

CONDITIONS OF CONSENT

The following are **Deferred Commencement** conditions imposed pursuant to Section 4.16(3) of the *Environmental Planning and Assessment Act 1979*. This Consent will not operate and may not be acted upon until the Council is satisfied as to the following matter(s):

A. Remediation of Land

Prior to the issue of an Operational Consent, Council requires plans and documentation prepared and submitted to the satisfaction of Council's Environmental Health Officer addressing the following:

- a) The Remediation Action Plan (RAP) for this site shall be revised and updated to assess the site having regard to the most recent version of the architectural plans, which include the third level of basement; to ensure the site can be made suitable for the proposed uses.
- b) An updated report from the Site Auditor shall be submitted reflecting the updated RAP.

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

B. Traffic and Parking

Prior to the issue of an Operational Consent, Council requires plans and documentation prepared and submitted to the satisfaction of Council's development engineer addressing the following:

- a) 17 car parking spaces allocated to the Club and/or Retail components of the development are to be deleted.
- b) 3 commercial car spaces are to be added to the residential car space allocation to cater for the 3 live/work units. The residential car space allocation is to be increased to 137 and the commercial allocation is to remain at 23.
- c) Designate 23 car parking spaces allocated to the Commercial component of the development as dual use car parking spaces that are exclusive use of the Commercial Tenants and their visitors between 8.00am and 6.00pm on weekdays. Outside of these times, all Commercial Car Parking Spaces must be available for public use. The layout must be amended to permit public use e.g. no tandem parking spaces.
- d) Total car parking spaces must be no less than 320 spaces. Car parking spaces are to be provided and allocated in accordance with the following table:

Parking spaces by land use	Required Car Parking
Residential (<i>incl. live/work</i>)	137

Commercial (<i>excl. live/work</i>)	23
Club Retail	<i>To be reduced by 23 spaces to provide total club/retail spaces (<u>excl. car share and bus</u>)</i>
Total Club and Retail	147
Community Bus (<i>separately allocated</i>)	1
Car Share spaces (<i>separately allocated</i>)	6
Sub-total	314
Parking spaces by land use	DCP General requirement
Car wash, taxi/Uber & community bus (<i>1 additional bus bay to that required by DCP Amendment No. 18</i>)	6
Total	320

- e) Further to a), b), c) and d), a Traffic and Parking Report is to be prepared by a suitably qualified and experienced engineer that identifies the number of cars movements per day on Waterloo Street, demonstrates acceptable amenity impacts on Waterloo Street and capacity in Waterloo Street to accommodate any traffic demand from future development, includes assessment of the operation of the intersection of Waterloo and Darling Streets and demonstrates acceptable design, operation and management of the dual use spaces for both Commercial and Club/Retail use.
- f) The Report in e) is to fully consider the TfNSW *Guidelines for Environmental Capacity of Residential Streets*.
- g) A plan of the loading dock showing all relevant dimensions.

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

C. Landscape

Prior to the issue of an Operational Consent, Council requires plans and documentation prepared and submitted to the satisfaction of Council's Tree Assessment Officer addressing the following:

- a) Landscaping details are required to demonstrate that there will be adequate soil volume and sufficient permeable soil mixes to allow for water and soil gaseous exchange to promote tree growth. It must be clearly demonstrated that all vegetation proposed to be planted on site can be sustained in the landscape in the long-term. This includes the position of all proposed driveway crossovers, excavation for basement level and all required below ground services that may impact trees to be planted on site.

- b) Tree planting details must be submitted. These shall include dimensions for above and below ground planting space. Additional details, including planting procedures, construction details of retaining walls and planter boxes as well as available soil depth is also required.
 - c) In addition, a Public Domain/Street Tree Planting Plan shall be submitted to Council prepared by a Landscape Architect, Landscape Designer or Consultant Arborist experienced in streetscape design. New trees shall be located within the footpath outside the subject property. The Plan is to incorporate the following:
 - a. 6 x *Melaleuca linariifolia* (Narrow Leaved Paperbark) trees shall be located within the footpath outside the subject property on Waterloo St. 4 x *Corymbia exima* (Yellow Bloodwood) shall be located within the footpath outside the subject property on Victoria Rd. 1 x *Angophora costata* (Sydney Red Gum) shall be located in designated deep soil area in the northwest corner of the site along Victoria Rd.
 - b. All planting stock size shall be minimum 200 litres;
 - c. The planting stock shall comply with AS 2303—*Tree Stock for Landscape Use*.
 - d. The new tree shall be planted by a qualified horticulturist or arborist, with a minimum qualification of Certificate 3 in Horticulture or Arboriculture;
 - e. The tree pit dimensions and staking detail shall be in accordance with Detail 10 on page C44 of the *Ashfield Street Tree Strategy 2015, Part C* (available online);
 - f. The awning configuration must be detailed on the plan. All construction plans shall show the awning on the Victoria Rd frontage to be setback around the street trees. The awning must be setback a minimum of 1200mm from the back of the kerb for a minimum distance of 1800mm either side of each tree location; and
 - g. It must be demonstrated that adequate soil volume can be provided for the street trees. Tree planting details, soil specification and cell vault construction details (in accordance with the manufactures specifications and details) must be submitted to the satisfaction of Council's Urban Forest Manager before the issue of a Construction Certificate. The plans must include dimensions for tree pits and details of a cell vault style structure with a minimum of 20-30m³ available soil volume for each tree. Refer to Appendix 6.6 (Detail 5) of the Marrickville Street Tree Master Plan 2014 for indicative detail, noting that structural soil is not approved in this case.
- Note:** The soil vault may require a drainage system if the surrounding soil type will not naturally provide adequate drainage.
- h. The trees and tree pits must be inspected by Council's Public Tree Coordinator before and after planting.
 - i. A copy of a maintenance agreement with a practicing Horticulturist or Arborist for a minimum period of twelve (12) months commencing on the planting date. Maintenance

includes, but is not limited to, watering, weeding, removal of rubbish from tree base, pruning, fertilizing, pest and disease control and any other operations to maintain a healthy robust tree.

- j. At the end of the twelve (12) month maintenance period, written approval must be obtained from Council before hand-over of any street tree to Council.
- k. If a street tree has been replaced due to maintenance deficiencies during the twelve (12) month maintenance period, the twelve (12) month maintenance period will start again from the date that the street tree is replaced (up to three (3) occurrences)

It is recommended that the Applicant contact Council's Street Tree Planting Team for guidance on street tree planting specifications prior to submitting any plans or documents in response to this deferred commencement condition.

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

If the applicant fails to satisfy Council as to the above matters A. B. and C. within **two (2) years** from the date of determination this consent will lapse.

DOCUMENTS RELATED TO THE CONSENT

1. Documents related to the consent

The development must be carried out in accordance with plans and documents listed below:

Plan & Revision No.	Architectural Plans	Date Issued	Prepared by
AD-DA000 / 4	Cover Page	July 2020	Scott Carver
AD-DA0001 / 4	Site Plan	23.07.2020	Scott Carver
AD-DA099 / 7	Basement Level 3	23.07.2020	Scott Carver
AD-DA100 / 8	Basement Level 2	23.07.2020	Scott Carver
AD-DA101 / 8	Basement Level 1	23.07.2020	Scott Carver
AD-DA102 / 6	Floor Plan – Lower Ground	23.07.2020	Scott Carver

AD-DA103 / 6	Floor Plan – Lower Ground Mez.	23.07.2020	Scott Carver
AD-DA104 / 6	Floor Plan – Upper Ground	23.07.2020	Scott Carver
AD-DA105 / 4	Floor Plan – Upper Ground Mez.	23.07.2020	Scott Carver
AD-DA106 / 4	Floor Plan – Level 01 - Commercial	23.07.2020	Scott Carver
AD-DA107 / 4	Floor Plan – Level 02	23.07.2020	Scott Carver
AD-DA108 / 4	Floor Plan – Level 03	23.07.2020	Scott Carver
AD-DA109 / 4	Floor Plan – Level 04	23.07.2020	Scott Carver
AD-DA110 / 4	Floor Plan – Level 05	23.07.2020	Scott Carver
AD-DA111 / 4	Floor Plan – Level 06	23.07.2020	Scott Carver
AD-DA112 / 4	Floor Plan – Level 07	23.07.2020	Scott Carver
AD-DA113 / 4	Floor Plan – Level 08	23.07.2020	Scott Carver
AD-DA114 / 4	Floor Plan – Level 09	23.07.2020	Scott Carver
AD-DA115 / 4	Floor Plan – Level 10	23.07.2020	Scott Carver
AD-DA116 / 4	Floor Plan – Level 11	23.07.2020	Scott Carver
AD-DA117 / 4	Floor Plan – Level 12	23.07.2020	Scott Carver
AD-DA118 / 4	Roof Plan	23.07.2020	Scott Carver
AD-DA201 / 4	Victoria Road Elevation 1	23.07.2020	Scott Carver
AD-DA202 / 4	Waterloo Street Elevation 2	23.07.2020	Scott Carver
AD-DA203 / 4	Little Darling Lane Elevation 3	23.07.2020	Scott Carver
AD-DA204 / 4	Elevation 4	23.07.2020	Scott Carver
AD-DA205 / 4	Darling Street Elevation 5	23.07.2020	Scott Carver

AD-DA211 / 5	Section 1	23.07.2020	Scott Carver
AD-DA212 / 5	Section 2	23.07.2020	Scott Carver
AD-DA213 / 5	Section 3	23.07.2020	Scott Carver
AD-DA214 / 5	Section 4	23.07.2020	Scott Carver
AD-DA300 / 4	Materials	23.07.2020	Scott Carver
AD-DA301 / 4	Adaptable Apartment (Type 1)	23.07.2020	Scott Carver
AD-DA302 / 4	Adaptable Apartment (Type 2)	23.07.2020	Scott Carver
AD-DA303 / 1	Typical Unit Plans – Sheet 1	23.07.2020	Scott Carver
AD-DA304 / 1	Typical Unit Plans – Sheet 2	23.07.2020	Scott Carver
AD-DA305 / 1	Typical Unit Plans – Sheet 3	23.07.2020	Scott Carver
AD-DA306 / 1	Typical Unit Plans – Sheet 4	23.07.2020	Scott Carver
AD-DA901 / 4	Vehicle Entry Ramp–Victoria Road	23.07.2020	Scott Carver
AD-DA902 / 4	Vehicle Entry Ramp–Waterloo Street	23.07.2020	Scott Carver
Plan & Revision No.	Landscaping	Date Issued	Prepared by
LD-DA000/3	Cover Sheet	06.06.2020	Scott Carver
LD-DA100/2	LG and GF GA Plan	12.05.2020	Scott Carver
LD-DA110/2	L1 GA Plan	12.05.2020	Scott Carver
LD-DA120/3	L5 GA Plan	06.06.2020	Scott Carver
LD-DA130/3	L10 and L11 Plan	06.06.2020	Scott Carver
LD-DA200/1	Little Darling Lane Elevation	04.05.2020	Scott Carver
LD-DA210/1	Heritage Lane Section	04.05.2020	Scott Carver

LD-DA220/1	Waterloo Street Elevation	04.05.2020	Scott Carver
LD-DA230/1	Victoria Road Elevation	04.05.2020	Scott Carver
LD-DA240/1	Darling Street Elevation	04.05.2020	Scott Carver
LD-DA250/1	Tiger Lane Sections	04.05.2020	Scott Carver
LD-DA260/1	Soil Depth Sections	04.05.2020	Scott Carver
LD-DA300/1	Planting GF Plan	04.05.2020	Scott Carver
LD-DA320/2	Planting L5 Plan	12.05.2020	Scott Carver
LD-DA330/2	Planting L10 and L11 Plan	12.05.20	Scott Carver
LD-DA500/1	Little Darling Future Works	04.05.20	Scott Carver
Plan & Revision No.	Survey	Date Issued	Prepared by
Ref: 50194001DT Revision A	Plan of Details and Levels Sheets 1 to 10 Date of Survey 21.12.2017	19.02.2018	LTS Lockley Registered Surveyors
Plan & Revision No.	Stormwater	Date Issued	Prepared by
Drawing No. C200 Revision P8	Lower Ground Floor - Drainage Plan	26.08.20	Webber Design Structural Engineering
Drawing No. C210 Revision P7	Upper Ground Floor - Drainage Plan	25.08.20.	Webber Design Structural Engineering
Drawing No. C215 Revision P4	Overland Flow Path	25.08.20.	Webber Design Structural Engineering
Drawing No. C502 Revision P5	Civil Section – Sheet 1	25.08.20.	Webber Design Structural Engineering
Drawing No. C503 Revision P4	Civil Section – Sheet 2	25.08.20.	Webber Design Structural Engineering

Reference	Supporting Report Name	Date Issued	Prepared by
-	Statement of Environmental Effects	20.12.2020	Mecone
-	SEPP 1 Objection	August 2020	Mecone
904484M_05	BASIX Certificate	31.07.2020	Integrated Group Services
Revision 1.7	ESD, NCC Section J & BASIX Assessment Report – July 2020	31.07.2020	Integrated Group Services
-	Cost Summary Report	17.04.2018	WT Partnership
Project 17043 Revision H	Waste Management Plan	06.05.2020	Elephants Foot
Job No: 3123 Issue 9	Statement of Heritage Impact	January 2020	Heritage 21
Ref: 31190Zrpt Revision 0	Geotechnical Investigation	04.04.2018	JK Geotechnics
-	Structural Design Criteria Report	06.04.2018	Webber Design
P034504.003/B	Remedial Action Plan	March 2020	PRM
IA 1301-1915_02	Interim Site Audit Advice	5.03.2020	Enviroview
-	Phase 1 Preliminary Site Inspection	April 2018	AECOM
	Construction Management Plan	March 2018	
-	Economic Impact Assessment	April 2018	Location IQ
2017/3051 R1.4	BCA (Fire Safety) Report	April 2018	Steve Watson and Partners
EN-N17_123/Rev.03	Building Services Design Report	April 2018	Integrated Group Services
-	Draft Plan of Management for Club	April 2018	Mecone
DA Final V2	Access Review	19.12.2019	Morris Godin g Accessibility Consulting
-	Trolley Management Report	April 2018	Urban Develop

Reference: 18071 Revision 2	Green Travel Plan	26.06.2020	The Transport Planning Partnership
WD985-01F02 Revision 2	Wind Report	13.04.2018	Windtech Consultants
20171460.1/0103A/R2/BW	Acoustic Report	12.04.2018	Acoustic Logic
20171460.1/0708A/R0/VF	Acoustic Report	07.08.2019	Acoustic Logic
20171460.5/2209A/R0/VF	Acoustic Report	22.09.2019	Acoustic Logic
20171460.6/0705A/R0/VF	Acoustic Review of Amended Development Application	07.05.2020	Acoustic Logic
Ref:0534r07v2	Revised Traffic and Transport Study	20,12,2019	Ason Group
-	Balmain Leagues Club – JMT Traffic Review	29.06.2020	JMT Consulting
0534I05v5	Revised Evening Access Strategy	13.05.2020	Ason Group
0534I07v1	Ramp Design Requirements	13.05.2020	
Rozelle Laneways	Urban Design Report	August 2019	Scott Carver
5668	Arboricultural Impact Assessment & Tree Management Plan	6.12.2019	Redgum Horticultural
Project: SA7365	Social Impact Assessment	25.05.2018	Urbis

As amended by the conditions of consent.

2. Section 7.11 (Former Section 94) Contribution

Prior to the issue of a Construction Certificate written evidence must be provided to the Certifying Authority that a monetary contribution of **\$3,340,000.00** in accordance with Developer Contributions Plan No.1 – Open Space and Recreation; ‘Developer Contributions Plan No.2 – Community Facilities and Services (2005); and Leichhardt Developer Contributions Plan – Transport and Access (“CP”) has been paid to the Council.

The above contribution is the contribution applicable as at 31/07/20

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:

Local Infrastructure Type:	Contribution \$
Community Facilities and Services	\$445,746.33
Open Space and Recreation	\$2,878,733.05
Local Area Traffic Management	\$12,099.14
Bicycle Works	\$3,421.47
TOTAL	\$3,340,000.00

A copy of the CP can be inspected at any of the Inner West Council Services Centres or viewed online at:

<https://www.innerwest.nsw.gov.au/develop/planning-controls/section-94-contributions>

The contribution must be paid either in cash, by unendorsed bank cheque (from an Australian Bank only), via EFTPOS (Debit only) or credit card*. Prior to payment contact Council's Planning Team to review charges to current indexed quarter, please allow a minimum of 2 business days for the invoice to be issued before payment can be accepted.

*Note: A 0.75% credit card transaction fee applies to all credit card transactions.

3. Long Service Levy

Prior to the issue of a Construction Certificate, written evidence must be provided to the Certifying Authority that the long service levy in accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* has been paid at the prescribed rate of 0.35% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$25,000 or more.

4. Security Deposit - Custom

Prior to the commencement of demolition works or prior to the issue of a Construction Certificate to enable demolition works to commence, the Certifying Authority must be provided with written evidence that a security deposit and inspection fee has been 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:	\$250,000
Inspection Fee:	\$230.65

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 the 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.

5. Maintenance Deposit

Prior to the issue of any Occupation Certificate, the Certifying Authority must be provided with written evidence that a security deposit has been paid to Council as surety for all requirements under this consent including the implementation of recommendations of the post development parking study, any defects that occur in the new public domain works, and assets required by this consent for a minimum twelve month period from the date all construction work has been completed and a final Occupation Certificate issued (whichever is the latest).

Security Deposit:	\$25,000
Inspection Fee:	\$230.65

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 the Council to determine the condition of the adjacent road reserve and footpath prior to the return of the security deposit.

Council may carry out any works necessary to repair the defects, remove the risk or complete the works. Council may utilise part or all of the security deposit to repair the defects, remove the risk or complete the works, 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 12 months after all construction work has been completed and a final Occupation Certificate issued (whichever is the latest).

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.

GENERAL CONDITIONS

6. Works to Trees

Approval is given for the following works to be undertaken to trees on the site upon Council's approval of a Public Domain Street Tree Planting Plan:

Tree/location	Approved works
<i>Callistemon viminalis</i> (Weeping Bottlebrush) located in road reserve along Waterloo St.	Remove.

The removal of any street tree approved by Council must include complete stump removal (to a minimum depth of 400mm) and the temporary reinstatement of levels so that no trip or fall hazards exist until suitable replanting occurs. These works must be completed immediately following the tree/s removal.

Removal or pruning of any other tree (that would require consent of Council) on the site is not approved and shall be retained and protected in accordance with Council's *Development Fact Sheet—Trees on Development Sites*.

7. Privacy

Prior to the issue of the relevant Construction Certificate for Building C, the Certifying Authority must be provided with amended plans indicating that the following privacy measures have been incorporated on the north-western elevation of Building C:

- a) Translucent glass to be used on any window within a 6m setback from the north-western boundary.
- b) Privacy screens are to be included around the edge of north-western facing balconies in Building C that are within a 6m setback from the north-western boundary. These privacy screens are to be a minimum of 1.6m high from the FFL of the balcony.

8. Median Island within the Footpath

(TfNSW Condition provided 02 June 2020)

Any median islands to ensure separation of vehicles shall be located within the private property as the provision of a median island within the footpath reserve along Victoria Road is not supported.

9. Vehicle exiting from the car Park via Victoria Road

(TfNSW Condition provided 02 June 2020)

No vehicles from the car park are allowed to exit onto Victoria Road between 5am and 8pm.

10. Vehicle exiting from the car Park via Waterloo Street

No vehicles from the car park are allowed to exit onto Waterloo Street between 8pm and 5am. All vehicles must exit onto Victoria Road during these times. To permit safe egress, the operation of the Loading Dock is not permitted during these times.

11. Works within Boundaries

(TfNSW Condition provided 26 February 2020)

All buildings and structures, together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited height or depth), along the Victoria Road boundary.

12. Impact on CBD Metro

(TfNSW Condition provided 27 November 2020)

All structures which are proposed for construction or installation, or which are constructed or installed, in connection with the approved development that have a potential impact on the CBD Metro must be designed, constructed and maintained in accordance with design criteria specified by the Transport for NSW (TfNSW).

13. Design and Construction of Basement Levels

(TfNSW Condition provided 27 November 2019)

The design and construction of the basement levels, foundations and ground anchors for the approved development are to be completed to the satisfaction of TfNSW.

14. Future Operation of Railway Tunnels in the Vicinity

(TfNSW Condition provided 27 November 2019)

The applicant must make allowances that are to be agreed with TfNSW in the design, construction and maintenance of the approved development for the future operation of railway tunnels in the vicinity of the approved development, especially in relation to noise, vibration, stray currents, electromagnetic fields and fire safety.

15. Construction of Foundations and Ground Anchors

(TfNSW Condition provided 27 November 2019)

The design and construction of the foundations and ground anchors for the approved development are to be completed to the satisfaction of TfNSW. An accurate plan/CAD model should be included for the proposed foundations, to enable verification against the CBD Metro model. The foundation design and any encroachment into Exclusion Zone and beyond must comply with the limitations of the Structure Exclusion Zones as required by TfNSW.

16. Modifications to the Approved Design

(TfNSW Condition provided 27 November 2019)

No modifications may be made to the approved design without the consent of TfNSW.

17. Access to the Site – TfNSW (a)

(TfNSW Condition provided 27 November 2019)

The applicant must provide access by representatives of TfNSW upon request to the site of the approved development and all structures on that site during all stages of the development.

18. Access to the Site – TfNSW (b)

(TfNSW Condition provided 27 November 2019)

TfNSW, and persons authorised by it for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought.

19. Council Records

(TfNSW Condition provided 27 November 2019)

Copies of any certificates, drawings or approvals given to or issued by TfNSW must be delivered to Council for its records.

20. TfNSW Costs

(TfNSW Condition provided 27 November 2019)

All TfNSW costs associated with review of plans, designs and legal must be borne by the applicant.

21. Awnings with Lighting

Awnings must be of cantilever type and be set back at least 600mm from the kerb line with 3.5m underpass (minimum) where located on Victoria Road. These awnings must be designed to be easily removed if required in future. These awnings must include pedestrian lighting (Category P3-AS1158) and must be maintained and owned by the property owner(s). The owner(s) must maintain, modify, or remove the structure at any time if given notification by Council to do so. The lighting must be not be obtrusive and should be designed so that it does not shine into any adjoining residences.

22. Residential Flat Buildings – Hot Water Systems

Where units or dwellings are provided with separate individual hot water systems, these must be located so they are not externally visible from the street.

23. Residential Flat Buildings – Air Conditioning Systems

Where units or dwellings are provided with separate individual air conditioning systems, these must be located so they are not externally visible from the street.

24. Residential Flat Buildings – Adaptable Dwellings

Prior to the issue of the relevant Construction Certificate, the Certifying Authority, must be provided with plans that demonstrate that a minimum of 10% of residential units are Adaptable Units as defined by the Leichhardt Local Environmental Plan 2000. In addition, the development is to be designed to accommodate a minimum of a further 10% of residential units that are able to comply with Liveable Housing Australia's *Liveable Housing Design Guidelines* for silver standard adaptable dwellings. Details are to be referenced on the relevant Construction Certificate drawings submitted to the Certifying Authority.

No works are to occur to the premises that would prevent the Adaptable units from being adapted for persons with a disability.

25. Waste Management Plan

Prior to the commencement of any works (including any demolition works), the Certifying Authority is required to be provided with a Recycling and Waste Management Plan (RWMP) in accordance with the relevant Development Control Plan.

26. Erosion and Sediment Control

Prior to the issue of a commencement of any works (including any demolition works), the Certifying Authority must be provided with an erosion and sediment control plan and specification. Sediment control devices must be installed and maintained in proper working order to prevent sediment discharge from the construction site.

27. Standard Street Tree Protection

Prior to the commencement of any works (including any demolition works), the Certifying Authority must be provided with details of the methods of protection of all street trees adjacent to the site during demolition and construction.

28. Verification of Levels and Location

Prior to the pouring of the ground floor slab or at dampcourse level, whichever is applicable or occurs first, the Certifying Authority must be provided with a survey levels certificate prepared by a Registered Surveyor indicating the level of the slab and the location of the building with respect to the boundaries of the site to AHD.

29. Works Outside the Property Boundary

This development consent does not authorise works outside the property boundaries on adjoining lands.

30. Boundary Alignment Levels

Alignment levels for the site at all pedestrian and vehicular access locations must match the existing back of footpath levels at the boundary.

31. Dry-weather Flows

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.

32. Rock Anchors

This consent does not grant consent for any rock anchors on the road reserve or Council land.

33. Modifications of Sandstone Walls

Existing salvaged sandstone is to be carefully removed, safely stored and later reused for the new/reconstructed sandstone wall. New mortar for the stone wall is to be compatible with stone (i.e. not hard cement mortar), using a traditional lime mortar with the appropriate grade and type of sand, and the appropriate mix.

34. Separation of Commercial and Residential Waste and Recycling

The waste and recycling handling and storage systems for residential waste and commercial waste (including waste originating from retail premises) are to be 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.

35. Noise – Consultant's Recommendations

The recommendations contained in the acoustic reports prepared by Acoustic Logic dated 12 April 2018, 7 August 2019, 22 September 2019, and report prepared by Acoustic Logic, reference 20171460.6/0705A/R0/VF dated 7 May 2020 must be implemented.

36. Contamination – Remedial Action Plan (Site Auditor Engaged)

The site is to be remediated and validated in accordance with the recommendations set out in the Remedial Action Plan, prepared Progressive Risk Management, reference P034504.003 dated February 2020 and the Letter of Interim Advice or Section B Site Audit Statement prepared by NSW Environment Protection Authority accredited Site Auditor James Davis, reference IA 1301-1915_02 dated 5 March 2020, **which are to be updated and approved by Council**. All remediation work must be carried out in accordance with the *Contaminated Land Management Act 1997* and *State Environmental Planning Policy No 55*.

37. Hazardous Materials Survey

Prior to any demolition works commencing or the issue of a Construction Certificate (whichever occurs first), the Certifying Authority must provide a hazardous materials survey to Council. The survey shall be prepared by a suitably qualified Occupational Hygienist and is to incorporate appropriate hazardous material removal and disposal methods in accordance with the requirements of SafeWork NSW.

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

38. Permits

Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent must obtain all applicable Approvals and Permits from Council in accordance with Section 68 (Approvals) of the Local Government Act 1993 and/or Section 138 of the Roads Act 1993. Approvals and 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 veranda over the footpath
- h) Partial or full road closure
- i) Installation or replacement of private stormwater drain, utility service or water supply

If required contact Council's Road Access Team to ensure the correct Permit applications are made for the various activities. Applications for such Permits must be submitted and approved by Council prior to the commencement of the works associated with such activity or prior to Construction Certificate where required by a condition of this consent.

39. Post Development Operation Traffic and Parking Assessment

No less than 3 months after the issue of the final Occupation Certificate but no more than 6 months after the issue of the final Occupation Certificate, Council must be provided with a post-development operation traffic and parking study report. The study must address the following as a minimum:

- a) Full details of the existing on-street parking arrangements including existing on street parking numbers (to AS2890.5) and parking restrictions.
- b) Parking Occupancy surveys of the full length of Waterloo Street (both sides) and Moodie Street (both sides) between Cambridge Street and Victoria Road.

- c) Parking surveys of a standard weekday and Saturday and Sunday for the full operating times of the development.
- d) Identification and summary of all changes to parking occupancy within the survey area compared to the Predevelopment Parking Study.
- e) Identification of the increase in traffic resulting from the development including traffic counts of vehicular movements at all relevant locations and times.
- f) Recommendations of the changes to traffic and parking arrangements to address the impact of the development on adjacent streets, particularly on neighbouring residential properties.
- g) Road safety audits of intersections at Darling Street and Waterloo Street and Waterloo Street and Moodie Street and the vehicular access/egress from the site to Waterloo Street.
- h) Consultation with Council's Traffic and Transport Manager on recommendations of the study.
- i) All data collected and relied on for the surveys must be included in the report.

The applicant shall implement the recommendations of the report in consultation with Council as required, at no cost to Council, prior to the issue of the release of the Maintenance Deposit.

PRIOR TO ANY DEMOLITION

40. Pre-development Traffic and Parking Assessment

Prior to any demolition works commencing or the issue of a Construction Certificate (whichever occurs first), the Principal Certifying Authority must be provided with written evidence from Council that a pre-development traffic and parking study has been submitted to and approved by Council. The study must address the following as a minimum:

- a) Full details of the existing on-street parking arrangements including existing on street parking numbers (to AS2890.5) and parking restrictions.
- b) Parking Occupancy surveys of the full length of Waterloo Street (both sides) and Moodie Street (both sides) between Cambridge Street and Victoria Road.
- c) Establish baseline assessment of traffic movements within the vicinity of the site including traffic counts at all relevant locations including Waterloo Street and Moodie Street.
- d) Parking surveys of a standard weekday and Saturday and Sunday for the full operating times of the development.

- e) All data collected and relied on for the surveys must be included in the report.

41. Hoardings

The person acting on this consent must 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. An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling onto public property.

Separate approval is required from the Council under the *Roads Act 1993* to erect a hoarding or temporary fence or awning on public property.

42. Construction Traffic Management Plan – Detailed

Prior to any demolition works commencing, the Certifying Authority, must be provided with a detailed Construction Traffic Management Plan (CTMP), prepared by an appropriately qualified Traffic Management Consultant with RMS accreditation. The CTMP must be approved by the Certifying Authority prior to the commencement of any works, including demolition. The Certifying Authority must ensure that the CTMP instructs vehicles to use State and Regional and Collector Roads to the maximum extent with the use of Local Roads as final approach to the development site via the most suitable direct route.

The following matters should be addressed in the CTMP (where applicable):

- a) Description of the demolition, excavation and construction works;
- b) Site plan/s showing the site, roads, footpaths, site access points and vehicular movements;
- c) Size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site);
- d) Proposed route(s) from the arterial (state) road network to the site and the proposed route from the site back to the arterial road network;
- e) Impacts of the work and vehicular movements on the road network, traffic and pedestrians and proposed methods to safely manage pedestrians and construction related vehicles in the frontage roadways;

- f) Any Traffic Control Plans (TCP's) proposed to regulate traffic and pedestrian movements for construction activities (such as concrete pours, crane installation/removal etc.);
- g) Proposed hours of construction related activities and vehicular movements to and from the site;
- h) Current/proposed approvals from other Agencies and Authorities (including Roads and Maritime Services, Police and State Transit Authority);
- i) Any activities proposed to be located or impact upon Council's road, footways or any public place;
- j) Measures to maintain public safety and convenience;
- k) Any proposed road and/or footpath closures;
- l) Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site;
- m) Locations of work zones (where it is not possible for loading/unloading to occur on the site) in the frontage roadways accompanied by supporting documentation that such work zones have been approved by the Local Traffic Committee and Council;
- n) Location of any proposed crane and concrete pump and truck standing areas on and off the site (and relevant approvals from Council for plant on road);
- o) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
- p) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected;
- q) On-site parking area for employees, tradespersons and construction vehicles as far as possible;
- r) Proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period; and
- s) How it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.
- t) Swept Paths for the proposed construction vehicles to demonstrate that the needed manoeuvres can be achieved without causing any nuisance.

43. Recommendations of the Heritage Impact Statement

The recommendations which form part of the *Statement of Heritage Impact*, prepared by Heritage 21, and dated December 2019 (listed in Condition 1 - *Documents related to the consent*), are to be incorporated into the proposal. This is to be provided to the satisfaction of the Certifying Authority prior to the relevant Construction Certificate being issued.

44. Photographic Archival Recording

A full archival record of the building and landscape elements to be altered is to be submitted, to the satisfaction of Council's Heritage Specialist, prior to the commencement of any work on-site and prior to the issue of any Construction Certificate.

The archival record is to be completed by a heritage consultant listed on the Consultants Directory by the NSW Office of Environment & Heritage (Heritage Branch) or by a suitably qualified consultant who must demonstrate a working knowledge of archival principles.

Photographic archival records must be taken of the building, landscape or item in accordance with the guidelines 'Heritage Information Series, Photographic Recording of Heritage Items Using Film or Digital Capture 2006' published by the former NSW Department of Planning Heritage Branch and available online at <http://www.environment.nsw.gov.au/resources/heritagebranch/heritage/infophotographicrecording2006.pdf>

The photographic archival recording is to be submitted in a digital format only and is to include the following:

- a) Development Application number and the Condition of Consent number must be noted
- b) Site plan at a scale of 1:200 (or 1:500 if appropriate) of all structures and major landscape elements including their relationship to the street and adjoining properties and directional details of photographs taken.
- c) Floorplans of the internal layout and directional details of photographs taken.
- d) Coloured photographs of:
- e) each elevation,
- f) each structure and landscape feature;
- g) internal images of each room and significant architectural detailing;
- h) views to the subject property from each street and laneway or public space.

The report must include written confirmation, issued with the authority of both the applicant and the photographer that the Inner West Council is granted a perpetual non-exclusive licence to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.

The electronic images are to be taken with a minimum 8 megapixel camera, saved as JPEG TIFF or PDF files with a size of approximately 4-6MB, and cross referenced to the digital catalogue sheets and base plans. Choose only images that are necessary to document the process and avoid duplicate images. The report can be submitted on a USB, CD or DVD, in

PDF/A format (created directly from the digital original), with a digital catalogue of images with the following data for each: title, image subject/description and date photograph taken

45. Heritage Interpretation Plan

A Heritage Interpretation Plan for the [Specify feature/site] must be submitted to and approved by Council's Heritage Specialist prior to the issue of any Construction Certificate. The plan is to be prepared by a suitably qualified and experienced heritage practitioner or historian in accordance with the 'Heritage Interpretation Policy' published by the Heritage Council of NSW and the NSW Department of Planning in August 2005 and 'Heritage Information. Series, Interpreting Heritage Places and Items Guidelines' published by the former NSW Heritage Office in August 2005.

The interpretation plan must detail how information on the history and significance of the [Specify feature/site] will be provided for the public and make recommendations regarding public accessibility, signage and lighting. Public art, details of the heritage design, the display of selected artefacts are some of the means that can be used. The plan must specify the location, type, making materials and contents of the interpretation device being proposed.

Prior to the final Occupation Certificate being issued, the approved interpretation plan must be implemented to the satisfaction of Council's Heritage Specialist.

46. Salvaged Building Material

Prior to any demolition works commencing, the Certifying Authority is to be provided with a salvage methodology demonstrating how stone, timber weatherboards, joinery and decorative architectural elements to be demolished, which include windows and doors, chimney pieces, timber flooring, timber balustrades, stained glass, fireplaces, decorative ceiling, cornices and ceiling roses will be catalogued, labelled, salvaged and where practical reused on the project or transferred to an established second hand building material dealer for recycling.

47. Resource Recovery and Waste Management Plan - Demolition and Construction

Prior to any demolition works commencing, the Certifying Authority must be provided with a Resource Recovery and Waste Management Plan - Demolition and Construction that includes details of materials that will be excavated and their proposed destination or reuse.

48. Dilapidation Report

Prior to any works commencing (including demolition works), the Certifying Authority and owners of all adjoining properties, must be provided with a colour copy of a dilapidation report prepared by a suitably qualified person. The report is required to include colour photographs of all the adjoining properties to the Certifying Authority's satisfaction. In the event that the

consent of the adjoining property owner cannot be obtained to undertake the report, copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the Certifying Authority before work commences.

49. Advising Neighbors Prior to Excavation

At least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, notice of intention to do so is to be given (in writing) to the owner(s) of the adjoining allotment of land and furnish particulars of the excavation to the owner(s) of the building being erected or demolished.

50. Construction Fencing

Prior to the commencement of any works (including demolition works), 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.

PRIOR TO CONSTRUCTION CERTIFICATE

51. Inspections by Project Arborist

The trees to be retained must be inspected, monitored and treated by the Project Arborist during and after completion of development works to ensure their long-term survival. Regular inspections and documentation from the Project Arborist to the Certifying Authority are required at the following times or phases of work:

Tree No./ Botanical/ Common Name/ Location	Time of Inspection	Key stage/ Hold point
1) <i>Waterhousea floribunda</i> (Weeping Lilly Pilly) located on adjoining property.	Prior to commencement of works	<ul style="list-style-type: none"> • Inspection and sign off installation of tree protection measures.

	During Works	<ul style="list-style-type: none"> • Supervise all site preparation and demolition works within the TPZ; • Supervise all works inside or above the TPZ; • Supervise all excavation, trenching works, landscaping works and tree/planting replenishment within the TPZ; • Supervise all tree work.
	<ul style="list-style-type: none"> • In accordance with the approved Tree Protection Plan referred to in part B and appendix F of the submitted Arboricultural Impact Assessment, prepared by Redgum Horticultural, dated 6/12/2019 and section 4 of AS4970—<i>Protection of trees on development sites</i>. 	

Recommendations to ensure the tree/s long term survival must be carried out immediately upon receipt of the report.

52. Tree Planting in the Public Domain

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with the Council approved Public Domain/Street Tree Planting Plan incorporating the following requirements:

- a) 6 x *Melaleuca linariifolia* (Narrow Leaved Paperbark) trees shall be located within the footpath outside the subject property on Waterloo St. 4 x *Corymbia exima* (Yellow Bloodwood) shall be located within the footpath outside the subject property on Victoria Rd. 1 x *Angophora costata* (Sydney Red Gum) shall be located in designated deep soil area in the northwest corner of the site along Victoria Rd.
- b) The trees are to be planted at x (x) metre spacings;
- c) All planting stock size shall be minimum 200 litres;
- d) The planting stock shall comply with AS 2303—Tree Stock for Landscape Use.
- e) The new tree shall be planted by a qualified horticulturist or arborist, with a minimum qualification of Certificate 3 in Horticulture or Arboriculture;
- f) The tree pit dimensions and staking detail shall be in accordance with Detail 10 on page C44 of the Ashfield Street Tree Strategy 2015, Part C (available online);
- g) The awning configuration must be detailed on the plan. All construction plans shall show the awning on the Victoria Rd frontage to be setback around the street trees. The awning must be setback a minimum of 1200mm from the back of the kerb for a minimum distance of 1800mm either side of each tree location; and
- h) It must be demonstrated that adequate soil volume can be provided for the street trees. Tree planting details, soil specification and cell vault construction details (in accordance with the manufactures specifications and details) must be submitted to the satisfaction of Council's Urban Forest Manager before the issue of a Construction Certificate. The plans must include dimensions for tree pits and details of a cell vault style structure with a minimum of 20-30m³ available soil volume for each tree. Refer to Appendix 6.6 (Detail 5) of the Marrickville Street Tree Master Plan 2014 for indicative detail, noting that structural soil is not approved in this case.
Note: The soil vault may require a drainage system if the surrounding soil type will not naturally provide adequate drainage.
- i) The trees and tree pits must be inspected by Council's Public Tree Coordinator before and after planting.
- j) A copy of a maintenance agreement with a practicing Horticulturist or Arborist for a minimum period of twelve (12) months commencing on the planting date.
Maintenance includes, but is not limited to, watering, weeding, removal of rubbish from tree base, pruning, fertilizing, pest and disease control and any other operations to maintain a healthy robust tree.
- k) At the end of the twelve (12) month maintenance period, written approval must be obtained from Council before hand-over of any street tree to Council.
- l) If a street tree has been replaced due to maintenance deficiencies during the twelve (12) month maintenance period, the twelve (12) month maintenance period will start again from the date that the street tree is replaced (up to three (3) occurrences).

53. Tree Protection

No trees on public property (footpaths, roads, reserves etc.) are to be removed or damaged during works unless specifically approved in this consent or marked on the approved plans for removal.

Prescribed trees protected by Council's Management Controls on the subject property and/or any vegetation on surrounding properties must not be damaged or removed during works unless specific approval has been provided under this consent.

Any public tree within five (5) metres of the development must be protected in accordance with Council's *Development Fact Sheet—Trees on Development Sites*.

No activities, storage or disposal of materials taking place beneath the canopy of any tree (including trees on neighbouring sites) protected under Council's Tree Management Controls at any time

Details of the trees must be included on all Construction Certificate plans and shall be annotated in the following way:

- a. Green for trees to be retained;
- b. Red for trees to be removed;
- c. Blue for trees to be pruned; and
- d. Yellow for trees to be transplanted.

NOTE: Reference should be made to the *Arboricultural Impact Assessment Report prepared by Redgum Horticultural dated 6/12/2019 for tree numbering and locations*

54. Voluntary Planning Agreement

Prior to the issue of a Construction Certificate the applicant/developer shall:

- a) enter into a Voluntary Planning Agreement (VPA) with Council in accordance with the terms of the offer made by the applicant and as accepted by Council at its meeting on 8 September 2020; and
- b) register the VPA on the title of the land to which the VPA applies.

55. WestConnex M4-M5 Link - Construction Impacts

(TfNSW Condition provided 05 August 2020)

The subject property is within the WestConnex M4-M5 Link project boundary and is subject to construction impacts. To allow for the construction and operation of WestConnex, TfNSW is

in the process of acquiring subsurface land (in this case, land underneath 138-152 Victoria Road Rozelle) to form the underground road corridor. As such, a section of this property will become limited in stratum. A property condition survey is offered to all properties within 50 metres of the tunnel alignment and construction sites both before and after construction.

A specialist engineering assessment, including 3-dimensional finite element (FE) modelling analysis undertaken by an appropriately qualified and experienced geotechnical/tunnelling engineer that identifies the implications of the development on the road infrastructure shall be submitted to TfNSW for approval prior to issue of the Construction Certificate. In addition, specific attention to those that involve the penetration of ground to a depth of at least 3m below ground level (existing) and/or greater than 50Kpa loading at founding level. The proponent will be required to demonstrate that the proposed development does not result in any adverse effects on the strength capacity, durability, design life and water control system performance of the adjacent infrastructure.

Please send all documentation to info@westconnex.com.au.

56. Proposed Victoria Road Access Arrangement

(TfNSW Condition provided 02 June 2020)

Prior to the issue of the Construction Certificate, the applicant shall undertake a Stage 3 (Detailed Design) Road Safety Audit for the Victoria Road access arrangement and the proposed sign posting / line marking arrangements for the car park between the loading dock and Victoria Road access. This audit shall be undertaken in accordance with Austroads Guide to Road Safety Part 6: Managing Road Safety Audits and Austroads Guide to Road Safety Part 6A: Implementing Road Safety Audits by an independent TfNSW accredited road safety auditor.

Based on the results of the road safety audit, the applicant shall review the design drawings and implement safety measures in consultation with TfNSW as required, prior to the issue of the Construction Certificate.

57. Design and construction of the vehicular crossing on Victoria Road

(TfNSW Condition provided 26 February 2020)

The design and construction of the vehicular crossing on Victoria Road shall be in accordance with TfNSW requirements. Details of these requirements should be obtained by email to DeveloperWorks.Sydney@rms.nsw.gov.au.

Detailed design plans of the proposed works are to be submitted to TfNSW for approval prior to the issue of a Construction Certificate and commencement of any road works. Please send all documentation to development.sydney@rms.nsw.gov.au.

A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by TfNSW.

58. Road Traffic Noise Impacts

(TfNSW Condition provided 26 February 2020)

The proposed development should be designed such that road traffic noise from Victoria Road is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102 (3) of State Environmental Planning Policy (Infrastructure) 2007.

As such, prior to the issuing of the Construction Certificate, the developer must demonstrate to Council that road traffic noise from Victoria Road has been mitigated to comply with the above and has regard for the applicable requirements in the NSW Government's Development Near Rail Corridors and Busy Roads – Interim Guideline, 2008 with applicable requirements being details on the Construction Certificate plans.

59. Construction Pedestrian Traffic Management Plan (CPTMP)

(TfNSW Condition provided 26 February 2020)

A Construction Pedestrian Traffic Management Plan (CPTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control shall be submitted to Council for approval prior to the issue of a Construction Certificate.

60. Timing of Construction Certificate

(TfNSW Condition provided 27 November 2019)

The applicant should consult with TfNSW to confirm the timing of each Construction Certificate and associated documentation and activities prior to preparation of requested documentation. The applicant should provide the information to TfNSW for review and endorsement. The Principal Certifying Authority (PCA) is not to issue the relevant Construction Certificate until received written confirmation from TfNSW that the following conditions have been complied with.

a) Prior to issue of any Construction Certificate, the applicant shall address the adverse effects of the approved development on the CBD Metro identified in State Environmental Planning Policy (Infrastructure) 2007. The applicant must:

i. Provide the following for TfNSW review and endorsement:

- Geotechnical Report - Geotechnical Report shall be updated with an engineering assessment of the ground/structure interaction, associated with the future tunnel construction shall be required. A detailed geotechnical and hydrological analysis shall be undertaken to the satisfaction of TfNSW to demonstrate likely movements of the ground due to the future CBD Metro;
- Structural Assessment - Structural Report shall be provided with structural foundation design and associated drawings and to confirm the appropriate consideration of the future CBD Metro to enable verification of compliance to TfNSW requirements in relation to the foundation loadings and layout, bearing pressures, settlement value allowance, soil /structure interaction stresses and movements in the protection zone. Structural drawings should show offsets to the CBD Metro including protection zones in both plan and elevation sections. The applicant shall demonstrate that the development will not suffer any unacceptable damage due to the construction of the CBD Metro.
- Noise and Vibration — Acoustics Report shall be updated in accordance with the TfNSW Corridor Protection requirements such as all structures must be designed, constructed and maintained so as to avoid any damage or other interference which may occur as a result of noise and vibration from railway operations, on the assumption that source vibration level from trains as a result of attenuation provided by the track structure; and
- Electrolysis Report - All Structures must be designed, constructed and maintained so as to avoid any damage or other interference, which may occur as a result of stray electrical currents, electromagnetic effects and the like from future railway operations. An Electrolysis Report is to be submitted to TfNSW demonstrating the Electrolysis Risk to the development. The applicant must incorporate in the development all the measures recommended in the report to control that risk.

Any conditions issued as part of TfNSW approval/certification of the above documents will also form part of the consent conditions that the applicant is required to comply with.

- ii. Make allowances that are to be agreed with TfNSW in the design for the future construction of railway tunnels in the vicinity of the approved development;
- iii. Consult with TfNSW including preparation of a detailed regime for consultation with and approval by, TfNSW for the excavation of the site and the construction of the building foundations (including ground anchors) for the approved development, which may include geotechnical and structural certification in the form required by TfNSW;

- iv. Provide detailed survey information to TfNSW, to confirm the property boundaries are consistent with the setting out on the CBD Metro drawings;
 - v. Provide to TfNSW drawings, reports and other information related to the design, construction and maintenance of the approved development; and
 - vi. Address such other matters that TfNSW considers is appropriate.
- b) The applicant is to submit a report to TfNSW demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads -Interim Guideline". All structures must be designed, constructed and maintained so as to avoid any damage or other interference, which may occur as a result of air-borne noise, ground-borne noise and vibration that may emanate from the (future) rail corridor construction and rail operations to the proposed development. The applicant must incorporate in the development all the measures recommended in the report.

61. Each Residential Level is to have Access to a Disposal Point for All Waste Streams

Prior to the issue of the relevant Construction Certificate, the Certifying Authority must be provided with a plan demonstrating that the disposal point is to be within 30m of the dwelling access (distance covered by lifts excluded). Any bins stored on residential floors are to have the capacity to store, at minimum, all waste generated by that floor over a 24 hour period.

62. Bin Storage Area - Residential

Prior to the issue of the relevant Construction Certificate, the Certifying Authority must be provided with a report detailing the ongoing waste generation requirements of the development and demonstrate that the bin storage area is to be provided within the site that will fully accommodate the number of bins required for all waste generated by a development of this type and scale. The number of bins required must be calculated based on a weekly collection of garbage, and a fortnightly collection of recycling.

The area must also include 50% allowance for manoeuvring of bins. The bin storage area is 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 area is to meet the design requirements detailed in the Leichhardt DCP 2013 and must include doorways/entrance points of 1200mm.

63. Bulky Waste Storage Area – Residential

Prior to the issue of the relevant Construction Certificate, the Certifying Authority must be provided with amended plans demonstrating that the bulky waste storage area must meet the floor area requirements as per the Leichhardt DCP 2013 and have minimum doorways of 1200mm wide to accommodate large items.

64. Waste Transfer Route

Prior to the issue of the relevant Construction Certificate, the Certifying Authority must be provided with a plan demonstrating that the path of travel between the bin storage area/bulky waste storage area and the designated waste/recycling collection point is has 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. Transferring of bins from the storage area to the waiting collection vehicle must be able to be carried out in accordance with NSW Workplace Health and Safety requirements.

65. Food Premises – Additional Sinks and Hand Wash Basins

Prior to the issue of the relevant Construction Certificate, the Certifying Authority must be provided with amended scale plans confirming the position of all sinks and hand wash basins within the food premises in accordance with Australian Standard AS 4674 – 2004 (Design, construction and fit-out of food premises) and Australia and New Zealand Food Standards Code.

66. Food Premises – Odour Emission Control

Prior to the issue of the relevant Construction Certificate, the Certifying Authority must be provided with details demonstrating that emission control equipment has been provided in the mechanical exhaust system that effectively minimises the emission of odours, vapours and oils.

67. Noise General – Acoustic Report

Prior to the issue of the relevant Construction Certificate, the Certifying Authority must be provided with an acoustic report demonstrating that noise and vibration from the operation of the premises will satisfy the relevant provisions of the *Protection of the Environment Operations Act 1997* and Regulations and relevant state and local policies and guidelines. The acoustic report is to be prepared by a suitably qualified and experienced acoustic consultant and any recommendations must be consistent with the approved plans.

68. Light Spill

Prior to the issue of the relevant Construction Certificate, the Certifying Authority must be provided with details demonstrating that any lighting of the premises complies with Australian Standard AS4282:1992: Control of Obtrusive Effects of Outdoor Lighting.

69. Car Wash Bay – Design

Prior to the issue of the relevant Construction Certificate, the Certifying Authority must be provided with certification confirming that all wastewater generated from the car wash bay will be discharged to the sewerage systems in accordance with the requirements of Sydney Water.

70. Enclosure of Fire Hydrant

Prior to the issue of the relevant Construction Certificate, the Certifying Authority is to be provided with plans indicating that all fire hydrant and sprinkler booster valves and the like are enclosed in accordance with the requirements of AS 2419.1 2005.

71. Sydney Water – Tap In

Prior to the issue of the relevant Construction Certificate, the Certifying Authority is required to ensure approval has been granted through Sydney Water's online 'Tap In' program to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met.

Note: Please refer to the web site <http://www.sydneywater.com.au/tapin/index.htm> for details on the process or telephone 13 20 92

72. Fibre-ready Facilities

Prior to the issue of the relevant Construction Certificate, the Certifying Authority must be provided with evidence that arrangements have been made for:

- a) The installation of fibre-ready facilities to all individual lots and/or premises the development so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose.
- b) The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises the development demonstrated through an agreement with a carrier.

73. Consolidation of Lots

Prior to the issue of any Construction Certificate, the Certifying Authority must be provided with evidence that the separate lots comprising the development have been consolidated into one lot and under one title and registered at NSW Land Registry Services.

74. Concealment of Plumbing and Ductwork

Prior to the issue of the relevant Construction Certificate, the Certifying Authority must be provided with plans detailing the method of concealment of all plumbing and ductwork (excluding stormwater downpipes) within the outer walls of the building so they are not visible.

75. Future Food Use - Mechanical Ventilation Provision

Prior to the issue of the relevant Construction Certificate, the mechanical exhaust systems and/or shafts must be designed to allow for the discharge of effluent air above roof level and must be designed with capacity to accommodate exhaust ducts and mechanical ventilation systems for all commercial tenancies proposed with the potential to become a food premises in future. Systems must be designed in accordance with AS1668.2 – The Use of Ventilation and Air-conditioning in Buildings – Mechanical Ventilation in Buildings, and AS1668.1 – The Use of Mechanical Ventilation and Air-Conditioning in Buildings – Fire and Smoke Control in Multi-compartment Buildings.

76. Compliance with Planning Agreement

Prior to the issue of any Construction Certificate, the Certifying Authority must be provided written evidence from Council that all matters in the executed Voluntary Planning Agreement must be complied with.

77. Power Pole Relocation

Prior to the issue of the relevant Construction Certificate, the Certifying Authority must be provided with evidence that the power and any Ausgrid services are relocated to a position clear of the proposed vehicular crossing.

78. Changes to Levels

Prior to the issue of the relevant Construction Certificate, the Certifying Authority must be provided with amended plans incorporating the following amendments:

- a) All works must be setback from the frontages of Victoria Road and Waterloo Street such that they are outside the area proposed to be dedicated to Council as a right of

way to provide a total 4500mm wide footpath along the Victoria Road frontage and a total 3600mm wide footpath along the Waterloo Street frontage.

79. Dilapidation Report – Pre-Development – Major

Prior to the issue of any Construction Certificate or any demolition, the Certifying Authority and Council must be provided with a dilapidation report on the visible and structural condition of the following public infrastructure:

- a) Full width of Waterloo Street, including road pavement, stormwater drainage infrastructure, kerb and gutter and footpath, between the intersection with Darling Street and 21 Waterloo Street.
- b) Half-width of Victoria Road adjacent the site, including road pavement, stormwater drainage infrastructure, kerb and gutter and footpath, between the intersection with Darling Street and 170 Victoria Road.
- c) Half-width of Darling Street adjacent the site, including road pavement, stormwater drainage infrastructure, kerb and gutter and footpath, at the frontage of 697 Darling Street.

The dilapidation report is to be prepared by a suitably experienced Civil and/or Structural Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng).

80. Parking Facilities – Major (including basement)

Prior to the issue of the relevant Construction Certificate, the Certifying Authority must be provided with plans certified by a suitably experienced Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) demonstrating that the design of the vehicular access, off-street parking facilities and associated vehicle standing areas comply with Australian Standard AS/NZS 2890.1-2004 Parking Facilities: Off-street car parking, Australian Standard AS 2890.2-2018 Parking Facilities: Commercial vehicle facilities, AS/NZS 2890.3-2015 Parking facilities: Bicycle Parking, AS/NZS 2890.6-2009 Parking facilities: Off-street parking for people with disabilities and the following specific requirements:

- a) The floor/finished levels within the property must be adjusted to ensure that the levels at the boundary comply with the Alignment Levels issued with this consent.
- b) At the Waterloo Street vehicular access, the longitudinal profile across the width of the vehicle crossings, vehicular access and any ramps within the parking facilities must

comply with the Ground Clearance requirements of AS/NZS 2890.1-2004 for a B99 design vehicle.

- c) At the Victoria Road vehicular access the longitudinal profile across the width of the vehicle crossings, vehicular access and any ramps within the parking facilities must comply with the Ground Clearance requirements of AS/NZS 2890.1-2004 and AS 2890.2-2018 for a B99, SRV, MRV and HRV design vehicles.
- d) Minimum headroom of 2200mm must be provided throughout the access and parking facilities accessed from Waterloo Street. Minimum headroom of 2500mm must be provided above any disabled parking space(s).
- e) Minimum headroom of 4500mm must be provided throughout the access and parking facilities accessed from Victoria Road including throughout the path of travel for a HRV and other vehicles utilising the loading bay.
- f) The headroom must be measured at the lowest projection from the ceiling, such as lighting fixtures, and to open garage doors. Headroom at a 'sag' type grade change must be measured in accordance with Figure 5.3 of AS/NZS 2890.1-2004.
- g) The maximum grade at the property boundary at the Victoria Road egress does not exceed 1 in 20 (5%) for the wheelbase of a HRV design vehicle.
- h) The maximum grade at the property boundary at the Waterloo Street egress does not exceed 1 in 20 (5%) within 6m of the property boundary;
- i) Longitudinal sections along each outer edge of the vehicular accesses and parking facilities and throughout the path of travel for a HRV utilising the loading bay, extending to the centreline of the road carriageway must be provided, demonstrating compliance with the above requirements.
- j) The vehicle egresses are designed such that there are no obstructions to lines of sight, along with the footpath and the roadway for drivers of egressing vehicles including clear sight lines (triangles) to pedestrians in accordance with the requirements of Clause 3.2.4(b) of AS/NZS 2890.1-2004.
- k) All loading docks and parking bays are designed such that all vehicular movements to and from the proposed development are in a forward direction.
- l) The entry security door at the Victoria Road frontage entry must be set back from the property boundary a minimum of the length of an HRV design vehicle.
- m) The Commercial, Retail and Club visitor car parking spaces (excluding the small car spaces) must be minimum User Class 3A.
- n) Provision of a Watts' profile speed hump or similar device setback 6m from the property boundary and an associated stop sign and holding line on the vehicular access, near the boundary to both Victoria Road and Waterloo Street to ensure exiting vehicles stop and give way to pedestrian traffic on the footpath.
- o) The Waterloo Street egress designed for left turn egress only.

- p) The residential parking spaces must be designed to enable electric vehicle charging to be installed.
- q) The security doors to the residential parking components of the development must have adequate queuing length available such that vehicles queuing for entry do not block or obstruct circulation of public car parking areas.

81. Parking – RMS / TfNSW

(TfNSW Condition provided 26 February 2020)

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 2890.2-2018. Parking Restrictions may be required to maintain the required sight distances at the driveway.

82. Sight Distances – Victoria Road

(TfNSW Condition provided 26 February 2020)

Sight distances from the proposed vehicular crossings to vehicles on Victoria Road are to be in accordance with the Austroads Guide to Road Design: Part 4A: Unsignalised and Signalised Intersections (Section 3 – Sight Distance) and AS 2890. Vegetation and proposed landscaping/fencing must not hinder sight lines to and from the vehicular crossings to motorists, pedestrians and cyclists.

83. Overland Flow path

Prior to the issue of the relevant Construction Certificate, the Certifying Authority must be provided with plans certified by a suitably qualified Civil Engineer detailing hydrologic and hydraulic calculations for the overland flow path and the capacity of the existing system and measures necessary to protect the premises in a 1 in 100 year ARI storm event and the requirements of Council's Flood Planning Policy.

84. Lighting Design

Prior to the issue of the relevant Construction Certificate, the Certifying Authority must be provided with an amended landscape plan showing that any proposed outdoor lighting is no brighter than 5 LUX OR 10W. External lighting must use sensor lighting.

85. Public Domain Works – Prior to Construction Certificate

Prior to the issue of any Construction Certificate, the Certifying Authority must be provided with a public domain works design, prepared by a suitably experienced Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) and evidence that the works on the Road Reserve have been approved by Council under Section 138 of the *Roads Act 1993* incorporating the following requirements:

- a) The public domain along all frontages of the site inclusive of footpath paving, kerb, street trees, landscaping, street furniture must be reconstructed and upgraded in accordance with the Inner West Council Public Domain Design Guide and Street Tree Master plan;
- b) The construction of industrial heavy duty vehicular crossings to all vehicular access locations and removal of all redundant vehicular crossings to the site;
- c) New footpath and kerb and gutter along the frontages of the site. The kerb type (concrete or stone) must be consistent with the majority of kerb type at this location as determine by the Council Engineer.
- d) A long section, along both sides of the proposed vehicular crossings and ramp, drawn at a 1:20 or 1:25 natural scale. The long section shall begin from the centreline of the adjacent road to a minimum of 3 metres into the property. The long section shall show both existing surface levels and proposed surface levels. The long section approved by Council shall define the Alignment Levels at the property boundary.
- e) 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 must be set at 2.5%. These sections will set the alignment levels at the boundary.
- f) The existing unsatisfactory road pavement in Waterloo Street shall be repaired using a 40mm Mill and Fill treatment for half the road width for the full frontage of the site. Any failed section shall be boxed out and replaced with deep lift asphalt before the Mill and Fill treatment.
- g) The existing Council drainage system must be extended by an appropriately sized pipeline (minimum 375mm diameter) to the frontage of the site, where a kerb inlet pit (minimum 3m lintel) must be installed.

The pipeline must be designed to have the capacity to convey flows that would be collected at that section of street as generated by a 20 year Average Recurrence Interval storm event. Pipes must be Class 4 Steel Reinforced Concrete Pipe or approved equivalent and Pits must be cast in-situ. Plans, longsections and details must be provided including location of utility services.

Connection of the private drainage system to Council's piped drainage system must be at a stormwater drainage pit at a level 300mm (or where not feasible as high as possible) above the invert of the outgoing pipe.

- i. Any new or changes to existing signage and line marking required by the development.
- ii. Installation of any proposed stormwater outlet to the kerb and gutter on Waterloo Street to drain the rear of properties 671 to 693 Darling Street.
- iii. Full details of RMS and TfNSW approvals.
- iv. All other works necessary under the conditions of this consent.

All works must be completed prior to the issue of an Occupation Certificate.

86. Structural and Geotechnical Report - Basement

Prior to the issue of the relevant Construction Certificate, the Certifying Authority must be provided with an integrated structural and geotechnical report and structural plans that address the design of the proposed basement, prepared certified as compliant with the terms of this condition by a qualified practising Structural and Geotechnical Engineer(s) who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng). The report and plans must be prepared/ amended to make provision for the following:

- a) The basement must be fully tanked to prevent the ingress of subsurface flows unless demonstrated by detailed geotechnical investigation that groundwater flows are minimal or intermittent
- b) Retaining walls must be entirely self-supporting in the event that excavation is undertaken within the road reserve adjacent to the property boundary to the depth of the proposed structure.
- c) Any existing or proposed retaining walls that provide support to the road reserve must be adequate to withstand the loadings that could be reasonably expected from within the constructed road and footpath area, including normal traffic and heavy construction and earth moving equipment, based on a design life of not less than 100 years.
- d) All components of the basement, including footings and subsoil drainage, must shown on the plans and be located entirely within the property boundary.
- e) No adverse impact on surrounding properties including Council's footpath and road.
- f) The existing subsurface flow regime in the vicinity of the development must not be significantly altered as a result of the development.

- g) Recommendations regarding the method of excavation and construction, vibration emissions and identifying risks to existing structures or those on adjoining or nearby property.
- h) Provide relevant geotechnical/ subsurface conditions of the site, as determined by a full geotechnical investigation.
- i) Construction of suitably designed walls at the boundary with the neighbouring property 168-172 Victoria Road, Rozelle that enable the wall to be removed in future to provide a connection/opening to the neighbouring property for vehicular access at the north western property boundary of Basement Level 1.
- j) Construction of suitably designed walls at the boundary with the neighbouring property 168-172 Victoria Road, Rozelle that enable the wall to be removed in future to provide a connection/opening to the neighbouring property for pedestrian access and transfer of waste bins to the Residential Waste Collection Area at the north western property boundary of Lower Ground Floor.

87. Waste Collection

Prior to the issue of the relevant Construction Certificate the Certifying Authority must be provided with plans including swept paths prepared by a suitably experienced Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) that demonstrate that waste collection can be collected on-site by a Council Standard Resource Recovery Vehicle entering and exiting in a forward direction. Council Resource Recovery Vehicle Specifications are as follows:

Dimension	Measurement
Length:	9.4 metres
Width:	2.5 metres
Height (travel):	4.5 metres
Weight (loaded):	26 tonnes
Turning Circle:	26 metres

88. Stormwater Drainage System – Major Developments (incl. pumps)

Prior to the issue of any Construction Certificate, the Certifying Authority must be provided with stormwater drainage design plans incorporating on site stormwater detention and/or on site retention/ re-use facilities (OSR/OSD) and Stormwater Quality Improvement Devices (SQIDS), certified by a suitably experienced Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current

Registered Professional Engineer qualifications with Professionals Australia (RPEng) that the design of the site drainage system complies with the following specific requirements:

- a) The design must be generally in accordance with the stormwater drainage concept plans prepared by Webber Design:
 - i. Drawing No. C200 Revision P8 dated 26.08.20.
 - ii. Drawing No. C210 Revision P7 dated 25.08.20.
 - iii. Drawing No. C215 Revision P4 dated 25.08.20.
 - iv. Drawing No. C502 Revision P5 dated 25.08.20.
 - v. Drawing No. C503 Revision P4 dated 25.08.20.
- b) Stormwater runoff from all surface areas within the property must be collected in a system of gutters, pits and pipelines and be discharged together overflow pipelines from any rainwater tank(s) by gravity to directly to Council's piped drainage system.
- c) Comply with Council's Stormwater Drainage Code, Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2018 'Stormwater Drainage' and Council's Leichhardt DCP2013.
- d) Charged or pump-out stormwater drainage systems are not permitted including for roof drainage except where pump-out of subsurface flows and surface flows from the driveway from the basement is permitted by this consent.
- e) The Drainage Plan must detail the existing and proposed site drainage layout, size, class and grade of pipelines, pit types, roof gutter and downpipe sizes.
- f) The plans, including supporting calculations, must demonstrate that the post development flows for the 100 year ARI storm are restricted to the pre development flows for the 5 year ARI storm event in accordance with Section E1.2.3 (C2 and C3) of Council's DCP2013);
- g) The proposed on-site retention/reuse (OSR) tanks must be connected to a pump system for internal reuse for laundry purposes, the flushing of all toilets and for outdoor usage such as irrigation. Surface water must not be drained to rainwater tanks where the collected water is to be used to supply water inside the dwelling, such as for toilet flushing or laundry use.
- h) Pipe and channel drainage systems including gutters must be designed to convey the one hundred (100) year Average Recurrence Interval (ARI) flows from the contributing catchment to the OSD/OSR tanks.
- i) Details of the 1 in 100-year ARI overflow route from the OSD tank to the adjacent public road in case of failure/blockage of the drainage system must be provided.

- j) An overland flowpath must be provided throughout the site to the street frontages. The public plaza must be graded so that bypass flows from the site drainage system are directed to the overland flowpath.
- k) Any pump-out system for drainage of surface flows from the basement ramp and subsurface flows must be designed in accordance with the following criteria:
 - i. Comply with all relevant Australian Standards.
 - ii. An overflow, flashing light and audible alarm is to be provided to warn of pump failure.
 - iii. A maintenance regime for the pump system must be provided, including provision for regular maintenance and servicing at least every 6 months.
 - iv. The proposed pump system must consist of two (2) pumps, connected in parallel, with each pump being capable of emptying the holding tank at a rate equal to the rate of inflow for the one-hour duration, 100-year Average Recurrence Interval (ARI) storm event plus total subsurface flows into the basement(s). The holding tank must be capable of holding not less than one hour's runoff from one-hour duration 20-year ARI storm event plus subsurface inflows for the whole development.
 - v. Where OSD facilities are required by this consent, the pump system must be discharged to the OSD storage tank.
 - vi. Subsurface flows must be collected at the point of ingress to the basement i.e. at the basement walls.
 - vii. The subsurface drainage system must have sufficient capacity to collect and convey all subsurface flows to the pump out system.
 - viii. The system, including the used and location of grated Inlet pits and drains within the basement, must be designed to minimise potential for pollutants from cars or other sources to enter the drainage system. e.g.. isolate any subsurface drains at boundary walls, inspection pits with solid covers etc.
- l) The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands.
- m) Details of external catchments currently draining to the site including the rear of properties 671 to 693 Darling Street must be included on the plans. The overland flows from external catchments must be captured and catered for within the proposed site drainage system or drained to Waterloo Street and discharged via a kerb outlet.
- n) No nuisance or concentration of flows to other properties.
- o) The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system.

- p) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
- q) New pipelines within the footpath area that are to discharge to the kerb and gutter must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0mm and a maximum section height and width of 100mm.
- r) All stormwater outlets through sandstone kerbs must be carefully core drilled in accordance with Council standard drawings.
- s) All redundant pipelines within footpath area must be removed and footpath/kerb reinstated.
- t) Water quality filtration basket(s) with screening bag or similar primary treatment device(s) must be installed on the site stormwater drainage system such that all water entering the site stormwater drainage system is filtered by the device(s).
- u) Stormwater quality improvement devices must be installed such that stormwater flows leaving the site meet the following environmental targets:

Pollutant	Baseline Annual Pollution Load (kg/ha/yr)	Retention Criteria
Gross Pollutants, including trash, litter and vegetation matter greater than 5mm	500	90% reduction of average annual load
Total Suspended solids, including sediment and other fine material less than 5mm	900	85% reduction of average annual load
Total Phosphorous	2	65% reduction of average annual load
Total Nitrogen	15	45% reduction of average annual load
Hydrocarbons (Oil and Grease)		90% reduction of average annual load – no visible discharge
Toxicants		100% containment of toxicants

- v) A water balance model must be submitted to accompany the water re-use proposal;
- w) A WSUD Strategy Report must be provided to ensure the treatment measures proposed to meet Council's water quality targets. A MUSIC model (including .sqz file) must be included with the report;
- x) 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.
- y) 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.

- z) No impact to street tree(s).

89. Access Report

Prior to the issue of the relevant Construction Certificate, the Certifying Authority must be provided with an Access Management Plan prepared by an Accredited Access Consultant. The Access Management Plan must address:

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

90. Structural Details and Design

Prior to the issue of the relevant Construction Certificate, the Certifying Authority must be provided with structural details and a Structural Certificate for Design by a qualified practising structural engineer and in accordance with Clause A2.2(a)(iii) of the Building Code of Australia (applicable to Class 2-9 buildings) and Clause 1.2.2(iii) of Volume 2 of the BCA (applicable to Class 1 and 10 buildings).

91. A Road Occupancy Licence (ROL)

(TfNSW Condition provided 26 February 2020)

A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Victoria Road during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>

92. Stormwater Drainage System – Victoria Road

(TfNSW Condition provided 26 February 2020)

Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system that impact upon Victoria Road are to be submitted to TfNSW Maritime for approval, prior to the commencement of any works. Please send all documentation to development.sydney@rms.nsw.gov.au

A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.

93. Excavation – TfNSW Assessment

(TfNSW Condition provided 26 February 2020)

The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2012/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by TfNSW. Please send all documentation to development.sydney@rms.nsw.gov.au.

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

94. Existing “Clearway”, “No Stopping” and “Bus Zones” - Victoria Road

(TfNSW Condition provided 26 February 2020)

Existing “Clearway”, “No Stopping” and “Bus Zones” along the full Victoria Road frontage of the development shall remain throughout construction and occupation of the site.

95. Demolition and construction vehicles

(TfNSW Condition provided 26 February 2020)

All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. No works zone will be permitted on Victoria Road.

96. Imported Fill Materials

All imported fill on the site shall be validated as Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM), in accordance with NSW Environment Protection Authority

guidelines, 'Consultants Reporting on Contaminated Sites' (August 2011) to ensure the imported fill is suitable for the proposed land use.

All fill imported onto the site shall be validated by either one or both of the following methods:

- a) Imported fill be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
- b) Sampling and analysis of the fill material be conducted in accordance with NSW Environment Protection Authority's Sampling Design Guidelines (September 1995).

97. Contamination – New Evidence

Any new information revealed during demolition, remediation or construction works that have the potential to alter previous conclusions about site contamination must be immediately notified to the Council and the Certifying Authority.

98. Aboriginal Heritage – Unexpected Finds

If unexpected archaeological deposits or Aboriginal objects are found during the works covered by this approval, work must cease in the affected area(s) and the Office of Environment & Heritage must be notified. Additional assessment and approval pursuant to the *National Parks and Wildlife Act 1974* may be required prior to works continuing in the affected area(s) based on the nature of the discovery. Council's Aboriginal Programs Supervisor is also to be notified.

99. Aboriginal Heritage –Induction

Prior to any ground disturbance works commencing on site, all staff and contractors must be made aware of their statutory obligations for Aboriginal heritage under the *National Parks and Wildlife Act 1974*, which may be implemented as a heritage induction.

100. Documentation of Demolition and Construction Waste

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

101. Construction Hours – Class 1 and 10

Unless otherwise approved by Council, excavation, demolition, construction or subdivision work are only permitted between the hours of 7:00am to 5:00pm, Mondays to Saturdays (inclusive) with no works permitted on, Sundays or Public Holidays.

102. Construction Hours – Class 2-9

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

- a) 7:00am to 6:00pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm);
- b) 8:00am to 1:00pm on Saturdays with no demolition works occurring during this time; and
- c) at no time on Sundays or public holidays.

Works may be undertaken outside these hours where they do not create any nuisance to neighbouring properties in terms of dust, noise, vibration etc. and do not entail the use of power tools, hammers etc. This may include but is not limited to painting.

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

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

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

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

The person acting on this consent must not undertake such activities for more than three continuous hours and must provide a minimum of one 2 hour respite period between any two periods of such works.

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

103. Diversity of local native plant species

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with an amended landscape plan certified, by a qualified landscape architect, demonstrating a plant schedule consisting of 90% local native plants, including a dense grassy understorey with shrub layer and associated canopy that utilises a diverse and representative range of local native species as per the table below:

Lot size	Minimum number of different local native plant species required		
	Trees	Shrubs	Grasses, groundcovers, climbers
450 – 499m ²	2-3	8	5
500 – 999m ²	2-3	10	6
1000 – 1999m ²	5-6	12	7
2000 – 5000m ²	5-6	15	8

104. Survey Prior to Footings

Upon excavation of the footings and before the pouring of the concrete, the Certifying Authority must be provided with a certificate of survey from a registered land surveyor to verify that the structure will not encroach over the allotment boundaries.

PRIOR TO OCCUPATION CERTIFICATE

105. Project Arborist Certification

Prior to the issue of any Occupation Certificate, the Principal Certifier is to be provided with certification from the project arborist the requirements of the conditions of consent related to the landscape plan and the role of the project arborist have been complied with.

106. Maintenance of tree plantings

The tree/s planted as part of this consent is/are to be maintained in a healthy and vigorous condition for 12 months from the issue of an Occupation Certificate. If any of the tree/s is/are found faulty, damaged, dying or dead within 12 months of the issue of an Occupation Certificate it/they must be replaced with the same species within one (1) month (up to 3 occurrences).

107. Design Verification Statement

A design verification statement from a qualified designer shall be submitted to the Principal Certifying Authority prior to the issue of the final Occupation Certificate. The statement shall confirm the development has been constructed in accordance with the quality principles set out in Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development.

Note: 'Qualified Designer' means a person registered as an architect in accordance with the *Architects Act 2003*. This condition is imposed in accordance with Clauses 154A of the *Environmental Planning and Assessment Regulation 2000*

108. Proposed Victoria Road Access Arrangement

(TfNSW Condition provided 02 June 2020)

Prior to the issue of the Occupation Certificate, the applicant shall undertake a Pre-Opening Road Safety Audit for the Victoria Road access and the sign posting / line marking arrangements between the loading dock and Victoria Road access. This audit shall be undertaken in accordance with Austroads Guide to Road Safety Part 6: Managing Road Safety Audits and Austroads Guide to Road Safety Part 6A: Implementing Road Safety Audits by an independent TfNSW accredited road safety auditor.

Based on the results of the road safety audit, the applicant shall implement safety measures in consultation with TfNSW as required, prior to the issue of the Occupation Certificate.

109. Loading Dock Management Plan

(TfNSW Condition provided 26 February 2020)

Prior to the issue of the Occupation Certificate, the applicant shall prepare a detailed Loading Dock Management Plan in consultation with TfNSW. The applicant shall submit a copy of the final plan to the Principal Certifying Authority (PCA). The Plan needs to specify, but not be limited to, the following:

- Details of the development's freight and servicing profile, including the forecast freight and servicing traffic volumes by vehicle size, frequency, time of day and duration of stay;
- Details of alternate service vehicle parking locations and loading zones to redirect vehicles in the event of extensive queuing at the access to the development
- Management of incidents at the access to the loading dock and Management of conflicts between vehicles accessing the site and pedestrian movements along Victoria Road.

110. Prior to the Issue of the Occupation Certificate

(TfNSW Condition provided 27 November 2019)

Prior to the Issue of any Occupation Certificate, the Applicant is to submit the as-built drawings to TfNSW.

111. Underground Petroleum Storage System (UPSS) – Decommissioning – Validation

Prior to the issue of any Occupation Certificate, the Certifying Authority must be provided with a validation report prepared by a suitably qualified and experienced person. 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.

112. Noise – Acoustic Report

Prior to the issue of the relevant Occupation Certificate, the Certifying Authority must be provided with an acoustic report prepared by suitably qualified acoustic consultant which demonstrates and certifies that noise and vibration emissions from the development comply with the relevant provisions of the *Protection of the Environment Operations Act 1997*, NSW Environment Protection Authority's Noise Policy for Industry and Noise Control Manual and conditions of Council's approval, including any recommendations of the acoustic report referenced in the conditions of the approval. The acoustic report is to be prepared by a suitably qualified and experienced acoustic consultant and any recommendations must be consistent with the approved plans.

113. Licensed Premises – Plan of Management

Prior to the issue of the relevant Occupation Certificate, the draft Plan of Management for the operation of the licensed premises listed in Condition 1 must be finalised and provided to the Certifying Authority and address the following:

- a. Compliance with the relevant conditions of approval;
- b. Minimise the potential impact of the operation of the premises on nearby residents;
- c. Effectively minimise and manage anti-social behaviour;
- d. Minimise noise emissions and associated nuisances;
- e. Effectively manage and respond to resident complaints;
- f. Ensure responsible service of alcohol and harm minimisation; and
- g. Patron conductivity and security.

114. Contamination – Disposal of Soil

Prior to the issue of any Occupation Certificate, the Certifying Authority must be provided with a validation report confirming that all off-site disposal of soil has been classified, removed and

disposed of in accordance with the NSW DECC Waste Classification Guidelines, Part 1: Classifying Waste (EPA 2014), Protection of the Environment Operations (Waste) Regulation 2014 and the *Protection of the Environmental Operations Act 1997*.

115. Contamination – Validation (Site Audit Statement Required)

Prior to the issue of any Occupation Certificate, the Certifying Authority and Council must be provided with a Section A Site Audit Statement prepared by a NSW Environment Protection Authority Accredited Site Auditor.

The Site Audit Statement must confirm that the site has been remediated in accordance with the Remedial Action Plan and clearly state that the site is suitable for the proposed use.

116. Car Wash Bay – Trade Waste Agreement

Prior to the issue of the relevant Occupation Certificate, the Certifying Authority must be provided with a copy of the Sydney Water Trade Waste Agreement for the disposal of wastewater from the premises.

117. Food Premises Grease Trap – Trade Waste Agreement

Prior to the issue of the relevant Occupation Certificate, the Certifying Authority must be provided with certification confirming that the grease trap has been installed to the premises in accordance with Australian Standard AS 3500 and the National Plumbing and Drainage Code. A copy of the Sydney Water Trade Waste Agreement must also accompany the certification.

118. Non-combustible Cladding – Class 2-9 Buildings

Prior to the issue of any Occupation Certificate the Certifying Authority must be provided with suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the National Construction Code (NCC).

119. Products Banned Under the Building Products (Safety) Act 2017

Prior to the issue of any Occupation Certificate, the Certifying Authority is to confirm that none of the building products used on the building are subject to a building product use ban under the *Building Products (Safety) Act 2017* or, if a product is only subject to a ban if used in a particular way that it is not used in any way contrary to the *Building Products (Safety) Act 2017*.

120. Shopping Trolley Management Plan

Prior to the issue of the relevant Occupation Certificate for the supermarket, the shopping trolley management plan listed in Condition 1 above must be finalised and provided to the Certifying Authority, and must specify that the management system that will be used is to ensure that shopping trolleys are not abandoned on the surrounding area.

121. Section 73 Certificate

< Refer to *Types of development that need a Section 73 Compliance Certificate.*>

Prior to the issue of the relevant Occupation Certificate, the Certifying Authority must be provided with a Section 73 Certificate under the *Sydney Water Act 1994*.

122. Public Domain Works

Prior to the issue of the relevant Occupation Certificate, the Principal Certifying Authority must be provided with written evidence from Council that the all works on the Road Reserve have been completed in accordance with the requirements of the approval under Section 138 of the *Roads Act 1993*. All works must be constructed in accordance with Council's standards and specifications and AUS-SPEC#2- "Roadworks Specifications".

123. No Encroachments

Prior to the issue of any Occupation Certificate, the Principal Certifying Authority must ensure that any encroachments on to Council road or footpath resulting from the building works have been removed, including opening doors, gates and garage doors with the exception of any awnings or balconies approved by Council.

124. Skylights

Prior to the issue of the relevant Occupation Certificate, the Certifying Authority must verify that any skylights are parallel to the roof plane, are non-reflective and use a frame colour that is the same the surrounding roof colour.

125. Solar Panels

Prior to the issue of the relevant Occupation Certificate, the Certifying Authority must verify that any Solar panels have the same pitch and angle as the roof plane.

126. Exhaust Fan Vents

Prior to the issue of the relevant Occupation Certificate, the Certifying Authority must verify that the colour of any Exhaust Fan Vents is the same as the surrounding roof colour.

127. Protect Sandstone Kerb

Prior to the issue of the relevant Occupation Certificate, the Principal Certifying Authority must ensure that any damaged stone kerb has been replaced including all kerb outlets in stone kerb must be carefully core drilled.

128. Heavy Duty Vehicle Crossing

Prior to the issue of the relevant Occupation Certificate, the Principal Certifying Authority must ensure that heavy duty concrete vehicle crossing/s, in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" has been constructed at the vehicular access locations.

129. Redundant Vehicle Crossing

Prior to the issue of the relevant Occupation Certificate, the Principal Certifying Authority must ensure that all redundant vehicular crossings to the site have been 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". Where the kerb in the vicinity of the redundant crossing is predominantly stone the replacement kerb must also be in stone.

130. Undergrounding Power – Major development

Prior to the issue of the relevant Occupation Certificate, the Principal Certifying Authority must ensure that the existing overhead power cables along the Waterloo Street and Victoria Road frontages of the site have been relocated underground with appropriate street lighting and new steel standard poles. The street lighting must be designed in accordance with Australian Standard AS1158-Road Lighting and the Network Standards of Ausgrid and must meet the lighting category required by Council and RMS. In addition, the design must also comply with AS4282 to ensure that no injury is caused to the amenity of the surrounding area by light overspill or obtrusive light.

131. Parking Signoff – Major Development

Prior to the issue of the relevant Occupation Certificate, the Principal Certifying Authority must be provided with certification from a suitably experienced Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) that the vehicle access and off street parking facilities have been constructed in accordance with the development consent and relevant Australian Standards and the following has been implemented within the property.

- a) The car park has been completed, line marked, all necessary bollards installed and all signage relating to car parking erected.
- b) A notice has been clearly displayed at the Victoria Road frontage to indicate that visitor parking is available within the property with access from Waterloo Street.
- c) Sign(s) have been erected that clearly indicate(s) to the drivers of vehicles both on and off the property which driveway they are to use to enter or leave the subject land.
- d) Sign(s) have been erected that clearly indicate to the drivers of vehicles both on and off the property the location and means of access to the car parking area(s).
- e) The Waterloo Street egress constructed, sign posted and linemarked for left turn egress only.
- f) Signage, line marking and other appropriate measures to direct egressing vehicles through the loading dock to the Victoria Road exit ramp between the hours of 8pm and 5pm.
- g) The residential parking spaces must be designed to enable electric vehicle charging to be installed at a later date.
- h) The Designated Dual Use Commercial Car Parking Spaces shall be for the exclusive use of the Commercial Tenants and their visitors between 8.00 AM and 6.00 PM on weekdays. The specific Commercial Tenant benefited by the parking space(s) must be specified on each Parking Space. Outside of these times, all Commercial Car Parking Spaces must be available for public use.

132. Public Domain - Major Developments

Prior to the issue of the relevant Occupation Certificate, the Principal Certifying Authority must be provided with the works-as-executed plan(s), certified by a Registered Surveyor, that show the as built details in comparison to those shown on the plans approved with the public domain and Roadworks Permit with all relevant levels and details indicated must be marked in red on a copy of the Council stamped plans.

133. Dilapidation Report – Post-Development

Prior to the issue of the relevant Occupation Certificate, the Principal Certifying Authority must be provided with a second Dilapidation Report addressing the public infrastructure identified in approved predevelopment dilapidation report, including a photographic survey, structural condition and CCTV inspections which was compiled after the completion of works. As the report details public infrastructure, a copy is to be furnished to Council at the same time.

134. Stormwater Drainage and Road Works – Certification

Prior to the issue of the relevant Occupation Certificate, the Principal Certifying Authority and Council must be provided with Certification by a suitably experienced Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) that:

- a) All works required to be undertaken on public roads have been constructed in accordance with Council's approved plans.
- b) Identifies all variations from the approved works and certify that the variations do not impact the function of the works or result in safety hazards.
- c) Includes the date(s) of inspection. All works must be inspected on-site and any CCTV footage reviewed.
- d) Video inspection (CCTV) in accordance with WSA 05-2013 Conduit Inspection Reporting Code of Australia has been carried out of completed stormwater drainage works that are to revert to Council by an accredited operator.
- e) Full works-as-executed plans in PDF and CAD format (dwg or dxf files), prepared and signed by a Registered Surveyor have been submitted to Council.
- f) Includes details of all TfNSW and RMS approvals for the works as constructed.

135. Works as Executed – Site Stormwater Drainage System

Prior to the issue of the relevant Occupation Certificate, the Principal Certifying Authority must be provided with Certification by a suitably qualified Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) that:

- a) The stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards.

- b) Works-as-executed plans of the stormwater drainage system certified by a Registered Surveyor, to verify that the drainage system has been constructed, OSD/OSR system commissioned and stormwater quality improvement device(s) and water reuse and basement drainage pump(s) installed in accordance with the approved design and relevant Australian Standards have been submitted to Council. The works-as-executed plan(s) must show the as built details in comparison to those shown on the drainage plans approved with the Construction Certificate. All relevant levels and details indicated must be marked in red on a copy of the Principal Certifying Authority Stamped Construction Certificate plans.

136. Basement Signoff – Major Development

Prior to the issue of the relevant Occupation Certificate, the Principal Certifying Authority must be provided with certification from a suitably experienced structural and geotechnical engineer, who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng), that the basement and driveway has been constructed in accordance with the development consent and relevant Australian Standards.

137. Operation and Management Plan - Stormwater

Prior to the issue of the relevant Occupation Certificate, the Principal Certifying Authority must be provided with an Operation and Management Plan has been prepared and implemented for the on-site detention and on-site retention/re-use facilities and stormwater quality improvement device(s) and pump(s). The Plan must set out the following at a minimum:

- a) The proposed maintenance regime, specifying that the system is to be regularly inspected and checked by qualified practitioners.
- b) The proposed method of management of the facility, including procedures, safety protection systems, emergency response plan in the event of mechanical failure, etc.

138. Easements, Restrictions on the Use of Land and Positive Covenants

Prior to the issue of the relevant Occupation Certificate, the Principal Certifying Authority must be provided with evidence that Easements, Restrictions on the Use of Land and Positive Covenants under Section 88B or 88E, whichever is relevant to the subject development, of the *Conveyancing Act 1919*, has been created on the title of the property detailing the following:

- a) Public Right of carriage way at the Victoria Road frontage for the site of 900mm width to provide a total 4500mm wide footpath;

- b) Public Right of carriage way along the Waterloo Street frontage of the site of 1000mm width to provide a total 3600mm wide footpath;
- c) Restrictions on the Use of Land related to on Site Stormwater Detention and Stormwater Retention/Reuse System and stormwater quality improvement devices;
- d) Positive Covenant related to on-site stormwater detention and retention/reuse system;
- e) Positive Covenant related to stormwater quality improvement devices;
- f) Positive Covenant and Right of Way related to provision of 6 x Carshare spaces;

The wording in the Instrument must be in accordance with Councils Standard wording.

139. Easement – Upstream Drainage

Prior to the issue of the relevant Occupation Certificate, the Principal Certifying Authority must be provided with evidence that:

- a) A common drainage easement in favour of the parcels of land to be drained, being the properties 671 to 693 Darling Street to Waterloo Street, has been created over the full length of all existing and proposed inter-allotment drainage systems within the site of the proposed development.
- b) The Easement must be shown on the Certificate and Plan, together with the relevant rights of the upstream owners.
- c) Proof of registration of the easement and a written statement signed by the Registered Surveyor that the as-built pipeline is totally within the proposed easement.

140. Easements – Neighbouring sites

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must be provided with evidence that:

- a) An easement for vehicular access in favour of the parcels of land to be accessed, being the neighbouring property 168-172 Victoria Road, Rozelle, has been created within the site of the proposed development over the full length of the path of travel for a B99 design vehicle to/from the Waterloo frontage and to the Victoria Road frontage from the benefited property .
- b) An easement for pedestrian access and transfer of waste in favour of the neighbouring property 168-172 Victoria Road, Rozelle, has been created within the site of the proposed development over the full length of the path of travel to/from the benefited property to the waste room of the proposed development.
- c) Certification from a qualified practising Structural and Geotechnical Engineer(s) that:

- i. The walls at the boundary with the neighbouring property 168-172 Victoria Road, Rozelle have been suitably constructed to enable the wall to be removed in future to provide a connection/opening to the neighbouring property for vehicular access at the north western property boundary of Basement Level 1.
 - ii. The walls at the boundary with the neighbouring property 168-172 Victoria Road, Rozelle have been suitably constructed to enable the wall to be removed in future to provide a connection/opening to the neighbouring property for pedestrian access and transfer of waste bins to the Residential Waste Collection Area at the north western property boundary of Lower Ground Floor.
- d) The Easements must be shown on the Certificate and Plan, together with the relevant rights of the benefited properties and Works as Executed plans at the points of connection between the properties. The rights must be consistent with the vehicular ingress/egress requirements for the proposed development.
- e) Proof of registration of the easements including on all relevant titles.

141. No Weep Holes

Prior to the issue of the relevant Occupation Certificate, the Principal Certifying Authority must be provided with evidence that any weep holes to Council road or footpath resulting from the building works have been removed.

142. Special Event traffic management plan

Prior to the issue of the relevant Occupation Certificate, the Principal Certifying Authority must be provided with written evidence from Council that a Special Event Traffic Management plan has been submitted to and approved by Council. The plan must address the following as a minimum:

- a) Types of events that require special event traffic management plan. e.g. major NRL games and specific auditorium events
- b) Number of vehicles and persons expected.
- c) Methods to manage arrivals and departures from the site.
- d) The amenity of Waterloo Street and impact to adjoining properties
- e) Use of signage and traffic controllers.

143. Carshare – use and operation

The use and operation of the 6 x car share spaces 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

development, including covenants, building or strata management statement, by laws and other instruments before the issue of the relevant Occupation Certificate, and must provide for:

- a) Free use of the 6 x car share spaces;
- b) Public access at all times to the 6 x car share vehicles
- c) Insurances, including public liability.

144. Historic Marker or Plaque

A vandal and weather resistant plaque is to be provided and installed within the "Heritage Lane" off Darling Street describing the history of the site and building prior to the issue of the final Occupation Certificate. The design, location and wording must be submitted for the approval of Council's Heritage Specialist prior to manufacture and installation. The marker is to be incorporated into the heritage interpretation plan.

ON-GOING

145. Proposed Victoria Road Access Operation

(TfNSW Condition provided 02 June 2020)

A road safety audit shall be carried out for the operation of the Victoria Road access arrangement for the vehicle movements to/from the loading dock and from the car park in accordance with Austroads Guide to Road Safety Part 6: Managing Road Safety Audits and Austroads Guide to Road Safety Part 6A: Implementing Road Safety Audits by an independent TfNSW accredited road safety auditor after a four (4) month period of operation but within six (6) months of operation.

Based on the results of the road safety audit, the applicant shall implement safety measures in consultation with TfNSW as required within six (6) months of operation.

146. Access - Victoria Road Loading Dock

(TfNSW Condition provided 26 February 2020)

Access to the proposed Victoria Road loading dock shall not be permitted during the morning peak (0700 to 10.00 Monday to Friday) and afternoon/evening peak (1600 to 1900 Monday to Friday). This shall be reflected in the site's Loading Dock Management Plan.

147. Access – Victoria Road

(TfNSW Condition provided 26 February 2020)

All vehicles shall enter the Victoria Road access without stopping. All service vehicles waiting to enter the loading dock shall not protrude into travel lanes and foot path. Any queuing within Victoria Road is not permitted. This shall be reflected in the site's Loading Dock Management Plan.

148. Stormwater System Operation and Management Plan

The stormwater system Operation and Management Plan for the on-site detention and on-site retention/re-use and stormwater quality improvement devices and Pump facilities, approved with the Occupation Certificate, must be implemented, and kept in a suitable location on site at all times.

149. Vehicles Leaving the Site

All vehicles must enter and exit the site in a forward direction.

150. Loading/unloading on site

All loading and unloading are to be conducted within the site at all times. Any designated loading bay/dock area is to remain available for loading/unloading purposes at all times during permitted operational hours. No storage of goods or parking of cars is to be carried out in these areas. Loading and unloading is not permitted between 8pm and 5am due to vehicle egress from the carpark to Victoria Road through the loading dock.

151. Parking Permits

All owners, tenants and occupiers of this building are not eligible to participate in any existing or proposed Council Resident Parking Schemes. All occupants and/or employees of this building will be ineligible to obtain Council Resident Parking Scheme parking permits.

152. Green travel plan

The Green Travel Plan must be implemented and kept in a suitable location on site at all times. A Green Travel Plan with Public Transport Routes and Bicycle Network is to be prepared and made available to the residents and commercial premises tenants. The Public Transport and Bicycle Network Plans are to be installed in common areas prior to the issue of the Final Occupation Certificate. Use of alternative modes of transport are to be encouraged.

153. Special event traffic management plan

The Special Event Traffic Management plan, approved with the Occupation Certificate, must be implemented, and kept in a suitable location on site at all times.

154. Community Bus

A community bus must be provided that is owned and operated by the Club and is to travel along the major roads of the municipality from East Balmain to Parramatta Road for the purpose of transporting club patrons to and from the site.

155. Public Car Parking

The 147 Retail and Club parking spaces are to be provided on site for public use. These spaces are to be free for a minimum of 2 hours, at all times.

The 23 designated dual use Commercial Car Parking Spaces shall be for the exclusive use of the Commercial Tenants and their visitors between 8.00 AM and 6.00 PM on weekdays. The specific Commercial Tenant benefited by the parking space(s) must be specified on each Parking Space. Outside of these times, all Commercial Car Parking Spaces must be available for public use and are to be free for a minimum of 2 hours.

156. Noise General

The proposed use of the premises and the operation of all plant and equipment must not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997* and Regulations, NSW EPA Noise Policy for Industry and NSW EPA Noise Guide for Local Government.

157. Noise – Licensed Premises (7am – 12midnight)

The LA10 noise level emitted from the premises, measured between the hours of 7am and 12 midnight, is not to exceed the background noise level in any octave band frequency (centred on 31.5Hz to 8 kHz inclusive) by more than 5 dB, when measured at the boundary of any adjoining residence.

158. Noise – Licensed Premises (12midnight – 7am)

The LA10 noise level emitted from the premises, measured between the hours of midnight and 7am, is not to exceed the background noise level in any octave band frequency (centred on 31.5Hz to 8 kHz inclusive), when measured at the boundary of any adjoining residence.

159. Noise – Licensed Premises – Music/Gaming Machines

Machines located within an approved outdoor gaming/smoking area must not be visible from the public domain and must not dispense coins i.e. cashless. There is to be air lock entry from the outdoor gaming/smoking area into the main building fitted with self-closing device. The number of patrons using the outdoor gaming area is restricted to Up to 10pm - unrestricted person at any time, 10pm to midnight - 150 person at any time, after midnight - 20 persons at any time.

160. Noise – Licensed Premises/Entertainment Venues – Acoustic Report

During the first sixty (60) days of 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;
 - 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 the Certifying Authority within four (4) weeks of testing.
- c) If the acoustic consultant recommends that additional treatment or works be undertaken those recommendations must be:
 - i. submitted to Certifying Authority with the noise measurements;
 - ii. implemented to the acoustic consultant's satisfaction before the end of the first sixty (60) days of public entertainment provided on the premises; and
 - iii. 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.

161. Licensed Premises – Plan of Management - Operation

The operation of the premises complying at all times with the approved Plan of Management. The Plan of Management is not to be further amended without the prior written approval of the

Council. If there is any inconsistency between the Plan of Management and the conditions of this consent, the conditions of consent shall prevail to the extent of that inconsistency.

162. Commercial Waste/Recycling Collection

The collection of waste and recycling must only occur between 7:00am and 8:00pm weekdays and 9:00am and 5:00pm weekends and public holidays, to avoid noise disruption on the surrounding area,

Garbage and recycling must not be placed on the street for collection more than one (1) hour before the scheduled collection time. Garbage bins and containers are to be removed from the street within one (1) hour after collection.

163. Bin Storage

All bins are to be stored and serviced from within the site.

164. Documentation of Businesses Waste Services

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.

ADVISORY NOTES

Underground Petroleum Storage System (UPSS) – Decommissioning

The removal, replacing or decommissioning of an underground petroleum storage system must comply with the requirements of the *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019*, the *Protection of the Environment Operations Act 1997* and Australian Standard AS4976-2008: The removal and disposal of underground petroleum storage tanks.

Microbial Control – Certification

All cooling towers and warm water systems are to be operated and maintained in accordance with the following:

- a) *Public Health Act 2010*;
- b) *Public Health Regulation 2012*; and
- c) Australian Standard AS/NZS 3666 – Air Handling and Water Systems of Buildings – Microbial Control, Parts 1, 2 & 3.

Storage of Hazardous and Dangerous Goods

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

Transport and Disposal of Hazardous and Dangerous Goods

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

Asbestos Removal

A demolition or asbestos removal contractor licensed under the Work Health and Safety Regulations 2011 must undertake removal of more than 10m² of bonded asbestos (or otherwise specified by WorkCover or relevant legislation).

Removal of friable asbestos material must only be undertaken by a contractor that holds a current Class A Friable Asbestos Removal Licence.

Demolition sites that involve the removal of asbestos must display a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos has been removed from the site to an approved waste facility.

All asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations (Waste) Regulation 2014. All receipts detailing method and location of disposal must be submitted to Council as evidence of correct disposal.

Food Premises Certification

The food premises design, construction and operation is in accordance with the following:

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

Food Premises Waste Storage Area

To ensure adequate storage and collection of waste from the food premises, all garbage and recyclable materials must be stored in a designated waste storage area. The designated waste storage area must be designed and constructed in accordance with the Australian Standard AS 4674 – 2004 (Design, construction and fit-out of food premises) and Australia and New Zealand Food Standards Code.

Mechanical Ventilation System Certification

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

- a) Australian Standard AS 1668 Part 1 – 1998;
- b) Australian Standard AS 1668 Part 2 – 2012;
- c) Australian Standard 3666.1 – 2011;
- d) Australian Standard 3666.2 – 2011; and
- e) Australian Standard 3666.3 - 2011.

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.

Health Premises Registration – Generic

The premises are required to be registered with Council's Environment Health Team in accordance with the following relevant legislation:

- a) *Food Shop - Food Act 2003*;
- b) *Hairdressing Salon / Barber - Public Health Act 2010 and the Local Government (General) Regulation 2005*;
- c) *Skin Penetration - Public Health Regulation 2012*;
- d) *Cooling Tower / Warm Water System - Public Health Act 2010 and Public Health Regulation 2012*; and
- e) *Boarding House / Shared Accommodation - Boarding Houses Act 2012 and the Local Government (General) Regulation 2005*.

Notice to Council to deliver Residential Bins

Council should be notified of bin requirements three months prior to the occupation of the building 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.

Recycling / Garbage / Organics Service Information and Education

The building manager / strata title manager or body corporate is responsible for ensuring all tenants are kept informed regarding Council's services, and best practice waste and recycling source separation.

Prescribed Conditions

This consent is subject to the prescribed conditions of consent within clause 98-98E of the *Environmental Planning and Assessment Regulations 2000*.

Notification of commencement of works

At least 7 days before any demolition work commences:

- a) the Council must be notified of the following particulars:
 - i. the name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
 - ii. the date the work is due to commence and the expected completion date; and
- b) a written notice must be placed in the letter box of each directly adjoining property identified advising of the date the work is due to commence.

Storage of Materials on public property

The placing of any materials on Council's footpath or roadway is prohibited, without the prior consent of Council.

Toilet Facilities

The following facilities must be provided on the site:

- a) Toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees; and
- b) A garbage receptacle for food scraps and papers, with a tight fitting lid.

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

Infrastructure

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. 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 must be undertaken before occupation of the site.

Other Approvals may be needed

Approvals under other acts and regulations may be required to carry out the development. It is the responsibility of property owners to ensure that they comply with all relevant legislation. Council takes no responsibility for informing applicants of any separate approvals required.

Failure to comply with conditions

Failure to comply with the relevant provisions of *the Environmental Planning and Assessment Act 1979* and/or the conditions of this consent may result in the serving of penalty notices or legal action.

Other works

Works or activities other than those approved by this Development Consent will require the submission of a new Development Application or an application to modify the consent under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

Obtaining Relevant Certification

This development consent does not remove the need to obtain any other statutory consent or approval necessary under any other Act, such as (if necessary):

- a) Application for any activity under that Act, including any erection of a hoarding;
- b) Application for a Construction Certificate under the *Environmental Planning and Assessment Act 1979*;
- c) Application for an Occupation Certificate under the *Environmental Planning and Assessment Act 1979*;
- d) Application for a Subdivision Certificate under the *Environmental Planning and Assessment Act 1979* if land (including stratum) subdivision of the development site is proposed;
- e) Application for Strata Title Subdivision if strata title subdivision of the development is proposed;
- f) Development Application for demolition if demolition is not approved by this consent;
or
- g) Development Application for subdivision if consent for subdivision is not granted by this consent.

Disability Discrimination Access to Premises Code

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.

Notification of commencement of works

Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the PCA (not being the council) has given the Council written notice of the following information:

- a) In the case of work for which a principal contractor is required to be appointed:
 - i. The name and licence number of the principal contractor; and
 - ii. The name of the insurer by which the work is insured under Part 6 of that Act.
- b) In the case of work to be done by an owner-builder:
 - i. The name of the owner-builder; and
 - ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

Dividing Fences Act

The person acting on this consent must comply with the requirements of the *Dividing Fences Act 1991* in respect to the alterations and additions to the boundary fences.

National Construction Code (Building Code of Australia)

A complete assessment of the application under the provisions of the National Construction Code (Building Code of Australia) has not been carried out. All building works approved by this consent must be carried out in accordance with the requirements of the National Construction Code.

Permits from Council under Other Acts

Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent must 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; and
- 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. A lease fee is payable for all occupations.

Amenity Impacts General

The use of the premises must 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 must not give rise to the transmission of a vibration nuisance or damage other premises.

Fire Safety Certificate

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 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.

Construction of Vehicular Crossing

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, prior to commencement of works.

Lead-based Paint

Buildings built or painted prior to the 1970's may have surfaces coated with lead-based paints. Recent evidence indicates that lead is harmful to people at levels previously thought safe. Children particularly have been found to be susceptible to lead poisoning and cases of acute child lead poisonings in Sydney have been attributed to home renovation activities involving the removal of lead based paints. Precautions should therefore be taken if painted surfaces are to be removed or sanded as part of the proposed building alterations, particularly where children or pregnant women may be exposed, and work areas should be thoroughly cleaned prior to occupation of the room or building.

Dial before you dig

Contact "Dial Prior to You Dig" prior to commencing any building activity on the site.

Useful Contacts

BASIX Information	1300 650 908 weekdays 2:00pm - 5:00pm 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 Prior to You Dig	1100 www.dialprior toyoudig.com.au
Landcom	9841 8660 To purchase copies of Volume One of "Soils and Construction"
Long Service Payments Corporation	131441 www.lspc.nsw.gov.au

NSW Food Authority	1300 552 406 www.foodnotify.nsw.gov.au
NSW Government	www.nsw.gov.au/fibro www.diysafe.nsw.gov.au Information on asbestos and safe work practices.
NSW Office of Environment and Heritage	131 555 www.environment.nsw.gov.au
Sydney Water	13 20 92 www.sydneywater.com.au
Waste Service - 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.

Electrical Substations

Should the proposed development require the provision of an electrical substation, such associated infrastructure must be incorporated wholly within the development site and may be the subject of an application for modification of consent.

Permits

Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent must 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 veranda over the footpath;
- h) Partial or full road closure; and
- i) Installation or replacement of private stormwater drain, utility service or water supply.

If required contact Council's Road Access team to ensure the correct Permit applications are made for the various activities. Applications for such Permits must be submitted and approved by Council prior to the commencement of the works associated with such activity.

Rock Anchors

If you are seeking to use temporary anchors, you must make a request for approval for a Permit under Section 138 of the *Roads Act 1993*. The submission would need to be supported by an engineering report prepared by a suitably qualified Structural Engineer, with supporting details addressing the following issues:

- a) Demonstrate that any structures within the road reserve are of adequate depth to ensure no adverse impact on existing or potential future service utilities in the road reserve. All existing services must be shown on a plan and included on cross-sectional details where appropriate.
- b) Demonstrate how the temporary anchors will be removed or immobilised and replaced by full support from structures within the subject site by completion of the works.
- c) The report must be supported by suitable geotechnical investigations to the efficacy of all design assumptions.

Public Domain and Vehicular Crossings

The vehicular crossing and/or footpath works are required to be constructed by your contractor. You or your contractor must complete an application for *Design of Vehicle Crossing and Public Domain Works – Step 1* form and *Construction of Vehicle Crossing and Public Domain Works – Step 2* form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, before commencement of works.

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 must be at no cost to Council

Any damage caused during construction to Council assets on the road reserve or on Council or Crown land must be repaired at no cost to Council.

Any driveway crossovers or other works within the road reserve must be provided at no cost to Council.

No consent is given or implied for any Encroachments onto Council's road or footpath of any service pipes, sewer vents, boundary traps, downpipes, gutters, eaves, awnings, stairs, doors, gates, garage tilt up panel doors or any structure whatsoever, including when open.

Insurances

Any person acting on this consent or any contractors carrying out works on public roads or Council controlled lands is required to 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.

Easement and Covenant Process

The following documents must be submitted to Council as part of the Easement and Covenant process and requirements, for the site on-site detention/on-site retention/reuse facilities (OSD/OSR) and stormwater quality improvement devices (SQIDS):

a) Work-As-Executed Plans

A "Work-as-Executed" plan prepared and signed by a Registered Surveyor must be submitted to the Council's Development Assessment Engineer at the completion of the works showing the location of the detention basin and SQIDS 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 the Council's drainage system must be shown together with the following information: location; pipe diameter; gradient; pipe material, i.e. PVC or RCP etc.; pits sizes; orifice size; trash screen at orifice; emergency overflow dimensions and RL; all buildings (including floor levels) and finished ground and pavement surface levels and full details of SQIDS.

a) Engineer's Certificate

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

- i. The soundness of the storage structure;
- ii. The capacity of the detention storage;
- iii. The emergency overflow system being in place;
- iv. The works being constructed in accordance with the Development Application Consent and Council's Stormwater Management DCP/Code;
- v. 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;
- vi. Basement car park pumps are class one zone two; and
- vii. OSR pumps and SQIDS have been installed and commissioned.

b) Restriction-As-To-User

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

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

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

c) A Maintenance Schedule.

Consent of Adjoining property owners

This consent does not authorise the applicant, or the contractor engaged to do the tree works to enter a neighbouring property. Where access to adjacent land is required to carry out approved tree works, Council advises that the owner's consent must be sought. Notification is the responsibility of the person acting on the consent. Should the tree owner/s refuse access to their land, the person acting on the consent must meet the requirements of the *Access To Neighbouring Lands Act 2000* to seek access.

Arborists standards

All tree work must be undertaken by a practicing Arborist. The work must be undertaken in accordance with AS4373—*Pruning of amenity trees* and the Safe Work Australia Code of

Practice—*Guide to Managing Risks of Tree Trimming and Removal Work*. Any works in the vicinity of the Low Voltage Overhead Network (including service lines—pole to house connections) must be undertaken by an approved Network Service Provider contractor for the management of vegetation conflicting with such services. Contact the relevant Network Service Provider for further advice in this regard.

Tree Protection Works

All tree protection for the site must be undertaken in accordance with Council's *Development Fact Sheet—Trees on Development Sites* and AS4970—*Protection of trees on development sites*.

Tree Pruning or Removal (including root pruning/mapping)

Removal or pruning of any other tree (that would require consent of Council) on the site is not approved and must be retained and protected in accordance with Council's *Development Fact Sheet—Arborist Reports*.

Historic Archaeology – Unexpected Findings

If unexpected archaeological deposits are found during the works covered by this approval, work must cease in the affected area(s) and the Office of Environment & Heritage must be notified. Additional assessment and approval pursuant to the *Heritage Act 1977* may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

Skeletal Remains

If any Aboriginal objects or bones suspected of being human are found during construction works, work must cease, no further disturbance of the site must occur, the NSW Police and the Office of Environment & Heritage Environment Line on 131 555 must be notified as soon as practicable and details of the objects or remains and their location are to be provided. The skeletal remains are to be managed in accordance with the Office of Environment & Heritage *Skeletal Remains: Guidelines for Management of Human Skeletal Remains*. These guidelines can be ordered by completing the Publications Order Form available at: <https://www.environment.nsw.gov.au/resources/heritagebranch/heritage/publicationsorderform.pdf>

Accessibility

The Access to Premises Code is applicable to this development as new work is proposed. The applicant(s) should investigate whether there are any exemptions for the requirement to upgrade the 'affected' part and principal pedestrian entrance.

The applicant should be made aware of their legislative requirements and shall provide an Accessibility Report from an accredited Access Consultant prior to issue of the DA determination / with the CC documentation to investigate the implications relating to their proposed development.

Building Access requirements:

- a) Table D3.1 requires an accessway to the building and within all areas normally used by the occupants of the building at the main point(s) of entry, car parking area, and sanitary compartments in accordance with Part D3, BCA Vol 1 and AS 1428.1;
- b) **Class 2:** Table D3.1 requires an accessway from a common use pedestrian entrance required to be accessible to at least 1 floor containing sole-occupancy units and to the entrance doorway of each sole-occupancy unit located on that level. Further, where a passenger lift is installed, access to the entrance doorway of each sole-occupancy unit and common areas/rooms served by the lift; and
- c) This may include compliant accessways, walkways, ramps, stairs, doorways and circulation space, braille & tactile design, signage, and all associated finishes and fittings throughout the building.

Change of use

Pursuant to Clause 93 of the *Environmental Planning and Assessment Regulation 2000*, the building subject to the change of use must comply with the Category 1 fire safety provisions and structural adequacy provisions as required by Clause 143 of the Regulations.

Annual Fire Safety Statement

An annual Fire Safety Statement must be given to Council and the NSW Fire Brigade commencing within 12 months after the date on which the initial Interim/Final Fire Safety Certificate is issued or the use commencing, whichever is earlier.

An annual fire safety statement is a statement issued by or on behalf of the owner of a building to the effect that:

- a) Each essential fire safety measure specified in the statement has been assessed by a competent fire safety practitioner and was found, when it was assessed, to be capable of performing:
 - i. in the case of an essential fire safety measure applicable by virtue of a fire safety schedule, to a standard no less than that specified in the schedule, or
 - ii. in the case of an essential fire safety measure applicable otherwise than by virtue of a fire safety schedule, to a standard no less than that to which the measure was originally designed and implemented, and

- b) The building has been inspected by a competent fire safety practitioner and was found, when it was inspected, to be in a condition that did not disclose any grounds for a prosecution under Division 7.

Noise

Noise arising from the works must be controlled in accordance with the requirements of the *Protection of the Environment Operations Act 1997* and guidelines contained in the New South Wales Environment Protection Authority Environmental Noise Control Manual.

RMS / TfNSW Advisory Note Condition 1

(TfNSW Condition provided 26 February 2020)

The subject property is subject to a lease by TfNSW for a temporary construction site for the Western Harbour Tunnel and Beaches Link Program as shown by green hatching on the attached Aerial "X".

In July 2018, the NSW Government released the proposed reference design for the Western Harbour Tunnel and Beaches Link program. Under the proposed reference design, this property is impacted by the project and may need to be acquired.

The NSW Government has carried out extensive community engagement on the proposed reference design. Feedback received from all stakeholders will be considered as the design is finalised for the project's environmental assessment. There will be further engagement undertaken as part of the environmental assessment. This is when it is expected the potential impact to this property will be confirmed.

Bicycle Parking

(TfNSW Condition provided 26 February 2020)

Bicycle Parking should be provided in accordance with AS2890.3.

Public utility adjustment/relocation works

(TfNSW Condition provided 26 February 2020)

The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.

Street Numbering

If any new street numbers or change to street numbers (this includes unit and shop numbers) are required, a separate application must be lodged with and approved by Council's GIS Team before being displayed.

Water Servicing

- The drinking water main available for connection is the 150mm main on the southern side of Victoria Road.
- Amplifications of the water main may be required due to the densification of development within the proximity of the development site.
- Detailed drinking water requirements will be provided at the Section 73 application phase.

Wastewater Servicing

- The wastewater main available for connection is the 225mm main constructed inside the property boundary.
- The proposed development site is traversed by a number of wastewater mains. Where the proposed works are in close proximity to a Sydney Water asset, the developer may be required to carry out additional works to facilitate their development and protect the wastewater main. Subject to the scope of the development, servicing options may involve adjustment/deviation and or compliance with the Guidelines for building over/adjacent to Sydney Water's assets.
- Detailed wastewater requirements will be provided at the Section 73 application phase.

Sydney Water Servicing

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

The proponent is advised to make an early application for the certificate, as there may be water and wastewater pipes to be built that can take some time. This can also impact on other services and buildings, driveways or landscape designs.

Applications must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing> Developing> Land development or telephone 13 20 92.

Building Plan Approval

The approved plans must be submitted to the Sydney Water Tap in™ online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

The Sydney Water Tap in™ online self-service replaces our Quick Check Agents as of 30 November 2015.

The Tap in™ service provides 24/7 access to a range of services, including:

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

Sydney Water's Tap in™ online service is available at:
<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

Requirements for Business Customers for Commercial and Industrial Property Developments.

Trade Wastewater Requirements

If this development is going to generate trade wastewater, the property owner must submit an application requesting permission to discharge trade wastewater to Sydney Water's sewerage system. You must obtain Sydney Water approval for this permit before any business activities can commence. It is illegal to discharge Trade Wastewater into the Sydney Water sewerage system without permission.

The permit application should be emailed to Sydney Water's Business Customer Services at businesscustomers@sydneywater.com.au

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

If the property development is for Industrial operations, the wastewater may discharge into a sewerage area that is subject to wastewater reuse. Find out from Business Customer Services if this is applicable to your development.

Backflow Prevention Requirements

Backflow is when there is unintentional flow of water in the wrong direction from a potentially polluted source into the drinking water supply.

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

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

Before you install a backflow prevention device:

1. Get your hydraulic consultant or plumber to check the available water pressure versus the property's required pressure and flow requirements.
2. Conduct a site assessment to confirm the hazard rating of the property and its services. Contact PIAS at NSW Fair Trading on 1300 889 099.

For installation you will need to engage a licensed plumber with backflow accreditation who can be found on the Sydney Water website: <http://www.sydneywater.com.au/Plumbing/BackflowPrevention/>

Water Efficiency Recommendations

Water is our most precious resource and every customer can play a role in its conservation. By working together with Sydney Water, business customers are able to reduce their water consumption. This will help your business save money, improve productivity and protect the environment.

Some water efficiency measures that can be easily implemented in your business are:

- Install water efficiency fixtures to help increase your water efficiency, refer to WELS (Water Efficiency Labelling and Standards (WELS) Scheme, <http://www.waterrating.gov.au/>
- Consider installing rainwater tanks to capture rainwater runoff, and reusing it, where cost effective. Refer to <http://www.sydneywater.com.au/Water4Life/InYourBusiness/RWTCalculator.cfm>
- Install water-monitoring devices on your meter to identify water usage patterns and leaks.
- Develop a water efficiency plan for your business.

It is cheaper to install water efficiency appliances while you are developing than retrofitting them later.

Contingency Plan Recommendations

Under Sydney Water's customer contract Sydney Water aims to provide Business Customers with a continuous supply of clean water at a minimum pressure of 15meters head at the main tap. This is equivalent to 146.8kpa or 21.29psi to meet reasonable business usage needs.

Sometimes Sydney Water may need to interrupt, postpone or limit the supply of water services to your property for maintenance or other reasons. These interruptions can be planned or unplanned.

Water supply is critical to some businesses and Sydney Water will treat vulnerable customers, such as hospitals, as a high priority.

Have you thought about a contingency plan for your business? Your Business Customer Representative will help you to develop a plan that is tailored to your business and minimises productivity losses in the event of a water service disruption.

For further information please visit the Sydney Water website at: <http://www.sydneywater.com.au/OurSystemsandOperations/TradeWaste/> or contact Business Customer Services on 1300985 2)7-or businesscustomers@sydneywater.com.au.