fertilizing, pest and disease control and any other operations required to maintain a healthy vigorous tree.
119. 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.
120. Food waste bins are to be provided on each residential floor. If food waste bins cannot be accommodated separately in a bin store area, then the building manager may implement an alternative management solution as follows:
 - (i) In order to accommodate food waste bins on each floor the building manager is to utilise smaller bins and manage collection and removal on a daily basis, I.E. 80 or 120 litre bins which are then emptied into larger 240 litre bins in the bin storage area on ground / basement floor for collection by Council on the normal collection day. This will not require any additional area than 2 x 240 litre bins which is already accommodate in each bin storage area.

121. Air conditioning units for any sole occupancy unit are to not be visible from the public domain.

122. The retail tenancies approved as part of this development are only to be open for business and used for the purpose approved within the following hours.

Monday	7.00am to 8.00pm
Tuesday	As above
Wednesday	As above
Thursday	7.00am to 10.00pm
Friday	7.00am to 10.00pm
Saturday	7.00am to 10.00pm
Sundays and Public Holidays	9.00am to 5.00pm

123. 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*.

124. Internalised study rooms 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.

125. Pedestrian access to the basement car park must be kept clear of obstacles, including parked vehicles, at all times.

126. 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.

127. 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.

128. 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.

129. 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.

130. A second Dilapidation Report addressing the public infrastructure identified in this consent 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.

131. The Flood Risk Management Plan approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times.
132. 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.
133. 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.

Attachment A

134. 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 > Plumbing, building and developing> Developing> Land development or telephone 132092.

- b) Trade Wastewater Requirements

If this development is going to generate trade wastewater, the property owner must submit an application requesting permission to discharge trade wastewater to Sydney Water's sewerage system. You must wait for approval of this permit before any business activities can commence.

A Boundary Trap is required for all developments that discharge trade wastewater where arrestors and special units are installed for trade wastewater pre-treatment

- . c) Backflow Prevention Requirements

All properties connected to Sydney Water's supply must install a testable Backflow Prevention Containment Device appropriate to the property's hazard rating. Property with a high or medium hazard rating must have the backflow prevention containment device tested annually. Properties identified as having a low hazard rating must install a non-testable device, as a minimum.

Separate hydrant and sprinkler fire services on non-residential properties, require the installation of a testable double check detector assembly. The device is to be located at the boundary of the property.

d) Water

- . To serve the proposed development the developer is required to link the two 150mm drinking water mains located in George Street by upsizing the existing 100mm mains between them
- . All works are to be constructed in accordance with the Water Supply Code of Australia WSA 03-2011-3.1 (Sydney Water Edition - 2012).

135 Ausgrid condition

- a) Prior to any development being carried out, the approved plans must be submitted to Ausgrid's local customer service office for approval to determine whether the development will affect Ausgrid's network or easements¹.
- b) The applicant must check the location of underground cables by using Dial Before You Dig² and comply with the requirements of Ausgrid's NS 156 - Working Near or Around Underground Cables
- c) Prior to the issue of a Construction Certificate (or an Occupation Certificate where a Construction Certificate is not required), the applicant must provide to the Council and Ausgrid a noise assessment report. The report must address, in relation to the adjacent substation, the requirements of the amenity or intrusive criteria in section 2.4 of the EPA's NSW Industrial Noise Policy, 2000
- d) The development must comply with both the Reference Levels and the precautionary requirements of the draft ARPANSA's Radiation Protection Standard for Exposure Limits to Electric and Magnetic Fields 0 Hz - 3 kHz,⁷ December 2006.
- e) The development must comply with Ausgrid's Tree Safety Management Plan.
- f) The development must be carried out in accordance with the Energy Network Association's Substation Earthing Guide, ENA EGI-20067 so that hazardous step, touch and transfer voltages do not exist during fault conditions (50Hz or transient).

136 Roads and Maritime Services

- a). The swept path of the longest vehicle (to service the site) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.
- b). The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004.
- c). All works/regulatory signposting associated with the proposed development are to be at no cost to Roads and Maritime.

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 the 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. Section 82A of the *Environmental Planning and Assessment Act 1979* provides for an applicant to request Council to review its determination. This does not apply to applications made on behalf of the Crown, designated development,

integrated development or a complying development certificate. The request for review must be made within six (6) months of the date of determination or prior to an appeal being heard by the Land and Environment Court. A decision on a review may not be further reviewed under Section 82A.

3. 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.
4. 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.
5. 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*.
6. This decision does not ensure compliance with the *Disability Discrimination Act 1992*. Applicants should investigate their potential for liability under that Act.
7. 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.

8. 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.
9. 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. 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.

Elizabeth Richardson
MANAGER ASSESSMENTS