

~~PART A – DEFERRED COMMENCEMENT CONSENT~~

~~This part of the consent will not operate and it may not be acted upon until the consent authority or its delegate are satisfied that the following requirements have been satisfied:~~

- ~~1. The Applicant shall prepare and provide to Sydney Trains for approval/certification the following final version items in compliance with relevant ASA Standards for Stage 1 (Site 3) proposed works (<https://www.transport.nsw.gov.au/industry/standards-and-accreditation/standards>):~~
 - ~~a. Revised Geotechnical Report that meets Sydney Trains requirements. The Report must include a Rail Specific potential impacts section and be based on actual borehole testing conducted on the site closest to the rail corridor.~~
 - ~~i. 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.~~
 - ~~b. Structural report/drawings that meet Sydney Trains requirements. The Applicant shall be aware that no rock anchors or bolts (permanent or temporary) are permitted within the Rail Corridor.~~
 - ~~c. 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.~~
 - ~~d. Cross sectional drawings showing the rail corridor up to the centre of the first track and platform, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the rail corridor. All RL and horizontal measurements are to be accurate and verified by a Registered Surveyor.~~
 - ~~e. Detailed Survey Plan showing the relationship of the proposed developed with respect to Sydney Trains easement and rail corridor land.~~

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

- ~~2. The relocation of waste collection from Fisher Street to Regent Street must be explored on Site 2. Most notably it must be demonstrated to the satisfaction of Council that a concealed temporary waste holding room of suitable dimensions and presentation can be provided on the Regent Street frontage, that there is a suitable path of travel to and from the waste storage area, and the impacts on the nearby apartments would be reasonable.~~

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

~~PART B – CONDITIONS OF CONSENT~~

~~Once operative this part of the consent is subject to the following conditions:~~

GENERAL

1. The development must be carried out in accordance with plans and details listed below:

Dwg. No.	Dwg. Name	Author	Date
DA-1050 'B'	Site Analysis	Candalepas Associates	25 October 2018
DA – 1101 'B'	Basement 2 Floor Plan	Candalepas Associates	25 October 2018
DA – 1102 'B'	Basement 1 Floor Plan	Candalepas Associates	25 October 2018
DA – 1103 'B'	Ground Floor Plan	Candalepas Associates	25 October 2018
DA – 1104 'B'	Level 1 Floor Plan	Candalepas Associates	25 October 2018
DA – 1105 'B'	Level 2 Floor Plan	Candalepas Associates	25 October 2018
DA – 1106 'B'	Level 3-4 Floor Plan	Candalepas Associates	25 October 2018
DA – 1107 'B'	Level 5 Floor Plan	Candalepas Associates	25 October 2018
DA – 1108 'B'	Levels 6-7 Floor Plan	Candalepas Associates	25 October 2018
DA – 1109 'B'	Level 8 Floor Plan	Candalepas Associates	25 October 2018
DA – 1110 'B'	Roof Plan	Candalepas Associates	25 October 2018
DA – 1201 'B'	Sections A+B	Candalepas Associates	25 October 2018
DA – 1202 'B'	Section C	Candalepas Associates	25 October 2018
DA – 1301 'B'	Regent Street Elevation (West)	Candalepas Associates	25 October 2018
DA – 1302 'B'	Fisher Street Elevation (South)	Candalepas Associates	25 October 2018
DA – 1303 'B'	North Elevation	Candalepas Associates	25 October 2018
DA – 1304 'B'	East Elevation	Candalepas Associates	25 October 2018

DA – 1950 'B'	Adaptable Units Plans	Candalepas Associates	25 October 2018
DA – 1050 'B'	Site Analysis	Candalepas Associates	25 October 2018
DA – 1101 'B'	Basement B3 Floor Plan + Basement B2 Floor Plan	Candalepas Associates	25 October 2018
DA – 1102 'E'	Basement B1 Plan + Ground Floor Plan	Candalepas Associates	14 May 2019
DA – 1103 'C'	Level 1 Floor Plan + Level 2 Floor Plan	Candalepas Associates	29 March 2019
DA – 1104 'C'	Level 3 + Level 4 Floor Plans	Candalepas Associates	29 March 2019
DA – 1105 'C'	Level 5 + Level 6 Floor Plans	Candalepas Associates	29 March 2019
DA – 1106 'B'	Roof Plan	Candalepas Associates	25 October 2018
DA – 1201 'E'	Section A + Section B	Candalepas Associates	14 May 2019
DA – 1301 'E'	West Elevation (Regent Street)	Candalepas Associates	14 May 2019
DA – 1302 'B'	East Elevation	Candalepas Associates	25 October 2018
DA – 1303 'E'	North Elevation + South Elevation	Candalepas Associates	14 May 2019
DA – 1401	Wall Detail	Candalepas Associates	25 October 2018
DA – 1600 'B'	Solar Access/Cross Ventilation Analysis	Candalepas Associates	25 October 2018
DA – 1950 'B'	Adaptable Unit Plans Sheet 1	Candalepas Associates	25 October 2018
DA - 1951 'B'	Adaptable Unit Plans Sheet 2	Candalepas Associates	25 October 2018

DA.000 J	Cover Page	Nordon Jago Architects	8 April 2019
DA.095 J	Plan Level B5	Nordon Jago Architects	8 April 2019
DA.096 K	Plan Level B4	Nordon Jago Architects	8 April 2019
DA.097 K	Plan Level B3	Nordon Jago Architects	4 April 2019
DA.098 J	Plan Level B2	Nordon Jago Architects	4 April 2019
DA.099 L	Plan Level B1 – Ground Floor RSL	Nordon Jago Architects	8 May 2019
DA.100 L	Plan Level B1 – Mezzanine Level	Nordon Jago Architects	4 April 2019
DA.101 K	Plan Level 1	Nordon Jago Architects	4 April 2019
DA.102 L	Plan Level 2	Nordon Jago Architects	4 April 2019
DA.103 K	Plan Level 3	Nordon Jago Architects	4 April 2019
DA.104 K	Plan Level 4	Nordon Jago Architects	4 April 2019
DA.105 K	Plan Level 5	Nordon Jago Architects	4 April 2019
DA.106 K	Plan Level 6	Nordon Jago Architects	4 April 2019

DA.107 K	Plan Level 7	Nordon Jago Architects	4 April 2019
DA.108 K	Plan Level 8	Nordon Jago Architects	4 April 2019
DA.109 G	Plan Level 9	Nordon Jago Architects	4 April 2019
DA.120 H	Plan Level 10 (Roof)	Nordon Jago Architects	4 April 2019
DA.121 E	Roof Plan	Nordon Jago Architects	4 April 2019
DA. 130 D	Nominated Adaptable Unit Layouts	Nordon Jago Architects	29 March 2019
DA. 131 D	Nominated Adaptable Unit Layouts	Nordon Jago Architects	29 March 2019
DA. 160 F	Substation Chamber Plan	Nordon Jago Architects	29 March 2019
DA.200 J	Section A	Nordon Jago Architects	4 April 2019
DA.201 H	Section B	Nordon Jago Architects	4 April 2019
DA.204 H	Section E	Nordon Jago Architects	4 April 2019
DA.205 G	Sections F and M	Nordon Jago Architects	4 April 2019
DA.206 G	Sections G and K	Nordon Jago Architects	4 April 2019

DA.207 E	Section L and N	Nordon Jago Architects	4 April 2019
DA.300 H	Principal Elevations	Nordon Jago Architects	4 April 2019
DA. 301 F	Principal Elevations	Nordon Jago Architects	4 April 2019
DA.302 F	Inner Courtyard Elevations	Nordon Jago Architects	4 April 2019
DA. 303 E	Inner Urban Park Elevation	Nordon Jago Architects	4 April 2019
DA. 620 E	Loading Dock Plan	Nordon Jago Architects	29 March 2019
TP01 '6'	Proposed Ground Floor Plan	Red Design Group	13 November 2017
TP02 '2'	Proposed Upper Floor Plan	Red Design Group	13 November 2017
-	Trafalgar Street Elevation	Red Design Group	Undated
-	Section 1 – restaurant	Red Design Group	Undated
-	Section 2 - lobby	Red Design Group	Undated
-	Section 3 – outdoor gaming	Red Design Group	Undated
-	Section 3 – outdoor gaming detail	Red Design Group	Undated
-	Section 5 – the pub/Regent St	Red Design Group	Undated
-	Trafalgar Street – outdoor gaming detail	Red Design Group	Undated

-	Finishes schedule p1	Red Design Group	Undated
-	Finishes schedule p2	Red Design Group	Undated
-	Finishes schedule p3	Red Design Group	Undated
DEI00614	Basement 5 and below	Daw & Walton	5 April 2018
DEI00614	Basement 4	Daw & Walton	5 April 2018
DEI00614	Basement 3	Daw & Walton	5 April 2018
DEI00614	Basement 2	Daw & Walton	5 April 2018
DEI00614	Basement 1	Daw & Walton	5 April 2018
DEI00614	RSL Mezzanine	Daw & Walton	5 April 2018
DEI00614	Level 1	Daw & Walton	5 April 2018
DEI00614	Level 2-7	Daw & Walton	5 April 2018
DEI00614	Level 8	Daw & Walton	5 April 2018
DEI00614	Level 9	Daw & Walton	5 April 2018
DEI00614	Level 10 (Roof)	Daw & Walton	5 April 2018
5796	Basement 1 and below	Daw & Walton	4 December 2017
5796	Ground	Daw & Walton	4 December 2017
5796	Level 1	Daw & Walton	4 December 2017
5796	Level 2	Daw & Walton	4 December 2017

5796	Level 3 and above	Daw & Walton	4 December 2017
LT002[E]	Overall Landscape Masterplan	Taylor Brammer Landscape Architects Pty Ltd	9 May 2019
LT003[D]	Tree retention and removal plan	Taylor Brammer Landscape Architects Pty Ltd	2 November 2018
LT004[D]	Proposed street trees	Taylor Brammer Landscape Architects Pty Ltd	2 November 2018
LT005[C]	Street tree detail	Taylor Brammer Landscape Architects Pty Ltd	25 October 2018
LT006[B]	Street tree detail	Taylor Brammer Landscape Architects Pty Ltd	16 March 2018
LT007[A]	Street tree detail	Taylor Brammer Landscape Architects Pty Ltd	25 October 2018
LT100[C]	Site 1 ground floor landscape plan	Taylor Brammer Landscape Architects Pty Ltd	25 October 2018
LT101[C]	Site 1 Level 1 landscape plan	Taylor Brammer Landscape Architects Pty Ltd	25 October 2018
LT102[B]	Site 1 ground floor landscape plan	Taylor Brammer Landscape	19 March 2018

		Architects Pty Ltd	
LT103[B]	Site 1 level 8 landscape plan	Taylor Brammer Landscape Architects Pty Ltd	19 March 2018
LT104[A]	Site 1 section	Taylor Brammer Landscape Architects Pty Ltd	7 December 2017
LT105[A]	Landscape section	Taylor Brammer Landscape Architects Pty Ltd	25 October 2018
LT200[C]	Site 2 ground floor landscape	Taylor Brammer Landscape Architects Pty Ltd	2 November 2018
LT201[C]	Site 2 ground floor landscape	Taylor Brammer Landscape Architects Pty Ltd	2 November 2018
LT202[C]	Site 2 level 1 landscape	Taylor Brammer Landscape Architects Pty Ltd	2 November 2018
LT203[A]	Site 2 level 2 landscape	Taylor Brammer Landscape Architects Pty Ltd	7 December 2017
LT204[A]	Site 2 level 3 landscape	Taylor Brammer Landscape Architects Pty Ltd	7 December 2017
LT205[A]	Site 2 level 4 landscape	Taylor Brammer Landscape	7 December 2017

		Architects Pty Ltd	
LT206[A]	Site 2 level 5 landscape	Taylor Brammer Landscape Architects Pty Ltd	7 December 2017
LT207[B]	Site 2 level 6 landscape	Taylor Brammer Landscape Architects Pty Ltd	25 October 2018
LT208[A]	Site 2 section A	Taylor Brammer Landscape Architects Pty Ltd	7 December 2017
LT300[D]	Site 3 landscape masterplan	Taylor Brammer Landscape Architects Pty Ltd	2 November 2018
LT301[C]	Site 3 ground floor finishes and levels	Taylor Brammer Landscape Architects Pty Ltd	2 November 2018
LT302[C]	Site 3 ground floor planting	Taylor Brammer Landscape Architects Pty Ltd	2 November 2018
LT303[B]	Fozzard Lane plan	Taylor Brammer Landscape Architects Pty Ltd	16 October 2018
LT304[B]	Site 3 Level 7 + 8 landscape	Taylor Brammer Landscape Architects Pty Ltd	16 March 2018
LT305[A]	Site 3 sections	Taylor Brammer Landscape	7 December 2018

		Architects Pty Ltd	
LT306[C]	Site 3 planting schedules	Taylor Brammer Landscape Architects Pty Ltd	25 October 2018
LT307[A]	RSL gaming area screen	Taylor Brammer Landscape Architects Pty Ltd	9 May 2019
LD01[A]	Landscape details	Taylor Brammer Landscape Architects Pty Ltd	7 December 2017
LD02[A]	Landscape details	Taylor Brammer Landscape Architects Pty Ltd	7 December 2017
LD03[A]	Landscape details	Taylor Brammer Landscape Architects Pty Ltd	7 December 2017
C01 B	Civil works layout plan sheet 1 of 3	Australian Consulting Engineers	18 September 2018
C02 A	Civil works layout plan sheet 2 of 3	Australian Consulting Engineers	21 March 2018
C03 A	Civil works layout plan sheet 3 of 3	Australian Consulting Engineers	21 March 2018
C04 A	Typical cross sections	Australian Consulting Engineers	21 March 2018
C05 A	Trafalgar Street longitudinal section sheet 1 of 2	Australian Consulting Engineers	21 March 2018

C06 A	Trafalgar Street longitudinal section sheet 2 of 2	Australian Consulting Engineers	21 March 2018
C07 A	Regent Street longitudinal section sheet 1 of 4	Australian Consulting Engineers	21 March 2018
C08 A	Regent Street longitudinal section sheet 2 of 4	Australian Consulting Engineers	21 March 2018
C09 A	Regent Street longitudinal section sheet 3 of 4	Australian Consulting Engineers	21 March 2018
C10 A	Regent Street longitudinal section sheet 4 of 4	Australian Consulting Engineers	21 March 2018
C11 A	Fisher Street longitudinal section sheet 1 of 2	Australian Consulting Engineers	21 March 2018
C12 A	Fisher Street longitudinal section sheet 2 of 2	Australian Consulting Engineers	21 March 2018
C13 A	New Canterbury Road longitudinal section sheet 1 of 2	Australian Consulting Engineers	21 March 2018
C14 A	New Canterbury Road longitudinal section sheet 2 of 2	Australian Consulting Engineers	21 March 2018
C15 A	Fozzard Lane longitudinal section sheet 1 of 2	Australian Consulting Engineers	21 March 2018
C16 A	Fozzard Lane longitudinal section sheet 2 of 2	Australian Consulting Engineers	21 March 2018

C17 A	Trafalgar Street cross sections sheer 1 of 3	Australian Consulting Engineers	21 March 2018
C18 A	Trafalgar Street cross sections sheer 2 of 3	Australian Consulting Engineers	21 March 2018
C19 A	Trafalgar Street cross sections sheer 3 of 3	Australian Consulting Engineers	21 March 2018
C20 A	Regent Street cross sections sheet 1 of 2	Australian Consulting Engineers	21 March 2018
C21 A	Regent Street cross sections sheet 2 of 2	Australian Consulting Engineers	21 March 2018
C22 A	Fisher Street cross sections sheet 1 of 3	Australian Consulting Engineers	21 March 2018
C23 A	Fisher Street cross sections sheet 2 of 3	Australian Consulting Engineers	21 March 2018
C24 A	Fisher Street cross sections sheet 3 of 3	Australian Consulting Engineers	21 March 2018
C25 A	New Canterbury Road cross sections sheet 1 of 2	Australian Consulting Engineers	21 March 2018
C26 A	New Canterbury Road cross sections sheet 2 of 2	Australian Consulting Engineers	21 March 2018
C27 A	Fozzard Lane cross sections sheet 1 of 2	Australian Consulting Engineers	21 March 2018
C28 A	Fozzard Lane cross sections sheet 2 of 2	Australian Consulting Engineers	21 March 2018
C29 A	Stormwater longitudinal section sheet 1 of 2	Australian Consulting Engineers	21 March 2018

C30 A	Stormwater longitudinal section sheet 2 of 2	Australian Consulting Engineers	21 March 2018
C31 A	Construction notes and details sheet 1 of 3	Australian Consulting Engineers	21 March 2018
C32 A	Construction notes and details sheet 2 of 3	Australian Consulting Engineers	21 March 2018
C33 A	Construction notes and details sheet 3 of 3	Australian Consulting Engineers	21 March 2018
SK34 C	Signage and linemarking plan	Australian Consulting Engineers	18 September 2018
DCP x2	Staging plan	Nordon Jago Architects	16 March 2018

with the application for development consent and as amended by the following conditions.

2. The development must be carried out in the development 'stages' / phases outlined in Dwg. No. 'DCP x2' 'Staging plan' prepared by Nordon Jago Architects dated 16 March 2018 referenced in Condition 1 of Part B of this consent.
3. Where any plans and/or information forming part of a construction certificate issued in relation to this consent are inconsistent with:
 - a) the plans and/or information approved under this consent; or
 - b) any relevant requirements of this consent,

the plans, information and/or requirements of this consent (as the case may be) shall prevail to the extent of the inconsistency.

All development approved under this consent shall be carried out in accordance with the plans, information and/or requirements of this consent taken to prevail by virtue of this condition.

4. The approved Voluntary Planning Agreement relating to the subject sites must be implemented and complied with.
5. An accessible lift must be included to provide access between Fozzard Lane and the 'public accessible urban space' to ensure an accessible path of travel is available from Fozzard Lane to Regent Street. The areas around the stairs leading from Fozzard Lane may need to be reconfigured accordingly. Details must be provided to the satisfaction of Council.

6. Further details of the proposed gates at the entrances of the 'public accessible urban space' must be provided to the satisfaction of Council.
7. ~~An awning must be provided along the entirety of the Trafalgar Street frontage and at the corner of Trafalgar Street and Regent Street to provide adequate weather protection for pedestrians using the footpaths.~~

An awning must be provided in the locations identified as 'active commercial frontage' in Figure 6.1j of the Marrickville DCP 2011 to provide adequate weather protection for pedestrians using the footpaths.

8. The proposed awning shall be of cantilever type and be set back at least 600mm from the kerb line. Further, the total width of the awning that extends beyond the road alignment shall not exceed 3600mm and shall include pedestrian lighting (Category P3-AS1158) and shall be maintained and owned by the property owner(s). The proposed awning shall be designed so as to be easily removed if required in future. The owner shall maintain, modify or remove the structure at any time if given notification by Council or the RMS to do so.
9. Direct private pedestrian access from Fisher Street must be provided to Unit A102 of Building A Site 3 to the satisfaction of Council. The internal configuration of the unit can be amended accordingly.
10. All ground level units with direct pedestrian access from adjacent streets have separate mail boxes in a suitable location in front of the respective units.
11. Privacy treatment such as fixed planter boxes, landscaping, fences and/or gates be included at the front setbacks of the SOHO units to provide adequate separation and privacy while retaining pedestrian access from Fozzard Lane. Details must be provided to the satisfaction of Council
12. Adequate fencing must be included preventing the future occupants of Unit 1.06 gaining access to the landscaped area in front of the openings for Unit 1.07 and vice-versa.
13. Full-height privacy screens proposed on balconies must be either retractable or operable on Site 1.
14. All fire hydrant booster valves must be concealed from the public domain. Details are to be provided to the satisfaction of Council.
15. The soffit to the undercroft at the corner of Fisher and Regent Streets on Site 2 is to be off-form concrete in natural colour.
16. Dry-pressed face brickwork on Site 2 is to be provided to the return walls to the basement car parking up to the line of the roller shutter.
17. It must be demonstrated by the applicant how the longevity of the proposed glazed tiles to the facades of Site 1 will be ensured. Specific design and construction methodology must also be provided. The details are to be submitted to the satisfaction of Council.
18. The materials and finishes of the building constructed pursuant to this consent must be strictly in accordance with the materials and finishes documentation as referenced in Condition 1 of this Determination, No changes may be made to these drawings except by way of an application under section 4.55 of the Environmental Planning and

Assessment Act 1979. The simplification or diminution of the quality of the architectural resolution, architectural expression and external finishes is not permitted.

19. Where units or dwellings are provided with separate individual hot water systems or air conditioning units, these must be located within the internal area of the unit/dwelling and not on any balcony or terrace.
20. Throughout all phases of the development including excavation, demolition or construction work, all holes (e.g. created for footings etc.), machinery and construction material stockpiles must be inspected daily prior to commencing work to ensure no Long-nosed Bandicoots are sheltering in those areas. The following steps must be taken if a Bandicoot is found on site:
 - a) All work on site must stop. There must be no attempt to harm or remove the Bandicoot. Removal of the bandicoot from the site can only be undertaken by a trained wildlife carer.
 - b) Immediately contact WIRES or Sydney Wildlife to arrange for a trained wildlife carer to safely remove the Bandicoot from the site.
 - c) Council's Team Leader – Biodiversity must also be contacted to report that a Bandicoot has been found on site.
 - d) No work must proceed until the Bandicoot has been safely removed from the work site by a trained wildlife carer.
21. A minimum of 22 adaptable dwellings must be provided on Site 1, 10 on Site 2, and 43 on Site 3 in accordance with the proposal and Part 2.5 of Marrickville Development Control Plan 2011 - Equity of Access and Mobility.
22. A total of 91 off-street car parking spaces must be provided on Site 1, 50 on Site 2, and 320 on Site 3 and maintained at all times in accordance with the standards contained within Part 2.10 of Marrickville Development Control Plan 2011 – Parking. The parking must be allocated as follows:
 - a) 91 spaces being allocated to the residential dwellings on Site 1;
 - b) 50 spaces being allocated to the residential dwellings on Site 2;
 - c) 169 spaces being allocated to the residential dwellings on Site 3;
 - d) 1 accessible car space per adaptable dwelling;
 - e) 24 car spaces on the ground level of Site 1 be used exclusively for the purposes of Council;
 - f) 150 car parking spaces allocated to the registered club on Site 3;
 - g) 1 car parking space of the 151 'RSL Parking Spaces' allocated to the ground floor commercial tenancy on Site 3;
 - h) 1 loading dock fronting Fozzard Lane for use by the registered club and commercial tenancy; and
 - i) 1 car wash/loading dock for use by residents when a delivery area is required.

All accessible car spaces must be provided and marked as disabled car parking spaces.

Note: The total number of car spaces may change as a result of the requirements in this condition and other conditions in this consent.

23. At least two (2) service vehicle spaces must be provided in the basement carpark of Site 1. The spaces must be able to accommodate a standard van which has a typical length of 5.4m, width of 2.1m, height of 2.5m and turning circle of 13.5m. The spaces must not result in the loss of any landscaped area. The internal configuration of the basement can be amended accordingly.

24. A minimum of 15 motorcycle parking spaces must be provided on Site 1, 5 on Site 2, and 11 on Site 3 in association with the residential dwellings and maintained. A minimum of 12 motorcycle parking spaces must be provided on Site 3 in association with the registered club and commercial tenancy and maintained. The design of motorcycle parking spaces must be in accordance with the relevant provision of Part 2.10 of Marrickville Development Control Plan 2011 – Parking and be for the exclusive use of residents.
25. 92 off-street bicycle parking spaces on Site 1, 30 on Site 2, and 138 on Site 3 in association with the residential dwellings must be provided, paved, line marked and maintained at all times in accordance with the standards contained within Part 2.10 of Marrickville Development Control Plan 2011 - Parking. 21 off-street bicycle spaces on Site 3 in association with the registered club and commercial tenancy must be provided, paved, line marked and maintained at all times in accordance with the standards contained within Part 2.10 of Marrickville Development Control Plan 2011 - Parking.
26. All parking spaces and turning area thereto being provided in accordance with the design requirements set out within Part 2.10 of Marrickville Development Control Plan 2011 - Parking, and must be used exclusively for parking and not for storage or any other purpose.
27. The resident car parking spaces for the non-adaptable dwellings must be allocated based on unit type in accordance with the rates specified in Table 1: On site car parking requirements for Parking Area 1 under Part 2.10 of Marrickville Development Control Plan 2011 – Parking.
28. A total of 108 storage cages in Site 1, 50 storage cages in Site 2 and 199 storage cages in Site 3 must be maintained in accordance with the plans approved under Part B Condition 1. The distribution of storage cages must ensure that all units are provided with a storage cage consistent with the unit size in accordance with the provisions of the Apartment Design Guide.
29. The proposed use of the registered club and commercial tenancy 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.

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).

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 relating to the registered club or commercial tenancy (not including the basement), whichever is first.

30. To minimise the impact of noise from the adjoining major road and / or rail corridor on the occupants, the Construction Certificate plans shall incorporate and the building constructed in accordance with the recommendations of the following acoustic report approved as part of this application.

Prepared by	Dated	Reference
• Acoustic, Vibration & Noise Pty Ltd	21 November 2016 Amended Date 12 March 2018	2016-025 Rev2.
• Acoustic, Vibration & Noise Pty Ltd	9 November 2017 Amended date 12 March 2018	2017-555 Rev 2

Details demonstrating compliance with the requirements of this condition are to be detailed on the plans and accompanying documentation submitted to satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate relating to the residential components (not including the basement).

31. The LA10* noise level emitted from the premises must not exceed the background noise level in any octave band centre frequency (31.5Hz– 8k Hz inclusive) by more than 5dB between 7:00 am and 12:00 midnight at the boundary of any affected residence.

The LA10* noise level emitted from the premises must not exceed the background noise level in any octave band centre frequency (31.5Hz – 8k Hz inclusive) between 12:00 midnight and 7:00am at the boundary of any affected residence.

Notwithstanding compliance with the above, the noise from the premises must not be audible within any habitable room in any residence between the hours of 12:00 midnight and 7:00am.

*For the purposes of this condition, the LA10 can be taken as the average maximum deflection of the noise emission from the licensed premises or restaurant.

Details of the acoustic measures to be employed to achieve compliance with this condition must be provided prior to the issue of a Construction Certificate. Such measures must be in accordance with the approved acoustic report and plans.

32. As the site where the property is identified as located within ANEF 20-25 or greater, the development approved under this consent must meet the relevant provisions of Australian Standard AS 2021:2000 Acoustics – Aircraft noise intrusion – Building siting and construction.

An acoustic report prepared by a suitably qualified person and accompanying plans demonstrating compliance are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate relating to the residential components (not including the basement).

33. All stormwater drainage being designed in accordance with the provisions of the Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2015 'Stormwater Drainage' and Marrickville Council Stormwater and On Site Detention

Code. Pipe and channel drainage systems shall be designed to cater for the twenty (20) year Average Recurrence Interval (A.R.I.) storm in the case of low and medium residential developments, the twenty (20) year A.R.I. storm in the case of high density residential development and commercial and/or industrial developments and the fifty (50) year A.R.I. storm in the case of heavy industry. In all cases the major event surface flow paths shall be designed to cater for the one hundred (100) year A.R.I. storm.

34. Dry-weather flows of any seepage water including seepage from landscaped areas will not be permitted through kerb outlets and must be connected directly to a Council stormwater system. Alternatively the basement or any below ground structure shall be design to be “tanked” preventing the ingress of seepage or groundwater.
35. Should the proposed development require the provision of an electrical substation, such associated infrastructure shall be incorporated wholly within the development site.
36. The registered club has base hours of operation of 9.00am to 12.00 midnight, 7 days a week.
37. The registered club has the following extended hours of operation on a one (1) year trial from the date of any Occupation Certificate relating to the registered club:
The registered club has the following extended hours of operation:
 - Monday to Wednesday – 7.00am to 4.00am the next day
 - Thursdays to Fridays – 7.00am to 5.00am the next day
 - Saturdays - 7.00am to 5.00am the next day
 - Sundays – 7.00am to 4.00am the next day.
 - ANZAC Day from 5.30am.

Service is to cease 30 minutes before ceasing of trading hours.

38. The registered club has a maximum patron capacity of 900.
39. The use of the registered club and commercial tenancy 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.
40. Access to the ‘external RSL area’ / ‘outdoor zone’ / ‘sunken courtyard/garden’ is prohibited to any persons other than staff of the registered club or persons engaged by the registered club. Access to this area is to be exclusively for maintenance purposes only.
41. High resolution CCTV cameras be installed at the entrances to all carparks and mailbox areas.
42. Separate Development Consent or Complying Development Certificate must be obtained for the fitout the ground floor commercial tenancy prior to the occupation of that part of the premises.
43. ~~This approval is for a food and drink premises only and does not authorise live musical or other forms of entertainment, separate Development Consent would be required for such activities/events. Background pre-recorded music may be played subject to ensuring that it does not have adverse impacts on surrounding properties or tenancies.~~

Live music in the registered club is permitted from 10.00am to 10.00pm in the venue. Any live music not to exceed the 5dBa above background noise to the closest sensitive noise receiver. All live music must be confined to the 'function room'.

44. The ongoing use of the ground floor commercial tenancy complying with the following requirements at all times:
 - a) The areas to be used as a café must be restricted to the ground floor commercial tenancies;
 - b) The shop window display areas must be maintained at all times with no roller shutters being installed across the shopfronts;
 - c) The hours of operation are restricted to between the hours of 7.00am to 5:30pm Monday to Sundays;
 - d) All loading and unloading in connection with the use must be carried out wholly within the property from the loading dock adjoining Fozzard Lane, between 7.00am – 5.30pm, Monday to Sunday, and in such a manner so as to not cause an inconvenience to the public;
 - e) No storage of goods or equipment external to any building on the site is permitted; and
 - f) No signs or goods must be displayed for sale or stored on the footpath in front of the premises at any time without the prior approval of Council.
45. The food and drink premises must have access to and permission to use the loading dock adjacent to Fozzard Lane for deliveries and waste storage and collection.
46. Separate Development Consent or Complying Development Certificate must be obtained prior to the erection of any signage, advertisements or advertising structures. The shop/club windows must not be painted with advertisements and no flashing lights are to be installed on the premises. No approval is given to the 'signage zones' as shown on the supplied drawings.
47. The following is a waste condition:
 - a) The owners of the property appointing a designated person(s) responsible for moving waste bins from their usual storage space in the basement to the place to the collection point for the storage of domestic bins being in accordance with details to be submitted to Council's satisfaction;
 - b) Tenants (commercial and residential) shall be advised to anticipate heightened noise levels during garbage collection;
 - c) Council is to be provided with key access to any waste storage rooms to facilitate collection;
 - d) Should the waste conditions not be met, Council reserves the right to reconsider servicing the site for garbage collection, in accordance with Council's Fees and Charges.
 - e) No compaction of waste is permitted within the development in accordance Part 2.21 of Marrickville Development Control Plan 2011 – Site Facilities and Waste Management.
 - f) The person acting on this consent shall advise any purchaser or prospective tenant of this condition.
 - g) To ensure minimal impacts on surrounding properties commercial waste and recyclable material generated by the premises must not be collected between the hours 9pm and 8am

48. The developer must liaise with the Sydney Water Corporation, Ausgrid, AGL and Telstra concerning the provision of water and sewerage, electricity, natural gas and telephones respectively to the property.
49. The following condition is imposed at the request of Sydney Trains:
- a) 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.
 - b) 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(s).
 - c) Where a condition of consent requires Sydney Trains or Transport for NSW endorsement the Principal Certifying Authority is not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged Construction Certificates dealing with specific works and compliance conditions can be issued subject to written agreement from those entities to which the relevant condition(s) applies.
 - d) 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.
 - e) 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.
 - f) No rock anchors/bolts are to be installed into Sydney Trains/ RailCorp property or easements.
 - g) The applicant shall not at any stage block the corridor access gate on Trafalgar Street, and should make provision for easy and ongoing 24/7 access by rail vehicles, plant and equipment to support maintenance and emergency activities.
 - h) 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 for Stage 1 (Site 3), 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.
 - i) The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:
 - oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;
 - acts as the authorised representative of the Applicant; and
 - is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.
 - j) Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development

works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.

- k) Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains external party interface team. In this instance the relevant interface team is Central interface team and they can be contacted via email on Central_Interface@transport.nsw.gov.au.

50. The following condition is imposed at the request of Ausgrid:

- a) The method of connection will be in line with Ausgrid's Electrical Standard (ES)1 – 'Premise Connection Requirements.
- b) It is recommended for the nominated electrical consultant/contractor to provide a preliminary enquiry to Ausgrid to obtain advice for the connection of the proposed development to the adjacent electricity network infrastructure. An assessment will be carried out based on the enquiry which may include whether or not:
- The existing network can support the expected electrical load of the development
 - A substation may be required on-site, either a pad mount kiosk or chamber style and;
 - site conditions or other issues that may impact on the method of supply.

Please go to www.ausgrid.com.au about how to connect to Ausgrid's network.

- c) All proposed vegetation underneath overhead power lines and above underground cables must comply with the requirements of ISSC 3 Guideline For Managing Vegetation Near Power Lines.
- d) The developer is to consider the impact that existing streetlighting and any future replacement streetlighting and maintenance may have on the development. Should the developer determine that any existing streetlighting may impact the development, the developer should either review the development design, particular the placement of windows, or discuss with Ausgrid the options for relocating the streetlighting.

The relocating of any streetlighting will generally be at the developers cost. In many cases is not possible to relocate streetlighting due to its strategic positioning.

- e) There are existing overhead electricity network assets in Fisher Street, Regent Street & New Canterbury Rd 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. 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

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.

Should the existing overhead mains require relocating due to the minimum safe clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost.

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.

- f) There are existing underground electricity network assets in Fisher St & Regent Street.

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.

Should ground anchors be required in the vicinity of the underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.

Safework Australia – Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables.

- g) There are existing electricity substation assets within the site boundary .
The substation ventilation openings, including substation duct openings and louvered panels, must be separated from building air intake and exhaust openings, natural ventilation openings and boundaries of adjacent allotments, by separation distances which meet the requirements of all relevant authorities, building regulations, BCA and Australian Standards including AS 1668.2: The use of ventilation and airconditioning in buildings - Mechanical ventilation in buildings.

In addition to above, Ausgrid requires the substation ventilation openings, including duct openings and louvered panels, to be separated from building ventilation system air intake and exhaust openings, including those on buildings on adjacent allotments, by not less than 6 metres.

Exterior parts of buildings within 3 metres in any direction from substation ventilation openings, including duct openings and louvered panels, must have a fire rating level (FRL) of not less than 180/180/180 where the substation contains oil-filled equipment, or 120/120/120 where there is no oil filled equipment and be constructed of non-combustible material.

The development must comply with both the Reference Levels and the precautionary requirements of the ICNIRP Guidelines for Limiting Exposure to Time-varying Electric and Magnetic Fields (1 HZ – 100 kHz) (ICNIRP 2010).

For further details on fire segregation requirements refer to Ausgrid's Network Standard 113. Existing Ausgrid easements, leases and/or right of ways must be maintained at all times to ensure 24 hour access. No temporary or permanent alterations to this property tenure can occur without written approval from Ausgrid.

For further details refer to Ausgrid's Network Standard 143.

51. Owners and occupants of the proposed buildings shall not be eligible to obtain parking permits under any existing or future resident parking scheme for the area. The person acting on this consent shall advise any purchaser or prospective tenant of this condition. In addition the by-laws of any future residential strata plans created for the property shall reflect this restriction.
52. Should the proposed development require the provision of an electrical substation, such associated infrastructure shall be incorporated wholly within the development site. Before proceeding with your development further, you are directed to contact Ausgrid directly with regard to the possible provision of such an installation on the property.

53. Remediation and validation of contaminated land must be carried out in accordance with State Environmental Planning Policy No 55 – Remediation of land, the Contaminated Land Management Act 1997, Development Control Plan 2013 and the following documentation:

Document Title	Prepared By	Dated
Remediation Action Plan	EI Australia	12 April 2018

54. ~~All buildings and structures, together with any improvements integral to the future use of the site are wholly within the freehold property (unlimited in height or depth), along the Trafalgar Street and New Canterbury Road boundary.~~

All buildings and structures, together with any improvements integral to the future use of the site are wholly within the freehold property (unlimited in height or depth) of all boundaries.

55. The proposed bus stop relocation on Trafalgar Street should be reviewed and approved by Council, local bus operator and Transport for NSW (NSW). Relocation costs, including signage and infrastructure should be at the proponent's expense.
56. Bicycle Parking should be provided in accordance with AS2890.3.
57. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004, AS2890.6-2009 and AS 2890.2 – 2002 for heavy vehicle usage. Parking Restrictions may be required to maintain the required sight distances at the driveway.
58. The swept path of the longest vehicle (including garbage trucks, building maintenance vehicles and removalists) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.
59. All vehicles are to enter and leave the site in a forward direction.
60. All vehicles are to be wholly contained on site before being required to stop.
61. The Construction Pedestrian Traffic Management Plan (CPTMP) should include:
- Information on the impacts of construction and on-street parking;
 - Detailed information on the construction traffic that will service the site indicating the type of heavy vehicles, and number of vehicle movements throughout the day and during the morning and afternoon peak periods.
 - Analysis on the impact of this traffic on the traffic signals at New Canterbury Road/ Crystal Street and New Canterbury Road/Audley Street.
 - All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Trafalgar Street and New Canterbury Road.
 - CPTMP should be submitted to Council for approval prior to the issue of a Construction Certificate.

62. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on New Canterbury Road during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.
63. All works must be carried out in accordance with the supplied 'Geotechnical Investigation Report - Report E22913 GA' prepared by eiaustralia and dated 24 May 2016.
64. The buildings must not exceed a maximum height of 71.7 metres AHD for Site 1, 62.9 metres AHD for Site 2 and 66.4 metres for Site 3, inclusive of all lift over-runs, vents, chimneys, aerials, antennas, lightning rods, any roof top garden plantings, exhaust flues etc.
65. The tallest building (Site 1) must be obstacle lit by low intensity steady red lighting during the hours of darkness at the highest point of the building (roof top plant area). Obstacle lights are to be arranged to ensure the building can be observed in a 360 degree radius as per subsection 9.4.3 of the Manual of Standards Part 139 - Aerodromes (MOS). Characteristics for low intensity lights are stated in subsection 9.4.6 of the MOS.
66. The Proponent must ensure the obstacle lighting arrangements have a remote monitoring capability, in lieu of observation every 24 hours, to alert SACL reporting staff of any outage. For detailed requirements for obstacle lighting monitoring within the OLS of an aerodrome, refer to subsection 9.4.10 of the MOS.
67. The obstacle lighting must have a built-in alarm system that will provide remote monitoring to notify the person responsible for the maintenance of the obstacle lighting. The designated person must be available 24 hours per day, 7 days per week. Immediate action must be taken to repair the obstacle lighting and notify Sydney Airport of any outage. The contact details of the person responsible for the maintenance of the obstacle lighting must be sent to Sydney Airport prior to the completion of the building being constructed, and must be kept up to date. In the event of the obstacle lighting being inoperable, the person responsible for the maintenance of the obstacle lighting is to immediately contact the Sydney Airport Airfield Operations Supervisor on 0419 278 208 or 9667 9824.
68. Following completion of the building, the Proponent must advise SACL, in writing, that the future owner(s)/manager(s) have been informed of their obligation to maintain the obstacle lighting in accordance with conditions of this approval.

The Proponent has advised that prior to completion of the construction of the development and subsequent settlement to all purchases, a Strata Manager I Building Manager will be appointed to the property. Upon appointment, their contact details must be forwarded to the Sydney Airport Airfield Operations Supervisor.

69. The Proponent must advise Airservices Australia at least three business days prior to the controlled activity commencing by emailing <ifp@airservicesaustralia.com> and quoting SY-CA-568.
70. Separate approval must be sought under the Regulations for any construction equipment (i.e. cranes) required to construct the buildings. Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Regulations. Therefore, it is advisable that approval to operate construction equipment (i.e. cranes) be obtained prior to any commitment to construct.

71. At the completion of the construction of the building, a certified surveyor is to notify (in writing) SACL of the finished height of each building.

BEFORE COMMENCING DEMOLITION, EXCAVATION AND/OR BUILDING WORK

72. No work must commence until:

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

73. A Construction Certificate must be obtained before commencing building work. Building work means any physical activity involved in the construction of a building. This definition includes the installation of fire safety measures.

74. The PCA must be provided with either of the following documents before work commences on site.

- a) A copy of the 'Contract of Insurance' (where the value of work exceeds \$12,000) and the details of the name and licence number of the builder/contractor who has been contracted to do or intends to do the work; or
- b) A copy of a current owner-builder's permit (where the value of work exceeds \$5,000) issued by the Department of Fair Trading stating the name and permit number of the owner-builder who intends to do the work.

If these arrangements change, work must cease until the Council has been given written notification of the updated information.

For information regarding Home Warranty insurance or owner-builder permits contact the Department of Fair Trading.

Facilities are to be located so that they will not cause a nuisance.

75. All demolition work must:

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

76. Where any loading, unloading or construction is to occur from a public place, Council must be contacted to determine if any permits or traffic management plans are required to be obtained from Council before work commences.

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

78. A waste management plan must be prepared in accordance with Part 2.21 of Marrickville Development Control Plan 2011 - Site Facilities and Waste Management and submitted to and accepted by the PCA before work commences.
79. Prior to the issue of the Construction Certificate the applicant is to submit a Resource Recovery and Waste Management Plan that includes details of materials that will be excavated, and their proposed destination or reuse.

Where asbestos is present during demolition work, the work must be carried out in accordance with the guidelines for asbestos work published by Safework NSW.

All asbestos wastes must be disposed of at a landfill facility licensed by the New South Wales Environmental Protection Authority to receive that waste. Copies of the disposal dockets must be retained by the person performing the work for at least 3 years and be submitted to Council on request. Reason: To ensure the appropriate disposal and reuse of waste generated on the site.

80. Where a residential development and commercial development occupy the same site, the waste and recycling handling and storage systems for residential waste and commercial waste (including waste originating from retail premises) are to be additional, separate and self-contained. Commercial and retail tenants must not be able to access residential waste storage area/s, or any storage containers or chutes used for residential waste and recycling.
81. All bin storage areas are to be provided within the site. These areas must fully accommodate the number of bins required for all waste generated by a development of this type and scale. The areas must also include 50% allowance for manoeuvring of bins.

All bin storage areas are to be located away from habitable rooms, windows, doors and private useable open space, and to minimise potential impacts on neighbours in terms of aesthetics, noise and odour.

The bin storage areas are to meet the design requirements detailed in the Inner West DCP, and must include doorways/entrance points of 1200mm.

Residential Bin Storage Areas:

The number of bins required must be calculated based on a weekly collection of garbage, and a fortnightly collection of recycling.

Commercial Bin Storage Areas:

There must be adequate bin storage allocation in the commercial bin storage area to accommodate the generation of all waste streams from all the businesses on site.

82. The bulky waste storage area for the residential uses must meet the floor area requirements as per the Inner West Council DCP. Doorways are to be a minimum of 1200mm wide to accommodate large items
83. There must be additional space allocated on site for the storage of reusable items for the commercial uses such as crates and pallets and/or compaction equipment.
84. The path of travel between the bin storage areas/bulky waste storage areas and the designated waste/recycling collection point is to have a minimum 1200mm wall-to-wall clearance, be slip-proof, of a hard surface, be free of obstructions and at no point have

a gradient exceeding 1:12. The use of a lift is permitted, but consideration should be given to the inclusion of a service lift in this instance.

85. The site must be enclosed with suitable fencing to prohibit unauthorised access. The fencing must be erected as a barrier between the public place and any neighbouring property, before work commences.
86. A rigid and durable sign must be erected in a prominent position on the site, before work commences. The sign must be maintained at all times until all work has been completed. The sign is to include:
 - a) The name, address and telephone number of the PCA;
 - b) A telephone number on which Principal Contractor (if any) can be contacted outside working hours; and
 - c) A statement advising: 'Unauthorised Entry To The Work Site Is Prohibited'.
87. A Soil and Water Management Plan must be prepared in accordance with Landcom Soils and Construction, Volume 1, Managing Urban Stormwater (Particular reference is made to Chapter 9, "Urban Construction Sites") and submitted to and accepted by the PCA. A copy of this document must be submitted to and accepted by PCA before work commences. The plan shall indicate:
 - a) Where the builder's materials and waste are to be stored;
 - b) Where the sediment fences are to be installed on the site;
 - c) What facilities are to be provided to clean the wheels and bodies of all vehicles leaving the site to prevent the tracking of debris and soil onto the public way; and
 - d) How access to the site will be provided.

All devices must be constructed and maintained on site while work is carried out.

88. The person acting on this consent is responsible for arranging and meeting the cost of a dilapidation report prepared by a suitably qualified person. The report is to be submitted to and accepted by the PCA before work commences, on the buildings on all adjoining properties, if the consent of the adjoining property owner can be obtained. In the event that the consent of the adjoining property owner cannot be obtained copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the PCA before work commences.
89. Before commencing works the person acting on this consent must provide a contact number for a designated person to be available during the demolition and construction for residents to contact regarding breaches of consent or problems relating to the construction.
90. Where it is proposed to carry out works in public roads or Council controlled lands, a road opening permit must be obtained from Council before the carrying out of any works in public roads or Council controlled lands. Restorations must be in accordance with Marrickville Council's Restorations Code. Failure to obtain a road opening permit for any such works will incur an additional charge for unauthorised openings in the amount of \$2,002, as provided for in Council's adopted fees and charges.
91. The person acting on this consent shall ensure the site is secured with temporary fencing prior to any works commencing.

If the work involves the erection or demolition of a building and is likely to cause pedestrian or vehicular traffic on public roads or Council controlled lands to be

obstructed or rendered inconvenient, or building involves the enclosure of public property, a hoarding or fence must be erected between the work site and the public property. Additionally an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling onto public property, where necessary.

Separate approval is required from Council under the Roads Act 1993 to erect a hoarding or temporary fence or awning on public property. Approvals for hoardings, scaffolding on public land must be obtained and clearly displayed on site for the duration of the works.

Any hoarding, fence or awning is to be removed when the work is completed and must be maintained clear of any advertising.

92. 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.
93. A project arborist with a minimum AQF level 5 qualification in arboriculture and who does not remove or prune trees in the Inner West local government area shall be engaged before work commences for the duration of site preparation, demolition, construction and landscaping.
94. The contact details of the project arborist shall be advised to council before work commences and maintained up to date for the duration of works. If a new project arborist is appointed details of the new project arborist shall be notified to council within 7 days.
95. The project arborist shall prepare a Tree Protection Plan, which shall be submitted to and approved by Council before work commences.
96. The tree protection measures detailed in the council-approved tree protection plan shall be established before work commences.
97. Tree protection measures shall be established in accordance with the Australian Standard Protection of Trees on Development Sites AS 4970—2009 before work commences.
98. The project arborist shall inspect tree protection measures, including the location of tree protection fencing and signage, and certify in writing to the Principal Certifying Authority the measures comply with the council-approved tree protection plan before work commences.
99. Tree valuation shall be undertaken by the project arborist for each street tree that is being retained, using Thyer tree valuation methodology. The schedule of valuations shall be submitted to and agreed with by Council before the start of works.
100. Refundable security deposits for the street trees being retained, equal to those listed in the schedule of tree valuations submitted by the project arborist and agreed to by Council, shall be deposited with council before the start of works. The security deposits will be refunded in full or in part no sooner than 12 months from the date of the issue of the occupation certificate. Full or partial forfeiture of the relevant security deposit will occur if the street tree is injured, or declines in health and / or vigour, or dies due

to any development-related impact. Council's Urban Forest Manager will determine the amount of any forfeiture of a security deposit based on the health and condition of the trees and any decline thereof.

101. A refundable security deposit for each new street tree of \$1,600 shall be deposited with council before the start of works. The security deposits will be refunded in full or in part no sooner than 12 months from the date of the issue of the occupation certificate. Full or partial forfeiture of each security deposit will occur if the new street tree dies or fails to establish properly. Council's Urban Forest Manager will determine the amount of any forfeiture of the security deposit based on the health and condition of the new street trees.
102. An Asbestos Survey prepared by a suitably qualified Occupational Hygienist shall be prepared for the premises. The Survey is to incorporate appropriate Asbestos removal and disposal methods in accordance with the requirements of WorkCover NSW, NSW Environmental Planning and Assessment Amendment (Asbestos) Regulation 2009 and NSW Environment Protection Authority, Safe Removal of Asbestos 2nd Edition [NOHSC: 2002 (2005)] and conditions of this consent.

A copy of any WorkCover approval documents is to be included as part of the documentation.

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

103. 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.

Permits – General

104. 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.

Hoarding

105. The person acting on this consent shall ensure the site is secured with temporary fencing prior to any works commencing.
106. If the work involves the erection or demolition of a building and is likely to cause pedestrian or vehicular traffic on public roads or Council controlled lands to be obstructed or rendered inconvenient, or building involves the enclosure of public property, a hoarding or fence must be erected between the work site and the public property. Additionally an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling onto public property, where necessary.
107. Separate approval is required from Council under the Roads Act 1993 to erect a hoarding or temporary fence or awning on public property. Approvals for hoardings, scaffolding on public land must be obtained and clearly displayed on site for the duration of the works.
108. Any hoarding, fence or awning is to be removed when the work is completed and must be maintained clear of any advertising.

Work Zone - major

109. The person acting on this consent shall apply for a Work Zone along the site frontage for construction vehicles. A minimum of 2 months should be allowed for the processing of the application.

Dilapidation – major

110. 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 Trafalgar Street, including road pavement, stormwater drainage infrastructure, kerb and gutter and footpath, between Audley Street and Regent Street;
 - b) Full width of Regent Street, including road pavement, stormwater drainage infrastructure, kerb and gutter and footpath for the frontage of the site, between New Canterbury Road and Trafalgar Street
 - c) Full width of Fisher Street, including road pavement, stormwater drainage infrastructure, kerb and gutter and footpath for the frontage of the sites.
 - d) The Lane access at the rear of site 3 (existing RSL)

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.

Public Liability Insurance

111. 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.

- 111a. If required by Sydney Trains prior to the commencement of works for Stage 1 (Site 3), 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.

BEFORE THE ISSUE OF ANY CONSTRUCTION CERTIFICATE

112. 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	\$452,000
Inspection fee	\$2,306.50

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.

BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE FOR 'STAGE 1' OF THE DEVELOPMENT (SITE 3)

113. This condition is imposed in accordance with Section 7.11 of the Environmental Planning and Assessment Act 1979.

- a) Before the issue of a Construction Certificate the Council must be paid a monetary contribution of \$4,089,895.62 indexed in accordance with Marrickville Section 94/94A Contributions Plan 2014 ("CP").

The above contribution is the contribution applicable as at 17 April 2019.

- *NB** Contribution rates under Marrickville Section 94/94A Contributions Plan 2014 are indexed quarterly (for the method of indexation refer to Section 2.15 of the Plan).

The indexation of the contribution rates occurs in the first week of the months of February, May, August and November each year, following the release of data from the Australian Bureau of Statistics.

(CONTRIBUTION PAYMENT REFERENCE NO. DC002573)

- b) The contribution payable has been calculated in accordance with the CP and relates to the following public amenities and/or services and in the following amounts:

Community Facilities	\$372,884.18
Plan Administration	\$80,194.53
Recreation Facilities	\$3,214,163.86
Road/Access Dedication - Petersham	\$320,943.30
Traffic Facilities	\$101,709.75

- c) A copy of the CP can be inspected at Council's offices at 2-14 Fisher Street, Petersham or online at <http://www.marrickville.nsw.gov.au>.
- d) The contribution must be paid either in **cash, by unendorsed bank cheque (from an Australian Bank only), via EFTPOS (Debit only) or credit card***.

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

114. Evidence of payment of the building and construction industry Long Service Leave Scheme, must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate. (The required payment can be made at the Council Offices).

NB: The required payment is based on the estimated cost of building and construction works and the long service levy rate, set by the Long Service Payments Corporation. The rate set by the Long Service Payments Corporation is currently of 0.35% of the cost of the building and construction work.

For more information on how to calculate the amount payable and where payments can be made contact the Long Services Payments Corporation.

http://www.lspc.nsw.gov.au/levy_information/?levy_information/levy_calculator.stm

115. The architectural plans must be amended to address the following:

- a) The provision of a car share space within the property;
- b) Changes to the loading dock to allow a HRV to enter and leave Fozzard Lane in a forward direction in the event the turntable is out of operation. This design change may make allowance for the future widening of Fozzard Lane by an additional 1.5m to the west;

- c) Changes to the loading dock area to reflect the approved design of Fozzard Lane to ensure the ground clearance templates of heavy vehicles are satisfied and minimum headroom of 4.5m is provided; and
- d) The architectural plans must be updated to reflect the approved alignment levels provided on the approved public domain plans.

Amended plans must be submitted to and approved by Council before the issue of a Construction Certificate.

116. The vehicular access and associated vehicle standing areas shall be designed in accordance with Australian Standard AS/NZS 2890.1-2004 Parking Facilities: Off-street car parking, Australian Standard AS 2890.2-2002 Parking Facilities: Commercial vehicle facilities, AS/NZS 2890.6-2009 Parking facilities: Off-street parking for people with disabilities so that:-

- a) The layout and minimum dimensions of any standing area comply with clause 2.4 of AS/NZS 2890.1-2004 such that:-
 - (i) car spaces adjacent to walls or fences are increased in width by an additional 300mm;
 - (ii) end spaces are provided with an additional 1m aisle extension; and
 - (iii) the location of columns within the carpark complies with figure 5.1 of AS/NZS 2890.1-2004;
- b) The location of the roller door/control point at the vehicle entry shall be set further within the property so as to provide a suitable queue length within the property before vehicles are required to stop. The queue length shall be designed in accordance with Clause 3.4 of AS/NZS 2890.1:2004;
- c) At the property boundary the access from the road to a standing area is (as near as practicable) perpendicular to the line of the adjacent road;
- d) The relative surface levels of the internal access from the road being controlled so that:-
 - (i) the surface levels at the property boundary match "alignment levels";
 - (ii) the change in grade for any 2m length of accessway does not exceed 1 in 8 (12.5%) unless suitable transitions are provided in accordance with AS2890.1;
 - (iii) the maximum grade at any point does not exceed 1 in 5 (20%) or in the case of ramps greater than 20m in length 1 in 6 (16.7%); and
- e) The vehicle egress is designed such that there are no obstructions to lines of sight, along the footpath and the roadway for drivers of egressing vehicles; and

Details of compliance with the above requirements including long sections of the ramps shall be submitted to and approved by ~~Council~~ the Certifying Authority before the issue of a Construction Certificate.

117. The applicant shall prepare a loading dock management plan for Site 3, to be submitted to the consent authority for approval. The plan should address the following items:

- (a) Expected profile of loading activity for the site;
- (b) Measures in place to ensure sufficient capacity is provided within the loading dock with no queuing impacts to Fozzard Lane or Trafalgar Street;
- (c) Measures to safely manage the interaction of loading vehicles and private vehicles, given the close proximity of the two driveways (to Fozzard Lane entry and RSL vehicle entry);
- (d) Operational plan of management for the loading dock;
- (e) Details, specifications and operational management and maintenance details of the proposed turntable;
- (f) Management measures to be put in place in the event of a malfunction of the proposed turntable within the loading dock. Specifically the plan should address the procedure to be implemented by the applicant in the event that the turntable is not operational and vehicles would need to reverse out on to ~~Parsons~~ Trafalgar Street;

- (g) Measures to manage the conflict between pedestrians/vehicles using Fozzard lane and vehicles accessing the loading dock; and
 - (h) The plan shall be submitted to and approved by Council before the issue of a Construction Certificate.
118. A Flood Risk Management Plan, prepared by a qualified practicing Civil Engineer must be provided prepared / prior to the issue of a Construction Certificate. The plan shall be generally in accordance with Flood Impact Assessment and Stormwater Management Report Strategy dated 05 April 2018 prepared by ACOR consultants and be prepared / amended to make provision for the following:
- (a) Recommendations on all precautions to minimise risk to personal safety of occupants and the risk of property damage for the total development. Such recommendations must be consistent with the approved development. The flood impacts on the site shall be assessed for the 100 year ARI and Probable Maximum Flood (PMF) storm events. The precautions shall include but not be limited to the following:
 - i) Types of materials to be used to ensure the structural integrity of the building to immersion and impact of velocity and debris.
 - ii) Set floor levels as set out in the ACOR report
 - iii) Waterproofing methods, including electrical equipment, wiring, fuel lines or any other service pipes or connections.
 - iv) Flood warning signs/depth indicators for areas that may be inundated
 - ~~iv) Flood emergency response/evacuation Plan.~~
 - v) On site response plan to minimise flood damage, demonstrating that adequate storage areas are available for hazardous materials and valuable goods above the flood level.
 - (b) Provide a structural engineer's certificate stating that the proposed building has been designed to withstand the forces of flood water, debris and buoyancy up to the PMF flood.
 - (c) Specify the architectural and structural plans upon which the above recommendations have been incorporated.

The Flood Risk Management Plan must be submitted to and approved by Council before the issue of a Construction Certificate.

NS A Flood Emergency Response Plan for the site (for 1 in 100 year ARI, and PMF storm events) in accordance with Part 2.22 of Marrickville Development Control Plan 2011 – Flood Management must be submitted to Council's satisfaction before the issue of Occupation Certificate.

119. Detailed site stormwater construction plans generally in accordance with concept plans SC301 (Rev C), SC302 (Rev C), SC303 (Rev C), SC304 (Rev C), SC305 (Rev C), SC306 (Rev C), SC307 (Rev D), SC308 (Rev C), SC309 (Rev C), SC310 (Rev C), SC311 (Rev C), SC312 (Rev C), SC313 (Rev C), SC314 (Rev C), SC315 (Rev C), SC316 (Rev C), SC317 (Rev C) and SC318 (Rev B) by Neil Lowry & Associates P/L shall be amended and/or additional information provided as follows;
- i. Detailed calculations for sizing of the OSD system to be provided for assessment (this shall include the DRAINS files);
 - ii. For sites greater than 1000sqm the allowable discharge will be limited to the equivalent fully pervious discharges for the site area;

- iii. Details of the 1 in 100 year overflow routes in case of failure\blockage of the site drainage system shall be provided. This shall include any existing overland flow routes from upstream;
- iv. Construction details for direct connection to Council's stormwater drainage system. Details shall include a long section of the pipe detailing all utility services, bedding and road restoration detail;
- v. A WSUD Strategy Report and a MUSIC model (including .sqz file) shall be provided to ensure the treatment measures proposed meet Council's water quality targets;
- vi. A detailed WSUD maintenance plan outlining how all elements of the water quality treatment facility will be maintained and to record annual inspections/maintenance works to be undertaken; and
- vii. Dry-weather flows of any seepage water including seepage from landscaped areas will not be permitted through kerb outlets and must be connected directly to a Council stormwater system. Alternatively the basement shall be fully "tanked" so as not to allow the ingress of seepage or groundwater.

The above plans and additional information shall be submitted to and approved by ~~Council~~ the Certifying Authority before the issue of a Construction Certificate.

- 120. A revised Plan of Management be submitted to and approved by Council. The Plan of Management must adequately addresses all matters in Control C71 of Part 5.3.1.1 of the Marrickville DCP 2011 and be updated to reflect any relevant changes required by the conditions of this consent including (but not limited to):
 - o Hours of operation;
 - o Patron capacity;
 - o Restricted access to the 'external RSL area'
- 121. Public access to the 'through site pedestrian walkway' must be maintained during daylight hours.
- 122. 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.
- 123. 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.

124. The person acting on this consent shall ensure the site is secured with temporary fencing prior to any works commencing.

If the work involves the erection or demolition of a building and is likely to cause pedestrian or vehicular traffic on public roads or Council controlled lands to be obstructed or rendered inconvenient, or building involves the enclosure of public property, a hoarding or fence must be erected between the work site and the public property. Additionally an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling onto public property, where necessary.

Separate approval is required from Council under the Roads Act 1993 to erect a hoarding or temporary fence or awning on public property. Approvals for hoardings, scaffolding on public land must be obtained and clearly displayed on site for the duration of the works.

125. Any hoarding, fence or awning is to be removed when the work is completed and must be maintained clear of any advertising.

126. Prior to the commencement of any works a Construction Pedestrian and Traffic Management Plan (CPTMP) must be submitted to Council for approval for that stage of the works. The CPTMP needs to specify, but not be limited to, the following:

- a) Information on the impacts of construction and on-street parking
- b) Location of the proposed work zone;
- c) Detailed information on the construction traffic that will service the site indicating the type of heavy vehicles, and number of vehicle movements throughout the day and during the morning and afternoon peak periods, including swept path analysis;
- d) Details of any road closures;
- e) Haulage routes including marshalling area/s and operation;
- f) Construction vehicle access arrangements;
- g) ~~Analysis on the impact of this traffic on the traffic signals at New Canterbury Road/ Crystal Street and New Canterbury Road/Audley Street~~
- h) Construction program;
- i) Any potential impacts to general traffic, cyclists, pedestrians and train and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works; and
- j) The hauling routes must be comply with the following:
 - a. No inbound routes through Audley Street.
 - b. Fisher Street not to be used at all.
 - c. All outbound routes to be directed to Gordon Street through Trafalgar Street. (Regent/Trafalgar/Gordon)
 - d. Inbound routes allowed: Crystal/Trafalgar/Regent & New Canterbury/Regent

The plan shall be submitted to and approved by Council commencing work.

127. The person acting on this consent shall apply for a Work Zone along the site frontage for construction vehicles. A minimum of 2 months should be allowed for the processing of the application.

128. 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 Trafalgar Street, including road pavement, stormwater drainage infrastructure, kerb and gutter and footpath, between Audley Street and Regent Street;
- b) Full width of Regent Street, including road pavement, stormwater drainage infrastructure, kerb and gutter and footpath for the frontage of the site, between New Canterbury Road and Trafalgar Street
- c) Full width of Fisher Street, including road pavement, stormwater drainage infrastructure, kerb and gutter and footpath for the frontage of the sites.
- d) The Lane access at the rear of site 3 (existing RSL)

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.

- 129. 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.
- 130. A final acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines".
- 131. 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.
- 132. Prior to the issue of a Construction Certificate a Risk Assessment/Management Plan regarding any potential risk to or from the rail corridor and assets, 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.
- 133. 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.
- 134. 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.

135. 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.
136. 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.
137. 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(s) until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
138. The premises are to be designed, constructed and operated in accordance with the:
 - Food Act 2003
 - Food Regulation 2010
 - Australia and New Zealand Food Standards Code
 - Australian Standard AS 4674 – 2004 (Design, construction and fit-out of food premises)
 - Australian Standard AS 1668 Part 1 – 1998
 - Australian Standard AS 1668 Part 2 – 2012; and
 - 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 [relating to the registered club or commercial tenancy \(not including the basement\), whichever is first.](#)

139. Evidence of payment of the building and construction industry Long Service Leave Scheme, must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate. (The required payment can be made at the Council Offices).

NB: The required payment is based on the estimated cost of building and construction works and the long service levy rate, set by the Long Service Payments Corporation. The rate set by the Long Service Payments Corporation is currently of 0.35% of the cost of the building and construction work.

For more information on how to calculate the amount payable and where payments can be made contact the Long Services Payments Corporation.

http://www.lspc.nsw.gov.au/levy_information/?levy_information/levy_calculator.stm

140. A statement from a qualified Architect, verifying that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design principles set out in Schedule 1 of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.
141. All plumbing and ductwork including stormwater downpipes must be concealed within the outer walls of the building so they are not visible. Plans and elevations detailing the method of concealment must be submitted to and approved by Council before the issue of a Construction Certificate. Any variation to this requirement requires Council approval.
142. Letterboxes and mail collection facilities must be provided and adequately protected in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.
143. Adequate outdoor clothes drying areas/facilities must be provided for the development in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate. Where such areas/facilities are provided on street facing balconies, the areas/facilities must be appropriately screened from view from the street.
144. Lighting details of the pedestrian areas, parking areas and all entrances must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.
145. Plans fully reflecting the selected commitments listed in the relevant BASIX Certificates submitted with the application for development consent must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.

NOTE: The application for the Construction Certificate must be accompanied by either the BASIX Certificate upon which development consent was granted or a revised BASIX Certificate (Refer to Clause 6A of Schedule 1 to the Regulation).

146. Noise attenuation measures must be incorporated into the development complying with Australian Standard 2021:2015, State Environmental Planning Policy (Infrastructure) 2007 and with the Department of Planning and Infrastructure's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines" in relation to interior design sound levels and in accordance with details being submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate together with certification by a suitably qualified acoustical engineer that the proposed noise attenuation measures satisfy the requirements of Australian Standard 2021:2015, State Environmental Planning Policy (Infrastructure) 2007 and with the Department of Planning and Infrastructure's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines".

147. Before the issue of a Construction Certificate an amended plan must be submitted to the Certifying Authority's satisfaction addressing the requirements of The Disability (Access to Premises – buildings) Standards 2010 (the Premises Standards).
148. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's website at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92.

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

Sydney Water written advice that you have obtained the Notice of Requirements must be submitted to [Council's the Certifying Authority's](#) satisfaction before the issue of a Construction Certificate.

149. 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.
150. 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(s).
151. Where a condition of consent requires Sydney Trains or Transport for NSW endorsement the Principal Certifying Authority is not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged Construction Certificates dealing with specific works and compliance conditions can be issued subject to written agreement from those entities to which the relevant condition(s) applies.
152. 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.
153. 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:

- The Building Code of Australia,
- Australian Standard AS 1668 Part 1 – 1998,
- Australian Standard AS 1668 Part 2 – 2012,
- Australian Standard 3666.1 – 2011,
- Australian Standard 3666.2 – 2011; and
- 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 relating to the residential components, registered club or commercial tenancy (not including the basement), whichever is first. 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 (the consent authority).

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.

154. 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.

155. All plant and associated equipment (other than those identified on the plans in Condition 1 of Part B) must be located within the approved building envelope and is not be located on the roof. Details on the location of all plant and equipment must be consistent with the approved plans and submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate.
156. Waste water arising from the use must be directed to the sewers of the Sydney Water under a Trade Waste License Agreement. The pre-treatment of wastewater may be a requirement of Sydney Water prior to discharge to the sewer. Details of the requirements of the Trade Waste Agreement must be obtained prior to the issue of a Construction Certificate. Plans detailing how compliance will be achieved must be prepared and submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.
157. In order to provide satisfactory vehicular and pedestrian access, drainage, landscaping and aesthetic improvements to the public domain adjacent to the site, the following works shall be undertaken at no cost to Council:
- a) The public domain along all frontages of the site inclusive of footpath paving, kerb, street trees, landscaping, street furniture, etc. shall be reconstructed and upgraded in accordance with the Street Tree Masterplan and the Marrickville Public Domain Design Guide;
 - b) The construction of heavy duty vehicular crossings to all vehicular access locations and removal of all redundant vehicular crossings to the site;
 - c) New kerb and gutter along the frontage of the site. The kerb type (concrete or stone) shall be consistent with the majority of kerb type at this location. Council may be able to assist with the supply of stone if required. Please contact Council's Infrastructure Services Division on 9335 2000; and
 - d) Cross sections are to be provided at the boundary at a minimum distance of every 5m and at all pedestrian and vehicular access locations. Note, the cross fall of the footpath shall be set at 2.5%. These sections will set the alignment levels at the boundary.

e) As specified

Full detailed construction plans and specifications shall be submitted to Council for approval under Section 138 of the Roads Act 1993 before the issue of a Construction Certificate relating to any public domain works with all works completed before to the issue of an Occupation Certificate relating to the registered club or commercial tenancy (not including the basement), whichever is first.

158. The vehicular crossing and driveway ramp to the site shall be designed to satisfy the ground clearance template (Figure C1) from Australian Standard AS/NZS 2890.1-2004 Parking Facilities: Off-street car parking. A long section, along both sides of the proposed vehicular crossing and ramp, drawn at a 1:20 natural scale, shall be submitted to and approved by Council before the issue of a Construction Certificate. The long section shall begin from the centreline of the adjacent road to 3 metres past the bottom of the ramp.

159. Before the issue of a Construction Certificate the person acting on this consent must sign a written undertaking that they will be responsible for the full cost of repairs to footpath, kerb and gutter, or other Council property damaged as a result of construction of the proposed development. Council may utilise part or all of any Building Security Deposit (B.S.D.) or recover in any court of competent jurisdiction, any costs to Council for such repairs.

160. 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 Certifying Authority prior to the issue of any Construction Certificate relating to the registered club or commercial tenancy (not including the basement), whichever is first.

161. The removal, replacing or decommissioning of an underground petroleum storage system shall comply with the requirements of The Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008, The Protection of the Environment Operations Act 1997 and Australian Standard AS4976-2008: The removal and disposal of underground petroleum storage tanks.

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

161a. Prior to the issue of a Construction Certificate 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>):

1. Revised Geotechnical Report that meets Sydney Trains requirements. The Report must include a Rail Specific potential impacts section and be based on actual borehole testing conducted on the site closest to the rail corridor.

i. 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.

2. Structural report/drawings that meet Sydney Trains requirements. The Applicant shall be aware that no rock anchors or bolts (permanent or temporary) are permitted within the Rail Corridor.

3. 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.

4. Cross sectional drawings showing the rail corridor up to the centre of the first track and platform, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the rail corridor. All RL and horizontal measurements are to be accurate and verified by a Registered Surveyor.

5. Detailed Survey Plan showing the relationship of the proposed developed with respect to Sydney Trains easement and rail corridor land.
Any conditions issued as part of Sydney Trains approval/certification of the above documents will also form part of the consent conditions that the Applicant is required to comply with. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

161b. A final acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines".

161c. 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.

161d. 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 for above ground works until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

161e. Prior to the issue of a Construction Certificate a Risk Assessment/Management Plan regarding any potential risk to or from the rail corridor and assets, 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.

- 161f. 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.
- 161g. If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Engineering & Maintenance Interface team 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.
- 161h. If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Engineering & Maintenance Interface team 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.
- 161i. 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 a Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.

BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE FOR 'STAGE 2' OF THE DEVELOPMENT (SITE 2)

162. This condition is imposed in accordance with Section 7.11 of the Environmental Planning and Assessment Act 1979.
- a) Before the issue of a Construction Certificate the Council must be paid a monetary contribution of \$923,651.92 indexed in accordance with Marrickville Section 94/94A Contributions Plan 2014 ("CP").

The above contribution is the contribution applicable as at 17 April 2019.

- *NB** Contribution rates under Marrickville Section 94/94A Contributions Plan 2014 are indexed quarterly (for the method of indexation refer to Section 2.15 of the Plan).

The indexation of the contribution rates occurs in the first week of the months of February, May, August and November each year, following the release of data from the Australian Bureau of Statistics.

(CONTRIBUTION PAYMENT REFERENCE NO. DC002574)

- b) The contribution payable has been calculated in accordance with the CP and relates to the following public amenities and/or services and in the following amounts:

Community Facilities	\$93,943.78
Plan Administration	\$18,110.94
Recreation Facilities	\$748,043.54
Road/Access Dedication - Petersham	\$52,449.52
Traffic Facilities	\$11,104.14

- c) A copy of the CP can be inspected at Council's offices at 2-14 Fisher Street, Petersham or online at <http://www.marrickville.nsw.gov.au>.
- d) The contribution must be paid either in **cash, by unendorsed bank cheque (from an Australian Bank only), via EFTPOS (Debit only) or credit card***.

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

163. Detailed site stormwater construction plans generally in accordance with concept plans SC000 (Rev A), SC200 (Rev A), SC201 (Rev A), SC202 (Rev A), SC203 (Rev A), SC204 (Rev A), SC205 (Rev A), SC206 (Rev A), SC207 (Rev A) and SC08 (Rev A), by Neil Lowry & Associates P/L shall be amended and/or additional information provided as follows;

- Detailed calculations for sizing of the OSD system to be provided for assessment (this shall include the DRAINS files);
- For sites greater than 1000sqm the allowable discharge will be limited to the equivalent fully pervious discharges for the site area;
- Details of the 1 in 100 year overflow routes in case of failure/blockage of the site drainage system shall be provided. This shall include any existing overland flow routes from upstream;
- Construction details for direct connection to Council's stormwater drainage system. Details shall include a long section of the pipe detailing all utility services, bedding and road restoration detail;
- A WSUD Strategy Report and a MUSIC model (including .sqz file) shall be provided to ensure the treatment measures proposed meet Council's water quality targets;
- A detailed WSUD maintenance plan outlining how all elements of the water quality treatment facility will be maintained and to record annual inspections/maintenance works to be undertaken; and
- Dry-weather flows of any seepage water including seepage from landscaped areas will not be permitted through kerb outlets and must be connected directly to a Council stormwater system. Alternatively the basement shall be fully "tanked" so as not to allow the ingress of seepage or groundwater.

The above plans and additional information shall be submitted to and approved by Council before the issue of a Construction Certificate.

164. The vehicular access and associated vehicle standing areas shall be designed in accordance with Australian Standard AS/NZS 2890.1-2004 *Parking Facilities: Off-street car parking*, Australian Standard AS 2890.2-2002 *Parking Facilities: Commercial vehicle facilities*, AS/NZS 2890.6-2009 *Parking facilities: Off-street parking for people with disabilities* so that:-

- The layout and minimum dimensions of any standing area comply with clause 2.4 of AS/NZS 2890.1-2004 such that:-

- (i) car spaces adjacent to walls or fences are increased in width by an additional 300mm;
 - (ii) end spaces are provided with an additional 1m aisle extension; and
 - (iii) the location of columns within the carpark complies with figure 5.1 of AS/NZS 2890.1-2004;
- b) The vehicular crossing on Fisher Street shall be relocated to be a minimum of 6m from the corner (tangent point) of Fisher and Regent Streets in accordance with Figure 3.1 of AS2890.1:2004. The 6m must measure at the kerb and take into account a 1m splay on the vehicular crossing.
- c) At the property boundary the access from the road to a standing area is (as near as practicable) perpendicular to the line of the adjacent road;
- d) The relative surface levels of the internal access from the road being controlled so that:-
 - (i) the surface levels at the property boundary match "alignment levels";
 - (ii) the change in grade for any 2m length of accessway does not exceed 1 in 8 (12.5%) unless suitable transitions are provided in accordance with AS2890.1;
 - (iii) the maximum grade at any point does not exceed 1 in 5 (20%) or in the case of ramps greater than 20m in length 1 in 6 (16.7%); and
 - (iv) the maximum grade at the property boundary does not exceed 1 in 20 (5%) within 6m of the property boundary;
- e) The vehicle egress is designed such that there are no obstructions to lines of sight, along the footpath and the roadway for drivers of egressing vehicles; and

Details of compliance with the above requirements including long sections of the ramps shall be submitted to and approved by ~~Council~~ the **Certifying Authority** before the issue of a Construction Certificate.

165. A final acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines".
166. 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.
167. 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(s) until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
168. Evidence of payment of the building and construction industry Long Service Leave Scheme, must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate. (The required payment can be made at the Council Offices).

NB: The required payment is based on the estimated cost of building and construction works and the long service levy rate, set by the Long Service

Payments Corporation. The rate set by the Long Service Payments Corporation is currently of 0.35% of the cost of the building and construction work.

For more information on how to calculate the amount payable and where payments can be made contact the Long Services Payments Corporation.

http://www.lspc.nsw.gov.au/levy_information/?levy_information/levy_calculator.stm

169. A statement from a qualified Architect, verifying that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design principles set out in Schedule 1 of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.
170. All plumbing and ductwork including stormwater downpipes must be concealed within the outer walls of the building so they are not visible. Plans and elevations detailing the method of concealment must be submitted to and approved by Council before the issue of a Construction Certificate. Any variation to this requirement requires Council approval.
171. Letterboxes and mail collection facilities must be provided and adequately protected in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.
172. Adequate outdoor clothes drying areas/facilities must be provided for the development in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate. Where such areas/facilities are provided on street facing balconies, the areas/facilities must be appropriately screened from view from the street.
173. Lighting details of the pedestrian areas, parking areas and all entrances must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.
174. Plans fully reflecting the selected commitments listed in the relevant BASIX Certificates submitted with the application for development consent must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.

NOTE: The application for the Construction Certificate must be accompanied by either the BASIX Certificate upon which development consent was granted or a revised BASIX Certificate (Refer to Clause 6A of Schedule 1 to the Regulation).

175. Noise attenuation measures must be incorporated into the development complying with Australian Standard 2021:2015, State Environmental Planning Policy (Infrastructure) 2007 and with the Department of Planning and Infrastructure's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines" in relation to interior design sound levels and in accordance with details being submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate together with certification by a suitably qualified acoustical engineer that the proposed noise attenuation measures satisfy the requirements of Australian Standard 2021:2015, State Environmental Planning Policy (Infrastructure) 2007 and with the Department of Planning and Infrastructure's

Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines".

176. Before the issue of a Construction Certificate an amended plan must be submitted to the Certifying Authority's satisfaction addressing the requirements of The Disability (Access to Premises – buildings) Standards 2010 (the Premises Standards).
177. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's website at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92.

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

Sydney Water written advice that you have obtained the Notice of Requirements must be submitted to ~~Council's satisfaction~~ the Certifying Authority before the issue of a Construction Certificate.

178. 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.
179. 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(s).
180. Where a condition of consent requires Sydney Trains or Transport for NSW endorsement the Principal Certifying Authority is not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged Construction Certificates dealing with specific works and compliance conditions can be issued subject to written agreement from those entities to which the relevant condition(s) applies.
181. 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.
182. 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:

- The Building Code of Australia,
- Australian Standard AS 1668 Part 1 – 1998,
- Australian Standard AS 1668 Part 2 – 2012,
- Australian Standard 3666.1 – 2011,

- Australian Standard 3666.2 – 2011; and
- 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 [relating to the registered club or commercial tenancy \(not including the basement\), whichever is first](#). 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 (the consent authority).

183. 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.

184. All plant and associated equipment must be located within the approved building envelope and is not be located on the roof. Details on the location of all plant and equipment must be consistent with the approved plans and submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate.
185. Waste water arising from the use must be directed to the sewers of the Sydney Water under a Trade Waste License Agreement. The pre-treatment of wastewater may be a requirement of Sydney Water prior to discharge to the sewer. Details of the requirements of the Trade Waste Agreement must be obtained prior to the issue of a Construction Certificate. Plans detailing how compliance will be achieved must be prepared and submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.
186. In order to provide satisfactory vehicular and pedestrian access, drainage, landscaping and aesthetic improvements to the public domain adjacent to the site, the following works shall be undertaken at no cost to Council:
 - a) The public domain along all frontages of the site inclusive of footpath paving, kerb, street trees, landscaping, street furniture, etc. shall be reconstructed and upgraded in accordance with the Street Tree Masterplan and the Marrickville Public Domain Design Guide;
 - b) The construction of heavy duty vehicular crossings to all vehicular access locations and removal of all redundant vehicular crossings to the site;
 - c) New kerb and gutter along the frontage of the site. The kerb type (concrete or stone) shall be consistent with the majority of kerb type at this location. Council may be able to assist with the supply of stone if required. Please contact Council's Infrastructure Services Division on 9335 2000; and
 - d) Cross sections are to be provided at the boundary at a minimum distance of every 5m and at all pedestrian and vehicular access locations. Note, the cross fall of the footpath shall be set at 2.5%. These sections will set the alignment levels at the boundary.
 - e) As specified

Full detailed construction plans and specifications shall be submitted to Council for approval under Section 138 of the Roads Act 1993 before the issue of a

Construction Certificate with all works completed before to the issue of an Occupation Certificate.

187. The vehicular crossing and driveway ramp to the site shall be designed to satisfy the ground clearance template (Figure C1) from Australian Standard AS/NZS 2890.1-2004 Parking Facilities: Off-street car parking. A long section, along both sides of the proposed vehicular crossing and ramp, drawn at a 1:20 natural scale, shall be submitted to and approved by Council before the issue of a Construction Certificate. The long section shall begin from the centreline of the adjacent road to 3 metres past the bottom of the ramp.
188. Before the issue of a Construction Certificate the person acting on this consent must sign a written undertaking that they will be responsible for the full cost of repairs to footpath, kerb and gutter, or other Council property damaged as a result of construction of the proposed development. Council may utilise part or all of any Building Security Deposit (B.S.D.) or recover in any court of competent jurisdiction, any costs to Council for such repairs.
189. 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 Certifying Authority prior to the issue of any Construction Certificate [relating to the registered club or commercial tenancy \(not including the basement\), whichever is first.](#)

BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE FOR 'STAGE 3' OF THE DEVELOPMENT (SITE 1)

190. This condition is imposed in accordance with Section 7.11 of the Environmental Planning and Assessment Act 1979.

- a) Before the issue of a Construction Certificate the Council must be paid a monetary contribution of ~~\$1,871,573.92~~ [\\$1,284,864.46](#) indexed in accordance with Marrickville Section 94/94A Contributions Plan 2014 ("CP").

The above contribution is the contribution applicable as at 17 April 2019.

- *NB** Contribution rates under Marrickville Section 94/94A Contributions Plan 2014 are indexed quarterly (for the method of indexation refer to Section 2.15 of the Plan).

The indexation of the contribution rates occurs in the first week of the months of February, May, August and November each year, following the release of data from the Australian Bureau of Statistics.

(CONTRIBUTION PAYMENT REFERENCE NO. DC002575)

- b) The contribution payable has been calculated in accordance with the CP and relates to the following public amenities and/or services and in the following amounts:

Community Facilities	\$190,138.72
Plan Administration	\$36,697.72
Recreation Facilities	\$1,514,012.08
Road/Access Dedication – Petersham	\$106,155.88
Traffic Facilities	\$24,569.52

Community Facilities	\$177,521.55
Plan Administration	\$25,193.06
Recreation Facilities	\$1,140,996.77
Road/Access Dedication - Petersham	\$-22,666.79
Traffic Facilities	\$-36,180.13

- c) A copy of the CP can be inspected at Council's offices at 2-14 Fisher Street, Petersham or online at <http://www.marrickville.nsw.gov.au>.
- d) The contribution must be paid either in **cash, by unendorsed bank cheque (from an Australian Bank only), via EFTPOS (Debit only) or credit card***.

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

~~**NB: No 'credit' for the existing RSL club has been applied as no documentation has been provided confirming its GFA.**~~

191. Evidence of payment of the building and construction industry Long Service Leave Scheme, must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate. (The required payment can be made at the Council Offices).

NB: The required payment is based on the estimated cost of building and construction works and the long service levy rate, set by the Long Service Payments Corporation. The rate set by the Long Service Payments Corporation is currently of 0.35% of the cost of the building and construction work.

For more information on how to calculate the amount payable and where payments can be made contact the Long Services Payments Corporation.

http://www.lspc.nsw.gov.au/levy_information/?levy_information/levy_calculator.stm

192. A statement from a qualified Architect, verifying that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design principles set out in Schedule 1 of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.
193. Detailed site stormwater construction plans generally in accordance with concept plans SC000 (Rev A), SC100 (Rev A), SC101 (Rev A), SC102 (Rev A), SC103 (Rev A), SC104 (Rev A), SC105 (Rev A), SC106 (Rev A), SC107 (Rev A), SC108 (Rev A), SC109 (Rev A), SC110 (Rev A), SC111 (Rev A), SC112 (Rev A), SC113 (Rev A) and SC114 (Rev A) by Neil Lowry & Associates P/L shall be amended and/or additional information provided as follows;

- a. Detailed calculations for sizing of the OSD system to be provided for assessment (this shall include the DRAINS files);
- b. For sites greater than 1000sqm the allowable discharge will be limited to the equivalent fully pervious discharges for the site area;
- c. Details of the 1 in 100 year overflow routes in case of failure\blockage of the site drainage system shall be provided. This shall include any existing overland flow routes from upstream;
- d. Construction details for direct connection to Council's stormwater drainage system. Details shall include a long section of the pipe detailing all utility services, bedding and road restoration detail;
- e. A WSUD Strategy Report and a MUSIC model (including .sqz file) shall be provided to ensure the treatment measures proposed meet Council's water quality targets;
- f. A detailed WSUD maintenance plan outlining how all elements of the water quality treatment facility will be maintained and to record annual inspections/maintenance works to be undertaken; and
- g. Dry-weather flows of any seepage water including seepage from landscaped areas will not be permitted through kerb outlets and must be connected directly to a Council stormwater system. Alternatively the basement shall be fully "tanked" so as not to allow the ingress of seepage or groundwater.

The above plans and additional information shall be submitted to and approved by Council before the issue of a Construction Certificate.

194. All plumbing and ductwork including stormwater downpipes must be concealed within the outer walls of the building so they are not visible. Plans and elevations detailing the method of concealment must be submitted to and approved by Council before the issue of a Construction Certificate. Any variation to this requirement requires Council approval.
195. The vehicular access and associated vehicle standing areas shall be designed in accordance with Australian Standard AS/NZS 2890.1-2004 *Parking Facilities: Off-street car parking*, Australian Standard AS 2890.2-2002 *Parking Facilities: Commercial vehicle facilities*, AS/NZS 2890.6-2009 *Parking facilities: Off-street parking for people with disabilities* so that:-
 - a) The layout and minimum dimensions of any standing area comply with clause 2.4 of AS/NZS 2890.1-2004 such that:-
 - (i) car spaces adjacent to walls or fences are increased in width by an additional 300mm;
 - (ii) end spaces are provided with an additional 1m aisle extension; and
 - (iii) the location of columns within the carpark complies with figure 5.1 of AS/NZS 2890.1-2004;
 - b) At the property boundary the access from the road to a standing area is (as near as practicable) perpendicular to the line of the adjacent road;
 - c) The relative surface levels of the internal access from the road being controlled so that:-
 - (i) the surface levels at the property boundary match "alignment levels";
 - (ii) the change in grade for any 2m length of accessway does not exceed 1 in 8 (12.5%) unless suitable transitions are provided in accordance with AS2890.1;
 - (iii) the maximum grade at any point does not exceed 1 in 5 (20%) or in the case of ramps greater than 20m in length 1 in 6 (16.7%); and
 - (iv) the maximum grade at the property boundary does not exceed 1 in 20 (5%) within 6m of the property boundary;

- d) The vehicle egress is designed such that there are no obstructions to lines of sight, along the footpath and the roadway for drivers of egressing vehicles; and

Details of compliance with the above requirements including long sections of the ramps shall be submitted to and approved by ~~Council~~ the Certifying Authority before the issue of a Construction Certificate.

- 196. Letterboxes and mail collection facilities must be provided and adequately protected in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.
- 197. Adequate outdoor clothes drying areas/facilities must be provided for the development in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate. Where such areas/facilities are provided on street facing balconies, the areas/facilities must be appropriately screened from view from the street.
- 198. Lighting details of the pedestrian areas, parking areas and all entrances must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.
- 199. Plans fully reflecting the selected commitments listed in the relevant BASIX Certificates submitted with the application for development consent must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.

NOTE: The application for the Construction Certificate must be accompanied by either the BASIX Certificate upon which development consent was granted or a revised BASIX Certificate (Refer to Clause 6A of Schedule 1 to the Regulation).

- 200. Noise attenuation measures must be incorporated into the development complying with Australian Standard 2021:2015, State Environmental Planning Policy (Infrastructure) 2007 and with the Department of Planning and Infrastructure's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines" in relation to interior design sound levels and in accordance with details being submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate together with certification by a suitably qualified acoustical engineer that the proposed noise attenuation measures satisfy the requirements of Australian Standard 2021:2015, State Environmental Planning Policy (Infrastructure) 2007 and with the Department of Planning and Infrastructure's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines".
- 201. Before the issue of a Construction Certificate an amended plan must be submitted to the Certifying Authority's satisfaction addressing the requirements of The Disability (Access to Premises – buildings) Standards 2010 (the Premises Standards).
- 202. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's website at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92.

Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with

the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

Sydney Water written advice that you have obtained the Notice of Requirements must be submitted to Council's satisfaction before the issue of a Construction Certificate.

203. 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.
204. 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(s).
205. Where a condition of consent requires Sydney Trains or Transport for NSW endorsement the Principal Certifying Authority is not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged Construction Certificates dealing with specific works and compliance conditions can be issued subject to written agreement from those entities to which the relevant condition(s) applies.
206. 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.
207. 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:

- The Building Code of Australia,
- Australian Standard AS 1668 Part 1 – 1998,
- Australian Standard AS 1668 Part 2 – 2012,
- Australian Standard 3666.1 – 2011,
- Australian Standard 3666.2 – 2011; and
- 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 [relating to the registered club or commercial tenancy \(not including the basement\), whichever is first](#). 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 (the consent authority).

208. 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.

209. All plant and associated equipment must be located within the approved building envelope and is not be located on the roof. Details on the location of all plant and equipment must be consistent with the approved plans and submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate [relating to the residential components, registered club or commercial tenancy \(not including the basement\), whichever is first.](#)
210. Waste water arising from the use must be directed to the sewers of the Sydney Water under a Trade Waste License Agreement. The pre-treatment of wastewater may be a requirement of Sydney Water prior to discharge to the sewer. Details of the requirements of the Trade Waste Agreement must be obtained prior to the issue of a Construction Certificate. Plans detailing how compliance will be achieved must be prepared and submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.
211. In order to provide satisfactory vehicular and pedestrian access, drainage, landscaping and aesthetic improvements to the public domain adjacent to the site, the following works shall be undertaken at no cost to Council:
- a) The public domain along all frontages of the site inclusive of footpath paving, kerb, street trees, landscaping, street furniture, etc. shall be reconstructed and upgraded in accordance with the Street Tree Masterplan and the Marrickville Public Domain Design Guide;
 - b) The construction of heavy duty vehicular crossings to all vehicular access locations and removal of all redundant vehicular crossings to the site;
 - c) New kerb and gutter along the frontage of the site. The kerb type (concrete or stone) shall be consistent with the majority of kerb type at this location. Council may be able to assist with the supply of stone if required. Please contact Council's Infrastructure Services Division on 9335 2000; and
 - d) Cross sections are to be provided at the boundary at a minimum distance of every 5m and at all pedestrian and vehicular access locations. Note, the cross fall of the footpath shall be set at 2.5%. These sections will set the alignment levels at the boundary.
 - e) As specified
- Full detailed construction plans and specifications shall be submitted to Council for approval under Section 138 of the Roads Act 1993 before the issue of a Construction Certificate [relating to the public domain works](#) with all works completed before to the issue of an Occupation Certificate [relating to the residential component, registered club or commercial tenancy, whichever is first.](#)
212. The vehicular crossing and driveway ramp to the site shall be designed to satisfy the ground clearance template (Figure C1) from Australian Standard AS/NZS 2890.1-2004 Parking Facilities: Off-street car parking. A long section, along both sides of the proposed vehicular crossing and ramp, drawn at a 1:20 natural scale, shall be submitted to and approved by Council before the issue of a Construction Certificate. The long section shall begin from the centreline of the adjacent road to 3 metres past the bottom of the ramp.
213. Before the issue of a Construction Certificate the person acting on this consent must sign a written undertaking that they will be responsible for the full cost of repairs to footpath, kerb and gutter, or other Council property damaged as a result of construction

of the proposed development. Council may utilise part or all of any Building Security Deposit (B.S.D.) or recover in any court of competent jurisdiction, any costs to Council for such repairs.

214. 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 Certifying Authority prior to the issue of any Construction Certificate relating to the registered club or commercial tenancy (not including the basement), whichever is first.

- 214a. A final acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines".
- 214b. 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.
- 214c. 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(s) until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.

SITE WORKS

215. All excavation, demolition, construction, and deliveries to the site necessary for the carrying out of the development, are restricted to between 7.00am to 5.30pm Mondays to Saturdays, excluding Public Holidays. Notwithstanding the above no work must be carried out on any Saturday that falls adjacent to a Public Holiday.
216. The area surrounding the building work must be reinstated to Council's satisfaction upon completion of the work.
217. During any construction works and activities, no injury must be caused to the amenity of the neighbourhood by the emission of noise, smoke, smell, vibration, gases, vapours, odours, dust, particular matter, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health, the exposure to view of any unsightly matter or otherwise.

218. The works are required to be inspected at critical stages of construction, by the PCA or if the PCA agrees, by another Certifying Authority. The last inspection (d) can only be carried out by the PCA. The critical stage inspections are:

- a) After excavation for, and before the placement of, any footings.
- b) For Class 2, 3 and 4 buildings, prior to covering waterproofing in any wet areas (a minimum of 10% of wet areas within a building);
- c) Prior to covering any stormwater drainage connections, and after the building work has been completed and prior to any occupation certificate being issued in relation to the building; and
- d) After the building work has been completed and prior to any occupation certificate being issued in relation to the building.

You are advised to liaise with your PCA to establish if any additional inspections are required.

219. The placing of any materials on Council's footpath or roadway is prohibited, without the consent of Council. The placement of waste storage containers in a public place requires Council approval and shall comply with Council's Policy - 'Placement of Waste Storage Containers in a Public Place'.

220. If it is necessary to excavate below the level of the base of the footings of a building on the adjoining allotments, including a public place such as footways and roadways, the person acting on this consent must ensure:

- a) At least 7 days' notice is given to the owners of the adjoining land of the intention to excavate below the base of the footings. The notice is to include complete details of the work; and
- b) That any building is preserved and protected from damage.

Where a dilapidation report has not been prepared on any building adjacent to the excavation, the person acting on this consent is responsible for arranging and meeting the cost of a dilapidation report prepared by a suitably qualified person. The report is to be submitted to and accepted by the PCA before works continue on site, if the consent of the adjoining property owner can be obtained. Copies of all letter/s that have been sent via registered mail to the adjoining property owner and copies of any responses received must be forwarded to the PCA before work commences.

221. All vehicles carrying materials to, or from the site must have their loads covered with tarpaulins or similar covers.

222. A certificate of survey from a registered land surveyor must be submitted to the PCA upon excavation of the footings and before the pouring of the concrete to verify that the structure will not encroach on the allotment boundaries.

223. All waste dockets from the recycling and/or disposal of any demolition and construction waste generated from the works must be retained on site.

224. Tree protection measures detailed in the council-approved tree protection plan and in Section 4 of Australian Standard Protection of Trees on Development Sites AS 4970—2009 shall be implemented and complied with for the duration of works including site preparation, demolition, construction and landscaping (except where these conditions permit otherwise). Prohibited activities as detailed in AS 4970—2009 shall not be permitted within any designated Tree Protection Zone (TPZ) unless approved under

this consent and these conditions. Any reasonable directions in writing by the Project Arborist relating to tree protection shall be complied with.

225. Trees to be removed shall be removed by a practicing arborist who has a minimum qualification of Certificate 3 in Arboriculture, in compliance with the Safe Work Australia Guide to Managing Risks of Tree Trimming and Removal Work, July 2016.
226. Trees to be pruned shall be pruned by a practicing arborist who has a minimum qualification of Certificate 3 in arboriculture, in accordance with pruning specifications prepared by the project arborist, which has been submitted to and approved by council, and the Australian Standard Pruning of Amenity Trees AS 4373—2007.
227. Landscaping of the site must be carried out prior to occupation or use of the premises in accordance with the approved landscape plan and must be maintained at all times to Council's satisfaction. Specified tree protection measures shall be complied with for all landscaping works, except where these conditions permit otherwise.
228. Following completion of construction and prior to the issue of the Occupation Certificate, new trees shall be planted as detailed in the approved landscape plan.
229. The new trees shall be planted in accordance with the following criteria:
 - a) The new trees shall be located in accordance with the approved landscape plan.
 - b) The species of trees and planting stock sizes shall be as detailed in the approved landscape plan.
 - c) The planting stock shall comply with the Australian Standard *Tree Stock for Landscape Use* AS 2303-2015.
 - d) The new trees shall be planted in accordance with the tree planting detail included in the Marrickville Street Tree Master Plan 2014. Note that planting holes for trees shall not be excavated deeper than the root ball and that new trees shall not be tied to stakes.
 - e) The new trees shall be planted by a qualified horticulturist or arborist, with a minimum qualification of Certificate 3.
 - f) Each new tree shall be maintained in a healthy and vigorous condition until it attains a height of 5 metres, from which time it is protected by Council's Development Control Plan (DCP).
 - g) If any tree dies or needs to be removed before that time it shall be replaced with a similar tree in accordance with these conditions at the expense of the applicant.
230. 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.

231. In order to provide satisfactory vehicular and pedestrian access, drainage, landscaping and aesthetic improvements to the public domain adjacent to the site, the following works shall be undertaken at no cost to Council:

- a) The public domain along all frontages of the sites inclusive of footpath paving, kerb, street trees, landscaping, stormwater drainage shall be reconstructed and upgraded in accordance with the Street Tree Masterplan and the Marrickville Public Domain Design Guide; The works shall generally in accordance with Public Domain Plans C00 (Rev A), C01 (Rev B), C02 to C33 (Rev A) and SK34 (Rev C) submitted by ACE Engineers Pty Ltd;
- b) Widening and reconstruction of Fozzard Lane. The design of the road pavement shall be supported by geotechnical investigation.
- c) The construction of heavy duty vehicular crossings to all vehicular access locations and removal of all redundant vehicular crossings to the site;
- d) Provision of a median strip to control left in/left out movements at the Trafalgar Street vehicular access.
- e) The swept path of the longest vehicle (including garbage trucks, building maintenance vehicles and removalists) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS;
- f) A long section, along both sides of the proposed vehicular crossing and ramp, drawn at a 1:20 natural scale shall be provided at all vehicular access locations and the loading dock. The long sections shall also include headroom details and ground clearance templates to ensure that vehicles are able to satisfactorily to access the respective sites;
- g) The redesign and construction of the pedestrian refuge at the intersection of Trafalgar and Regent Streets;
- h) New kerb and gutter along the frontage of the site. The kerb type (concrete or stone) shall be consistent with the majority of kerb type at this location. Existing and design long sections shall be provided at the top of kerb, invert of kerb and boundary; and
- i) Cross sections are to be provided at the boundary at a minimum distance of every 5m and at all pedestrian and vehicular access locations. Note, the cross fall of the footpath shall be set at 2.5%. These sections will set the alignment levels at the boundary. Cross sections must include existing and design levels for back of footpath; top of kerb; kerb invert; kerb lip; road level 1m from kerb lip and road centre line;
- j) Street tree and planting details; and
- k) Details of all existing and proposed signage and line marking.

232. Full detailed construction plans and specifications shall be submitted to Council for approval under Section 138 of the Roads Act 1993 before the issue of a Construction Certificate with all works completed before to the issue of an Occupation Certificate.

233. The applicant shall, within fourteen (14) days of notification by Council, execute any and all maintenance works required by Council. In the event that the applicant fails to undertake such work, Council may undertake the required maintenance works, utilising part or all of the maintenance security bond and Council may recover any costs in excess of the security from the applicant.

BEFORE THE ISSUE OF THE AN OCCUPATION CERTIFICATE FOR EACH STAGE

234. 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".

235. Heavy duty concrete vehicle crossings, in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" must be constructed at the vehicular access locations before the issue of the Occupation Certificate and at no cost to Council.
236. All redundant vehicular crossings to the site shall be removed and replaced by kerb and gutter and footpath paving in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" before the issue of the Occupation Certificate and at no cost to Council. Where the kerb in the vicinity of the redundant crossing is predominately stone (as determined by Council's Engineer) the replacement kerb shall also be in stone.
237. Encroachments onto Council's road or footpath of any service pipes, sewer vents, boundary traps, downpipes, gutters, stairs, doors, gates, garage tilt up panel doors or any structure whatsoever shall not be permitted. Any encroachments on to Council road or footpath resulting from the building works will be required to be removed before the issue of the Occupation Certificate.
238. 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.
239. The existing stone kerb adjacent to the site is of local heritage value and is to be preserved at no cost to Council. Any damage to the stone kerb will require the replacement of the damaged individual stone units before the issue of the Occupation Certificate. Please note any stormwater outlets through sandstone kerbs must be carefully core drilled. Non-compliance with this condition will result in loss of your security deposit.
240. The existing road pavement in Regent Street shall be re-sheeted using a 40mm Mill and Fill treatment from Trafalgar Street to New Canterbury Road upon completion of the stage 3 of the development. Any failed section shall be boxed out and replaced with deeplift asphalt before the Mill and Fill treatment.
241. The use and operation of the car share space must be managed by the owner or contracted by the owner to a car share operator to the satisfaction of Council. The use and operation of the car share space must be accommodated in the titling and management of the Residential Development, including covenants, building or strata management statement, by laws and other instruments before the issue of an Occupation Certificate, and must provide for:
 - a) Free use of the car share space;
 - c) Public access at all times to the car share vehicle; and
 - d) Insurances, including public liability.
242. 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 have 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.

243. A Positive Covenant under Section 88B or 88E, whichever is relevant to the subject development, of the Conveyancing Act, shall be created on the title of the property detailing the following (at the Applicant's full cost):

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

The wording in the Instrument shall be submitted to and approved by the Inner West Council prior to lodgement at the Land Titles Office and prior to the release of the Occupation Certificate (a typical document is available from Council's Development Assessment Engineer). The Instrument shall be registered prior to the completion of development.

The following documents shall be submitted to Council as part of the Positive Covenant process and requirements, for the site OSD/OSR system:

i) Work-As-Executed Plans

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

- (a) location;
- (b) pipe diameter;
- (c) gradient;
- (d) pipe material i.e. PVC or EW etc;
- (e) orifice size;
- (f) trash screen at orifice;
- (g) emergency overflow dimensions and RL;
- (h) all buildings (including floor levels) and finished ground and pavement surface levels.

ii) Engineer's Certificate

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

- (a) the soundness of the storage structure;
- (b) the capacity of the detention storage;
- (c) the emergency overflow system being in place;
- (d) the works being constructed in accordance with the Development Application Consent and Council's Stormwater Management DCP/Code;
- (e) the freeboard from maximum water surface level to the finished floor and garage levels are at or above the minimum required in Council's Stormwater Management DCP/Code;
- (f) basement car park pumps are class one zone two.

iii) Restriction-As-To-User

A "Restriction-as-to-User" shall be placed on the title of the subject property to indicate the location and dimensions of the detention area. This is to ensure

that works, which could affect the function of the stormwater detention system, shall not be carried out without the prior consent in writing of the Council. Such restrictions shall not be released, varied or modified without the consent of the Council.

A typical document is available from Council's Development Assessment Engineer.

iv) A Maintenance Schedule.

A typical document is available from Council's Development Assessment Engineer.

244. All works required to be undertaken on public roads shall be designed and constructed in accordance with Council's standard plans and specifications. The works shall be supervised and certified by a qualified civil engineer who is listed under the Institution of Engineers, Australia "National Professional Engineers Register" (NPER) and shall state that the works have been constructed in accordance with the approved plans and specifications before the issue of the relevant Occupation Certificate.

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

In addition, full works-as-executed plans in PDF or CAD format (dwg or dxf files), prepared and signed by a registered surveyor, shall be submitted to Council upon completion of the works.

245. Prior to the issue of the relevant Occupation Certificate, the Principal Certifying Authority must ensure that the vehicle access and off street parking facilities have been constructed in accordance with the approved design and relevant Australian Standards.

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

246. The existing overhead power cables along the Regent Street, Fisher Street and Trafalgar Street frontages of the sites must be relocated underground with appropriate street lighting and new steel standard poles being installed at no cost to Council and before the issue of an Occupation Certificate. The street lighting shall be designed in accordance with Australian Standard AS1158-Road Lighting and the Network Standards of Ausgrid. Lighting on the adjacent classified roads must meet the lighting category required by RMS. In addition the design shall also comply with AS4282 to ensure that no injury is caused to the amenity of the surrounding area by light overspill or obtrusive light. Plans shall be submitted to and approved by Council before submission to Ausgrid for implementation.

247. The applicant shall provide security, in a manner satisfactory to Council for the proper maintenance of the public domain works in an amount of \$45,000.00 for a period of twelve (12) months from the date of completion of the public domain works as surety for the proper maintenance of these works.

248. Before the issue of the Occupation Certificate, The Council must be provided with evidence which establishes that a plan of subdivision has been registered by the Land and Property Information Authority which results in the road widening of Fozzard Lane

as detailed in the Draft DP (Revision 3 dated 12/2/18) submitted by Daw and Walton Consulting Surveyors

249. A second Dilapidation Report addressing the public infrastructure identified in the pre-work Dilapidation Report 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 the relevant Occupation Certificate.
250. Prior to issue of the Relevant 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.
251. The vehicular crossing and/or 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.

BEFORE OCCUPATION OF THE BUILDING FOR 'STAGE 1' OF THE DEVELOPMENT (SITE 3)

252. Prior to the Occupation of Stage 1 of the development the signalised intersection at Trafalgar Street and Regent Street shall be upgraded to provide a pedestrian crossing on the western side of the intersection to facilitate the increased pedestrian movements generated by the development and to provide safe and direct access to Petersham Railway Station from the new Bus Stop location and the new RSL Club. Detailed design plans shall be submitted for the approval of RMS and Council before the installation of the new traffic signals.
253. Prior to the Occupation of Stage 1 of the development the person acting on this consent shall seek approval from the State Transit Authority (STA) for the proposed relocation of the bus stop and shelter as detailed on SK34 (Rev C) submitted by ACE Engineers Pty Ltd. The person acting on this consent must also liaise with Council's bus shelter service provider to organise the relocation/new shelter at no cost to Council. A plan of the proposed bus shelter relocation with signposting alterations shall be submitted to Council's Traffic Committee for approval before implementation of the works.
254. The separate lots comprising the development [on Site 3](#) must be consolidated into one lot and under one title and registered at the NSW Department of Lands before the issue of an Occupation Certificate.
255. 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. The premise must be registered with Council's Environment Health Section in accordance with the following relevant legislation:

Food Shop - Food Act 2003

Cooling Towers - Public Health Act 2010 and Public Health Regulation 2012

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.

256. 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:

- Australian Standard AS 3500; and
- 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.

257. A validation report prepared by a suitably qualified and experienced person shall be submitted to Council. The report is to confirm that the underground petroleum storage system has been removed, replaced or decommissioned in accordance with The Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008, The Protection Environment Operations Act 1997 and Australian Standard AS4976-2008: The removal and disposal of underground petroleum storage tanks.

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.

258. To ensure minimal impacts on surrounding properties commercial waste and recyclable material generated by the premises must not be collected between the hours 10pm and 7am.

259. Prior to the issuing of an Occupation Certificate the Applicant is to submit as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into Sydney Trains property or easements, unless agreed to be these authorities. The Principal Certifying Authority is not to issue the final Occupation Certificate for Stage 1 (Site 3) until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

260. You shall obtain an Occupation Certificate from your PCA before you occupy or use the building. The PCA must notify the Council of the determination of the Occupation Certificate and forward the following documents to Council within two (2) days of the date of the Certificate being determined:

- a) A copy of the determination;
- b) Copies of any documents that were lodged with the Occupation Certificate application;
- c) A copy of Occupation Certificate, if it was issued;
- d) A copy of the record of all critical stage inspections and any other inspection required by the PCA;
- e) A copy of any missed inspections; and

- f) A copy of any compliance certificate and any other documentary evidence relied upon in issuing the Occupation Certificate.

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

- a) All preconditions to the issue of an Occupation Certificate specified in this development consent have been met;
- b) The building owner obtains a Final Fire Safety Certificate certifying that the fire safety measures have been installed in the building and perform to the performance standards listed in the Fire Safety Schedule; and
- c) An Occupation Certificate has been issued.

262. The building identification and apartment numbering of each site must be provided and supported by Council before the issuing of any Occupation Certificate.

263. The owner of the premises, as soon as practicable after the Final Fire Safety Certificate is issued, must:

- a) Forward a copy of the Final Safety Certificate and the current Fire Safety Schedule to the Commissioner of Fire and Rescue New South Wales and the Council; and
- b) Display a copy of the Final Safety Certificate and Fire Safety Schedule in a prominent position in the building (i.e. adjacent the entry or any fire indicator panel).

Every twelve (12) months after the Final Fire Safety Certificate is issued the owner must obtain an Annual Fire Safety Certificate for each of the Fire Safety Measures listed in the Schedule. The Annual Fire Safety Certificate must be forwarded to the Commissioner and the Council and displayed in a prominent position in the building.

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

265. The Section 73 Certificate must be submitted to the Principal Certifying Authority before the issue of an Occupation Certificate.

266. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Make early application 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 > Providers > Lists or telephone 13 20 92.

267. The landscaping of the site must be carried out prior to occupation or use of the premises in accordance with the approved details and must be maintained at all times to Council's satisfaction.

268. Upon completion of the development, a statement from a qualified Architect, verifying that the development achieves the design quality of the development as shown in the

plans and specifications in respect of which the construction certificate was issued, having regard to the design principles set out in Schedule 1 of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development must be submitted to the Certifying Authority's satisfaction before the issue of an Occupation Certificate.

269. The Certifying Authority must be satisfied that each of the commitments listed in BASIX Certificate referred to in this Determination have been fulfilled before the issue of an Occupation Certificate (whether an interim or final Occupation Certificate).
270. The Certifying Authority must apply to the Director-General for a BASIX Completion Receipt within 2 days of the issue of a final Occupation Certificate. Completion Receipts can be applied for at www.basix.nsw.gov.au.
271. Upon completion of the required noise attenuation measures referred to in the "Before the Issue of a Construction Certificate" Section of this Determination and before the issue of an Occupation Certificate (whether an interim or final Occupation Certificate), a report must be prepared and submitted to the Certifying Authority's satisfaction by an accredited Acoustics Consultant, certifying that the final construction meets Australian Standard 2021:2015, State Environmental Planning Policy (Infrastructure) 2007 and with the Department of Planning and Infrastructure's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines" as set down in the subject condition of this consent. Such report must include external and internal noise levels to ensure that the external noise levels during the test are representative of the typical maximum levels that may occur at this development; and

Where it is found that internal noise levels are greater than the required dB(A) rating due to faulty workmanship or the like, necessary corrective measures must be carried out and a further certificate must be prepared and submitted to Council in accordance with the requirements as set down in Part a) of this condition.

272. The project arborist shall certify in writing to the Principal Certifying Authority (PCA) before the issue of the Occupation Certificate that the conditions of consent relating to tree removal, tree pruning, tree protection and tree planting have been complied with and that the protected trees have not been damaged or, if the recommendations have not been complied with, detail the extent and nature of the departure from the conditions. The Principal Certifying Authority shall report breaches of the conditions to Inner West Council.
273. Council must be notified of bin requirements three months prior to the occupation of the residential component of a development to ensure timely delivery.
274. Council will place an order for the required bins. Delivery will occur once the applicant has completed a Request for New Service, which includes the submission of an Occupation Certificate.
275. Before the issue of an Occupation Certificate, a street number and identifier of separate occupancies (if applicable) must be clearly displayed in a readily visible location (numbers having a height of not less than 75mm). If any new street numbers or change to street numbers (this includes unit and shop numbers) are required they must have the prior approval of council before being displayed.
276. 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 Environmental Operations Act 1997.

277. 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.
278. 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.

279. Liquid trade waste materials are to be disposed of in accordance with the requirements of Sydney Water under a Trade Waste License Agreement.
280. A copy of a trade waste agreement 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.
281. 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”.
282. Heavy duty concrete vehicle crossings, in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-“Roadworks Specifications” must be constructed at the vehicular access locations before the issue of the Occupation Certificate and at no cost to Council.
283. All redundant vehicular crossings to the site shall be removed and replaced by kerb and gutter and footpath paving in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-“Roadworks Specifications” before the issue of the Occupation Certificate and at no cost to Council. Where the kerb in the vicinity of the redundant crossing is predominately stone (as determined by Council's Engineer) the replacement kerb shall also be in stone.
284. Encroachments onto Council's road or footpath of any service pipes, sewer vents, boundary traps, downpipes, gutters, stairs, doors, gates, garage tilt up panel doors or

any structure whatsoever shall not be permitted. Any encroachments on to Council road or footpath resulting from the building works will be required to be removed before the issue of the Occupation Certificate.

285. 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.
286. 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 have 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.
287. All works required to be undertaken on public roads shall be designed and constructed in accordance with Council's standard plans and specifications. The works shall be supervised and certified by a qualified civil engineer who is listed under the Institution of Engineers, Australia "National Professional Engineers Register" (NPER) and shall state that the works have been constructed in accordance with the approved plans and specifications before the issue of the Occupation Certificate. In addition, full works-as-executed plans in PDF or CAD format (dwg or dxf files), prepared and signed by a registered surveyor, shall be submitted to Council upon completion of the works.
288. 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:

Title	Prepared by	Date
Remediation Action Plan	EI Australia	9 April 2019

have been complied with throughout excavation, demolition & development work stages. The certification shall also include:

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

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

289. 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 environmental 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.

290. 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 :
- Description and documentation of all works performed
 - Results of validation testing and monitoring
 - Validation results if any imported fill was transferred to site
 - Demonstrate how all agreed clean-up criteria and relevant regulations have been satisfied
 - Confirmation and justification as to the suitability of the site for the proposed use and the potential for off site migration of any residual contaminants.
291. A report prepared by a suitably qualified Acoustic Consultant shall be submitted to Council certifying that the development complies with the requirements of (as relevant):
- State Environmental Planning Policy (Infrastructure) 2007
 - ANEF - the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021—2000
 - conditions of development consent; and

The report shall include post construction validation test results.

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.

292. During the first sixty (60) days of trading /public entertainment being provided at the premises, the following acoustic measures must be undertaken:
- a) A suitably qualified acoustic consultant must be appointed to:
 - i) measure and verify the noise emanating from the premises; and
 - ii) if necessary, make recommendations to ensure that the noise emanating from the premises complies with the noise criteria.
 - b) The noise measurements must be:
 - i) undertaken without the knowledge of the applicant, manager or operator of the premises; and
 - ii) taken on at least three (3) different occasions on three (3) different days of the week (excluding Monday, Tuesday and Wednesday) from 11pm until the end of the public entertainment or close of business, whichever occurs first, and
 - iii) submitted to Council within seven (7) days of testing.

c) If the acoustic consultant recommends that additional treatment or works be undertaken those recommendations must be:

i) submitted to Council with the noise measurements; and

ii) implemented to the acoustic consultant's satisfaction before the end of the first sixty (60) days of public entertainment provided on the premises.

d) If the acoustic consultant's recommendations are not implemented in accordance with this condition, the relevant element of trading (ie outdoor area access)/ public entertainment on the premises must cease until such time as the recommendations are implemented and verified.

293. 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 to other premises as defined in the Environment Protection Authority's Technical Guidelines for Assessing Vibration.

293a. If required by Sydney Trains, prior to the issue of the Occupation Certificate, 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.

293b. Prior to the issuing of an Occupation Certificate the Applicant is to submit as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into Sydney Trains property or easements, unless agreed to be these authorities. The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

293c. Prior to the issue of an Occupation Certificate (whether an interim or final Occupation Certificate), a report must be prepared and submitted to the Certifying Authority, Council and Sydney Trains certifying that the completed development meets the requirements of State Environmental Planning Policy (Infrastructure) 2007 and with the Department of Planning and Infrastructure's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines" as set down in the subject condition of this consent. Such a report must include external and internal noise levels to ensure that the external noise levels during the test are representative of the typical maximum levels that may occur at this development, and that internal noise levels meet the required dB(A) levels. Where it is found that internal noise levels are greater than the required dB(A) level, necessary corrective measures must be carried out to ensure that internal noise levels are compliant with the requirements of this consent.

BEFORE OCCUPATION OF THE BUILDING FOR 'STAGE 2' OF THE DEVELOPMENT (SITE 2)

294. You shall obtain an Occupation Certificate from your PCA before you occupy or use the building. The PCA must notify the Council of the determination of the Occupation

Certificate and forward the following documents to Council within two (2) days of the date of the Certificate being determined:

- a) A copy of the determination;
- b) Copies of any documents that were lodged with the Occupation Certificate application;
- c) A copy of Occupation Certificate, if it was issued;
- d) A copy of the record of all critical stage inspections and any other inspection required by the PCA;
- e) A copy of any missed inspections; and
- f) A copy of any compliance certificate and any other documentary evidence relied upon in issuing the Occupation Certificate.

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

- a) All preconditions to the issue of an Occupation Certificate specified in this development consent have been met;
- b) The building owner obtains a Final Fire Safety Certificate certifying that the fire safety measures have been installed in the building and perform to the performance standards listed in the Fire Safety Schedule; and
- c) An Occupation Certificate has been issued.

296. The building identification and apartment numbering of each site must be provided and supported by Council before the issuing of any Occupation Certificate.

297. The owner of the premises, as soon as practicable after the Final Fire Safety Certificate is issued, must:

- a) Forward a copy of the Final Safety Certificate and the current Fire Safety Schedule to the Commissioner of Fire and Rescue New South Wales and the Council; and
- b) Display a copy of the Final Safety Certificate and Fire Safety Schedule in a prominent position in the building (i.e. adjacent the entry or any fire indicator panel).

Every twelve (12) months after the Final Fire Safety Certificate is issued the owner must obtain an Annual Fire Safety Certificate for each of the Fire Safety Measures listed in the Schedule. The Annual Fire Safety Certificate must be forwarded to the Commissioner and the Council and displayed in a prominent position in the building.

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

299. The Section 73 Certificate must be submitted to the Principal Certifying Authority before the issue of an Occupation Certificate.

300. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Make early application 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 > Providers > Lists or telephone 13 20 92.

301. The landscaping of the site must be carried out prior to occupation or use of the premises in accordance with the approved details and must be maintained at all times to Council's satisfaction.
302. Upon completion of the development, a statement from a qualified Architect, verifying that the development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design principles set out in Schedule 1 of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development must be submitted to the Certifying Authority's satisfaction before the issue of an Occupation Certificate.
303. The Certifying Authority must be satisfied that each of the commitments listed in BASIX Certificate referred to in this Determination have been fulfilled before the issue of an Occupation Certificate (whether an interim or final Occupation Certificate).
304. The Certifying Authority must apply to the Director-General for a BASIX Completion Receipt within 2 days of the issue of a final Occupation Certificate. Completion Receipts can be applied for at www.basix.nsw.gov.au.
305. a) Upon completion of the required noise attenuation measures referred to in the "Before the Issue of a Construction Certificate" Section of this Determination and before the issue of an Occupation Certificate (whether an interim or final Occupation Certificate), a report must be prepared and submitted to the Certifying Authority's satisfaction by an accredited Acoustics Consultant, certifying that the final construction meets Australian Standard 2021:2015, State Environmental Planning Policy (Infrastructure) 2007 and with the Department of Planning and Infrastructure's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines" as set down in the subject condition of this consent. Such report must include external and internal noise levels to ensure that the external noise levels during the test are representative of the typical maximum levels that may occur at this development; and

b) Where it is found that internal noise levels are greater than the required dB(A) rating due to faulty workmanship or the like, necessary corrective measures must be carried out and a further certificate must be prepared and submitted to Council in accordance with the requirements as set down in Part a) of this condition.
306. The project arborist shall certify in writing to the Principal Certifying Authority (PCA) before the issue of the Occupation Certificate that the conditions of consent relating to tree removal, tree pruning, tree protection and tree planting have been complied with and that the protected trees have not been damaged or, if the recommendations have not been complied with, detail the extent and nature of the departure from the conditions. The Principal Certifying Authority shall report breaches of the conditions to Inner West Council.
307. Council must be notified of bin requirements three months prior to the occupation of the residential component of a development to ensure timely delivery.

308. Council will place an order for the required bins. Delivery will occur once the applicant has completed a Request for New Service, which includes the submission of an Occupation Certificate.
309. Before the issue of an Occupation Certificate, a street number and identifier of separate occupancies (if applicable) must be clearly displayed in a readily visible location (numbers having a height of not less than 75mm). If any new street numbers or change to street numbers (this includes unit and shop numbers) are required they must have the prior approval of council before being displayed.
310. 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 Environmental Operations Act 1997.
311. 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.
312. 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.

313. Liquid trade waste materials are to be disposed of in accordance with the requirements of Sydney Water under a Trade Waste License Agreement.
314. A copy of a trade waste agreement 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.
315. 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".
316. Heavy duty concrete vehicle crossings, in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2- "Roadworks Specifications"

must be constructed at the vehicular access locations before the issue of the Occupation Certificate and at no cost to Council.

317. All redundant vehicular crossings to the site shall be removed and replaced by kerb and gutter and footpath paving in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" before the issue of the Occupation Certificate and at no cost to Council. Where the kerb in the vicinity of the redundant crossing is predominately stone (as determined by Council's Engineer) the replacement kerb shall also be in stone.
318. Encroachments onto Council's road or footpath of any service pipes, sewer vents, boundary traps, downpipes, gutters, stairs, doors, gates, garage tilt up panel doors or any structure whatsoever shall not be permitted. Any encroachments on to Council road or footpath resulting from the building works will be required to be removed before the issue of the Occupation Certificate.
319. 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.
320. 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 have 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.
321. All works required to be undertaken on public roads shall be designed and constructed in accordance with Council's standard plans and specifications. The works shall be supervised and certified by a qualified civil engineer who is listed under the Institution of Engineers, Australia "National Professional Engineers Register" (NPER) and shall state that the works have been constructed in accordance with the approved plans and specifications before the issue of the Occupation Certificate. In addition, full works-as-executed plans in PDF or CAD format (dwg or dxf files), prepared and signed by a registered surveyor, shall be submitted to Council upon completion of the works.
322. 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:

Title	Prepared by	Date
Remediation Action Plan	El Australia	9 April 2019

have been complied with throughout excavation, demolition & development work stages. The certification shall also include:

- a) A validation and site monitoring report prepared in accordance with relevant guidelines issued under the Contaminated Land Management Act 1997 must be submitted to the Council within one month from completion of the remediation work.
- b) A detailed survey of all sites used for landfill disposal must be prepared within one month from completion of the remediation work, and submitted to Council.

c) Identification of the extent and depth of all fill material in relation to existing roadways and buildings. The survey must also include a detailed survey of all site used as landfill disposal pits, identifying boundaries and depth of disposal pits in relation to existing roadways and buildings.

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

323. 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 environmental 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.

324. 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 :

- Description and documentation of all works performed
- Results of validation testing and monitoring
- Validation results if any imported fill was transferred to site
- Demonstrate how all agreed clean-up criteria and relevant regulations have been satisfied
- Confirmation and justification as to the suitability of the site for the proposed use and the potential for off site migration of any residual contaminants.

325. A report prepared by a suitably qualified Acoustic Consultant shall be submitted to Council certifying that the development complies with the requirements of (as relevant):

- State Environmental Planning Policy (Infrastructure) 2007
- ANEF - the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021—2000
- conditions of development consent; and

The report shall include post construction validation test results.

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.

326. ~~During the first sixty (60) days of trading /public entertainment being provided at the premises, the following acoustic measures must be undertaken:~~

~~a) A suitably qualified acoustic consultant must be appointed to:~~

~~i) measure and verify the noise emanating from the premises; and~~

~~ii) if necessary, make recommendations to ensure that the noise emanating from the premises complies with the noise criteria.~~

~~b) The noise measurements must be:~~

~~i) undertaken without the knowledge of the applicant, manager or operator of the premises; and~~

~~ii) taken on at least three (3) different occasions on three (3) different days of the week (excluding Monday, Tuesday and Wednesday) from 11pm until the end of the public entertainment or close of business, whichever occurs first, and~~

~~iii) submitted to Council within seven (7) days of testing.~~

~~c) If the acoustic consultant recommends that additional treatment or works be undertaken those recommendations must be:~~

~~i) submitted to Council with the noise measurements; and~~

~~ii) implemented to the acoustic consultant's satisfaction before the end of the first sixty (60) days of public entertainment provided on the premises.~~

~~d) If the acoustic consultant's recommendations are not implemented in accordance with this condition, the relevant element of trading (ie outdoor area access)/ public entertainment on the premises must cease until such time as the recommendations are implemented and verified.~~

327. 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 to other premises as defined in the Environment Protection Authority's Technical Guidelines for Assessing Vibration.

BEFORE OCCUPATION OF THE BUILDING FOR 'STAGE 3' OF THE DEVELOPMENT (SITE 1)

328. You shall obtain an Occupation Certificate from your PCA before you occupy or use the building. The PCA must notify the Council of the determination of the Occupation Certificate and forward the following documents to Council within two (2) days of the date of the Certificate being determined:

a) A copy of the determination;

b) Copies of any documents that were lodged with the Occupation Certificate application;

c) A copy of Occupation Certificate, if it was issued;

d) A copy of the record of all critical stage inspections and any other inspection required by the PCA;

e) A copy of any missed inspections; and

f) A copy of any compliance certificate and any other documentary evidence relied upon in issuing the Occupation Certificate.

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

a) All preconditions to the issue of an Occupation Certificate specified in this development consent have been met;

- b) The building owner obtains a Final Fire Safety Certificate certifying that the fire safety measures have been installed in the building and perform to the performance standards listed in the Fire Safety Schedule; and
 - c) An Occupation Certificate has been issued.
- 330. The building identification and apartment numbering of each site must be provided and supported by Council before the issuing of any Occupation Certificate.
- 331. The owner of the premises, as soon as practicable after the Final Fire Safety Certificate is issued, must:
 - a) Forward a copy of the Final Safety Certificate and the current Fire Safety Schedule to the Commissioner of Fire and Rescue New South Wales and the Council; and
 - b) Display a copy of the Final Safety Certificate and Fire Safety Schedule in a prominent position in the building (i.e. adjacent the entry or any fire indicator panel).

Every twelve (12) months after the Final Fire Safety Certificate is issued the owner must obtain an Annual Fire Safety Certificate for each of the Fire Safety Measures listed in the Schedule. The Annual Fire Safety Certificate must be forwarded to the Commissioner and the Council and displayed in a prominent position in the building.

- 332. All works required to be carried out in connection with drainage, crossings, alterations to kerb and guttering, footpaths and roads resulting from the development must be completed before occupation of the site. Works must be in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-“Roadworks Specifications”.
- 333. The Section 73 Certificate must be submitted to the Principal Certifying Authority before the issue of an Occupation Certificate.

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Make early application 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 > Providers > Lists or telephone 13 20 92.

- 334. The landscaping of the site must be carried out prior to occupation or use of the premises in accordance with the approved details and must be maintained at all times to Council's satisfaction.
- 335. Upon completion of the development, a statement from a qualified Architect, verifying that the development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design principles set out in Schedule 1 of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development must be submitted to the Certifying Authority's satisfaction before the issue of an Occupation Certificate.

336. The Certifying Authority must be satisfied that each of the commitments listed in BASIX Certificate referred to in this Determination have been fulfilled before the issue of an Occupation Certificate (whether an interim or final Occupation Certificate).
337. The Certifying Authority must apply to the Director-General for a BASIX Completion Receipt within 2 days of the issue of a final Occupation Certificate. Completion Receipts can be applied for at www.basix.nsw.gov.au.
338. a) Upon completion of the required noise attenuation measures referred to in the "Before the Issue of a Construction Certificate" Section of this Determination and before the issue of an Occupation Certificate (whether an interim or final Occupation Certificate), a report must be prepared and submitted to the Certifying Authority's satisfaction by an accredited Acoustics Consultant, certifying that the final construction meets Australian Standard 2021:2015, State Environmental Planning Policy (Infrastructure) 2007 and with the Department of Planning and Infrastructure's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines" as set down in the subject condition of this consent. Such report must include external and internal noise levels to ensure that the external noise levels during the test are representative of the typical maximum levels that may occur at this development; and
- b) Where it is found that internal noise levels are greater than the required dB(A) rating due to faulty workmanship or the like, necessary corrective measures must be carried out and a further certificate must be prepared and submitted to Council in accordance with the requirements as set down in Part a) of this condition.
339. The project arborist shall certify in writing to the Principal Certifying Authority (PCA) before the issue of the Occupation Certificate that the conditions of consent relating to tree removal, tree pruning, tree protection and tree planting have been complied with and that the protected trees have not been damaged or, if the recommendations have not been complied with, detail the extent and nature of the departure from the conditions. The Principal Certifying Authority shall report breaches of the conditions to Inner West Council.
340. Council must be notified of bin requirements three months prior to the occupation of the residential component of a development to ensure timely delivery.
- Council will place an order for the required bins. Delivery will occur once the applicant has completed a Request for New Service, which includes the submission of an Occupation Certificate.
341. Before the issue of an Occupation Certificate, a street number and identifier of separate occupancies (if applicable) must be clearly displayed in a readily visible location (numbers having a height of not less than 75mm). If any new street numbers or change to street numbers (this includes unit and shop numbers) are required they must have the prior approval of council before being displayed.
342. 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 Environmental 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.

343. 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.

344. Liquid trade waste materials are to be disposed of in accordance with the requirements of Sydney Water under a Trade Waste License Agreement.

345. A copy of a trade waste agreement 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.

346. 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".

347. Heavy duty concrete vehicle crossings, in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2- "Roadworks Specifications" must be constructed at the vehicular access locations before the issue of the Occupation Certificate and at no cost to Council.

348. All redundant vehicular crossings to the site shall be removed and replaced by kerb and gutter and footpath paving in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2- "Roadworks Specifications" before the issue of the Occupation Certificate and at no cost to Council. Where the kerb in the vicinity of the redundant crossing is predominately stone (as determined by Council's Engineer) the replacement kerb shall also be in stone.

349. Encroachments onto Council's road or footpath of any service pipes, sewer vents, boundary traps, downpipes, gutters, stairs, doors, gates, garage tilt up panel doors or any structure whatsoever shall not be permitted. Any encroachments on to Council road or footpath resulting from the building works will be required to be removed before the issue of the Occupation Certificate.

350. 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.
351. 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 have 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.
352. All works required to be undertaken on public roads shall be designed and constructed in accordance with Council's standard plans and specifications. The works shall be supervised and certified by a qualified civil engineer who is listed under the Institution of Engineers, Australia "National Professional Engineers Register" (NPER) and shall state that the works have been constructed in accordance with the approved plans and specifications before the issue of the Occupation Certificate. In addition, full works-as-executed plans in PDF or CAD format (dwg or dxf files), prepared and signed by a registered surveyor, shall be submitted to Council upon completion of the works.
353. 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:

Title	Prepared by	Date
Remediation Action Plan	EI Australia	9 April 2019

have been complied with throughout excavation, demolition & development work stages. The certification shall also include:

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

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

354. 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 Environmental 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.

355. 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 :
- Description and documentation of all works performed
 - Results of validation testing and monitoring
 - Validation results if any imported fill was transferred to site
 - Demonstrate how all agreed clean-up criteria and relevant regulations have been satisfied
 - Confirmation and justification as to the suitability of the site for the proposed use and the potential for off site migration of any residual contaminants.
356. A report prepared by a suitably qualified Acoustic Consultant shall be submitted to Council certifying that the development complies with the requirements of (as relevant):
- State Environmental Planning Policy (Infrastructure) 2007
 - ANEF - the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021—2000
 - conditions of development consent; and

The report shall include post construction validation test results.

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.

357. ~~During the first sixty (60) days of trading /public entertainment being provided at the premises, the following acoustic measures must be undertaken:~~
- ~~a) A suitably qualified acoustic consultant must be appointed to:~~
- ~~—— i) measure and verify the noise emanating from the premises; and~~
- ~~—— ii) if necessary, make recommendations to ensure that the noise emanating from the premises complies with the noise criteria.~~
- ~~b) The noise measurements must be:~~
- ~~—— i) undertaken without the knowledge of the applicant, manager or operator of the premises; and~~
- ~~—— ii) taken on at least three (3) different occasions on three (3) different days of the week (excluding Monday, Tuesday and Wednesday) from 11pm until the end of the public entertainment or close of business, whichever occurs first, and~~
- ~~—— iii) submitted to Council within seven (7) days of testing.~~
- ~~c) If the acoustic consultant recommends that additional treatment or works be undertaken those recommendations must be:~~

- ~~i) submitted to Council with the noise measurements; and~~
- ~~ii) implemented to the acoustic consultant's satisfaction before the end of the first sixty (60) days of public entertainment provided on the premises.~~
- ~~d) If the acoustic consultant's recommendations are not implemented in accordance with this condition, the relevant element of trading (ie outdoor area access)/ public entertainment on the premises must cease until such time as the recommendations are implemented and verified.~~

358. 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 to other premises as defined in the Environment Protection Authority's Technical Guidelines for Assessing Vibration.
- 358a. Prior to the issue of an Occupation Certificate (whether an interim or final Occupation Certificate), a report must be prepared and submitted to the Certifying Authority, Council and Sydney Trains certifying that the completed development meets the requirements of State Environmental Planning Policy (Infrastructure) 2007 and with the Department of Planning and Infrastructure's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines" as set down in the subject condition of this consent. Such a report must include external and internal noise levels to ensure that the external noise levels during the test are representative of the typical maximum levels that may occur at this development, and that internal noise levels meet the required dB(A) levels. Where it is found that internal noise levels are greater than the required dB(A) level, necessary corrective measures must be carried out to ensure that internal noise levels are compliant with the requirements of this consent.

ONGOING CONDITIONS OF CONSENT

359. All bins are to be brought back inside within 12 hours of being emptied
360. All businesses must have written evidence of all valid and current contracts and/ or tip dockets for the disposal and/ or processing of all waste streams generated from the site.
361. The building manager/strata title manager or body corporate is responsible for ensuring all residential tenants are kept informed regarding Council's services, and best practice waste and recycling source separation.
362. 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:

- Hazardous Substances
- Water
- Air
- Noise

- Vibration
- Waste & Litter
- Land
- Community
- Environmental Protection objectives and control strategies
- Environmental conditions using measurable indicators and standards
- Emergency Response Plan
- 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.

363. 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
364. Suitably constructed waste disposal containers with securely fitting lids must be kept on the property for the storage of any clinical, contaminated or related waste prior to the final disposal of the material at a facility approved by the Environmental Protection Authority.

ADVISORY NOTES

- The Disability Discrimination Act 1992 (Commonwealth) and the Anti-Discrimination Act 1977 (NSW) impose obligations on persons relating to disability discrimination. Council's determination of the application does not relieve persons who have obligations under those Acts of the necessity to comply with those Acts.
- A complete assessment of the application under the provisions of the Building Code of Australia has not been carried out.
- The approved plans must be submitted to the Customer Centre of any office of Sydney Water before the commencement of any work to ensure that the proposed work meets the requirements of Sydney Water. Failure to submit these plans before commencing work may result in the demolition of the structure if found not to comply with the requirements of Sydney Water.
- The vehicular crossing and/or footpath works are required to be constructed by your own contractor. You or your contractor must complete an application for 'Construction of a Vehicular Crossing & Civil Works' form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, before commencement of works.
- Contact "Dial Before You Dig" before commencing any building activity on the site.
- Useful Contacts

	www.basix.nsw.gov.au
Department of Fair Trading	☎ 13 32 20 www.fairtrading.nsw.gov.au Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Before You Dig	☎ 1100 www.dialbeforeyoudig.com.au
Landcom	☎ 9841 8660 to purchase copies of Volume One of "Soils and Construction"
Long Service Payments Corporation	☎ 13 14 41 www.lspc.nsw.gov.au
NSW Government	www.nsw.gov.au/fibro and www.diysafe.nsw.gov.au Information on asbestos and safe work practices.
NSW Office of Environment & Heritage	☎ 131 555 www.environment.nsw.gov.au
Sydney Water	☎ 13 20 92 www.sydneywater.com.au
Waste Services NSW - SITA Environmental Solutions	☎ 1300 651 116 www.wasteservice.nsw.gov.au
Water Efficiency Labelling and Standards (WELS)	www.waterrating.gov.au
WorkCover Authority of NSW	☎ 13 10 50 www.workcover.nsw.gov.au Enquiries relating to work safety and asbestos removal and disposal.

- The subject property lies within the 20-25 Australian Noise Exposure Forecast (ANEF) Contour (2029), as advised by the Commonwealth Department of Aviation, and it would be advisable to noise attenuate the proposed development in accordance with Australian Standard AS 2021 'Acoustics - Aircraft noise intrusion - Building siting and construction'.

Pursuant to Clause 100(4) of the Regulations under the Act, Council will notify you in writing if Part A of this Consent has been satisfied and the date from which this Consent operates.

Under Section 8.7 of the Act you may, within twelve (12) months of receipt of this notice, appeal to the Land and Environment Court if you are dissatisfied with the Sydney Central Planning Panel's determination.

All conditions imposed by the Sydney Eastern City Planning Panel must be observed. Breach of a condition is a breach of the Act and may also constitute an offence.