

SUMMARY

This report concerns the amended plans and additional information submitted to Council on 20 September 2019 for an application to partially demolish existing on-site buildings, and construct a 4 storey boarding house development for student accommodation. The development is to result in a total of 180 rooms. The amended plans and additional information were submitted in response to the resolution of the Sydney Eastern City Planning Panel (SECPP) at its meeting on 5 September 2019.

The application is referred to the SECPP for determination.

1. Background

A report on an application to partial demolish existing building and construction of a 180 room student accommodation building (Boarding House) over 4 levels, with associated management offices, common rooms and landscaping was considered by the SECPP at its meeting on 5 September 2019

The Panel resolved unanimously to defer the determination of the application to allow the provision of the following:

- 1. Preparation of amended drawings including a flood wall to PMF with appropriate setback from site boundary to enable landscaping*
- 2. Indicative landscape plan showing how landscaping could be provided towards the north of the site in front of the wall*
- 3. Amended Stormwater and Flooding Report and Flood Response Management Plan showing the protection from the PMF, including measures that could be implemented should the flood gate fail*
- 4. Additional measures on top of the flood gate to outline how protections would occur should flood gate fail and other examples of flood gates and their operation in Sydney*
- 5. Additional information in an amended Green Travel Plan including confirmation students are not permitted residential permits*
- 6. Preparation of a response to the Councillor motion correspondence date 27 August 2019;*
- 7. Confirmation that the building will include a full sprinkler system*

2. Amended Plans

On 20 September 2019 the applicant submitted amended plans and additional information that responded to the above resolution of the SECPP.

The amended plans are reproduced below:

LOWER GROUND PLAN

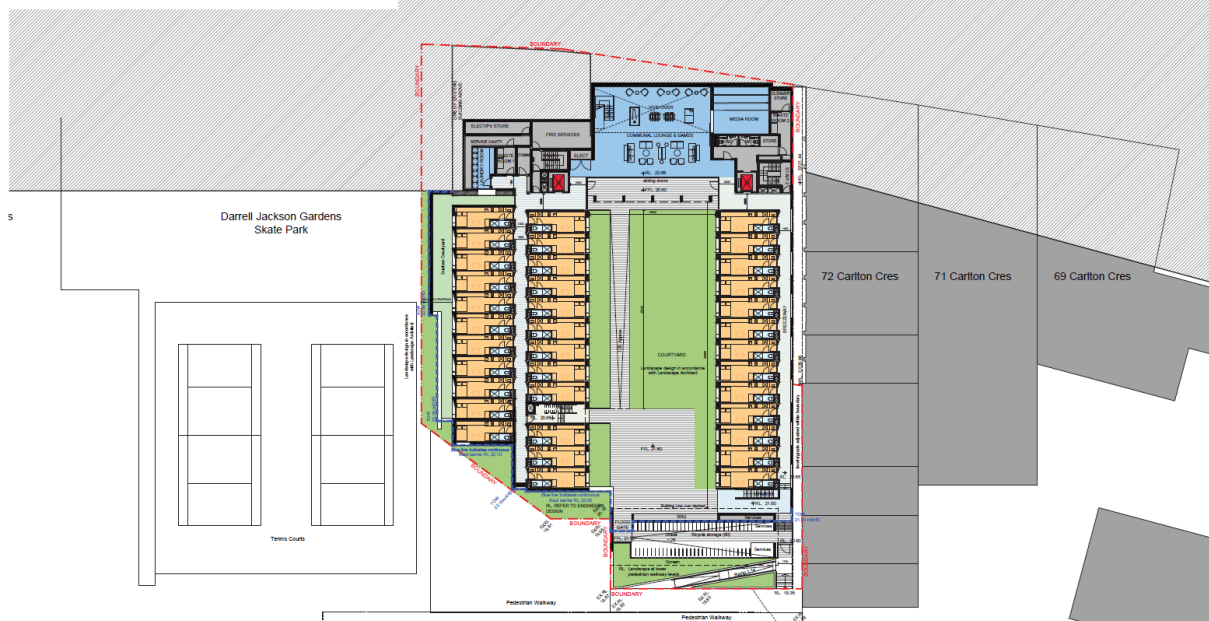


Figure 1: Revised lower ground floor plan detailing the creation of the new flood wall along the western boundary

GROUND PLAN

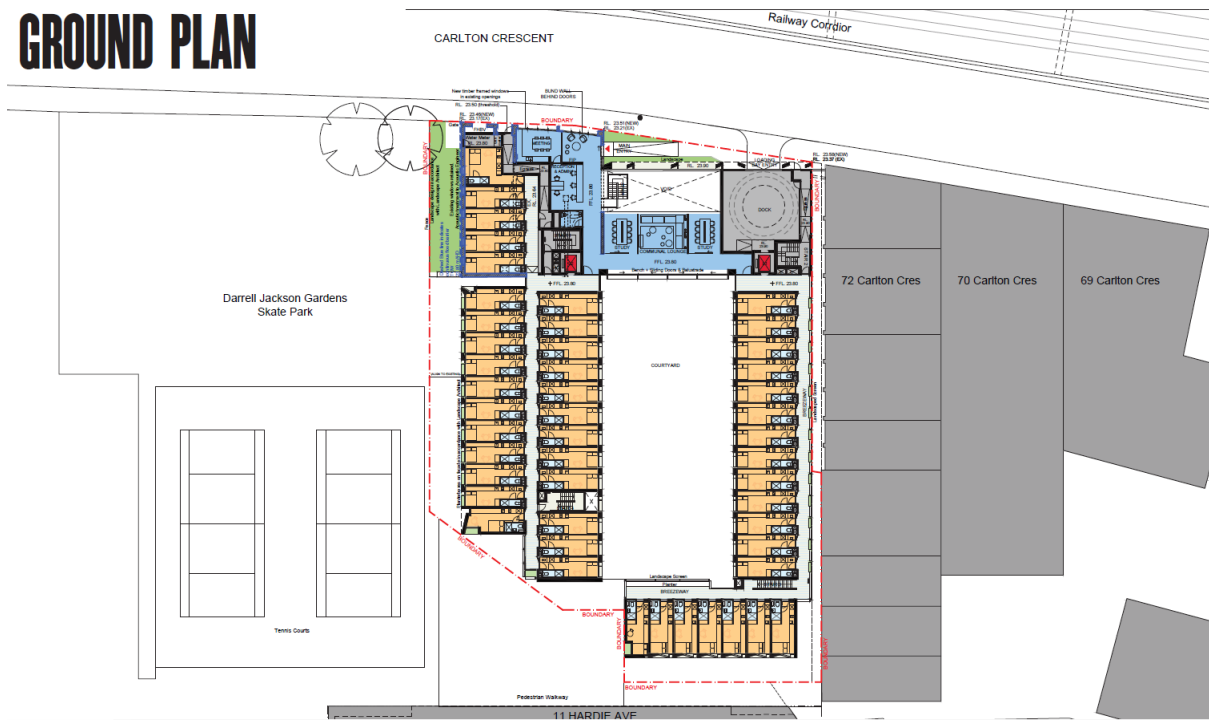


Figure 2: Revised ground floor plan detailing the creation of the new flood wall

LANDSCAPE DESIGN



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Figure 3: Revised landscape plan showing landscaping to western boundary

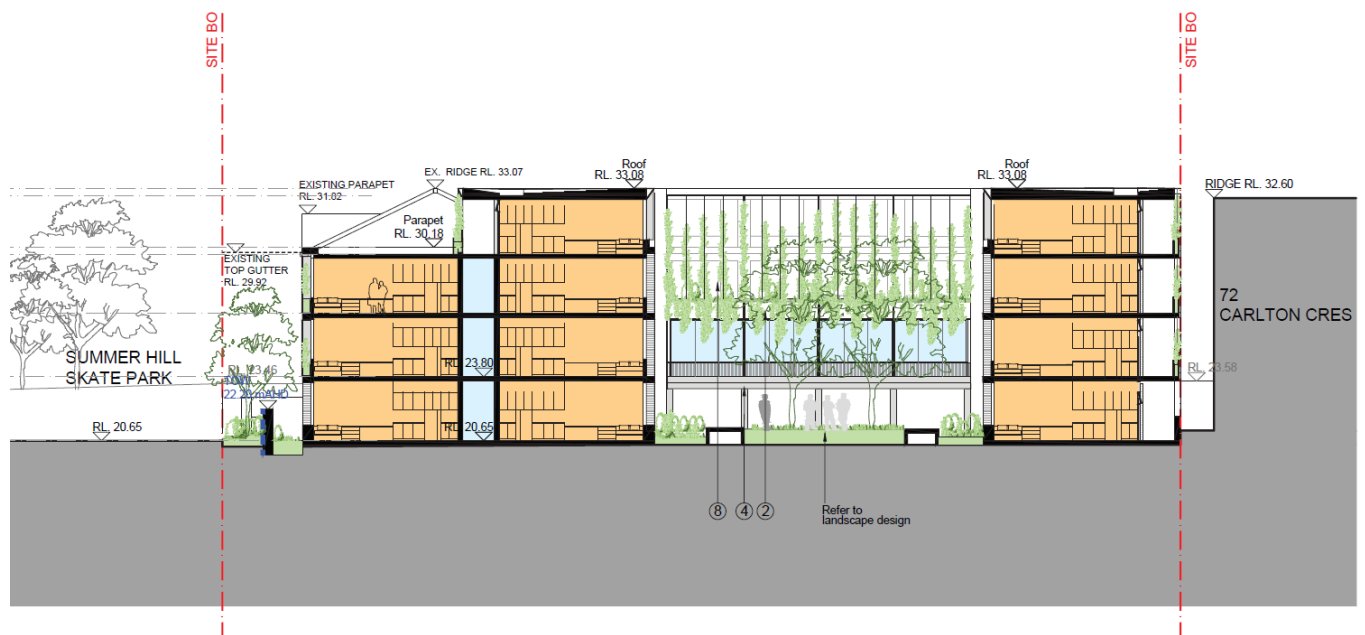


Figure 4: Revised east west section plan showing the flood wall to the western boundary

PMF PROTECTION WALL 3D VIEW



Figure 5: Revised model of completed development showing flood wall when viewed from the Darren Jackson Gardens Skate Park.

PMF PROTECTION WALL VIEW 02



Figure 6: Revised model of completed development showing flood wall when viewed from Carlton Crescent.

PMF PROTECTION WALL VIEW 03



Figure 7: Revised model of completed development showing flood wall when viewed from Darrel Jackson Gardens.

3. Planning Assessment

Below is an assessment of the amended plans and additional information submitted by the applicant in response to the resolution of the SECPP:

1. *Preparation of amended drawings including a flood wall to PMF with appropriate setback from site boundary to enable landscaping*

Comment:

The applicant has submitted amended plans which detail the provision of a flood wall designed to protect occupants for all flooding events including a potential PMF flooding event. This wall has been designed to accommodate a 1m setback from the site boundary for on-site tree plantings and a 1.5m setback from the openings of proposed boarding rooms, to ensure future occupants retain outlook and capacity for cross ventilation. Council has reviewed the proposed setbacks of the flood wall and landscape treatments to soften the visual impact of the flood wall and raises no objection. The amended flood wall design is recommended for approval, subject to the inclusion of revised Deferred Commencement conditions discussed below under point 3.

Council has recommended an additional deferred commencement condition requiring the submission of an amended western elevation plan, detailing the proposed flood wall. This ensures an accurate and updated set of plans to form part of the operational consent.

2. *Indicative landscape plan showing how landscaping could be provided towards the north of the site in front of the wall*

Comment:

An amended landscape plan and indicative modelling have been submitted as part of the additional information package. This information satisfactorily demonstrates that the proposed flood wall will be treated and hidden from the public domain so that the structure is not visually dominant. However the submitted information does not include a species list of plantings that are to be planted along the flood wall. Council has recommended a new Deferred Commencement condition requiring the submission of a planting schedule to the satisfaction of Council's Tree Management Officers to be provided prior to any operational consent being issued.

3. *Amended Stormwater and Flooding Report and Flood Response Management Plan showing the protection from the PMF, including measures that could be implemented should the flood gate fail*

Comment:

The applicant has provided the requested amended stormwater, flooding report and flood response management plan. This plan has been reviewed and assessed by Council Development Engineers who provided the following comments:

Flooding

From attached Figure 1 (Noted as Figure 3 in the amended Stormwater Report by TTW) the PMF level at Western entrance at the rear is RL 22m AHD reducing to RL 21.5m AHD at the Eastern entrance at the rear. Plan A03.100 indicates that a ramp may be introduced at the rear which could attain a height of RL 21.5m AHD (ie the PMF level at the eastern entrance). It is therefore recommended that the design be flipped to provide a ramped access to the eastern entrance (at the rear) to a height of RL 21.5m AHD which would protect the site from the PMF flood at this location. The western entrance (at the rear) must be protected to a height of RL 22m AHD by the use of steps to provide the height required to protect this entrance to the PMF level at this location.

Stormwater

The amended stormwater report by TTW dated 19/9/19 is unsatisfactory for the following reasons;

- It is unclear what the height of the flood wall will be at the rear and where the transition from a height of RL22.0m AHD to RL 21.5m AHD occurs. The actual height of the flood gate is also unclear.*
- The Section numbers in the contents page do not match the actual contents of the report. The Section in the original report on the Stormwater Disposal Design has been deleted which is unacceptable. Other sections also missing from the amended stormwater report are the OSD design and the water quality design sections.*
- The report refers to a Stormwater Plan C0110 Revision P4 which is not acceptable as it proposes a pump out system which is not acceptable. The report should refer the original Stormwater plans C0110 Revision P1 which details a gravity system with a 375 diameter pipe connection to the Stormwater system in Hardie Avenue.*

Council's Development Engineer has outlined that the above concerns can be addressed through the imposition of amended Deferred Commencement conditions. These amended conditions are outlined below:

- ***Deferred Commencement Condition 1 – is to be amended to read:*** *An easement for drainage over downstream properties (Lot 3 DP 717782 and Lot 1 DP 1102625) must be created to provide gravity stormwater drainage to be the property as detailed in Plan C0110 Revision P1. Satisfactory written documentation of the creation of an easement or of a legal agreement to create an easement shall be submitted to Council.*
- ***Deferred Commencement Condition 3 – to be added as follows:*** *The plans shall be amended to provide a ramped access to the eastern entrance (at the rear) to a height of RL 21.5m AHD so as to protect the site from the PMF flood at this location. The western entrance (at the rear) must be protected to a height of RL 22m AHD by the use of steps to protect this entrance to the PMF level at this location.*

Should these conditions be imposed then Council raises no objection to the amended proposal.

4. *Additional measures on top of the flood gate to outline how protections would occur should flood gate fail and other examples of flood gates and their operation in Sydney*

Comment:

Council's Development Engineer has reviewed the proposed flood gate and advises that reliance upon such a scheme is unacceptable. It is considered that the use of the flood gate will rely on management procedures and a maintenance regime which will need to be in place and monitored over a long period of time and which are prone to failure under stress. Council's preference is for a passive form of flood protection that does not rely on management and maintenance that become more likely to fail with the passage of time.

Council has devised an alternative design which will remove the requirement for a flood gate and ensures compliance with all flood requirements without reliance upon mechanical means. The amendment is recommended to be imposed as a Deferred Commencement condition, outlined above and replicated below:

- *The plans shall be amended to provide a ramped access to the eastern entrance (at the rear) to a height of RL 21.5m AHD so as to protect the site from the PMF flood at this location. The western entrance (at the rear) must be protected to a height of RL 22m AHD by the use of steps to protect this entrance to the PMF level at this location.*
5. *Additional information in an amended Green Travel Plan including confirmation students are not permitted residential permits*

Comment:

Page 18 of the updated Green Travel Plan confirms that students of the development will not be entitled to obtain residential parking permits from Council and states that signage outlining such will be displayed on on-site and in an email notice sent to all students as part of a welcome package. This is supplemented by condition A(12) – Parking Permits of the originally recommended consent, which expressly prohibits residents of the development from obtaining a permit in the local resident parking scheme.

6. *Preparation of a response to the Councillor motion correspondence date 27 August 2019;*

Comment:

The applicant has provided a response to the Sydney City East Planning Panel deferral for 74 – 75 Carlton Crescent Summer Hill. Within this letter the applicant has provided a comprehensive response to each of the concerns raised at the Council meeting on 3 September 2019. Council Assessment Officers raise no objection to this response and consider it to satisfy the deferral requirements.

7. Confirmation that the building will include a full sprinkler system

Comment:

A letter signed by Jason Krzus – Senior Associate of Steve Watson & Partners – Building Code Consultants & Building Surveyors & Certifiers has been provided. This letter outlines that the development is required to provide a sprinkler system and that such a system is proposed as part of the design. This is considered to be sufficient documentation to satisfy the requirements of the deferral.

4. Changes to recommended conditions of consent

The additional information provided as part of the amended documentation package has resulted in amendments to the recommended conditions of consent. It is recommended that the following conditions be amended as follows:

Deferred Commencement Condition 1 – is to be amended to read:

An easement for drainage over downstream properties (Lot 3 DP 717782 and Lot 1 DP 1102625) must be created to provide gravity stormwater drainage to be the property as detailed in Plan C0110 Revision P1. Satisfactory written documentation of the creation of an easement or of a legal agreement to create an easement shall be submitted to Council.

Deferred Commencement Condition 3 – to be added as follows:

The plans shall be amended to provide a ramped access to the eastern entrance (at the rear) to a height of RL 21.5m AHD so as to protect the site from the PMF flood at this location. The western entrance (at the rear) must be protected to a height of RL 22m AHD by the use of steps to protect this entrance to the PMF level at this location.

Deferred Commencement Condition 4 – to be added as follows:

The applicant is to provide an amended landscape plan outlining a comprehensive planting schedule. This amended plan must detail the species of trees and vegetation to be planted along the western boundary to screen the proposed flood wall. The landscape plan is to be to the satisfaction of Council's Tree Management Officers.

Deferred Commencement Condition 5 – to be added as follows:

The applicant is to provide an amended western elevation plan. This plan must detail the proposed flood wall drawn to the RL detailed upon the approved floor plans.

Condition A(1) - Approved plans stamped by Council - is to be amended as follows:

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

Drawing Number	Revision	Dated	Title	Prepared By
Architectural Plans				
A01.010	C	24/6/2019	Demolition Plan	Bates Smart
A01.000	C	24/6/2019	Site Plan	Bates Smart
A03.100	E	18/9/2019	Lower Ground Plan_PMF Update	Bates Smart
A03.000	C	18/9/2019	Ground Plan_PMF Update	Bates Smart
A03.001	C	24/6/2019	L01 Plan	Bates Smart
A03.002	C	24/6/2019	L02 Plan	Bates Smart
A03.003	C	24/6/2019	Roof Plan	Bates Smart
A07.000	C	24/6/2019	North Elevation	Bates Smart
A07.001	C	24/6/2019	West Elevation	Bates Smart
A07.002	E	7/8/2019	South Elevation	Bates Smart
A07.003	E	7/8/2019	East Elevation	Bates Smart
A08.000	C	24/6/2019	NS Long Section 01	Bates Smart
A08.001	E	7/8/2019	NS Long Section 02	Bates Smart
A08.002	C	18/9/2019	EW Cross Section 01	Bates Smart
A08.003	C	24/6/2019	EW Cross Section 02	Bates Smart
A08.004	E	7/8/2019	NS Long Section 03	Bates Smart
A11.000	C	24/6/2019	External Finishes	Bates Smart
Landscape Plans				
L-DA-04	B	6/12/2018	Landscape Plan – Lower Ground Floor	360 Degrees Landscape Architects
L-DA-06	B	6/12/2018	Landscape Plan – Ground Floor	360 Degrees Landscape Architects
L-DA-07	B	6/12/2018	Landscape Plan – Level 01 Plan	360 Degrees Landscape Architects
L-DA-08	B	6/12/2018	Landscape Plan – Level 02 Plan	360 Degrees Landscape Architects
L-DA-09	B	6/12/2018	Façade & Vertical Planter Plant Information	360 Degrees Landscape Architects
L-DA-010	B	6/12/2018	Façade & Vertical Planter Plant Information	360 Degrees Landscape Architects

L-DA-011	B	6/12/2018	Façade & Vertical Planter Details	360 Degrees Landscape Architects
L-DA-012	B	6/12/2018	Planting Palette (sheet 1)	360 Degrees Landscape Architects
L-DA-013	B	6/12/2018	Planting Palette (sheet 2)	360 Degrees Landscape Architects
Stormwater plans				
C0000	Rev A	30/11/2018	Stormwater Drainage Plans	TTW – Taylor Thomson Whitting
C0010	Rev P1	30/11/2018	Stormwater Drainage Plans	TTW – Taylor Thomson Whitting
C0110	Rev P1	30/11/2018	Stormwater Drainage Plans	TTW – Taylor Thomson Whitting

The development must be carried out in accordance with the recommendations set out in the following supplementary documents, which form part of the approved application.

Supplementary Documents	Date	Prepared By
BCA Compliance Statement for DA Submission	November 2018	Steve Watson & Partners
Phase 1 and Phase 2 Environmental Site Assessment	30 November 2018	JBS&G
Site Flood Assessment	7 December 2018	TTW – Taylor Thomson Whitting
Flood Impact Assessment	10 July 2019	WMA Water
Flood Response Management Plan	14 August 2019	TTW – Taylor Thomson Whitting
Geotechnical Investigation	30 November 2018	JK Geotechnics
Noise Impact Assessment	4 December 2018	Acoustic Logic
Construction Methodology Assessment – REV D	27 June 2019	TTW – Taylor Thomson Whitting
Access Report	4 December 2018	A Architecture & Access
Environmentally Sustainable Design (ESD) Assessment Report	5 December 2018	Integrated Group Services
Fire Engineering Capability Statement	7 December 2018	Olsson Fire & Risk Consulting Engineers
NCC Section J – JV3 Assessment Report (Energy Efficiency)	30 November 2018	Integrated Group Services
Operational Management Plan	-	Iglu Pty Limited
Remedial Action Plan	14 January 2019	JBS&G Australia Pty Ltd

- In the event of any inconsistency between the approved plans/supplementary documents and the conditions, the conditions will prevail.

Note: Carrying out of works contrary to the above plans and/ or conditions may invalidate this consent; result in orders, on the spot fines or legal proceedings.

5. Conclusion

Regarding resolution 1. Concerning Preparation of amended drawings including a flood wall to PMF with appropriate setback from site boundary to enable landscaping. Council is of the opinion that this resolution has been satisfied.

Regarding resolution 2. Concerning an Indicative landscape plan showing how landscaping could be provided towards the north of the site in front of the wall. Council is of the opinion that this resolution can be satisfied via an additional Deferred Commencement condition, which requires the applicant to detail proposed vegetation species.

Regarding resolution 3. Concerning an amended Stormwater and Flooding Report and Flood Response Management Plan showing the protection from the PMF, including measures that could be implemented should the flood gate fail. Council is of the opinion that this resolution can be satisfied via an additional Deferred Commencement condition, which has been detailed above.

Regarding resolution 4. Concerning additional measures on top of the flood gate to outline how protections would occur should flood gate fail and other examples of flood gates and their operation in Sydney. Council is of the opinion that this resolution can be satisfied via an additional Deferred Commencement condition.

Regarding resolution 5. Concerning additional information in an amended Green Travel Plan including confirmation students are not permitted residential permits. Council is of the opinion that this resolution has been satisfied.

Regarding resolution 6. Preparation of a response to the Councillor motion correspondence date 27 August 2019. Council is of the opinion that this resolution has been satisfied.

Regarding resolution 7. Confirmation that the building will include a full sprinkler system. Council is of the opinion that this resolution has been satisfied.

6. Recommendation

It is recommended that the application be approved, as previous concerns regarding flooding and patron safety have now been resolved. It is considered that the amended design (subject to minor amendments required by Deferred Commencement conditions) largely ensures that future occupants of the development will be protected in any flooding event. The proposal is therefore considered to satisfy the requirements of clause 6.2 – Flood Planning and has demonstrated that it is suitable for the site. Council raises no objection to the development's approval, subject to imposition of the conditions set out below.

7. Conditions of Consent

The following conditions have been prepared should be SECPP be of the mind to approve the application.

CONDITIONS OF CONSENT

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

Partial demolition of existing building and construction of a 180 room student accommodation building (boarding house), associated management offices, common rooms over 4 levels and landscaping.

PART A - DEFERRED COMMENCEMENT CONSENT

This consent shall not operate until such time as the following additional/revised information is provided to the satisfaction of Council:

1. *An easement for drainage over downstream properties (Lot 3 DP 717782 and Lot 1 DP 1102625) must be created to provide gravity stormwater drainage to be the property as detailed in Plan C0110 Revision P1. Satisfactory written documentation of the creation of an easement or of a legal agreement to create an easement shall be submitted to Council.*
2. *The Applicant shall prepare and provide to Sydney Trains for approval/certification the following final version items in compliance with relevant ASA Standards (<https://www.transport.nsw.gov.au/industry/standards-and-accreditation/standards>):*
 - a. *Geotechnical and Structural report/drawings that meet Sydney Trains requirements. The Geotechnical Report must be based on actual borehole testing conducted on the site closest to the rail corridor.*
 - b. *Construction methodology with construction details pertaining to structural support during excavation. The Applicant is to be aware that Sydney Trains will not permit any rock anchors/bolts (whether temporary or permanent) within its land or easements.*
 - c. *Cross sectional drawings showing the rail corridor, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the rail corridor. All measurements are to be verified by a Registered Surveyor.*
 - d. *Detailed Survey Plan showing the relationship of the proposed developed with respect to Sydney Trains easement and rail corridor land.*
 - e. *If required by Sydney Trains, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.*
 - f. *If required by Sydney Trains, a Monitoring Plan.*
3. *The plans shall be amended to provide a ramped access to the eastern entrance (at the rear) to a height of RL 21.5m AHD so as to protect the site from the PMF flood at this location. The western entrance (at the rear) must be protected to a height of RL 22m AHD by the use of steps to protect this entrance to the PMF level at this location.*
4. *The applicant is to provide an amended landscape plan outlining a comprehensive planting schedule and proposed irrigation management. This amended plan must detail the species of trees and vegetation to be planted along the western boundary to screen the proposed flood wall. The landscape plan is to be to the satisfaction of Council's Tree Management Officers.*

5. *The applicant is to provide an amended western elevation plan. This plan must detail the proposed flood wall drawn to the RL detailed upon the approved floor plans.*

This information is required to be provided and approved by Council within 24 months of the date of the approval. Failure to satisfy the above requirements by the specified date will result in lapse of consent.

The correspondence issued by Council, once the above conditions are satisfied, and any associated documents submitted to satisfy the deferred commencement condition are to form part of this consent. The submission of this additional information may result in new conditions being added to the consent.

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

Providing the above matters are satisfied by Council by the specified date, general conditions of consent are:

PART B – Operational Conditions

A General Conditions

(1) Approved plans stamped by Council

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

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A08.002	C	18/9/2019	EW Cross Section 01	Bates Smart

A08.003	C	24/6/2019	EW Cross Section 02	Bates Smart
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Remedial Action Plan	14 January 2019	JBS&G Australia Pty Ltd

- In the event of any inconsistency between the approved plans/supplementary documents and the conditions, the conditions will prevail.

Note: Carrying out of works contrary to the above plans and/ or conditions may invalidate this consent; result in orders, on the spot fines or legal proceedings.

(2) Updating of Plans/ Documents

The approved, landscape plans, stormwater plans and supplementary documents must all be updated to reflect the approved architectural plans.

(3) RMS Conditions

A Road Occupancy Licence must be obtained from Transport Management Centre for any works that may impact traffic flows on Carlton Crescent during construction activities.

A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>

(4) Payment of any Additional Fees

If the estimated cost of works for the construction certificate application exceeds the estimate supplied with the development application, an additional fee, any contributions and bonds based on the revised estimate must be paid to Council prior to release of the Construction Certificate.

(5) Student Accommodation Requirements

The use of the premises as student accommodation must comply at all times with the following:

- a) The use must comply at all times with the Plan of Management submitted to Council, prepared by Iglu Pty Limited, and as amended by the conditions specified hereunder;
- b) A copy of the Plan of Management and House Rules must be annexed to each and every tenancy/occupation agreement for a room;
- c) A copy of the approved Plan of Management and House Rules must be clearly displayed within every common room in the building at all times;
- d) The Plan of Management must not be amended without prior consent of Council;
- e) All tenancy/occupation agreements for rooms within the premises must be for a minimum period of three (3) months;
- f) Not more than 2 lodgers must occupy each of the rooms.
- g) All common rooms/areas and recreation rooms/areas must be maintained at all times for the use of the lodgers; and

- h) Each self-contained room and shared kitchen must be fitted out with washing up facilities, a cooktop, microwave, fridge and storage space with such utilities being maintained in working order at all times.

(6) Restriction to Users

The following restriction applies to the building hereby approved for student accommodation:

- a) The accommodation portion of the building may only be used for residential accommodation for *students* as hereinafter defined and not otherwise as residential accommodation, or as serviced apartments, private hotel, boarding house, tourist or backpackers accommodation or the like.
- b) For the purpose of this condition “student” means a person over 16 years of age enrolled with a tertiary institution in Australia and enrolled in an accredited course of tertiary education in Australia whether part time or full time, but excludes any non-award programs.
- c) Upon ceasing to be enrolled to attend a tertiary educational course with a tertiary institution in Australia, the now former student shall vacate the residential accommodation within 6 months of the expiration of the tertiary course.

Prior to the issue of an occupation certificate, a restrictive covenant is to be registered on the title of the premises in the above terms in favour of Council to the satisfaction of Council at the full expense of the developer.

It is the responsibility of the operator of the premises to verify any occupants of the approved development with respect to the restriction to users required by this condition of consent. This must be include verifying confirmation of enrolment prior to occupation by any persons into the development and an updated register of such information at all times. The register must be available for inspection by Council upon request.

(7) Hot Water Systems

Where boarding rooms are provided with separate individual hot water systems, these must be located within the internal area of the boarding room only.

(8) Adaptable Housing

A minimum of 2 adaptable boarding rooms must be provided in accordance with the Universal Accessible Design requirements and Section 2, Chapter A, Part 7 of Comprehensive Inner West Development Control Plan 2016.

(9) Annual Fire Safety Statement

Attention is directed to Clause 177 of the Environmental Planning and Assessment Regulation 2000 regarding the submission of an Annual Fire Safety Statement in relation to each essential fire safety measure implemented in the building or on the land on which the building is situated.

(10) Bicycle Parking

A total of 60 off-street bicycle spaces are to be provided, paved and maintained at all times. All spaces must be provided in accordance with the design requirements set out in Section 2, Chapter A, Part 8 of the Comprehensive Inner West Development Control Plan 2016 and must be used exclusively for parking and not for storage or any other purpose.

(11) Air Conditioning

No air conditioning units are to be installed in any position visible from the public domain without the prior approval of Council.

(12) Parking Permits

Owners and occupants of the proposed building shall not be eligible to obtain parking permits under any existing or future resident parking scheme for the area. The person acting on this consent shall advise any prospective tenant of this condition.

(13) Electrical Substation

Should the proposed development require the provision of an electrical substation, such associated infrastructure shall be incorporated wholly within the development site. Before proceeding with your development further, you are directed to contact Ausgrid directly with regard to the possible provision of such an installation on the property.

(14) Remediation of Land

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

Document Title	Prepared By	Dated
Iglu No.210 Pty Ltd Remedial Action Plan Former Summer Hill Ambulance Station 74-75 Carlton Crescent Summer Hill, NSW 2130	JBS&G Australia Pty Ltd	14 January 2019

(15) Fire Engineered Solution – Significant Internal Fabric

A fire engineered solution is to be developed to where possible retain the significant surviving internal fabric of the first floor of the former Ambulance Station including skirtings, high waisted panelled doors, glazed doors, architraves, fanlights and door hardware, window sills and surrounds, picture rails and any original cornices and decorative fibrous plaster ceilings.

(16) Retention of the Fireplace – First Floor Study Room Drawing A03.001- L01 Plan

The surviving fireplace, chimney breast, hearth and decorative plasterwork is to be retained. Any installation of a modern heater to the fireplace is to be undertaken in such a manner that the hearth and decorative plasterwork remain evident.

(17) Reinstatement of Ambulance Station Doors Drawing A07.000 North Elevation

Additional research is to be undertaken to confirm and resolve the detail of the Ambulance Station doors. Typically the lower section of the door was boarded. In this case the upper section of each door appears to have been a single pane of glass and not four panes. The timber frame is to have the same width as is evident in the historic photographs (and not the thin frames as current shown on the elevations). The doors may have been grained however this should be confirmed by historic photographs. Revised drawings are to be submitted to Council (along with the colour scheme) that also show the impact of the raising of levels due to localised flooding issues.

(18) Reinstatement of External Shutters Drawing A07.000 North Elevation

The external shutters to the main façade are to be re-instated based on historic photographs.

(19) Acoustic Treatment – External Windows

The Acoustic Treatment of external windows to the facades is to be developed in conjunction with the Heritage Architect to ensure that the original window sashes are retained and that the windows sashes and shutters will continue to be operable.

(20) Retention of Nibs Drawing A03.001- L01 Plan

Nibs are to be retained where existing original walls are to be removed (as shown on the L01 floor plan) and the bulkheads in the hallway are to be retained. Nibs and bulkheads are to be shown on the Construction Certificate drawings as being retained..

(21) Salvaged Building Material

Masonry, joinery, roof tiles and decorative architectural elements approved to be demolished, which may include windows and doors and timber flooring, must be catalogued, labelled, salvaged and where practical reused on the project or transferred to an established second building material dealer for recycling. Documentation of the salvage methodology must be submitted to the satisfaction of the Principal Certifying Authority prior to the commencement of demolition.

(22) Signage on Facades

The existing logo and signage from the Ambulance station phase of occupation of the building is to be painted out in the similar colour as the body of the wall or the colour of the parapet. New signage is to be fixed into the joints of existing brickwork or is to be separated from the masonry by non-ferrous spacers.

(23) Interpretive Panels (two)

Two interpretive panels are to be installed within the shared rooms (study, meeting room or lounge) within the former Ambulance Station that detail the original design and use of the building and include high quality reproductions of historic photographs and newspaper articles. The art work for the panels should be submitted to Council for approval.

(24) Stormwater Drainage

All stormwater drainage being designed in accordance with the provisions of the Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2015 'Stormwater Drainage' and Council's Stormwater Policy. Pipe and channel drainage systems shall be designed to cater for the fifty (50) year A.R.I. storm. In all cases the major event surface flow paths shall be designed to cater for the one hundred (100) year A.R.I. storm.

The site stormwater drainage shall be constructed generally in accordance with Stormwater Drainage Plans 181975 C0000, C0010 and C0110 by TTW Pty Ltd, dated 30/11/18.

(25) Sydney Trains Condition 1

Unless amendments are required in order to obtain approval/certification/ compliance from Sydney Trains in relation to any of the Sydney Trains related conditions of consent, all excavation and construction works are to be undertaken in accordance with the details, methodology, advice, undertakings and recommendations as detailed in the following documents:

- Overhead Power Mains Assessment Summer Hill 74 Carlton Cres, Revision Final 2.0 prepared by AA Power Engineering dated 18 July 2019.
- Appendix A Blow-Out Model (Level 2 Plan 11kv Sydney Trains Blow-Out Report), prepared by AA Power Engineering dated 18 July 2019.
- Appendix B Blow-Out Model (Elevation Plan 11kv Sydney Trains Blow-Out Report), prepared by AA Power Engineering dated 18 July 2019.

- Appendix C Sag Tension Temperature Calculation Results, Project Name 76M, prepared BY AA Power Engineering dated 18 July 2019.
- Appendix D Sag Tension Temperature Calculation Results, Project Name 106, prepared BY AA Power Engineering dated 18 July 2019.

The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming which of the documentation listed in this condition are to now apply or are superseded as a result of the compliance with the Sydney Trains related conditions of consent. The measures detailed in the documents approved/ certified by Sydney Trains under this Condition are to be incorporated into the construction drawings and specifications prior to the issuing of the Construction Certificate. Prior to the commencement of works the Principal Certifying Authority is to provide verification to Sydney Trains that this condition has been complied with.

(26) Sydney Trains Condition 2

If required by Sydney Trains, prior to the commencement of works or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required within 10 days following the undertaking of the inspection, unless otherwise notified by Sydney Trains.

(27) Sydney Trains Condition 3

If required by Sydney Trains, prior to the issue of the Occupation Certificate, or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

(28) Sydney Trains Condition 4

The Applicant shall prepare an acoustic assessment demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines". The Applicant must incorporate in the development all the measures recommended in the report. A copy of the report is to be provided to the Principal Certifying Authority and Council prior to the issuing of a Construction Certificate. The Principal Certifying Authority must ensure that the recommendations of the acoustic assessment are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.

(28) Sydney Trains Condition 5

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

(29) Sydney Trains Condition 6

Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate. The Principal Certifying Authority must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.

(30) Sydney Trains Condition 7

Sydney Trains advises there is an 11kV High voltage Aerial Transmission Lines in close proximity to the proposed works. All works within 6 metres of the nearest transmission line conductor must comply with:

- ISSC 20 – Guideline for the Management of Activities within Electricity Easements and Close to Electricity Infrastructure.
- The Safe Approach Distances (SADs) in the Sydney Trains Document titled “SMS-06-GD-0268 – Working Around Electrical Equipment”.

(31) Sydney Trains Condition 8

The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of the light rail operator. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

(32) Sydney Trains Condition 9

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

(33) Sydney Trains Condition 10

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

(34) Sydney Trains Condition 11

Unless advised by Sydney Trains in writing, all excavation, shoring and piling works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects and who holds current professional indemnity insurance

(34) Sydney Trains Condition 12

If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Engineering & Maintenance Interface to determine the need for public liability insurance cover. If

insurance cover is deemed necessary this insurance be for sum as determined by Sydney Trains and shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure and must be maintained for the duration specified by Sydney Trains. The Applicant is to contact Sydney Trains Engineering & Maintenance Interface to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.

(35) Sydney Trains Condition 13

If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Engineering & Maintenance Interface to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.

(36) Sydney Trains Condition 14

Sydney Trains or Transport for NSW (TfNSW), and persons authorised by those entities for the purpose of this condition, must be permitted to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and the requirements of this consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.

(37) Sydney Trains Condition 15

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

(38) Sydney Trains Condition 16

Any conditions issued as part of Sydney Trains approval/certification of any documentation for compliance with the Sydney Trains conditions of consent, those approval/certification conditions will also form part of the consent conditions that the Applicant is required to comply with.

(39) Sydney Trains Condition 17

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

(40) Sydney Trains Condition 18

If required by Sydney Trains, the Applicant must give Sydney Trains written notice at least 5 business days before any of the following events occur within 25 metres of the rail corridor land:

- a. site investigations;
- b. foundation, pile and anchor set out;
- c. set out of any other structures below ground surface level or structures which will transfer any load or bearing;
- d. foundation, pile and anchor excavation;
- e. other excavation;
- f. surveying of foundation, pile and anchor excavation and surveying of as-built excavations;
- g. other concreting; or
- h. any other event that Sydney Trains has notified to the Applicant.

(41) Sydney Trains Condition 19

The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:

- a. oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;
- b. acts as the authorised representative of the Applicant; and
- c. is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.

(42) Sydney Trains Condition 20

Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.

(43) Sydney Trains Condition 21

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

B Design Changes

Nil

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

(1) Waste Management Plan

Prior to the issue of a Construction Certificate, the applicant shall prepare and submit a Waste Management Plan in accordance with the provisions of Inner West Council Comprehensive Development Control Plan 2016 - Planning For Less Waste and the Waste Planning Guide for Development Applications (Planning for Less Waste, prepared by the Regional Waste Boards), including:

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

(2) Construction and Site Management Plan

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

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

Where it is proposed to:

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

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

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

(3) Erosion & sedimentation control-management plan

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

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

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

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

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

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

Further information may be obtained from:

Environment Protection Officer
Environment Protection Authority
Inner Sydney Region

Locked Bag 1502
BANKSTOWN NSW 2200

(4) Permits – General

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

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

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

Applications for such Permits shall be submitted and approved by Council prior to the commencement of the works associated with such activity

(5) Long service levy

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

(6) Section 7.12 Contributions

A Section 7.12 Contribution fee of **\$163,443.74** is to be paid in accordance with Section 7.12 of the *Environmental Planning and Assessment Act 1979*. The fee has been calculated based upon the construction of 180 boarding house rooms with a credit for 3,157m² of existing commercial GFA.

<u>Community Infrastructure Type</u>	<u>Contribution</u>
Local Roads	-\$3,579.05
Local Public Transport Facilities	\$63,109.56
Local Car Parking Facilities	\$0.00
Local Open Space and Recreation Facilities	\$0.00
Local Community Facilities	\$53,488.18

Plan Preparation and Administration	\$50,425.04
TOTAL	\$163,443.74

(7) Services and infrastructure adjustment/relocation

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

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

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

(8) Energy Efficiency

The development must be designed and constructed to maximise energy efficiency, including wall and ceiling insulation and energy efficient appliances/hot water/cooling systems. Documentation detailing the energy efficiency features of the development is to be shown on the plans to be provided with the Construction Certificate.

(9) Footpath/laneway – photographs to be submitted

Prior to the release of the Construction Certificate, the applicant shall lodge with Council photographs of the roadway, footpath and/or laneway at the property indicating the state of the relevant pavements. At the completion of construction, again at the expense of the applicant, a new set of photographs is to be taken to determine the extent, if any, of any damage which has occurred to the relevant pavements. If any damage has occurred, the applicant shall meet the full cost to repair or reconstruct these damaged areas to Council’s relevant standard.

(10) Erosion, dust, topsoil and sediment control

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

(11) Lighting Details

Lighting details of the pedestrian areas, parking areas and all entrances must be submitted to the Certifying Authority’s satisfaction prior to the release of the Construction Certificate. External lighting must be provided, including, at a minimum, at the main pedestrian entry to a building and all communal areas and should be directed towards access or egress routes. To avoid creating a nuisance by light spillage onto neighbouring properties, outdoor lighting must comply with Australian Standard *AS4281-1997-Control of the obtrusive effects of outdoor lighting for details*.

(12) General Acoustic

The proposed use of the premises and the operation of all plant and equipment shall not give rise to an ‘offensive noise’ as defined in the Protection of the Environment Operations Act 1997 and Regulations.

In this regard, the operation of the premises and plant and equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background $L_{A90, 15min}$ noise level, measured in the absence of the noise source/s under consideration by 5dB(A). The source noise level shall be

assess as an $L_{Aeq, 15min}$ and adjusted in accordance with the NSW Environment Protection Authority's Industrial Noise Policy and Environmental Noise Control Manual (sleep disturbance).

An acoustic report prepared by a suitably qualified and experienced acoustic consultant shall be provided to the satisfaction of the Principal Certifying Authority demonstrating that noise and vibration from the operation of the premises including the use, plant and equipment will satisfy the stipulated criteria above and relevant provisions of the Protection of the Environment Operations Act 1997 and Regulations and relevant state and local policies and guidelines. Recommendations must be consistent with the approved plans.

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

(13) Air Conditioning

Any air conditioning unit on the site must be installed and operated at all times so as not to cause "Offensive Noise" as defined by the Protection of the Environment (Operations) Act 1997.

The system/s shall be operated as follows:

- a) Domestic air conditioners must not be audible in nearby dwellings between:
 - i) 10:00pm to 7:00am on Monday to Saturday: and
 - ii) 10:00pm to 8:00am on Sundays and Public Holidays.
- b) At any other time the systems and associated equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background $L_{A90, 15min}$ noise level, measured in the absence of the noise source/s under consideration by 5dB(A).

The source noise level shall be assessed as an $L_{Aeq, 15min}$ and adjusted in accordance with the NSW Environment Protection Authority's Industrial Noise Policy and Environmental Noise Control Manual (sleep disturbance).

Air conditioning units must be installed in accordance with plans referenced in condition 1 or to satisfy provisions of the State Environmental Planning Policy (Exempt & Complying Codes) 2008.

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

(14) Acoustic – Road & Rail

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

Prepared by	Dated	Reference
Acoustic Logic	4 December 2019	Project No. 20181687.1

Details demonstrating compliance with the requirements of this condition are to be detailed on the plans and accompanying documentation submitted to satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

(15) Schedule of Conservation Works

Prior to the issue of the Construction Certificate, the Certifying Authority must be provided with a Schedule of Conservation Works. The detailed documentation of the conservation works to the former Ambulance Station, 73-75 Carlton Crescent is to be prepared by a qualified Heritage Architect in accordance with the Australia ICOMOS Burra Charter 2013.

The schedule is to detail the conservation of all significant fabric, including but not limited to the following: double hung or casement windows, brickwork, terracotta tilework to the front façade and roof, internal detailing including timber floors, timber skirting boards, timber panelled doors and fanlights, fireplaces, picture rails and any fibrous plaster ceilings (above the existing lowered ceilings). All of these elements are to be repaired not replaced, where possible.

The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing building. The schedule of conservation works is to include patching once redundant services, including air conditioning units, have been removed.

Each element that is to be retained and conserved is to be identified as such on the Construction Certificate Drawings, including the existing Ambulance Station signage and logo

(16) Painting of Facades

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with an external Colour Scheme including elevations from a suitably qualified Heritage Architect indicating:

- a) External paint or limewash colours that are based on the original colour scheme and surface finish, evidence of which is to be provided with the Colour Schedule. The original colours of the Ambulance Service logo, the string course and friezes, including the decorative frieze at ground level and the rafters and soffit are to be confirmed.
- b) Existing unpainted brickwork is not be painted, bagged or rendered or sealed but to remain as original brickwork.
- c) Breathable finishes such as a cement paint, limewash or mineral paint are to be employed where the existing masonry or render had a paint finish.
- d) Modern paint films which do not allow moisture transmission and have a tendency to blister are not to be used.
- e) All original brickwork is to be depicted on the elevations with a notation that they are to remain unpainted.
- f) Face brickwork is not to be sealed or cleaned using abrasive technique or acid washing.

(17) Security Damage Bond

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

Security Deposit	\$83,906.34
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 Council to determine the condition of the adjacent road reserve and footpath prior to and on completion of the works being carried out.

Should any of Council's property and/or the physical environment sustain damage during the course of the demolition or construction works, or if the works put Council's assets or the environment at risk, or if any road, footpath or drainage works required by this consent are not completed satisfactorily, Council may carry out any works necessary to repair the damage, remove the risk or complete the works.

Council may utilise part or all of the security deposit to restore any damages, and Council may recover, in any court of competent jurisdiction, any costs to Council for such restorations.

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

The amount nominated is only current for the financial year in which the consent was issued and is revised each financial year. The amount payable must be consistent with Council's Fees and Charges in force at the date of payment.

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

(18) Public Domain works

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

- a) The public domain along all frontages of the site inclusive of footpath paving, kerb, street trees, landscaping, street furniture, etc. shall be reconstructed and upgraded in accordance with the Public Domain Design Guide;
- b) New kerb and gutter along the frontage of the site. The kerb type (concrete or stone) shall be consistent with the majority of kerb type at this location.
- c) Cross sections are to be provided at the boundary at a minimum distance of every 5m and at all pedestrian and vehicular access locations. Note, the cross fall of the footpath shall be set at 2.5%. These sections will set the alignment levels at the boundary.
- d) SW Pipe in Hardie Avenue including, long section, pit details, services, backfill and restoration details.

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

(19) Plant and Equipment Location

All plant and associated equipment must be located within the approved building envelope and is not be located on the roof (except as shown on the approved plans). Details on the location of all plant and equipment must be consistent with the approved plans and provided prior to the issue of a Construction Certificate.

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

(20) Redundant crossing removal fee

Any redundant crossings are to be removed and replace with kerbing and other ancillary works where necessary. Note: Cost of this work to be borne by the applicant.

(21) Security devices/measures

In order to achieve satisfactory levels of surveillance and ongoing security on the site, the following shall occur:

- (a) To Street/Road ground and first floor level windows, shall have fitted security locking devices, which comply with the relevant Australian Standard.
- (b) Ground floor and entry porticos shall have as a minimum double barrel security and fire locks.

Details to be shown on the construction certificate.

(22) Preparation of geotechnical report

To ensure that the structural integrity of the proposal and neighbouring buildings will be maintained, a full geotechnical report must be submitted to the Council or the PCA prior to the issue of a construction certificate and prior to the commencement of excavation works. The report must include an investigation of site and soil conditions as well as the proposed means of construction and must contain, where required, recommendations to ensure that excavation, backfilling and construction, including temporary works during construction, will not affect the structural integrity of neighbouring buildings or the structural stability of neighbouring public land, property or services. The report is to be prepared and certified by an appropriately qualified practicing geotechnical engineer.

All demolition, excavation, backfilling and construction must be undertaken in accordance with the recommendations of the geotechnical report.

Details are to be submitted with the Construction Certificate.

(23) Plantation or recycled timbers

To minimise the damage to the environment, no rainforest timbers or timbers cut from old growth forests are to be used in the construction of buildings.

The Construction Certificate is to specify the timbers to be used. These are to be limited to plantation timbers grown on Australian farms, or State Forest Plantations, or recycled timbers.

(24) Water conservation

Water saving devices must be fitted to all showers and dual flush cisterns installed within all WC/sanitary facilities provided throughout the development to reduce ongoing water consumption. Documentation to be shown on the plans to be provided with the Construction Certificate

(25) Ventilation

To ensure that adequate provision is made for ventilation of the building all mechanical and/or natural ventilation systems shall be designed, constructed and installed in accordance with the provisions of:

- (a) *Building Code of Australia.*
- (b) AS 1668.1 - 1998.
- (c) AS 1668.2 - 1991.
- (d) *Public Health Amendment Regulation 2003*
- (e) *Public Health Act 1991*
- (f) Work Cover Authority.
- (g) AS/NZS 3666.1 - 2002.

Evidence from an appropriately qualified person certifying that these design requirements have been met shall accompany the application for the Construction Certificate.

(26) Water efficient irrigation system

The communal open space areas shall be provided with a water efficient irrigation system to enable effective landscape maintenance. Details shall be included with the landscape plan to be submitted with the Construction Certificate.

(27) Garbage Bay

To ensure that waste water from washing bin is treated in an acceptable manner the garbage bay shall be designed and constructed to ensure that waste water is discharged to the sewer in accordance with the requirements of Sydney Water.

The bin storage area must:

- be well-lit with artificial lighting to be provided. Control switches to be located both outside and inside the room in close proximity to the entry door (DCP-DS 1.6)
- have hot and cold water outlet with hose cock for cleaning of the bins and storage areas (DCP-DS 1.5)
- drain to sewer
- have adequate ventilation which complies with provisions of Australian Standard 1668.2012 (DCP- DS 1.7)

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

(28) Registration of Easement

Before the issue of the Construction Certificate deposited plans detailing the creation of the required stormwater easement must be submitted for registration with the relevant authority.

All documentation must be in accordance with the requirements of Section 88B of the Conveyancing Act.

D Conditions that must be complied with before work commences

(1) Notice of Commencement – Notification of Works

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

(2) Requirement for a Construction Certificate

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

- (a) detailed plans and specifications of the building have been endorsed with a Construction Certificate by:
 - (i) Council; or
 - (ii) an accredited certifier; and
- (b) a principal certifying authority (PCA) has been appointed and the Council has been notified in writing of the appointment, and
- (c) at least two days notice, in writing, has been given to Council of the intention to commence work.

The documentation required under this condition shall show that the proposal complies with all development consent conditions and the *Building Code of Australia*.

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

WARNING: Failure to obtain a Construction Certificate prior to the commencement of any building work is a serious breach of Section 81A(2) of the *Environmental Planning & Assessment Act 1979*. It

is a criminal offence that attracts substantial penalties and may also result in action in the Land and Environment Court and orders for demolition.

(3) Inspections required by Principal Certifying Authority

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

(4) Sanitary facilities - demolition/construction sites

Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.

(5) Site Controls

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

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

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

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

(6) Layout of buildings

The layout of all external walls, including retaining walls and contiguous piling must be checked and verified by survey prior to the commencement of construction to ensure that building construction complies with the development consent and does not encroach beyond the boundaries of the site.

(7) Building location - check survey certificate

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

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

(8) Boundary identification prior to construction

The boundary shall be identified by survey prior to the pouring of any footings and concrete slabs.

(9) Crane permit

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

(10) Site fencing/security

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

(11) Dilapidation Reports

A Dilapidation Report on the current structural condition of the existing buildings at 72 Carlton Crescent, Summer Hill must be prepared by a suitability qualified individual. The Dilapidation Report must be completed and submitted to the owner of the subject property and to Council prior to the commencement of any demolition, excavation or construction works. At the completion of the works, a second Dilapidation Report recording the structural condition must be prepared. That Report must be submitted to the owner of the subject property and to Council.

In the event that access to the site cannot be obtained then the principle certifying authority may issue a construction certificate without the dilapidation report being completed. Note that this is to only occur once it has been demonstrated that reasonable attempts to gain access have been made. Copies of such attempts must be submitted to Council as part of any Construction Certificate.

(12) Site fencing/security

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

(13) Support for neighbouring buildings and notice to adjoining owners

- (1) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
 - (a) must preserve and protect the building from damage, and
 - (b) if necessary, must underpin and support the building in an approved manner, and
 - (c) must at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- (2) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

Notes:

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

(14) Demolition work plan

Prior to demolition, the applicant shall submit a Work Plan prepared in accordance with AS 2601 by a person with suitable expertise and experience to the Principal Certifying Authority. The Work Plan shall identify any hazardous materials, the method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.

(15) Structural Engineering Details

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

(16) Asbestos Removal

An Asbestos Survey prepared by a suitably qualified Occupational Hygienist shall be prepared for the premises. The Survey is to incorporate appropriate Asbestos removal and disposal methods in accordance with the requirements of WorkCover NSW, NSW Environmental Planning and Assessment Amendment (Asbestos) Regulation 2009 and NSW Environment Protection Authority, Safe Removal of Asbestos 2nd Edition [NOHSC: 2002 (2005)] and conditions of this consent.

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

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

(17) Archival Record

Prior to the commencement of works on site a detailed photographic record is to be made of the original section of the Ambulance Station, including the exterior, the ground and first floor level and the main portion of the roof. Each wall is to be photographed. Typical repeated elements such as windows and doors are also to be photographed. The images are to be cross referenced on floor plans. The original ceilings are to be photographed once the later lower ceilings have been removed. This record is to be submitted as PDFs with the Construction Certificate and lodged with Council.

(18) Dilapidation – minor

The person acting on this consent shall submit to the Principal Certifying Authority a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site before the issue of a Construction Certificate.

(19) Hoardings

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

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

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

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

(20) Traffic Management Plan

Prior to Any Demolition, 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 Certifying Authority must approved by the CTMP 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.

(21) Public Liability Insurance

Any person acting on this consent or any contractors carrying out works on public roads or Council controlled lands shall take out Public Liability Insurance with a minimum cover of twenty (20) million dollars in relation to the occupation of, and approved works within those lands. The Policy is to note, and provide protection for Inner West Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public property.

E Conditions that must be complied with during construction or demolition

(1) Plans to be available on site

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

(2) Locate structures within boundaries

The proposed structure(s) to be erected must stand wholly within the boundaries of the allotment.

(3) Spoil and building materials on road and footpath

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

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

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

(1) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

- (a) stating that unauthorised entry to the work site is prohibited; and
- (b) showing the name and address of the contractor for the building work and the person in charge of the work site and a telephone number at which the person may be contacted outside working hours; and
- (c) showing the name, address and telephone number of the Principal Certifying Authority appointed for the building works.

(2) Any-sign shall be maintained and not removed until work has been finished.

(5) Demolition/excavation/construction - hours of work

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

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

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

In the case that a standing plant or special permit is obtained from Council for works in association with this development, the works which are the subject of the permit may be carried out outside these hours. This condition does not apply in the event of a direction from police or other relevant authority for safety reasons, to prevent risk to life or environmental harm.

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

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

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

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

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

(6) Demolition requirements/standards

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

- (a) Australian Standard 2601 and any requirements of the SafeWork NSW.
- (b) The Waste Management Plan submitted with the Development Application.
- (c) The property is to be secured to prohibit unauthorised entry.
- (d) All precautions are to be exercised in the handling, removal and disposal of all asbestos materials. Licensed contractors and the disposal of asbestos is to be carried out in accordance with the requirements of the SafeWork NSW.
- (e) All other materials and debris is to be removed from the site and disposed of to approved outlets.
- (f) Any demolition on the site is to be conducted in strict accordance with, but not limited to, sections 1.5, 1.6, 1.7, 3.1 and 3.9 of the AS 2601 - 1991, demolition of structures. The following measures must be undertaken for hazardous dust control:
- (g) Prior to demolition, the applicant shall submit a Work Plan prepared in accordance with AS 2601 by a person with suitable expertise and experience to the Principal Certifying Authority. The Work Plan shall identify any hazardous materials, the method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
- (h) Hazardous dust must not be allowed to escape from the site or contaminate the immediate environment. The use of fine mesh dust proof screens, wet-lead safe work practices, or other measures is required.
- (i) All contractors and employees directly involved in the removal of hazardous dusts and substances shall wear protective equipment conforming to AS 1716 Respiratory Protective Devices and shall adopt work practices in accordance with SafeWork Requirements (in particular the SafeWork standard for the *Control of Inorganic Lead At Work* (NOHSC: 1012, 1994) and AS 2641, 1998).
- (j) Any existing accumulations of dust (eg; ceiling voids and wall cavities must be removed by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter and disposed of appropriately.
- (k) All dusty surfaces and dust created from work is to be suppressed by a fine water spray. Unclean water from the suppressant spray is not be allowed to enter the street gutter and stormwater systems.
- (l) Demolition is not to be performed during high winds that may cause dust to spread beyond the site boundaries without adequate containment.
- (m) All lead contaminated material is to be disposed of in accordance with the NSW Environment Protection Authorities requirements.

- (n) Construction and demolition waste, particularly timber, bricks and tiles, concrete and other materials need not be disposed of- they can be recycled and resold if segregated properly from any hazardous waste contamination.
- (o) Following demolition activities, soil must be tested by a person with suitable expertise to ensure the soil lead levels are below acceptable health criteria for residential areas. Full certification is to be provided for approval by the Principal Certifying Authority.

(7) Materials and colour schemes

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

(8) Footpath, kerb and gutter protection

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

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

(9) Road opening permit – Council controlled lands

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

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

(10) Roof guttering and drainage system/disposal of stormwater

The roof shall be provided with a complete guttering and drainage system. Roofwater shall be disposed of by approved drainage lines discharging into the street gutter.

(11) Surface run-off

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

(12) Termite treatment

Treatment for the protection of the building from subterranean termites shall be carried out in accordance with AS 3660.1:2000 'Protection of Buildings from Subterranean Termites'.

On completion of the installation of the barrier the Principal Certifying Authority shall be furnished with a certificate from the person responsible, stating that the barrier complies with AS 3660.1.

A durable notice shall be permanently fixed to the building in a prominent location, such as the meter box or the like indicating:

- the method of protection;
- the date of installation;
- where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
- the need to maintain and inspect the system on a regular basis.

Due to the present limited effective life of soil chemical treatments, Council does not permit hand spraying as a stand alone method of termite protection. It is recommended that any soil chemical treatment should embrace a reticulation system.

(13) Waterproofing materials/installation – BCA/Australian Standards

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

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

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

(14) Safety Glazing - BCA

Safety glazing complying with B1 of the Building Code of Australia (BCA) is to be used in every glazed door or panel that is capable of being mistaken for a doorway or unimpeded path of travel. The glazing must comply with AS 1288:2006 'Glass in Buildings – Selection and Installation'.

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

(15) Fire Detection/Alarm System installation and certification

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

- (a) any storey containing bedrooms -
 - between each area containing bedrooms and the remainder of the dwelling, including any hallway associated with the bedrooms
- (b) any storey not containing bedrooms.

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

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

(16) Vibration Criteria – Excavation or Construction

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

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

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

(17) New contamination evidence

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

(18) Maintenance Works

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

(19) Stormwater

To provide for adequate site drainage all roof and surface stormwater from the site and any catchment external to the site that presently drains to it, shall be collected in a system of pits and pipelines/channels and major storm event surface flow paths and being discharged to a stormwater drainage system in accordance with the requirements of Council's Stormwater Policy. Please note any stormwater outlets through sandstone kerbs must be carefully core drilled.

(20) Alignment Levels

Alignment levels for the site at all pedestrian and vehicular access locations shall match the proposed back of footpath levels at the boundary. For vehicular access off rear laneways the level at the boundary shall match the invert level of the adjacent gutter plus 150mm at both sides of the vehicle entry.

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

Nil

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

(1) Compliance with submitted ridge height

A survey report to be submitted upon completion of the works and prior to occupation verifying compliance with the approved ridge height details.

(2) Approval to use/occupy building

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

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

(3) Landscaping

Before the issue of an Occupation Certificate, the Certifying Authority must be satisfied that all landscape works have been undertaken in accordance with the approved plan and conditions of consent and must be maintained at all times to Council's satisfaction.

(4) Acoustic report – demonstrating compliance

A report prepared by a suitably qualified and experienced acoustic consultant shall be submitted to Council prior to an Occupation Certificate being issued for the development which demonstrates and certifies that noise and vibration emissions from the development comply with the relevant provisions of the *Protection of the Environment Operations Act 1997*, NSW Environment Protection Authority's

Industrial Noise Policy and Noise Control Manual and conditions of Council's approval, including any recommendations of the acoustic report referenced in the conditions of the approval.

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

(5) Contamination Management Plan

Prior to the issue of any interim / final Occupation Certificate, certification from an appropriately qualified environmental consultant is to be provided stipulating that the requirements of the following contamination reports:

Title	Prepared by	Date
Contamination Investigation (Phase 1 and 2), Report No. 52961/110780 (Rev 2)	JBS&G Australia Pty Ltd	30 November 2018

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

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

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

(6) Petroleum storage – decommissioned in accordance with requirements

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

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

(7) Disposal of soil

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

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

(8) Registration of Use with Council

The premise must be registered with Council's Environment Health Section in accordance with the following relevant legislation:

Boarding House - Boarding Houses Act 2012.

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

(9) Remediation Validation

A validation report shall be prepared by a suitably qualified Environmental Consultant and be submitted to Council upon completion of remediation works and prior to the site being occupied. The validation report shall be prepared in accordance with relevant NSW Environment Protection Authority guidelines, including the guidelines 'Consultants Reporting on Contaminated Sites' and shall include:

- Description and documentation of all works performed
- Results of validation testing and monitoring
- Validation results if any imported fill was transferred to site
- Demonstrate how all agreed clean-up criteria and relevant regulations have been satisfied

Confirmation and justification as to the suitability of the site for the proposed use and the potential for off site migration of any residual contaminates.

(10) Public Domain works

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

(11) Redundant Vehicle Crossing

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

(12) No encroachments

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

(13) Service adjustments

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

(14) Protect sandstone kerb

The existing stone kerb adjacent to the site is of local heritage value and is to be preserved at no cost to Council. Any damage to the stone kerb will require the replacement of the damaged individual stone

units before the issue of the Occupation Certificate. Please note any stormwater outlets through sandstone kerbs must be carefully core drilled. Non-compliance with this condition will result in loss of your security deposit.

(15) Kerb and gutter reconstruction

The existing damaged or otherwise defective kerb and gutter, footpath and/or road pavement adjacent to the site shall be restored in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications", at no cost to Council and before the issue of the Occupation Certificate.

(16) Footpath reconstruction

The existing concrete footpath across the frontage of the site shall be reconstructed in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications", at no cost to Council and before the issue of an Occupation Certificate.

The applicant shall provide security, in a manner satisfactory to Council for the proper maintenance of the public domain works in an amount of \$1,500.00 for a period of twelve (12) months from the date of completion of the public domain works as surety for the proper maintenance of these works.

(17) Dilapidation report – OC

A second Dilapidation Report addressing the public infrastructure identified in "Dilapidation – minor", including a photographic survey and structural condition, must be submitted after the completion of works. A copy of this Dilapidation Report must be lodged with Council and the Principal Certifying Authority before to the issue of an Occupation Certificate.

Any damage identified in the Dilapidation Report must be fully rectified by the applicant or owner at no cost to Council before to the issue of an Occupation Certificate.

(18) Public domain – Council signoff

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

(19) Positive Covenant

With regard to the Flood Wall, a Positive Covenant shall be placed on the Title in favour of Council to ensure maintenance of the wall, before the issue of the Occupation Certificate.

All instruments under Section 88B of the Conveyancing Act used to create positive covenants, easements or right-of-ways shall include the condition that such easements or right-of-ways may not be varied, modified or released without the prior approval of Council.

(20) Creation of Easement

Before the issue of the Occupation Certificate (interim or final) the required stormwater easement must be registered in accordance with Section 88B of the Conveyancing Act.

H Conditions that are ongoing requirements of development consents

(1) Acoustic impacts – compliance

The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations.

In this regard, the operation of the premises and plant and equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background $L_{A90, 15min}$ noise level, measured in the absence of the noise source/s under consideration by 5dB(A). The source noise level shall be assessed as an $L_{Aeq, 15min}$ and adjusted in accordance with the NSW Environment Protection Authority's Industrial Noise Policy and Environmental Noise Control Manual (sleep disturbance).

(2) Acoustic – Outdoor areas

There is to be no entertainment in the form of amplified music on any part of the outdoor area at any time.

The operating hours of all outdoor communal areas is restricted to 9:00am – 10:00pm Monday to Sunday.

(3) Boarding house registration & inspection

The boarding house is required to be registered on a register administered by NSW Fair Trading within 28 days, where a proprietor takes over an existing, or begins operating a new, registrable boarding house.

Council will carry out initial (within the first 12 months) and on-going inspections in accordance with the Boarding Houses Act 2012 subject to payment of inspection fees as detailed in Council's Fees and Charges schedule.

The boarding house must be operated in accordance with the Boarding Houses Act 2012.

(4) Health Impacts

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

(5) Waste – Commercial collection time

To ensure minimal impacts on surrounding properties commercial waste and recyclable material generated by the premises must not be collected between the hours 9pm and 8am.

(6) Neighbourhood Amenity

No injury must be caused to the amenity of the neighbourhood by the emission of noise, smoke, smell, vibration, gases, vapours, odours, dust, particular matter, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health, the exposure to view of any unsightly matter or otherwise.

The use of the boarding house, including any plant and equipment, must not give rise to:

- a) transmission of unacceptable vibration to any place of different occupancy;
- b) a sound pressure level at any affected premises that exceeds the background (L_{A90}) noise level in the absence of the noise under consideration by more than 5dB(A). The source noise level shall be assessed as an $L_{Aeq, 15min}$ and adjusted in accordance with Environment Protection Authority guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content as described in the NSW Environment Protection Authority's Environmental Noise Control Manual and Industrial Noise Policy 2000 and The Protection of the Environment Operations Act 1997 (NSW).

(7) Washing and Drying Facilities

A minimum of two (2) washing machines and two (2) dryers must be available for resident use at all times, unless each room is provided with individual washing and drying facilities.

I Advisory Notes

(1) Modifications to your consent - prior approval required

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

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

(2) Occupational health and safety

All site works must comply with the occupational health and safety requirements of the SafeWork NSW.

(3) Tree preservation

Where tree removal or work has not been approved by this Development Consent, the developer is notified that a general Tree Preservation Order applies to all trees (with the exception of certain species) in the Municipality of Ashfield with a height greater than five (5) metres. This order prohibits the ringbarking, cutting down, topping, lopping*, pruning, transplanting, injuring or wilful destruction of such trees except with the prior approval of the Council. Written consent from Council for such tree works must be in the form of a "Tree Preservation Order Permit for Pruning or Removal of Protected Trees" to be obtained from Council.

* Lopping may be carried out without consent only to maintain a minimum clearance of 500mm from power lines, pruning to remove dead wood/branches and minor pruning of branches overhanging buildings to a height of 2 metres only with the agreement of the owner of the tree. Contact Council's One Stop Shop - telephone 9716 1800, for details of the Tree Preservation Order.

(4) Relocation of stormwater drainage

Council is not responsible for the cost of relocating Council's stormwater drainage pipes through the subject property.

Reason for the imposition of conditions

Unrestricted consent would be likely to cause injury:

- a) to the amenity of the neighbourhood
- b) to the heritage significance of the area
- c) to the heritage significance of the property
- d) to the amenity of the neighbourhood due to the emission of noise
- e) to the amenity of the neighbourhood due to the creation of a traffic hazard

and further, would not be in the public interest.

Compliance with Building Code of Australia

- (1) All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate or complying development certificate was made).

- (2) This clause does not apply to the extent to which an exemption is in force under clause 187 or 188 of the Environmental Planning and Assessment Regulation 2000, subject to the terms of any condition or requirement referred to in clause 187 or 188.

NOTES

- (i) This approval does not relieve an applicant of the obligation to obtain any other approval required under Section 68 of the Local Government Act, 1993 and Ordinances or Section 4.12 of the Environmental Planning & Assessment Act, 1979 or any other Act or Regulation.
- (ii) Further approval(s) – see above, may be required in addition to this development consent. Plans and specifications submitted for building works must comply with the Building Code of Australia, any relevant condition of development consent and/or other code or requirement of Council at the time of approval.

Ask Council if you are unsure of what procedures you need to follow.

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

You are advised that:

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