

A General Conditions**(1) Approved plans stamped by Council**

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

Drawing Number	Prepared by	Date
01 ARCHITECTURAL		
DA00	Brewster Hjorth Architects	20/03/2018
DA01	Brewster Hjorth Architects	20/03/2018
DA01.1	Brewster Hjorth Architects	20/03/2018
DA02	Brewster Hjorth Architects	08/12/2017
DA03	Brewster Hjorth Architects	20/03/2018
DA08	Brewster Hjorth Architects	20/03/2018
DA09	Brewster Hjorth Architects	20/03/2018
DA10	Brewster Hjorth Architects	20/03/2018
DA11	Brewster Hjorth Architects	20/03/2018
DA15	Brewster Hjorth Architects	20/03/2018
DA16	Brewster Hjorth Architects	20/03/2018
DA17	Brewster Hjorth Architects	20/03/2018
DA22	Brewster Hjorth Architects	20/03/2018
DA23	Brewster Hjorth Architects	08/12/2017
DA24	Brewster Hjorth Architects	08/12/2017
DA25	Brewster Hjorth Architects	20/03/2018
DA26	Brewster Hjorth Architects	20/03/2018
DA27	Brewster Hjorth Architects	20/03/2018
DA28	Brewster Hjorth Architects	20/03/2018
DA30	Brewster Hjorth Architects	20/03/2018
DA32	Brewster Hjorth Architects	08/12/2017
DA34	Brewster Hjorth Architects	20/03/2018
DA35	Brewster Hjorth Architects	08/12/2017
DA36	Brewster Hjorth Architects	11/12/2017
02 LANDSCAPE		
01	Taylor Brammer	07/03/2018
02	Taylor Brammer	07/03/2018
03	Taylor Brammer	20/03/2018
03 JV3		
Report on NCC Section J Part J1 and J2	JHA	20/03/2018
NCC Section J Part J1 and J2 Statement of Compliance	JHA	20/03/2018
04 BCA		
BCA Assessment Report Revision 4	Blackett Maguire Goldsmith	20/03/2018
06 TRAFFIC		
17105/01	TEF Consulting	16/03/2018
17105/12	TEF Consulting	19/03/2018

B Concurrence Conditions

Concurrence **Sydney Trains** granted 20 March 2018 subject to the following conditions:

- (1) The Applicant shall prepare and provide to Sydney Trains for approval/certification the following final version items in compliance with relevant ASA Standards (<https://www.transport.nsw.gov.au/industry/standards-and-accreditation/standards>):
 - a. Geotechnical and Structural report/drawings that meet Sydney Trains requirements. The Geotechnical Report must be based on actual borehole testing conducted on the site closest to the rail corridor.
 - b. Construction methodology with construction details pertaining to structural support during excavation. The Applicant is to be aware that Sydney Trains will not permit any rock anchors/bolts (whether temporary or permanent) within its land or easements.
 - c. Cross sectional drawings showing the rail corridor, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the rail corridor. All measurements are to be verified by a Registered Surveyor.
 - d. Detailed Survey Plan showing the relationship of the proposed developed with respect to Sydney Trains easement and rail corridor land.
 - e. If required by Sydney Trains, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.

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

- (2) If required by Sydney Trains, prior to the commencement of works, prior to the issue of the Occupation Certificate, or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.
- (3) Unless advised by Sydney Trains in writing, all excavation, shoring and piling works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects.
- (4) The following items are to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate:
 - a. Machinery to be used during excavation/construction.

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

- (5) The proposed development is to comply with the deemed-to-satisfy provisions in the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads-Interim Guidelines".
- (6) Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.
- (7) The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of Sydney Trains. The Principal Certifying Authority

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

- (8) If required by Sydney Trains, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- (9) If required by Sydney Trains, a track monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases) is to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate. The Principal Certifying Authority is not to issue a Construction Certificate until written confirmation has been received from Sydney Trains advising of the need to undertake the track monitoring plan, and if required, that it has been endorsed.
- (10) No rock anchors/bolts are to be installed into Sydney Trains property or easements.
- (11) If required, prior to issuing the Applicant is to submit as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into Sydney Trains property or easements, unless agreed to be these authorities. The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied
- (12) If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Engineering Management Interfaces to determine the need for public liability insurance cover. If insurance cover is deemed necessary this insurance be for sum as determined by Sydney Trains and shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The Applicant is to contact Sydney Trains Engineering Management Interfaces to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.
- (13) If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Engineering Management Interfaces to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.
- (14) Sydney Trains or Transport for NSW (TfNSW), and persons authorised by those entities for the purpose of this condition, are entitled to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and these conditions of consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.
- (15) Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
- (16) Copies of any certificates, drawings, approvals/certification or documents endorsed by, given to or issued by Sydney Trains must be submitted to Council for its records prior to the issuing of a Construction Certificate.
- (17) Any conditions issued as part of Sydney Trains approval/certification of any documentation for compliance with the Sydney Trains conditions of consent, those approval/certification

conditions will also form part of the consent conditions that the Applicant is required to comply with.

- (18) Prior to the commencement of works appropriate fencing is to be in place along the rail corridor to prevent unauthorised access to the rail corridor during construction. Details of the type of fencing and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.
- (19) The development shall have appropriate fencing fit for the future usage of the development site to prevent unauthorised access to the rail corridor by future occupants of the development. Prior to the issuing of an Occupation Certificate the Applicant shall liaise with Sydney Trains regarding the adequacy of any existing fencing along the rail corridor boundary. Details of the type of new fencing to be installed and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.
- (20) To ensure that graffiti can be easily removed, the Applicant is to ensure that fencing along the rail corridor is coated with anti-graffiti paint or other coating.
- (21) Prior to the issue of a Construction Certificate, the Applicant shall undertake a services search to establish the existence and location of any rail services. Persons performing the service search shall use equipment that will not have any impact on rail services and signalling. Should rail services be identified within the subject development site, the Applicant must discuss with Sydney Trains as to whether these services are to be relocated or incorporated within the development site.
- (22) Given the development site's location next to the rail corridor, drainage from the development must be adequately disposed of/managed and not allowed to be discharged into the corridor unless prior approval has been obtained from Sydney Trains.
- (23) No work is permitted within the rail corridor, or its easements, at any time unless prior approval or an Agreement has been entered into with Sydney Trains. Where the Applicant proposes to enter the rail corridor, the Principal Certifying Authority shall not issue a Construction Certificate until written confirmation has been received from Sydney Trains confirming that its approval has been granted.
- (24) No scaffolding is to be used within 6 horizontal metres of the rail corridor unless prior written approval has been obtained from Sydney Trains. To obtain approval the applicant will be required to submit details of the scaffolding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor.
- (25) Prior to the issue of a Construction Certificate, the Applicant shall provide an accurate survey locating the development with respect to the rail boundary and rail infrastructure. This work is to be undertaken by a registered surveyor, to the satisfaction of Sydney Trains representative.
- (26) During all stages of the development, environmental legislation and regulations will be complied with.
- (27) During all stages of the development extreme care shall be taken to prevent environmental harm within the railway corridor. Any form of environmental harm to areas within the railway corridor or legislative non-compliance that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.
- (28) During all stages of the development, extreme care shall be taken to prevent any form of pollution entering the railway corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.
- (29) The applicant shall not at any stage block the corridor access gate on Bastable Street, and should make provision for easy and ongoing 24/7 access by rail vehicles, plant and equipment to support maintenance and emergency activities.

Concurrence from **Roads Maritime Service (RMS)** received 23 March 2018

- (1) The layout of the proposed basement car park area associated with the subject development should be in accordance with AS 2890.1 -2004 and AS2890.6 2009.
- (2) Sight distances from the proposed vehicular crossings to vehicles on Frederick Street are to be in accordance with Austroads 'Guide to Traffic Engineering Practice, Part 5 Intersections at Grade, Section 6.2 – Sight Distance and AS 2890. Vegetation and proposed landscaping must not hinder sight lines to and from the vehicular crossings to pedestrians, cyclists, and general traffic.
- (3) All vehicles are to enter and exit the site in a forward direction and are to be wholly contained on site before being required to stop.
- (4) Bicycle parking associated with the subject development should be in accordance with AS2890.3 (Bicycle Parking Facilities). Consideration should also be given to providing end-oftrip facilities within the commercial development to support and encourage active transport to the subject development.
- (5) Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works.

Details should be forwarded to:
The Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124.

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 8849 2114 or Email Suppiah.Thillai@rms.nsw.gov.au.

- (6) A Construction Pedestrian Traffic Management Plan (CPTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.
- (7) Construction works zone will not be permitted on Frederick Street.
- (8) A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Frederick Street during construction activities.

Ausgrid response dated 25 January 2018 to referral of application:

Proximity to Existing Network Assets Overhead Powerlines

- (1) There are existing overhead electricity network assets in Elizabeth and Frederick St. Safework NSW Document – Work Near Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements between these mains/poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given to the positioning and operating of cranes and the location of any scaffolding.
- (2) The “as constructed” minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid’s website, www.ausgrid.com.au
- (3) Based on the design of the development provided, it is expected that the “as constructed” minimum clearances will not be encroached by the building development. However it remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite.

- (4) Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost.
- (5) It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site.

Underground Cables

- (1) There are existing underground electricity network assets in Frederick St and Elizabeth St, and also within the existing carpark of the aquatic centre.
- (2) Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area.
- (3) Safework Australia – Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables.

Substation

- (1) There are existing electricity substation assets adjacent to the South East corner of the site (S3259). This substation is located on property owned by Ausgrid.
- (2) Continuous metallic pipes and continuous metallic fencing associated with any pool are not to be installed within 10m of the the substation.

Property

- (1) The Alpha Distribution Ministerial Holding Corporation (managed by Ausgrid) currently owns the property 2A Frederick St, Ashfield (Lot 3/DP1201579). The proposed development appears to use a portion of this property an access way. Ausgrid request that either:
 - The access way is modified so that it doesn't use any portion of Ausgrid's property or;
 - Suitable arrangements are made with Ausgrid's property group to allow the use of the property as an access way between Frederick St and the Aquatic Centre.

Sydney Water response to the referred application

Stormwater

Building over or adjacent to stormwater assets

- (1) No building or permanent structure is to be constructed over the stormwater channel or within 1m from the outside wall of the stormwater asset. Permanent structures include (but are not limited to) basement car park, hanging balcony, roof eaves, hanging stairs, stormwater pits, stormwater pipes etc. This clearance requirement would apply for unlimited depth and height.
- (2) The applicant is required to submit the elevation drawings with the stormwater channel, to ensure that the proposed buildings and permanent structures are 1m away from the outside face of the stormwater channel.

Fence Along the Sydney Water's Stormwater Channel

- (1) As agreed, Sydney Water has no objection to replace the existing fence with new fence up to 2.1m in height without 1m offset along the Sydney Water's stormwater channel.

Dilapidation Survey Report

- (1) The proponent is required to undertake a dilapidation survey report / CCTV report of the Sydney Water's stormwater channel prior to the commencement of any work on the site. This report should include the extent at least 10m upstream and downstream from the property boundary. A

copy of this dilapidation report is to be provided to Sydney Water.

- (2) This dilapidation survey report/ CCTV Report is to be carried out again upon completion of the all construction work.

Bond Money

- (1) Bond money of \$30,000 is to be lodged with Sydney Water for the proposed work adjacent to the Sydney Water's stormwater channel.
 - Refund of the bond money is subject to the followings:
 - Review of the final dilapidation survey report/ CCTV Report of Sydney Water's stormwater channel which is required to be undertaken upon completion of the construction work.
 - Submission of the Project Completion Package as per building plan approval process
 - Acceptance of the Work As Constructed drawings of the stormwater connection (if any).

Proposed Pedestrian bridge over stormwater channel

- (1) The proposed pedestrian bridge is to be designed according to Sydney Water's bridging guidelines. Details of this bridge are to be submitted to Sydney Water and need to obtain approval prior to the commencement of any work.

Stormwater connections to Sydney Water's Stormwater Channel

- (1) The proponent is required to make every attempt to use existing connections without making any new connections.
- (2) In the event, new stormwater connections are unavoidable then following requirements would apply:
 - For pipes with a diameter 300mm or more, the connection angle is to be no greater than 30 degrees in the direction of the channel flow.
 - Proposed connections that are 300mm or more in diameter require a qualified structural engineer to design the connection. A structural engineer's certificate is to be attached with the design drawings.
 - Proposed connections that are less than 300mm in diameter can use Sydney Water's standard drawings to design the connection drawings.
- All drawings are to be submitted in AutoCAD to the Water Servicing Coordinator. Water Servicing Coordinator is required to transfer these drawings on to the Sydney Water's template prior to submitting the design drawing.

Down Pipes from Grand Stand

- (1) Our recent site inspection revealed that the down pipes from existing grand stand are not directed to proper drainage system within the site and discharging into Sydney Water's stormwater system in an unauthorised way.
- (2) All down pipes from the grand stand are to be designed such a way that the stormwater connections to Sydney Water system complied with its connection requirements.

Existing Private Service Conduits

- (1) Our recent site inspection revealed that there are private service conduits resting on Sydney Water's stormwater channel. Even though such an arrangement was acceptable in the past, this will not meet the current Sydney Water's standard.
- (2) As part of this development, all private service conduits which are resting on the Sydney Water's stormwater channel are to be relocated at least 1m away from the outside face of the stormwater channel.

Service Crossing across the Sydney Water's stormwater channel

- (1) No service crossing is to be proposed over the Sydney Water's stormwater channel. If service crossings are required across the stormwater channel, then these services are to be laid below

the Sydney Water's stormwater channel with the vertical clearance of 500mm.

Proposed Flood Gate

- (1) Proposed floodgate at the pedestrian crossing is to be located at least 1m away from the outside face of the Sydney Water's stormwater channel. Details of this floodgate are to be submitted to Sydney Water. The design of the floodgate is to be such a way that this should not impose any load onto Sydney Water's stormwater channel and Sydney Water can remove and replace the stormwater channel without causing any structural impact to this proposed floodgate.

New Flood Protection Wall

- (1) Details of the new flood protection wall which is proposed adjacent to the Sydney Water's stormwater channel at the southern site of the development site is to be submitted to Sydney Water.
- (2) If this flood protection wall is a masonry wall or similar, then this wall is to be located minimum 1m away from the stormwater channel. Requirements for the piling for this wall is subject to review of the details of this Flood Protection Wall and its height.

Building Plan Approval

- (1) The approved plans must be submitted to the Sydney Water [Tap in™](#) online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.
The Sydney Water [Tap in™](#) online self-service replaces our Quick Check Agents as of 30 November 2015.

The [Tap in™](#) service provides 24/7 access to a range of services, including:

- building plan approvals
- connection and disconnection approvals
- diagrams
- trade waste approvals
- pressure information
- water meter installations
- pressure boosting and pump approvals
- changes to an existing service or asset, e.g. relocating or moving an asset.

Sydney Water's [Tap in™](#) online service is available at:

<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

Section 73 Certificate

- (1) A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water.
- (2) It is recommended that applicants apply early for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

Application 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 13 20 92.

If you require any further information, please contact Lulu Huang of Growth Planning and Development on urbangrowth@sydneywater.com.au.

C Design Changes

(1) Exterior Fence

The exterior fence on Elizabeth Street is to be reduced to a maximum height of 2.4m. Details of the proposed fence including proposed landscape planting and materials are to be submitted to and approved by Council prior to the issue of construction certificate.

(2) Bastable Street Car Park

The Bastable Street car park shall be closed between the hours of 10.00pm and 7.00am daily in order to minimise noise impacts to adjoining residential development. Lighting within this car park is also not to be used during these hours.

That the car parking design be modified to ensure that disabled parking, in accordance with the relevant standards, is provided at all times of operation of the use.

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

(1) Services Design

The location of any services, eg. A/C units, solar power arrays, fire hydrant/sprinkler systems, plumbing, etc. is to be submitted to and approved by Council prior to the issue of a construction certificate. This is important from amenity, compliance, and buildability perspectives (eg. fire egress exit routes free of mechanical services, achieving appropriate room/exit route head heights).

(2) Fire Safety

The applicant is required to provide Council with either:

- (a) A list of current essential fire safety measures installed throughout the building, or;
- (b) A current Annual Fire Safety Statement for the building.

In order to identify general areas of non-compliance and address the performance requirements of the Building Code of Australia, engage the services of an A1 Accredited Certifier to provide a Building Code of Australia compliance and fire safety audit, covering sections C, D and E of the Building Code of Australia to identify general areas of non-compliance and address the performance requirements of the BCA.

(3) Building Code of Australia Report

Pursuant to Clause 94 of the Environmental Planning & Assessment Regulation 2000, the consent authority has undertaken an assessment of the development proposal and requires the building to be upgraded as the measures within the building are inadequate for:

- (a) Protecting users of the building in the event of fire.
- (b) Facilitating egress from the building in the event of fire
- (c) Restricting the spread of fire from the building to other buildings nearby.

In such circumstances, the consent authority is to take into consideration whether it would be appropriate to require the existing building to be brought into total or partial conformity with the BCA Vol 1.

Due to the extent of proposed works it is appropriate to ensure the development be brought into partial conformity with the BCA.

(4) Excavation and Demolition

If any excavation extends below the level of the base of the footings of a building on an adjoining property, the person causing the excavation:

- (a) Must preserve and protect the adjoining building from damage.
- (b) Must, at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- (c) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this condition, the allotment of land includes public property.

(5) Structural certification

A Certificate prepared by an appropriately qualified and practising structural engineer, certifying the structural adequacy of the property and its ability to withstand the proposed additional, or altered structural loads during all stages of construction must be provided prior to the issue of a Construction Certificate to the satisfaction of the Principal Certifying Authority. The certificate shall also include all details of the methodology to be employed in construction phases to achieve the above requirements without resulting in demolition of elements marked on the approved plans for retention.

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.

(6) Geotechnical / Civil Engineering report

Prior to issue of the Construction Certificate the applicant shall have a Geotechnical / Civil Engineering report prepared which addresses (but is not limited to) the following:

- (a) The type and extent of substrata formations by the provision of a minimum of four (4) representative bore hole logs which are to provide a full description of all material from ground surface to 1.0m below the finished basement floor level and include the location and description of any anomalies encountered in the profile. The surface and depth of the bore hole logs shall be related to Australian Height Datum.
- (b) The appropriate means of excavation/shoring in light of point (i) above and proximity to adjacent property and structures. Potential vibration caused by method of excavation and potential settlements affecting nearby footings/foundations/buildings shall be discussed and ameliorated.
- (c) Recommendations to allow the satisfactory implementation of the works. An implementation program is to be prepared along with a suitable monitoring program (as required) including control levels for vibration, shoring support, ground level and groundwater level movements during construction. The implementation program is to nominate suitable hold points at the various stages of the works for verification of the design intent before sign-off and before proceeding with subsequent stages.

The geotechnical report must be prepared by a suitably qualified consulting Geotechnical / Hydrogeological Engineer with previous experience in such investigations and reporting.

The report, satisfying the requirements of this condition, must be provided as part of the supporting documentation lodged with the Principal Certifying Authority for approval of the Construction Certificate application. The professional recommendations of the report shall be implemented in full during the relevant stages of excavation and construction.

(7) Access Report

An Access Management Plan must be provided by an Accredited Access Consultant prior to the issue of a Construction Certificate. Details of the Access Management Plan must address:

- (a) Confirmation whether the Disability (Access to Premises – Buildings) Standards 2010 is applicable to the development, in particular whether the Standards apply to the affected part.
- (b) Proposed requirements for access to the building or part of building for people with a disability in accordance with Part D3 of Building Code of Australia.
- (c) Assessment and identification of non-compliances with the Disability Standards 2010 and/or the BCA where applicable and provide recommendations to achieve compliance with the relevant performance requirements.
- (d) Accessible car parking spaces should be provided, where applicable, in accordance with Part D3.5 of BCA Vol 1.

(8) Permits – General

Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent shall obtain all applicable Permits from Council in accordance with Section 68 (Approvals) of the Local Government Act 1993 and/or Section 138 of the Roads Act 1993. Permits are required for the following activities:

- (a) Work zone (designated parking for construction vehicles). Note that a minimum of 2 months should be allowed for the processing of a Work Zone application.
- (b) A concrete pump across the roadway/footpath
- (c) Mobile crane or any standing plant
- (d) Skip bins
- (e) Scaffolding/Hoardings (fencing on public land)
- (f) Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.
- (g) Awning or street verandah over footpath
- (h) Partial or full road closure
- (i) Installation or replacement of private stormwater drain, utility service or water supply

Contact Council's Road Access team to ensure the correct Permit applications are made for the various activities.

Applications for such Permits shall be submitted and approved by Council prior to the commencement of the works associated with such activity or issue of the Construction Certificate (whichever occurs first). Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

(9) Dilapidation

A dilapidation report on the visible and structural condition of the following public infrastructure must be provided to the Principal Certifying Authority prior to the commencement of demolition or issue of a Construction Certificate (whichever occurs first).

- (a) Full width of Elizabeth Street (Frederick Street to Bastable Street) and Frederick Street (Elizabeth Street south to the railway bridge), including road pavement, stormwater drainage infrastructure, kerb & gutter, and footpath.
- (b) The dilapidation report is to be prepared by a practicing 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.

(10) Security Deposit

Prior to the commencement of demolition works or a Construction Certificate being issued for works approved by this development consent (whichever occurs first), a security deposit and inspection fee must be paid to Council to cover the cost of making good any damage caused to any Council property or the physical environment as a consequence of carrying out the works and as surety for the proper completion of any road, footpath and drainage works required by this consent.

Security Deposit (FOOT)	\$34,200.00
Inspection fee (FOOTI)	\$225.00

Payment will be accepted in the form of cash, bank cheque, EFTPOS/credit card (to a maximum of \$10,000) or bank guarantee. Bank Guarantees must not have an expiry date.

The inspection fee is required for Council to determine the condition of the adjacent road reserve and footpath prior to and on completion of the works being carried out.

Should any of Council's property and/or the physical environment sustain damage during the course of the demolition or construction works, or if the works put Council's assets or the environment at risk, or if any road, footpath or drainage works required by this consent are not completed satisfactorily, Council may carry out any works necessary to repair the damage, remove the risk or complete the works. Council may utilise part or all of the security deposit to restore any damages, and Council may recover, in any court of competent jurisdiction, any costs to Council for such restorations.

A request for release of the security may be made to the Council after all construction work has been completed and a final Occupation Certificate issued.

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.

Requirements of this condition are to be met prior to works commencing or prior to release of a Construction Certificate (whichever occurs first). Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

(11) Public Liability Insurance

Any person acting on this consent or any contractors carrying out works on public roads or Council controlled lands shall take out Public Liability Insurance with a minimum cover of twenty (20) million dollars in relation to the occupation of, and approved works within those lands. The Policy is to note, and provide protection for Inner West 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.

(12) Design Matters – Flooding, Parking, Pedestrian Bridge, & Bus Parking

The following aspects of the development shall be amended:-

(a) Flood Gate and Flood Mitigation

Remove the proposed flood gate in the existing Canal due to the impracticality of it being operated at the appropriate time. Flooding of parts of the pool area during extreme storm events is seen as reasonable as long as the depth/velocity is within low risk parameters and does not increase flooding to ANY other properties either upstream, adjoining, or downstream.

Investigate alternative solutions for reducing the high risk flooding to the proposed car parking spaces at the south eastern corner of the Bastable Street Car Park, as barricading/removal of parked vehicles prior to an extreme storm event is seen as impractical and may create an even greater risk for Council. Consideration shall be given to raising the car park level in this vicinity.

The above mitigation measures shall be verified by new TUFLOW modelling.

(b) Bastable Street Car Park.

- (i)** Remove one disabled space on the western side of the aisleway, immediately to the south of the entry off Elizabeth Street – for entry vehicle queueing. This space shall be replaced with motor bike/bicycle parking.
- (ii)** On the eastern side of the aisleway between the entry off Elizabeth Street and the shared area of the disabled parking space create a 1.5m pedestrian walking zone, parallel and immediately adjacent to the aisle – this will reduce the number of motor bike/bicycle spaces – for safe pedestrian access to and from the pool entrance. Linemark and signpost accordingly.
- (iii)** Move the exit to Bastable Street, 1m southerly, by reducing the landscaped island on the southern side of the driveway and increasing the landscaping width on the northern side to a minimum of 2m to increase sight distance.

(c) Bus Parking for hop on/hop off

Adopt one of the options specified in the Traffic Report but for the following reasons, the proposed bus bay in Elizabeth Street appears the most viable:-

- (i) RMS objections to the exit onto Frederick Street.
- (ii) The pavement in the Frederick Street car park along the bus route will need reconstruction for the increased wheel loading.
- (iii) At the very least, the option for hop on/hop off within the car park will be restricted to small buses (12 passengers) whereas, the bus bay option may be able to cater for larger buses.

The specification for the bus bay shall be 200mm reinforced concrete with standard dowelled joints (16mm deformed hot dipped galvanised dowels x 600mm long at 500mm centres), on a 150mm layer of Enviropave (with a bond breaker), and with a standard 150mm kerb dowelled to the concrete pavement (same dowels as for jointing), in accordance with Council Standard Plan R3. Re-erect the existing special roadside fencing to limit pedestrians crossing Elizabeth Street, but not at the section of the bus bay where people enter/exit the buses. Full detailed construction plans and specifications shall be submitted to Council for approval before the issue of a Construction Certificate.

Detailed information, construction plans and specifications addressing the above matters shall be submitted to Council for approval before the issue of a Construction Certificate with all works completed before to the issue of an Occupation Certificate. Please note that some of the above items will require RMS approval or/and referral to Council's Traffic Committee for approval.

(13) Site Stormwater Management - quality and quantity

- (a) Where the stormwater discharges to the existing stormwater canal, the site stormwater management shall be to the requirements of Sydney Water.
- (b) Any stormwater discharging to public roads shall be managed in accordance with Council's Stormwater Management Code, but with no OSD.

(14) Flood Compatibility

- (a) Any proposed building works involved with the proposed development and which are flood affected up to and including the 1% AEP storm event, shall be constructed of flood compatible materials in accordance with the Interim Development Assessment Policy 2015.
- (b) A structural engineer's certificate shall be submitted stating that the proposed buildings have been designed to withstand the forces of flood water, debris and buoyancy up to the PMF flood.

(15) Alignment Levels

Alignment levels for the site at all pedestrian and vehicular access locations shall match the existing back of footpath levels at the boundary. For vehicular access off Bastable Street the level at the boundary shall match the invert level of the adjacent gutter plus 200mm at both sides of the vehicle entry.

Note: This may require the internal site levels to be adjusted locally at the boundary to ensure that they match the above alignment levels. Failure to comply with this condition will result in vehicular access being denied.

(16) Service Adjustments

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

(17) Car Parking – Layout and Lighting

- (a) The layout of both the Bastable Street and Frederick Street car parks shall be in accordance with AS AS2890.1:2004, including line marking, signposting, and direction arrows.
- (b) Both the Bastable Street and Frederick Street car parks shall be lit to a minimum P11/P12 standard (AS1158.3.1).

(18) Car Parking Areas and Plant Room Driveway Road Pavements

- (a) Repair and resurface (with AC10), the Bastable Street and Frederick Street Carparking areas.
- (b) Construct the new pavement areas in the Bastable Carpark with 200mm DGB (non-recycled) plus 50mm AC10.
- (c) Repair and resurface the driveway to the Plant Room, with AC10.

(19) Elizabeth Street Pedestrian Crossing

Construct a raised pedestrian crossing at the existing marked pedestrian crossing in Elizabeth Street, in accordance with Council Standard Plan T1, suitably modified to suit this site. Full detailed construction plans and specifications shall be submitted to Council for approval before the issue of a Construction Certificate.

(20) Public Domain Plan

Prior to the issue of a Construction Certificate, the applicant shall prepare and submit a Public Domain Plan to the satisfaction of Council. The plan shall detail the following as a minimum:

- New pavements;
- Tree planting;
- Night time lighting;
- Awnings;
- Seating; and
- Improvements to the building façade and presentation to the street.

(21) Travel Management Plan

That a Travel Management Plan be prepared for the Aquatic Centre proposing measures to:

- Reduce the level of private motor vehicle travel to the centre
- Reduce single occupant motor vehicle travel to the centre
- Increase the mode share of travel to the centre by walking, cycling and public transport
- Propose measures to manage parking demand particularly for special events at the pool such as school swimming carnivals.
- Outlining additional measures which could be considered to manage parking demand should the RMS carpark no longer be available for use by pool patrons.
- The Travel Management Plan is to set travel mode share targets which are to be monitored on an annual basis.

(22) Waste Management Plan

Prior to the issue of a Construction Certificate, the applicant shall prepare and submit a Waste Management Plan, including:

- (a) Estimations of quantities and type of materials to be reused, recycled or left over for removal from site;
- (b) Identification on a plan of on-site material storage areas during construction, waste storage, recycling and composting areas;
- (c) Details of construction materials and methods to be used to minimise the production of waste in the completion of the new building work.
- (d) How waste is to be treated on the site.
- (e) How any residual non-reusable and non-recyclable waste is to be disposed of and including

details of the approved waste disposal outlets where disposal will take place.

The Waste Management Plan must also include the following information:

1. A breakdown of the number of bins required for the daily operations of the Kiosk, Café, Meeting and Community Rooms, as well as cater for the daily visitation of staff and pool users. The Waste Management Plan should provide calculations of the estimated daily waste generation.
2. The location of public place recycling and waste stations.
3. Full disclosure of any asbestos-contaminated material known to be at the site, and details of quantities, the licence details of any asbestos removalist, and the designated disposal site licensed to accept as asbestos-related waste;
4. Details regarding the types of waste and likely quantities of waste to be produced;
5. Details regarding how all other waste is to be minimised within a development; and estimations of quantities and types of materials to be re-used or left over for removal from the site;
6. A site plan showing storage areas away from public access for re-usable materials and recyclables during demolition and construction;
7. Details of re-using or recycling methods for waste either on site or off site;
8. Nomination of the person responsible for implementing the waste management plan on site and the person responsible for retaining waste dockets from facilities;
9. Designation of appropriately licensed facilities to receive the development's construction and demolition waste;
10. Confirmation that all waste going to landfill is not recyclable or hazardous; and
11. The NSW Government Waste Avoidance and Resource Recovery Strategy 2013-2021 sets an 80% recycling target for Construction and Demolition Waste. The Waste Plans must indicate a level of reuse and recycling either on site or diverted with receipts sufficient to demonstrate consistency with that target.

(23) Construction and Site Management Plan

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

- (a) what actions and works are proposed to ensure safe access to and from the site and what protection will be provided to the road and footpath area from building activities, crossings by heavy equipment, plant and materials delivery, or static loads from cranes, concrete pumps and the like,
- (b) the proposed method of loading and unloading excavation machines, building materials, formwork and the erection of any part of the structure within the site,
- (c) the proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period,
- (d) how it is proposed to ensure that soil/excavated material is not transported on wheels or tracks of vehicles or plant and deposited on surrounding roadways,
- (e) the proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed by a chartered Civil Engineer or an accredited certifier.

Where it is proposed to:

- pump concrete from within a public road reserve or laneway, or
- stand a mobile crane within the public road reserve or laneway, or
- use part of Council's road/footpath area,

- pump stormwater from the site to Council's stormwater drains, or
- store waste and recycling containers, skip, bins, and/or building materials on part of Council's footpath or roadway,

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

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

(24) Erosion and sedimentation Control-Management Plan

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

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

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

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

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

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

Further information may be obtained from:

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

(25) Long service levy

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

(26) General Landscape Requirements

Prior to the issue of the construction certificate the Landscape Concept Plan by Taylor Brammer, Revision A, dated 7 December 2017 be amended to;

- Provision of 3-4 trees (capable of a mature height of 20 metres) in the lawn and garden area adjacent to the railway easement and water polo pool.
- Provide increased garden area to end of the car parking rows and 4-6 additional trees in the Frederick Street car park at 10 metre centres, capable of a minimum mature height of 20 Metres.
- Provide 6-8 trees and suitable soil volumes in the Bastable Street car park at 10 metre centres, capable of a minimum mature height of 20 Metres. In this regard consideration. It needs to be demonstrated that adequate soil volume can be provided for all trees in the car park. Detained design must include dimensions for tree pits and details of a vault style structural soil with a minimum of 20-30m³ available soil volume for each tree.

- (d) Provide 2 trees in the Bastable Street Carpark entrance (from Elizabeth Street), capable of a potential minimum mature height of 20 metres. Garden beds should be increased to accommodate these trees.
- (e) Garden beds located within the parking row adjacent to the canal shall be increased in size to accommodate additional tree planting.
- (f) Provide detailed information regarding tree species (including use of locally indigenous species), numbers, soil type and volumes and the design of the tree pits.
- (g) All trees shall be provided in advanced container sizes (minimum 200 litre).

(27) Services and Infrastructure Adjustment/Relocation

The applicant shall meet the full cost for Telstra, Sydney Water, Energy Australia, AGL Electricity/AGL Retail Energy or alternative service/energy providers to adjust/relocate their services/infrastructure as required. The applicant shall make the necessary arrangements with the relevant service authority or relevant retail energy company.

(For information on the location of services contact the “Dial before you Dig” service on 1100.)

Documentary evidence from the utility authorities/retail energy company confirming that all of their requirements have been satisfied shall be submitted to Council with the Construction Certificate.

(28) Food Shops – Certification

The premises are to be designed, constructed and operated in accordance with the:

- (a) Food Act 2003
- (b) Food Regulation 2010
- (c) Australia and New Zealand Food Standards Code
- (d) Australian Standard AS 4674 – 2004 (Design, construction and fit-out of food premises)
- (e) Australian Standard AS 1668 Part 1 – 1998
- (f) Australian Standard AS 1668 Part 2 – 2012; and
- (g) Building Code of Australia

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

(29) Mechanical Ventilation

To ensure that adequate provision is made for ventilation of the building, mechanical and/or natural ventilation shall be provided.

The ventilation systems are to be designed, constructed and operated in accordance with the:

- (a) The Building Code of Australia,
- (b) Australian Standard AS 1668 Part 1 – 1998,
- (c) Australian Standard AS 1668 Part 2 – 2012,
- (d) Australian Standard 3666.1 – 2011,
- (e) Australian Standard 3666.2 – 2011; and
- (f) Australian Standard 3666.3 - 2011.

Details demonstrating compliance with the requirements of this condition are to be submitted to the Principal Certifying Authority prior to the release of a Construction Certificate. The system must be located in accordance with the approved plans and/or within the building envelope, design and form of the approved building. Any modifications to the approved plans required to house the system must be the subject of further approval from Council.

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.

(30) Odour Control

There are to be no emissions or discharges from the premises which will give rise to an offence under

the Protection of the Environment Operations Act 1997 and Regulations.

Emission control equipment shall be provided in the mechanical exhaust system serving the appliances, to effectively minimise the emission of odours, vapours and oils. Details of the proposed emission control equipment must be provided in the relevant plans and specifications for the Construction Certificate for the subject works.

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

(31) Stormwater Disposal – Calculations and Details

- (a) Calculations and details of the proposed method of stormwater disposal shall be prepared by a suitably qualified professional civil engineer and submitted to, and approved by, Council prior to the issue of the Construction Certificate.

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

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

- (i) Roof areas.
 - (ii) Paved areas.
 - (iii) Grassed areas.
 - (iv) Garden areas.
 - (v) The percentages of Pre-development and Post-development impervious areas.
- (b) At each pit and or bend, a level of pipe is to be shown (the minimum grade for pipes is 1%).
- (c) All flow paths both internal and external, which pass through or around the proposed development site, are to be shown on the Construction Certificate plan.
- (d) Calculations and details are to be provided to Council showing that provisions have been made to ensure runoff from all storms up to the 100 year ARI, which cannot be conveyed within the piped drainage system (including pits and including overflows from roof gutters) is safely conveyed within formal or informal overland flow paths to the detention storage facility. Where it is not practicable to provide paths for overland flows the piped drainage system should be sized to accept runoff up to the 100 year ARI.
- (e) Each drainage leg leading to the detention tank shall have a silt arrestor pit installed immediately upstream from the detention tank.
- (f) The depth and location of all services within the area affected by the development (i.e. gas, water, sewer, electricity, Telstra, etc.) shall be confirmed by the applicant on site prior to the release of the Construction Certificate.
- (g) All garbage and waste areas must drain to the sewer and not the stormwater system.
- (h) Prior to the issue of the Construction Certificate, a maintenance schedule is to be prepared which clearly outlines the routine maintenance necessary to keep the OSD system working, this information is to be included in the Positive Covenant required for this development.
Some of the matters that will need to be addressed are:
- ♦ where the storage and silt arrestor pits are located
 - ♦ which parts of the system need to be accessed for cleaning and how access is obtained
 - ♦ description of any equipment needed (such as keys and lifting devices) and where they can be obtained
 - ♦ the location of screens and how they can be removed for cleaning
 - ♦ who should do the maintenance (i.e. commercial cleaning company)
 - ♦ how often should it be done.

(32) Stormwater Detention Storage Facility

On-site Stormwater Detention storage shall be provided in conjunction with the stormwater disposal. This storage shall be designed in accordance with Council's Stormwater Management Code. Details of the storage shall be submitted to and approved by Council prior to the issue of the Construction

Certificate.

(33) Public Art

The potential for a public art feature shall be considered for the site. Should such a feature be installed it shall provide visual interest for pedestrians and interpret or reflect the local setting and/or landscape character and/or the cultural setting of the area. The feature shall be designed to ensure long-term durability and be resistant to vandalism. Details of any such feature shall be approved by Inner West Council prior to issue of Construction Certificate, and the applicant is advised to liaise with Council during design stages.

D Conditions that must be complied with before work commences

(1) Notice of Commencement – Notification of Works

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

(2) Site Controls

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

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

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

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

(3) Building location - check survey certificate

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

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

(4) Site fencing/security

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

(5) Sydney Water Approval

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met. Plans will be appropriately stamped. For Quick Check agent details please refer to the web site: www.sydneywater.com.au, see Your Business then Building & Developing then Building & Renovating or telephone Sydney Water 13 20 92.

(6) Works on public land

Where works are carried out on Council or public lands (i.e. roads, parks etc.) by or on behalf of the applicant the following conditions shall be satisfied the person or company carrying out the works will be required to carry public liability insurance to a value of ten million dollars. Proof of the policy is to be provided to Council prior to work commencing.

F Conditions that must be complied with during construction or demolition

(1) Plans to be available on site

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

(2) New Contamination Evidence

Any new information revealed during development works that has the potential to alter previous conclusions about site contamination or hazardous materials shall be immediately notified to the Council and the Principal Certifying Authority.

(2) Remedial Action Plan

All construction and demolition works shall be carried out in accordance with the requirements of the Remedial Action Plan prepared by ESG Environmental dated 9 September 2016.

(4) Vibration Criteria – Excavation or construction

Vibration caused by excavation and construction at any residence or structure outside the site must be limited to:

- (a) For structural damage vibration, German Standard DIN 4150 Part 3 Structural Vibration in Buildings. Effects on Structures; and
- (b) For human exposure to vibration, the evaluation criteria set out in the Environmental Noise Management Assessing Vibration: a Technical Guideline (Department of Environment and Conservation, 2006).

Vibratory compactors must not be used in the vicinity of residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above.

(3) Signs to be erected on building and demolition sites

- (1) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - (a) stating that unauthorised entry to the work site is prohibited; and
 - (b) showing the name and address of the contractor for the building work and the person in charge of the work site and a telephone number at which the person may be contacted outside working hours; and
 - (c) showing the name, address and telephone number of the Principal Certifying Authority appointed for the building works.
- (2) Any-sign shall be maintained and not removed until work has been finished.

(4) Demolition/Excavation/Construction - Hours of Work

Unless otherwise approved by Council, excavation, demolition, construction or subdivision work shall only be permitted during the following hours:

- (a) 7:00 am to 6.00 pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm);
- (b) 8:00 am to 1:00 pm on Saturdays with no demolition works occurring during this time; and
- (c) at no time on Sundays or public holidays.

Works may be undertaken outside these hours where they do not create any nuisance to neighbouring

properties in terms of dust, noise, vibration etc and do not entail the use of power tools, hammers etc. This may include but is not limited to painting.

In the case that a standing plant or special permit is obtained from Council for works in association with this development, the works which are the subject of the permit may be carried out outside these hours.

This condition does not apply in the event of a direction from police or other relevant authority for safety reasons, to prevent risk to life or environmental harm.

Activities generating noise levels greater than 75dB(A) such as rock breaking, rock hammering, sheet piling and pile driving shall be limited to:

8:00 am to 12:00 pm, Monday to Saturday; and
2:00 pm to 5:00 pm Monday to Friday.

The Proponent shall not undertake such activities for more than three continuous hours and shall provide a minimum of one 2 hour respite period between any two periods of such works.

“Continuous” means any period during which there is less than an uninterrupted 60 minute respite period between temporarily halting and recommencing any of that intrusively noisy work.

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 Environmental Noise Control Manual.

(5) Demolition Requirements/Standards

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

- (a) Australian Standard 2601 and any requirements of the Workcover Authority.
- (b) The Waste Management Plan submitted with the Development Application.
- (c) The property is to be secured to prohibit unauthorised entry.
- (d) All precautions are to be exercised in the handling, removal and disposal of all asbestos materials. Licensed contractors and the disposal of asbestos is to be carried out in accordance with the requirements of the Work Cover Authority.
- (e) All other materials and debris is to be removed from the site and disposed of to approved outlets.
- (f) Any demolition on the site is to be conducted in strict accordance with, but not limited to, sections 1.5, 1.6, 1.7, 3.1 and 3.9 of the AS 2601 - 1991, demolition of structures. The following measures must be undertaken for hazardous dust control:
- (g) Prior to demolition, the applicant shall submit a Work Plan prepared in accordance with AS 2601 by a person with suitable expertise and experience to the Principal Certifying Authority. The Work Plan shall identify any hazardous materials, the method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
- (h) Hazardous dust must not be allowed to escape from the site or contaminate the immediate environment. The use of fine mesh dust proof screens, wet-lead safe work practices, or other measures is required.
- (i) All contractors and employees directly involved in the removal of hazardous dusts and substances shall wear protective equipment conforming to AS 1716 Respiratory Protective Devices and shall adopt work practices in accordance with WorkSafe Requirements (in particular the WorkSafe standard for the *Control of Inorganic Lead At Work* (NOHSC: 1012, 1994) and AS 2641, 1998).
- (j) Any existing accumulations of dust (e.g.; ceiling voids and wall cavities must be removed by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter and disposed of appropriately.
- (k) All dusty surfaces and dust created from work is to be suppressed by a fine water spray.

Unclean water from the suppressant spray is not be allowed to enter the street gutter and stormwater systems.

- (l) Demolition is not to be performed during high winds that may cause dust to spread beyond the site boundaries without adequate containment.
- (m) All lead contaminated material is to be disposed of in accordance with the NSW Environment Protection Authorities requirements.
- (n) Construction and demolition waste, particularly timber, bricks and tiles, concrete and other materials need not be disposed of- they can be recycled and resold if segregated properly from any hazardous waste contamination.
- (o) Following demolition activities, soil must be tested by a person with suitable expertise to ensure the soil lead levels are below acceptable health criteria for residential areas. Full certification is to be provided for approval by the Principal Certifying Authority.

(6) Materials and Colour Schemes

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

(7) Vehicle Crossing - Council Approval

An appropriate application is to be made to Council for the reconstruction of redundant driveway crossing on Elizabeth Street. The crossing must be reinstated as upright kerb, gutter and concrete footpath in accordance with Council's standard drawing and specifications.

(8) Road and Footpath – Safety and Access Requirements

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

Heavy vehicles entering and leaving the site must only cross the footpath and kerb and gutter where a temporary driveway is approved by Council. Pedestrian access across this footpath must be maintained in good order at all times during the work. Any damage caused must be made good by Council at Council's restoration rates, at the applicant's or builder's expense.

(9) Engineering Staff to Inspect Roadworks/Drainage

An inspection by Council's staff will be required for kerb, gutter, crossing details at the following stages:

- (i) after excavation
- (ii) after the erection of formwork and placement of reinforcement and prior to pouring of concrete
- (iii) after placement of road base course
- (iv) on completion of the works

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

(10) Road Opening Permit – Council Controlled Lands

A road opening permit shall be obtained for all works carried out in public or Council controlled lands. Contact Council's Engineering Services for details.

This road opening permit covers the direct costs involved in the repair/replacement of works where the public or Council controlled lands are specifically damaged/saw cut etc. for the construction of services, stormwater pipes, kerb works, bitumen works, footpath works etc. It is *separate* from a Damage Deposit as listed elsewhere in these Conditions of Consent.

(11) Driveway Design - Vehicle Direction

The driveway system to the property is to be designed such that all vehicles shall enter and leave the premises in a forward direction and in accordance with the latest AS 2890.1.

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

(1) Acoustic Report – Demonstrating Compliance

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

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

(2) Contaminated Management Plan

Prior to the issue of any interim / final Occupation Certificate, certification from an appropriately qualified environmental consultant is to be provided stipulating that the requirements of the following contamination reports have been complied with throughout excavation, demolition & development work stages.

Title	Prepared by	Date
STAGE2 ENVIRONMENTAL SITE ASSESSMENT	Environmental Investigations Services	26 May 2017

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.

(3) Disposal of Soil

Any soil proposed to be disposed off site must be classified, removed and disposed of in accordance with the EPA Environmental Guidelines; Assessment, Classification and Management of Liquid and Non-Liquid Wastes 1999 and the Protection of the Environment Operations Act 1997.

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

(4) Food Premises Notification

Prior to the commencement of business operations/issue of an Occupation Certificate the owner of the business is to complete and submit Council's food business registration form which can be obtained from Council's website at www.Innerwest.nsw.gov.au. Evidence of registration must be submitted to the Principal Certifying Authority.

Should Council be the nominated Principal Certifying Authority, then the applicant shall notify Council not less than forty-eight (48) hours prior to the proposed occupation of the premises to arrange for a

final compliance inspection.

The applicant shall not operate the food premises until an Occupation Certificate has been issued.

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

(5) Mechanical Ventilation

At the completion of the installation of the mechanical exhaust system, a certificate from the installer shall be submitted to Council or the Principal Certifying Authority indicating the following:

- (a) inspection, testing and commissioning details,
- (b) date of inspection testing and commissioning,
- (c) the name and address of the individual who carried out the test, and
- (d) a statement that the service has been designed, installed and is capable of operating to their accordance with AS 1668.2-1991/2012 – Mechanical ventilation for acceptable indoor-air quality above standard.

Any discharge to the atmosphere from the subject development shall not result in any odour or other air impurity being detected outside the boundaries of the property. The system must be in accordance with the approved plans. Any requirement for the system to be visible from the public domain or adjoining properties and is not consistent with the approved plans will require further consent from Council.

Noise and vibration from the use of the mechanical exhaust and/or ventilation system shall not exceed the background noise level by more than 5dB(A) and shall not be audible in any premises of a neighbouring occupancy.

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

(6) Remediation – Validation

A validation report shall be prepared by a suitably qualified Environmental Consultant and be submitted to Council upon completion of remediation works and prior to the site being occupied. 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 :

- (a) Description and documentation of all works performed
- (b) Results of validation testing and monitoring
- (c) Validation results if any imported fill was transferred to site
- (d) 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.

(7) Trade Waste Grease Traps

To ensure that adequate provision is made for the treatment of waste water from the premises, floor plans accompanying the Occupation Certificate application shall include provision for a Sydney Water approved grease trap.

The grease trap installation shall service all commercial sections of the development and be designed, constructed and operated in accordance with:

- (a) Standard AS 3500; and
- (b) National Plumbing & Drainage Code

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

(8) Dilapidation Report

A second Dilapidation Report addressing the public infrastructure identified in an earlier Condition, 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 before 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 before to the issue of an Occupation Certificate.

(9) Public Domain works

All works required to be carried out in connection with drainage, crossings, alterations to kerb and guttering, footpaths and roads resulting from the development shall be completed before the issue of an Occupation Certificate. Works shall be in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications".

(10) Vehicle Crossings

Industrial duty concrete vehicle crossings, in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications"/Council Standard Plan R2, shall be constructed/reconstructed at the following vehicular access locations before the issue of the Occupation Certificate and at no cost to Council:-

- (a) Existing at the Frederick Street Carpark and at the entry to the Bastable Street Carpark, both from Elizabeth Street.
- (b) Existing to the Plant Room driveway off Frederick Street;
- (c) New to the proposed exit from the Bastable Street Carpark, off Bastable Street;
- (d) Replace the redundant vehicle crossing off Elizabeth Street, adjoining the existing kiosk, with standard kerb & gutter, and footpath, to match existing.

(11) Elizabeth Street Bus Bay and Raised Pedestrian Crossing

These items, as detailed above under 'Before the Issue of a Construction Certificate', shall be constructed at no cost to Council and before the issue of the Occupation Certificate.

(12) Certification of Site Stormwater Works

Before the issue of the Occupation Certificate written verification from a suitably qualified competent person, stating that all stormwater drainage re-use and quality measures has been constructed in accordance with the approved plans shall be submitted to and accepted by Council. In addition, full works-as-executed plans, prepared and signed by a registered surveyor, shall be submitted to Council. These plans must include levels for all drainage structures, buildings (including floor levels), finished ground levels and pavement surface levels.

(13) Flood Emergency Response Plan

A Flood Emergency Response Plan shall be prepared for those parts of the site affected by flood events up to and including a PMF, and submitted to Council for review and ultimate approval. The approved Plan shall be finalised before the issue of the Occupation Certificate.

(14) Public domain – Council Signoff

Prior to issue of the Occupation Certificate the person acting on this consent shall obtain from Council a compliance Certificate(s) stating that all Road, Footpath and Public Domain Works on Council property required to be undertaken as a result of this development have been completed satisfactorily and in accordance with Council approved plans and specifications.

(15) Lot Consolidation

All Council owned land with the site shall be consolidated into one allotment. A plan of consolidation prepared by a registered surveyor shall be submitted to Land and Property Information (LPI) for registration. Evidence of lodgement of the plan for consideration with LPI shall be submitted to Council or the Principal Certifying Authority prior to the issue of an Occupation Certificate.

(16) Certification of Completed Landscape Works

Prior to the issue of any Occupation Certificate, the Principal Certifying Authority is to be satisfied that all landscape works, including tree planting, have been undertaken in accordance with the approved plan(s) and conditions of consent prior to the issue of the Occupation Certificate.

H Conditions that are ongoing requirements of development consents

(1) Hours of Operation

The hours of operation are limited to Monday to Sunday between 5:00am and 10:00pm.

(2) Bastable Street Car Park

The Bastable Street car park shall be closed between the hours of 10.00pm and 7.00am daily in order to minimise noise impacts to adjoining residential development. Lighting within this car park is also not to be used during these hours.

(3) Acoustic Operation

- (a) The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations.
- (b) In this regard, the operation of the premises and plant and equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background LA90, 15min noise level, measured in the absence of the noise source/s under consideration by 5dB(A). The source noise level shall be assessed as an LAeq, 15min and adjusted in accordance with the NSW Environment Protection Authority's Industrial Noise Policy and Environmental Noise Control Manual (sleep disturbance).
- (c) An acoustic report prepared by a suitably qualified and experienced acoustic consultant shall be provided to the satisfaction of the Principal Certifying Authority demonstrating that noise and vibration from the operation of the premises including the use, plant and equipment will satisfy the stipulated criteria above and relevant provisions of the Protection of the Environment Operations Act 1997 and Regulations and relevant state and local policies and guidelines. Recommendations must be consistent with the approved plans.

Details demonstrating compliance with the requirements of this condition are to be submitted to the Principal Certifying Authority for approval prior to the issue of any Construction Certificate.

(4) Operation

Operation is to satisfy the requirements of the Public Health Act 2010 and Public Health Regulation 2012 regarding control of public swimming pools & spa pools.

(5) Environmental Management Plan

An Environmental Management Plan (EMP) shall be prepared for the approved development.

The plan shall be prepared by a suitably qualified person and shall be to the satisfaction of Council and shall address risk assessment of all Environmental Aspects and impacts to site and other potentially impacted properties.

The impacts must at minimum consider the following areas:

- (a) Hazardous Substances
- (b) Water
- (c) Air
- (d) Noise
- (e) Vibration
- (f) Waste & Litter
- (g) Land
- (h) Community
- (i) Environmental Protection objectives and control strategies
- (j) Environmental conditions using measurable indicators and standards

- (k) Emergency Response Plan
- (l) Environmental monitoring and reporting plan

The plan must be submitted to Council and correspondence obtained stating that the plan satisfies the condition obtained by Council, prior to the release of an Occupation Certificate.

(6) Health Impacts

The use of the premises shall not give rise to an environmental health nuisance to the adjoining or nearby premises and environment. There are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 and Regulations. The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance or damage other premises.

(7) Storage and / or Transport of Dangerous and Hazardous Goods

Dangerous and hazardous goods shall be stored in accordance with NSW WorkCover requirements and AS1940-2004, The Storage and Handling of Flammable and Combustible Liquids.

Hazardous and/or industrial waste arising from the use must be removed and / or transported in accordance with the requirements of the NSW Environment Protection Authority (EPA) and the New South Wales WorkCover Authority.

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

(8) Waste – Commercial Collection Time and Location

To ensure minimal impacts on surrounding properties commercial waste and recyclable material generated by the premises must not be collected between the hours 10.00pm and 7.00am. All waste is to be collected within the site.

(9) Vehicular Crossing

The vehicular crossing, kerb and gutter, bus bay, raised pedestrian crossing, and footpath works are required to be constructed by your own contractor. You or your contractor must complete an application for 'Construction of Vehicle Crossing and Public Domain Works' form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, before commencement of works.

(10) Tree Establishment Maintenance

The canopy replenishment trees required by this consent are to be maintained in a healthy and vigorous condition until they attain a height of 6 metres whereby they will be protected by Council's Tree Management Controls. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species.

I Advisory Notes

(1) Other Approvals

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

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

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

(2) Works and Requirements of Other Authorities

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

(3) Modifications to your consent - prior approval required

Works or activities other than those authorised by the approval including changes to building configuration or use will require the submission and approval of an application to modify the consent under Section 4.55 of the *Environmental Planning & Assessment Act 1979*. You are advised to contact Council immediately if you wish to alter your approved plans or if you cannot comply with other requirements of your consent to confirm whether a Section 4.55 modification is required.

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

SECTIONS 8.2-8.5, 8.7, 8.19 AND 4.53 OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

You are advised that:

- Under the provisions of Section 8.2-8.5 of the Environmental Planning and Assessment Act, 1979, an applicant may request Council to review a determination of the applicant's development application, other than an application for designated development. Any request for a review must be made within six (6) months of the date on which the applicant received notice, given in accordance with the regulations, of the determination of the application and be accompanied by the fee prescribed in Section 257 of the Regulations.
- If you are dissatisfied with this decision, Section 8.7, 8.10 of the Environmental Planning and Assessment Act, 1979, gives you the right to appeal to the Land and Environment Court within six (6) months after the date on which you receive this notice.
- Under the provisions of Section 4.53 of the Environmental Planning and Assessment Act, 1979, unless the development, which is the subject of this consent, is commenced within five (5) years from the date of determination, the consent will lapse.