

Annexure B – “Main Works DA”

DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

Development Application No: 2021/0800

Development: site preparation, demolition, excavation, remediation works, construction of a mixed-use development comprising commercial/light industrial, build-to-rent residential housing and community facilities involving the construction of two levels of basement car parking, alterations and additions to existing buildings, construction of three new buildings, creation of new publicly accessible open space, new pedestrian connection to Roberts Street and a north-south shared zone between Mary and Edith Street.

Site: Nos. 67 & 73-83 Mary Street, Nos. 50-52 Edith Street and No. 43 Roberts Street, St Peters (Lot 100 in DP1283113).

The above development application has been determined by the granting of consent subject to the conditions specified in this consent.

Date of determination: 14 March 2023

Date from which consent takes effect: Date of determination

TERMINOLOGY

In this consent:

- a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- b) Any reference to the “applicant” means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- c) Any reference to the “site”, means the land known as 67 & 73-83 Mary Street, 50-52 Edith Street and 43 Roberts Street, St Peters (Lot 100 in DP1283113).
- d) References to prior to demolition, works and construction certificate refers to prior to any demolition, any works and prior to the issue of a first certificate unless specified otherwise.
- e) References to prior to the issue of an occupation certificate refers to the issue of the first occupation certificate unless specified otherwise.

The conditions of consent are as follows:

PART A DEFERRED COMMENCEMENT

The following is a deferred commencement condition imposed pursuant to section 4.16(3) of the *Environmental Planning and Assessment Act 1979*. This consent will not operate and may not be acted upon until the Council is satisfied as to the following matter(s):

A. DELIBERATELY LEFT BLANK.

B. Amended Architectural Plan details for the south-eastern façade of Building C are to be prepared detailing the profiles of all floor slabs, off form concrete columns, precast panels and brickwork consistent with and to enable construction OF the façade as shown on DA 30-06, detail drawing 02. Plan and wall section details are to be dimensioned and all materials nominated at 1:10 scale.

C. DELIBERATELY LEFT BLANK.

The amended plans referred to above are to be submitted to Council within two years of the granting of this deferred commencement consent. The approval cannot commence until Council has confirmed in writing that all matters above have been provided and are satisfactory. Council will under section 76(4) of the Environmental Planning and Assessment Regulation 2021 notify you in writing if Part A of this consent has been satisfied and the date from which this consent operates.

PART B

DOCUMENTS RELATED TO THE CONSENT

1. Documents related to the consent

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

Plan Revision/Issue	Plan Name	Date Issued	Prepared By
"Amended SEE for LEC"	Amended Statement of Environmental Effects	25 October 2022	Ethos Urban
Various	Architectural plans dated November 2022:	Various	Cox Architecture

	<ul style="list-style-type: none"> • DA-DA-01-00 <i>Cover Sheet - Drawing Index</i>, dated 10 November 2022, Revision E • DA-DA-11-01 <i>Site Analysis Plan</i>, dated 8 November 2022, Revision C • DA-DA-11-02 <i>Proposed Site Plan</i>, dated 8 November 2022, Revision C • DA-DA-12-OG <i>Ground floor existing plan</i>, dated 8 November 2022, Revision C • DA-DA-12-01 <i>Level 1 existing plan</i>, dated 8 November 2022, Revision C • DA-DA-12-02 <i>Level 2 existing plan</i>, dated 8 November 2022, Revision C • DA-DA-12-03, <i>Roof existing plan</i>, dated 8 November 2022, Revision C • DA-DA-15-0G <i>Ground Floor Demolition Plan</i>, dated 8 November 2022, Revision C • DA-DA-15-01 <i>Level 1 Demolition Plan</i>, dated 8 November 2022, Revision C • DA-DA-15-02 <i>Level 2 Demolition Plan</i>, dated 8 November 2022, Revision C • DA-DA-15-08 <i>Roof Demolition Plan</i>, dated 8 November 2022, Revision C • DA-DA-20-98 <i>Basement 2 Plan</i>, dated 10 November 2022, Revision D • DA-DA-20-99 <i>Basement 1 Plan</i>, dated 10 November 2022, Revision D • DA-DA-21-0G <i>Ground Floor Plan</i>, dated 10 November 2022, Revision D • DA-DA-21-01 <i>Level 1 Floor Plan</i>, dated 10 November 2022, Revision D • DA-DA-21-02 <i>Level 2 Floor Plan</i>, dated 10 November 2022, Revision D • DA-DA-21-03 <i>Level 3 Floor Plan</i>, dated 10 November 2022, Revision D • DA-DA-21-04 <i>Level 4 Floor Plan</i>, dated 10 November 2022, Revision D 		
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	<ul style="list-style-type: none"> • DA-DA-21-05 <i>Level 5 Floor Plan</i>, dated 10 November 2022, Revision D • DA-DA-21-06 <i>Level 6 Floor Plan</i>, dated 10 November 2022, Revision D • DA-DA-21-07 <i>Level 7 Floor Plan</i>, dated 10 November 2022, Revision D • DA-DA-21-08 <i>Roof Plan</i>, dated 10 November 2022, Revision D • DA-DA-30-00 <i>North-East Elevations</i>, dated 8 November 2022, Revision C • DA-DA-30-01 <i>North-East Elevations</i>, dated 8 November 2022, Revision C • DA-DA-30-02 <i>North-West Elevations</i>, dated 8 November 2022, Revision C • DA-DA-30-03 <i>North-West Elevations</i>, dated 8 November 2022, Revision C • DA-DA-30-04 <i>South-West Elevations</i>, dated 8 November 2022, Revision C • DA-DA-30-05 <i>South-West Elevations</i>, dated 8 November 2022, Revision C • DA-DA-30-06 <i>South-East Elevations</i>, dated 8 November 2022, Revision C • DA-DA-30-07 <i>South-East Elevations</i>, dated 8 November 2022, Revision C • DA-DA-30-10 <i>Streetscape elevations</i>, dated 8 November 2022, Revision C • DA-DA-40-00 <i>Section 1 and 2</i>, dated 8 November 2022, Revision C • DA-DA-40-01 <i>Section 3 and 4</i>, dated 8 November 2022, Revision C • DA-DA-40-02 <i>Screen detail sections</i>, dated 10 November 2022, Revision B • DA-DA-40-03 <i>Miscellaneous details</i>, dated 10 November 2022, Revision C • DA-DA-40-04 <i>Miscellaneous details</i>, dated 10 November 2022, Revision B • DA-DA-40-05 <i>Miscellaneous details</i>, dated 10 November 2022, Revision B • DA-DA-40-06 <i>Miscellaneous details</i>, dated 10 November 2022, Revision B 		
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	<ul style="list-style-type: none"> • DA-DA-83-00 <i>SEPP65 Compliance Solar Diagrams</i>, dated 8 November 2022, Revision C • DA-DA-83-08 <i>SEPP65 Compliance Cross Ventilation</i>, dated 8 November 2022, Revision C • DA-DA-83-09 <i>SEPP6 Compliance Storage</i>, dated 8 November 2022, Revision C • DA-DA-83-10 <i>SEPP65 Compliance Storage</i>, dated 8 November 2022, Revision C • DA-DA-83-11 <i>SEPP65 Compliance Storage</i>, dated 8 November 2022, Revision C • DA-DA-84-00 <i>Shadow Diagrams Winter</i>, dated 8 November 2022, Revision C • DA-DA-84-01 <i>Shadow Diagrams Equinox</i>, dated 8 November 2022, Revision C • DA-DA-84-02 <i>Shadow Diagrams Summer</i>, dated 8 November 2022, Revision C • DA-DA-90-00 <i>Development Calculations GFA</i>, dated 8 November 2022, Revision D • DA-DA-90-01 <i>Development Calculations GFA</i>, dated 8 November 2022, Revision D • DA-DA-90-02 <i>Adaptable Unit Plans</i>, dated 8 November 2022, Revision C • DA-DA-90-04 <i>Staging Diagrams</i>, dated 8 November 2022, Revision C 		
Rev E	SEPP 65 Design Verification Statement	24 October 2022	Cox Architecture
Rev I	Landscape DA Package	26 October 2022	Arcadia
Rev C	ADG Compliance Table	24 October 2022	Cox Architecture

240622 (post lodgement)	Preliminary Site Management Plan	26 October 2022	Ethos Urban
Rev 003	Stormwater Management Plan and Drawings	24 October 2022	Stantec
V1.2	CPTED Assessment	25 October 2022	Ethos Urban
Rev 11	Noise and Vibration Impact Assessment	4 November 2022	E-lab Consulting
	Arboricultural Impact Assessment	July 2022	Bluegum
V2 Final	Transport Impact Assessment	13 August 2021	EMM
Rev 6	Addendum Transport Impact Assessment	18 July 2022	EMM
Rev 9	Construction traffic impact assessment/ Construction Traffic Management Plan	12 July 2022	EMM
Rev D	Construction Management Plan	6 July 2022	Home
Rev 4	ESD DA Report	July 2022	Stantec
Rev G	Operational Waste Management Plan	8 July 2022	Elephants Foot
"Amended DA for LEC"	Social Impact Statement	14 July 2022	Ethos Urban
Rev 5	Detailed Site Investigation Report	17 August 2017	EI Australia
Rev 0	Data Gap Sampling Analysis and Quality Plan	25 August 2017	JBS&G
Rev 1	Remedial Work Plan	5 July 2022	Golder
	Interim Audit Advice No. 8	12 July 2022	Senversa
	Site Audit Statement	10 May 2022	Senversa
	Site Audit Report	10 May 2022	Senversa
	Human Health and Environmental Risk Assessment	July 2022	Golder
	Soil Vapour Testing Memo	30 June 2022	Golder
Rev 1	Geotechnical and Groundwater Report	15 July 2022	Douglas Partners

113969-Access-r4	Access Assessment Report	8 July 2022	BCA Access
Rev R1.2	BCA Statement of Compliance	6 July 2022	Steve Watson & Partners
	Public Art Strategy	July 2022	Craft
Rev E	Construction and Demolition Waste Management Plan	8 July 2022	Elephants Foot
V2.0	Qualitative Natural Ventilation Assessment	5 July 2022	SLR
	Amended Structural Adequacy Statement	7 July 2022	Stantec
Rev 5	External Lighting Report	7 July 2022	Stantec
	Photomontages and Visual Amenity Statement	November 2022	Scharp
	BASIX Certificate 1192547M_06	17 November 2022	Stantec
3	BASIX Report	17 November 2022	Stantec
	NaTHERS Certification No. LBJJ4KGUS8	17 November 2022	

as amended by the conditions of consent. In the event of an inconsistency between the plans or approved documentation and the conditions, the conditions will prevail. To the extent of inconsistency in the documents listed above, relating to the same subject matter, the later dated document shall prevail to the extent of any inconsistency.

DESIGN CHANGE

2. Design Change

Prior to the issue of the first Construction Certificate for the relevant phase (as described in conditions 7 and 8), the following details are to be submitted to and approved by the General Manager of Council and the approved plans are to be submitted to the Certifying Authority with the relevant construction certificate:

- a) An amended/updated version of the approved Landscape DA package prepared by Arcadia dated October 2022 showing:
 - i. retention of Tree 43 and Tree 33 to be removed;

- ii. tree planting within The Grove to consist of 40% deciduous tree species with *lagerstroemia Indica*, *Crepe Myrtle* preferred. The applicant must demonstrate that the nominated tree species can be accommodated in the planter beds and approved landscaped area;
- iii. the replacement of three (3) Blueberry Ash trees identified with a blue star in the below image with a deciduous *Pyrus calleryana* 'Capital' species; and



- iv. An updated Landscape Maintenance section to be incorporated into the Site Management Plan which will include the following requirements relevant to the survival of species which are not deep soil planting and is subject to exposure conditions:
 - 1. The plant species will have suitable topsoil mix that allows the plant species to survive in the various microclimate conditions;
 - 2. 75mm depth of mulch will be installed in planting areas;
 - 3. Irrigation will be installed to allow the plant species to survive; and
 - 4. Appropriate drainage is to be installed as part of the on-structure planting.
- b) A report prepared by a registered landscape architect demonstrating that the details of any green roof, wall and façade planting are consistent with Inner West Councils Green Roof, Walls and Facades Technical Guidelines including but not limited to using

species selected from the suggested species list, water proofing and drainage and reflecting the following requirements:

- i. The plant species will be supported by ADG compliant topsoil depths (4P Planting on Structures Table 5 'Minimum soil standards for plant types and sizes'):
 - ii. If situated on any north-western elevation, the plant species will be selected:
 1. to meet the microclimate of the northern aspect;
 2. to be resilient to the evapotranspiration that a planter in this location will be subject to; and
 3. include Star Jasmine (*Trachelospermum jasminoides*) and Orange trumpet creeper (*Pyrostegia venusta*) or similar species.
 - iii. For all other locations on roofs, wall and facades the plant species will be selected to meet the microclimate of the appropriate area/orientation;
 - iv. The plant species will have a suitable topsoil mix that allows the plant species to survive in the microclimate of the northern aspect, or applicable microclimate conditions (whichever relevant);
 - v. Mulch will be installed in planting areas;
 - vi. Irrigation will be installed to allow plant species to survive; and
 - vii. Appropriate drainage measures installed as part of each on structure planting (**Green Roofs, Wall and Façade Report**); and
- c) A maintenance plan prepared by a registered landscape architect which covers green roof, walls and façade plantings that includes details of access, frequency of maintenance and is consistent with the Inner West Councils Green Roof, Walls and Facades Technical Guidelines.
- d) Revised architectural plans of Buildings 1 and 7 including the framing details and specifications of the proposed upper-level perforated mesh screens to the elevated portions of Buildings 1 and 7. The details shall include:
 - i. Member sizes, support structures, and zone for cleaning and maintaining the windows
 - ii. Façade/wall surfaces adjacent to/beneath the screens.
 - iii. Structural engineering advice on the method of screen fixing to the building facades
 - iv. Construction materials of the screens which are to be non-combustible and corrosion resistant.
 - v. Certification by a registered design practitioner and a certified façade engineer.

- vi. Methodology for and frequency of cleaning the windows located beneath the screens.
- e) Revised basement plans which:
 - i) incorporate car park design and/or signage details required to reflect the approved Car Parking Management Plan prepared pursuant to paragraph (d) below.

The basement plans must otherwise comply with the relevant conditions of this development consent.

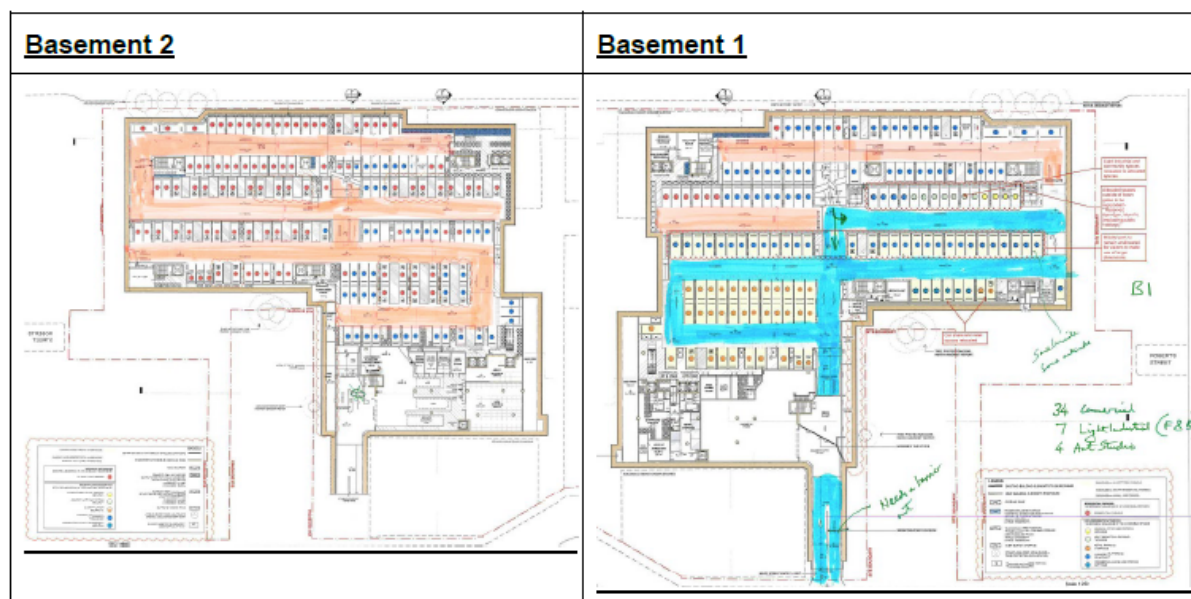
g) A Car Parking Management Plan which, once approved, will be incorporated into the Site Management Plan approved under this development consent. The Car Parking Management Plan is to provide for the following:

- i. ensure that the car parking spaces shown in the 'inner cordon' area of the approved Basement 2 and Basement 1 Plans:
 - 1. are allocated to the uses shown on those plans;
 - 2. are otherwise unrestricted except through entry via the boom gates; and
 - 3. are not subject to charges for parking, except to the extent that parking is included in the rent paid in the respective tenancy agreements.
- ii. ensure that the 4 Council Art Studio car parking spaces and 6 commercial car share spaces in the 'outer cordon' area of the approved Basement 1 Plan:
 - 1. are allocated to those respective uses;
 - 2. are otherwise unrestricted; and
 - 3. are not subject to charges for parking.
- iii. the 37 retail car parking spaces in the 'outer cordon' area are:
 - 1. allocated to those respective uses;
 - 2. allow for free parking for 2 hours; and
 - 3. are subject to charges for parking after the 2-hour free period.
- iv. the 36 commercial car parking spaces in the 'outer cordon' area are:
 - 1. allocated to that use and are otherwise unrestricted between the hours of 8am and 6pm Monday to Friday; and
 - 2. outside of these hours, are allowed to be used by any user of the site for 2 hours of free parking, then being subject to charges for parking after the 2-hour free period.
- v. the 6 light industrial car parking spaces in the 'outer cordon' area are:
 - 1. allocated to that use and are otherwise unrestricted between the hours of 6am and 8pm everyday; and

2. between the hours of 8pm and 11pm are allowed to be used by any user of the site for 2 hours of free parking, then being subject to charges for parking after the 2 hour free period.
3. However, if following individual use approvals for the site, part of the allowable maximum light industrial GFA use approved under this consent is authorised as "artisan food and drink industry" the following regime can apply:
 - a. for every 250sqm (or part thereof) that is approved for "artisan food and drink industry", 1 of the car spaces allocated as light industrial can be:
 - i. allocated to the "artisan food and drink industry" use;
 - ii. is subject to free parking for 2 hours; and
 - iii. is subject to charges for parking after the 2-hour free period.
- vi. Details of how the above parking scheme is to be facilitated and managed, including but not limited to:
 1. details of any proposed number plate recognition system;
 2. details and location of any boom gates at basement entry points (if any) showing adequate queueing space from adjacent roads;
 3. the mechanism by which those using allocated car spaces within the 'inner cordon' area achieve access to secure parking;
 4. the mechanism by which those using allocated car parking spaces in the 'outer cordon' achieve access;
 5. details of ticket validation, licence plate recognition or other similar procedure to achieve parking which is not subject to charge;
 6. details of how parking payment will be facilitated for those users who can be charged for parking; and
 7. description of how GoGet/car share drivers will access and egress the car park.
- vii. The paid parking scheme is only to be operated in conjunction with the approved uses on site and is not approved to be used as a parking station which can offer parking to those who are not site visitors or users.

In this condition:

- 'inner cordon' area means those car parking spaces served by aisles shown in orange on the below diagram; and
- 'outer cordon' area means those car parking spaces served by aisles shown in blue on the below diagram.



h) Building C is to be amended to provide balcony layouts for the following apartments which have the minimum balcony areas and depths set out in the table to ADG 4E-1 Design Criteria 1: Apartments BC-2.06, BC-2.08, BC-3.04, BC-3.07, BC 3.09, BC-4.04, BC-4.06, BC-4.08, BC-4.09, BC-5.04, BC-5.07, BC-5.09, BC-6.04, BC-6.06, BC-6.08, BC-6.09, BC-7.04, BC-7.07, and BC-7.09.

i). The existing ground floor windows within Building 1 on the boundary with the Unwins Bridge Road properties are to be replaced with fire rated frosted glazing.

j) Amended architectural plan details that show the privacy louvres and screens proposed on Levels 1 to 3 of Building 1 are angled upwards to prevent overlooking into the adjacent Unwins Bridge Road properties]

k) DELIBERATELY LEFT BLANK.

Copies of the above documents are to be submitted to the satisfaction of the General Manager of Council and are to accompany the relevant construction certificate.

FEES

3. Security Deposit - Custom

Prior to the commencement of demolition works or prior to the issue of a Construction Certificate, the Certifying Authority must be provided with written evidence that a security deposit and inspection fee has been paid to Council to cover the cost of making good any damage caused to any Council property or the physical environment as a consequence of carrying out the works and as surety for the proper completion of any road, footpath and drainage works required by this consent.

Security Deposit:	\$1,449,000.00
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Inspection Fee:	\$1,650.00
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Payment will be accepted in the form of cash, bank cheque, EFTPOS/credit card (to a maximum of \$10,000) or bank guarantee. Bank Guarantees must not have an expiry date.

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

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

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

The amount nominated is only current for the financial year in which the initial 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.

4. Section 7.11 (Former Section 94) Contribution

The Certifying Authority is to be provided with written evidence that the following monetary contributions have been paid to the Council at the specified time:

- (a) Prior to construction certificate for Main Works Stage 1, Phase 1
\$3,617,061.13 indexed in accordance with indexed in accordance with
Marrickville Section 94/94A Contributions Plan 2014; and
- (b) Prior to construction certificate for Main Works Stage 2, Phase 1
\$1,832,380.71 indexed in accordance with indexed in accordance with
Marrickville Section 94/94A Contributions Plan 2014

The above contributions are the contributions applicable as at 23 November 2022.

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

The contributions payable have been calculated in accordance with the CP and relates to the following public amenities and/or services and in the following amounts:

Main Works Stage 1	
Public Amenities Type:	Contribution \$
Recreation Facilities	\$3,200,141.31
Community Facilities	\$368,342.86
Traffic Facilities	- \$22,345.81
Plan Administration	\$70,922.77
TOTAL	\$3,617,061.13

Main Works Stage 2	
Public Amenities Type:	Contribution \$
Recreation Facilities	\$1,530,868.69
Community Facilities	\$47,778.69
Traffic Facilities	\$217,804.30
Plan Administration	\$35,929.03
TOTAL	\$1,832,380.71

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

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

Payment methods:

The required contribution must be paid either **by BPAY (to a maximum of \$500,000); unendorsed bank cheque (from an Australian Bank only); EFTPOS (Debit only); credit card (Note: A 1% credit card transaction fee applies to all credit card transactions; cash (to a maximum of \$10,000)).** It should be noted that personal cheques or bank guarantees cannot be accepted for the payment of these contributions. **Prior to payment contact Council's Planning Team to review charges to current indexed quarter, please allow a minimum of 2 business days for the invoice to be issued before payment can be accepted.**

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

5. Long Service Levy

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

DEVELOPMENT STAGING

6. Construction Staging

The development approved under this development consent is to be undertaken in two construction stages as follows:

- a) Main Works Stage 1:
 - i. Construction of new Buildings A, B, C, reconstruction of Building 8, and construction of associated basement.
 - ii. Construction of the Council Artist's Studio in Building 7.
 - iii. Construction of The Commons and The Garden public open spaces.
 - iv. Restoration and make good of 67 Mary Street.
 - v. Re-finishing of Makers Way.

vi. Ongoing operation of the Stage 2 site.

b) Main Works Stage 2:

- i. Alterations and additions to existing Buildings 1, 2, 6 and 7 including partial demolition.
- ii. Construction of new levels and extensions.
- iii. Reconfiguration(s) for BCA compliance.

7. Main Works Stage 1

Construction works to be undertaken in Main Works Stage 1 are to follow the following phased approach. Each Phase to be the subject of a separate Construction Certificate

Phase 1	Demolition and enabling works
Phase 2	Bulk excavation and remediation
Phase 3	Substructure
Phase 4	Superstructure
Phase 5	Services
Phase 6	Fitout
Phase 7	Landscaping and public domain

The Main Works Stage 1 Phase 1 works are to be undertaken concurrent with the Early Works Phase 1 works approved under DA 2021/0799 (Early Works DA). Further, the Main Works Phase 7 works are to be undertaken concurrent with the Early Works DA Phase 2 works.

8. Commencement of Main Works Stage 2

Construction works to be undertaken in Main Works Stage 2 are to follow the following phased approach. Each Phase to be the subject of a separate Construction Certificate

Phase 1	Demolition and soft strip out of retained buildings
Phase 2	Superstructure
Phase 3	Services
Phase 4	Fitout
Phase 5	Landscaping and public domain works

GENERAL CONDITIONS

9. Approved Use and Built-to-Rent Apartments

The Residential Apartments approved under this development consent are to be leased and occupied as build to rent apartments for 15 years from the issue of an occupation certificate for the Residential Apartments. The build to rent apartments are to be held in single ownership and operated by a single managing agent providing onsite management of the dwellings and residential amenities within the site.

10. GFA

The gross floor areas (GFA) of the development approved under this development consent is as follows:

- a) Build to Rent Residential and Residential Amenity – Maximum 15,205sqm
- b) Commercial Office – Maximum 12,696sqm
- c) Retail – Maximum 1,506sqm
- d) Community Centre – 239sqm
- e) Light industrial – Minimum 1,600sqm

Where a maximum GFA has been nominated this quantum is not to be exceeded.

11. Non-residential uses require further approval

This consent does not approve use of any non-residential floorspace. Use of non-residential floorspace on site is to be the subject of separate development applications or complying development certificates. The development applications are to comply with the minimum or maximum GFA limits as set out in condition 10 above.

12. Markets

This development consent does not authorise the holding of markets or placement of market stalls within Makers Way. The conduct of markets, car boot sales and other community events other than uses part of or ancillary to the Council Art Studio are not approved and would require the lodgement of a separate development application.

13. Offsite Migration Risk Management

- a) The applicant must undertake the further assessment of soil vapour conditions on the Site and within adjacent off-site properties, where access is available, as required by the Remedial Work Plan (**RWP**) dated 5 July 2022 prepared by WSP Golder (or any update to the RWP as identified in condition 14 below) and the Human Health and Environmental Risk Assessment (**HHERA**) dated July 2022 and prepared by WSP Golder. The further soil vapour assessment must be completed and reports prepared by suitably qualified and experienced person(s) and in accordance with relevant guidelines made or approved by the EPA under section 105 of the Contaminated Land Management Act 1997 (NSW).
- b) Prior to the further soil vapour assessment works being undertaken a plan for the works must be prepared and subject to review and acceptance as appropriate by an appointed EPA Accredited Site Auditor.
- c) Any reporting on the further soil vapour assessment works must be reviewed and accepted as appropriate by the EPA Accredited Site Auditor. The EPA Accredited Site Auditor review and the EPA Accredited Site Auditor's acceptance of the report on the further soil vapour assessment must be submitted to Council
- d) Where the further soil vapour assessment works continue to identify an unacceptable risk if future development occurs adjacent to the western boundary of the Site and/or in other circumstances, then the applicant must undertake works to address this risk such that this risk becomes low and acceptable.

- e) The applicant must consider whether the results of the soil vapour assessment works trigger the Duty to Notify in accordance with Section 60 of the Contaminated Land Management Act 1997 (NSW) for any off-site affected properties.
- f) Prior to undertaking any works under this condition, plans for the works must be prepared and subject to review and acceptance as appropriate by the EPA Accredited Site Auditor. Prior to its implementation, the plan for the works and the EPA Accredited Site Auditor review and acceptance of the plan must be submitted to Council.
- g) Any reports on the works completed must be reviewed and accepted as appropriate by the EPA Accredited Site Auditor. Any reports prepared and the EPA Accredited Site Auditor review and acceptance of the reports must be submitted to Council prior to the issue of the issue of an Occupation Certificate.
- h) Any further works completed to comply with the above conditions must be undertaken by a suitably qualified and experienced person(s) and in accordance with relevant guidelines made or approved by the EPA under section 105 of the Contaminated Land Management Act 1997 (NSW).
- i) For the avoidance of doubt:
 - a. the further assessment of soil vapour conditions, associated reporting and site auditor review required by this condition;
 - b. and if necessary, the works to address identified risks along with associated reporting and site auditor review;must be carried out prior to the issue of an Occupation Certificate for the first new building on site.

14. Review of Remedial Works Plan

- a) Prior to the commencement of remediation works, the "Remedial Works Plan, Precinct 75 Development, St Peters, NSW" prepared by WSP Golder and dated 5 July 2022 reference 20391010-006-R-Rev1 (**RWP**) or any update to that RWP, must be reviewed and accepted as appropriate by the EPA Accredited Site Auditor.
- b) The EPA Accredited Site Auditor review must state that the RWP is appropriate and if implemented the Site can be made suitable for the proposed use.
- c)

The RWP must be implemented and any changes to the RWP must be approved in writing by the EPA Accredited Site Auditor. The EPA Accredited Site Auditor's review and acceptance of the RWP must be submitted to the Certifying Authority and the Council prior to the first Construction Certificate for any excavation.

15. Contamination – Remedion and Validation (Site Auditor Engaged)

- a) The site is to be remediated and validated in accordance with the requirements set out in the "Remedial Works Plan, Precinct 75 Development, St Peters, NSW" prepared

by WSP Golder and dated 5 July 2022 reference 20391010-006-R-Rev1 (**RWP**) or as updated after review by the EPA Accredited Site Auditor required by **Condition 14**.

- b) The remediation and validation works must also be completed in accordance with the requirements of the Section B Site Audit Statement and Site Audit Report prepared by NSW Environment Protection Authority accredited Site Auditor Melissa Porter, reference MP 112 dated 10 May 2022 and any other requirements of the EPA Accredited Site Auditor after review of the RWP, as required by **Condition 14**.
- c) All remediation and validation work must be carried out in accordance with the guidelines made and approved by the EPA under section 105 of the *Contaminated Land Management Act 1997*.

16. Hazardous Materials Survey

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

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

17. Car Parking

The development must provide and maintain within the site:

- a) 104 car parking spaces for the build to rent apartments, inclusive of 41 accessible spaces;
- b) 182 car parking spaces for non-residential uses inclusive of 18 accessible car parking spaces and a minimum of 6 share spaces which comprise:
 - i. 4 car parking spaces for the Council Art Studio;
 - ii. 37 car parking spaces for retail;
 - iii. 6 car parking spaces for light industrial/Artisan food and beverage;
 - iv. 129 car parking spaces for commercial (exclusive of car share spaces);
- c) 15 motorbike parking spaces;
- d) bicycle storage/parking as shown on the approved plans; and
- e) Loading docks/bays on Basement Levels 1 and 2.

The above allocation can only be changed through a modification of this development consent or with the approval of Council.

18. Change in Car Parking

The car parking number and allocation for this development has been calculated on the development of 206 residential apartments and the GFA mix detailed in condition 10

If the applicant seeks to alter the minimum or maximum GFA for any non-residential use from the areas specified in condition 10 it must submit to Council and have approved by Council a modification application. The application to be accompanied by:

- a) A traffic and parking impact assessment which demonstrates that the approved parking can adequately accommodate the proposed use mix for the development; or
- b) A revised Site Management Plan and traffic and parking impact assessment, which demonstrates that proposed changes to the approved parking can adequately accommodate the proposed use mix for the development.

19. Parking and vehicle access Management

The following parking and vehicle access arrangements must be implemented prior to occupation or use of any works approved under Main Works Stage 1 referred to in condition 7:

- a) The vehicle access to the basement from Edith Street shall be entry only;
- b) Makers Way shall be one way to vehicle traffic with entry only from Edith Street and exit via Mary Street; and
- c) Commercial deliveries and the like are restricted to occur between 7:00am and 6:00pm weekdays and 8:00am and 6:00pm weekends and public holidays.

20. Restriction on Parking

No parking space provided on site will be leased to anyone that does not live or operate a business or tenancy on the site.

21. Operational Industrial Noise Levels

Operational noise levels are to comply with noise limits set in the EPA Noise Policy for Industry (Intrusiveness, Amenity and Sleep Disturbance Criteria) and for residential receivers as identified in Table 9 of Noise and Vibration Impact Assessment dated 4 November 2022 and prepared by E-Lab. A copy of table 9 is reproduced below:

Table 9: Project noise trigger levels (PNTLs) to be applied to each surrounding receiver catchment

RECEIVER CATCHMENT	RECEIVER TYPE	TIME OF DAY	PROJECT INTRUSIVENESS NOISE LEVELS L _{Aeq,15min} dB(A)	PROJECT AMENITY NOISE LEVEL L _{Aeq,15min} dB(A)	PROJECT NOISE TRIGGER LEVEL L _{Aeq,15min} dB(A)
RC1 – RC6	Residential	Day	46	53	46
		Evening	46	43	43
		Night	40	38	38
RC7	Industrial premises	When in use	N/A	68	68

In the event that the noise received does not comply with the above, rectification work is to be undertaken to bring the emitted noise into compliance with the above.

21A. Limitation on use of outdoor area for commercial/light industrial tenancies

This consent does not approve the use of an outdoor area in connection with commercial or light industrial uses/tenancies.

21B. Use Approvals for Individual Commercial/Light Industrial Tenancies

- a) Each individual use approval for a commercial or light industrial tenancy/use at the site must be accompanied by an acoustic report which details
 - i. How the use will comply with the EPA Noise Policy for Industry or Office of Liquor and Gaming acoustic guidelines (whichever is applicable);
 - ii. what impact the use will have on cumulative noise impacts both within the site and from the site impacting on sensitive residential receivers; and
 - iii. how the noise from the use/tenancy will be managed to avoid an adverse cumulative noise impact as a result of its operation along with the operation of other commercial tenancies.
- b) A separate acoustic report under this condition is not required if the tenancy proposed meets the following criteria:
 - i. The use will be indoors only;
 - ii. no music will be played as part of that use; and
 - iii. the use/tenancy is a commercial use only and not light industrial.

22. Noise – Consultant’s Recommendations

The recommendations contained in Section 6 and 7 of the Noise and Vibration Impact Assessment prepared by E-Lab Consulting, Reference P00011, Revision 11 dated 4 November 2022 must be implemented, including the following:

- a) Mechanical plant locations and noise mitigation measures.
- b) Aircraft noise mitigation measures.
- c) The hours of use for all outdoor communal areas are restricted to 7:00am to 10:00pm.
- d) No amplified music in the outdoor communal areas.
- e) Construction of solid wall component on balconies in Building C for apartments No. BC2.04, BC3.04, BC4.04, and BC5.04, BC6.04 and BC7.04 identified on the approved plans, the solid element having a surface density of no less than 16kg/m² (glass solid element, or other, with a minimum acoustic rating of Rw35). The solid wall is to span slab to slab and be acoustically sealed so there is no leaks or gaps.

23. Noise Levels and Enclosure of Pool/spa Pumping Units

- a) Noise levels associated with the operation of the pool/spa pumping units must not exceed the noise criteria of the EPA Noise Policy for Industry.
- b) Domestic pool pumps and filters must not be audible in nearby dwellings between 8:00pm to 7:00am Monday to Saturday and 8:00pm to 8:00am Sundays and Public Holidays.
- c) If necessary, pool plant and equipment must be enclosed in a sound absorbing enclosure or installed within a building so as not to create an offensive noise as defined under the *Protection of the Environment Operations Act 1997* and *Protection of the Environment Operations (Noise Control) Regulation 2008*.

24. Noise from Residential Condensing Units

- a) Noise levels associated with residential condenser units must not exceed the noise criteria of the EPA Noise Policy for Industry.
- b) Noise levels associated with residential condenser units must not be audible in nearby dwellings between 10:00pm to 7:00am Monday to Saturday and 10:00pm to 8:00am Sundays and Public Holidays. This inaudibility requirement applies regardless of whether the window of a nearby dwelling is open or closed.
- c) Residential condensers are not to create an offensive noise as defined under the *Protection of the Environment Operations Act 1997* and *Protection of the Environment Operations (Noise Control) Regulation 2008*.

25. Tree Protection

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

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

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

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

The trees identified below are to be retained and protected in accordance with the conditions of consent and Tree Protection Plan as part of the Arboricultural Impact Assessment, prepared by Bluegum Tree Care & Consultancy, dated July 2022, throughout the development:

Tree No.	Botanical/Common Name	Location
1	<i>Fraxinus griffithii</i> (Evergreen Ash)	Mary Street
2	<i>Leptospermum petersonii</i> (Lemon Scented tea tree)	Mary Street
3	<i>Pittosporum sp.</i> (Pittosporum)	Mary Street
4	<i>Fraxinus griffithii</i> (Evergreen Ash)	Mary Street
5	<i>Pittosporum sp.</i> (Pittosporum)	Mary Street
8	<i>Waterhousia floribunda</i> (Weeping Lilly Pilly)	Existing Building 4
9	<i>Strelitzia nicolai</i> (Giant Bird of Paradise)	Rear 71 May street
10	<i>Grevillea robusta</i> (Silky Oak)	Rear 69 May Street
11	<i>Morus</i> (Mulberry) Non Prescribed tree	Rear 69 Mary Street

12	<i>Liquidambar styraciflua</i> (Liquidambar)	Rear of 69 Mary Street
13	<i>Melia azedarach</i> (White Cedar)	Rear 59 Mary Street
14	<i>Jacaranda mimosifolia</i> (Jacaranda)	Rear 59 Mary Street
15	<i>Howea forsteriana</i> (Kentia Palm)	Rear 59 Mary Street
16	<i>Howea forsteriana</i> (Kentia Palm)	Rear 59 Mary Street
30	<i>Tibouchina lepidota</i> 'Alstonville' (Tibouchina)	Edith Street
31	<i>Elaeocarpus reticulatus</i> (Blueberry Ash)	Edith Street
32	<i>Gleditsia triacanthos</i> (Honey Locust)	Edith Street
34	<i>Jacaranda mimosifolia</i> (Jacaranda)	Edith Street
35	<i>Fraxinus griffithii</i> (Evergreen Ash)	Edith Street
36	<i>Jacaranda mimosifolia</i> (Jacaranda)	Edith Street
37	<i>Jacaranda mimosifolia</i> (Jacaranda)	Edith Street
38	<i>Fraxinus griffithii</i> (Evergreen Ash)	Edith Street
39	<i>Gleditsia triacanthos</i> (Honey Locust)	Edith Street
40	<i>Fraxinus griffithii</i> (Evergreen Ash)	Edith Street
41	<i>Araucaria columnaris</i> (Cook Pine)	43 Roberts Street
42	<i>Callistemon salignus</i> (Willow Bottlebrush)	43 Roberts Street
43	<i>Grevillea robusta</i> (Silky Oak)	32 Roberts Street
44	<i>Morus spp.</i> (Mulberry)	Rear 55-57 Mary St
45	<i>Prunus spp.</i> (Ornamental Cherry)	Rear 55-57 Mary St

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

- a) Green for trees to be retained;
- b) Red for trees to be removed.

26. Project Arborist

Prior to the commencement of any demolition, excavation or construction works under this development consent a Project Arborist must be engaged for the duration of the site preparation, demolition, construction and landscaping to supervise works. Details of the Project Arborist must be submitted to the Certifying Authority before work commences.

27. Inspection by Project Arborist

The trees to be retained must be inspected, monitored and treated by the Project Arborist during and after completion of development works to ensure their long-term survival. Regular

inspections and documentation from the Project Arborist to the Certifying Authority are required at the following times or phases of work:

Tree No./ Botanical/ Common Name/ Location			Time of Inspection	Key stage/ Hold point																																																																			
<table><tr><th>Tree No.</th><th>Botanical/Common Name</th><th>Location</th></tr><tr><td>1</td><td><i>Fraxinus griffithii</i> (Evergreen Ash)</td><td>Mary Street</td></tr><tr><td>2</td><td><i>Leptospermum petersonii</i> (Lemon Scented tea tree)</td><td>Mary Street</td></tr><tr><td>3</td><td><i>Pittosporum</i> sp. (Pittosporum)</td><td>Mary Street</td></tr><tr><td>4</td><td><i>Fraxinus griffithii</i> (Evergreen Ash)</td><td>Mary Street</td></tr><tr><td>5</td><td><i>Pittosporum</i> sp. (Pittosporum)</td><td>Mary Street</td></tr><tr><td>8</td><td><i>Waterhousia floribunda</i> (Weeping Lilly Pilly)</td><td>Existing Building 4</td></tr><tr><td>9</td><td><i>Strelitzia nicolai</i> (Giant Bird of Paradise)</td><td>Rear 71 May street</td></tr><tr><td>10</td><td><i>Grevillea robusta</i> (Silky Oak)</td><td>Rear 69 May Street</td></tr><tr><td>11</td><td><i>Morus</i> (Mulberry) Non Prescribed tree</td><td>Rear 69 Mary Street</td></tr><tr><td>12</td><td><i>Liquidambar styraciflua</i> (Liquidambar)</td><td>Rear of 69 Mary Street</td></tr><tr><td>13</td><td><i>Melia azedarach</i> (White Cedar)</td><td>Rear 59 Mary Street</td></tr><tr><td>14</td><td><i>Jacaranda mimosifolia</i> (Jacaranda)</td><td>Rear 59 Mary Street</td></tr><tr><td>15</td><td><i>Howea forsteriana</i> (Kentia Palm)</td><td>Rear 59 Mary Street</td></tr><tr><td>16</td><td><i>Howea forsteriana</i> (Kentia Palm)</td><td>Rear 59 Mary Street</td></tr><tr><td>30</td><td><i>Tibouchina lepidota</i> ‘Alstonville’ (Tibouchina)</td><td>Edith Street</td></tr><tr><td>31</td><td><i>Elaeocarpus reticulatus</i> (Blueberry Ash)</td><td>Edith Street</td></tr><tr><td>32</td><td><i>Gleditsia triacanthos</i> (Honey Locust)</td><td>Edith Street</td></tr><tr><td>34</td><td><i>Jacaranda mimosifolia</i> (Jacaranda)</td><td>Edith Street</td></tr><tr><td>35</td><td><i>Fraxinus griffithii</i> (Evergreen Ash)</td><td>Edith Street</td></tr><tr><td>36</td><td><i>Jacaranda mimosifolia</i> (Jacaranda)</td><td>Edith Street</td></tr><tr><td>37</td><td><i>Jacaranda mimosifolia</i> (Jacaranda)</td><td>Edith Street</td></tr><tr><td>38</td><td><i>Fraxinus griffithii</i> (Evergreen Ash)</td><td>Edith Street</td></tr></table>	Tree No.	Botanical/Common Name	Location	1	<i>Fraxinus griffithii</i> (Evergreen Ash)	Mary Street	2	<i>Leptospermum petersonii</i> (Lemon Scented tea tree)	Mary Street	3	<i>Pittosporum</i> sp. (Pittosporum)	Mary Street	4	<i>Fraxinus griffithii</i> (Evergreen Ash)	Mary Street	5	<i>Pittosporum</i> sp. (Pittosporum)	Mary Street	8	<i>Waterhousia floribunda</i> (Weeping Lilly Pilly)	Existing Building 4	9	<i>Strelitzia nicolai</i> (Giant Bird of Paradise)	Rear 71 May street	10	<i>Grevillea robusta</i> (Silky Oak)	Rear 69 May Street	11	<i>Morus</i> (Mulberry) Non Prescribed tree	Rear 69 Mary Street	12	<i>Liquidambar styraciflua</i> (Liquidambar)	Rear of 69 Mary Street	13	<i>Melia azedarach</i> (White Cedar)	Rear 59 Mary Street	14	<i>Jacaranda mimosifolia</i> (Jacaranda)	Rear 59 Mary Street	15	<i>Howea forsteriana</i> (Kentia Palm)	Rear 59 Mary Street	16	<i>Howea forsteriana</i> (Kentia Palm)	Rear 59 Mary Street	30	<i>Tibouchina lepidota</i> ‘Alstonville’ (Tibouchina)	Edith Street	31	<i>Elaeocarpus reticulatus</i> (Blueberry Ash)	Edith Street	32	<i>Gleditsia triacanthos</i> (Honey Locust)	Edith Street	34	<i>Jacaranda mimosifolia</i> (Jacaranda)	Edith Street	35	<i>Fraxinus griffithii</i> (Evergreen Ash)	Edith Street	36	<i>Jacaranda mimosifolia</i> (Jacaranda)	Edith Street	37	<i>Jacaranda mimosifolia</i> (Jacaranda)	Edith Street	38	<i>Fraxinus griffithii</i> (Evergreen Ash)	Edith Street	Prior to commencement of works	Inspection and sign off installation of tree protection measures. This applies to all trees in the table.
	Tree No.	Botanical/Common Name	Location																																																																				
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	During Works	Supervise all site preparation and demolition works within the TPZ; Supervise all works inside or above the TPZ; Supervise all excavation, trenching works within the TPZ. This applies to all trees in the table.																																																																					
	In accordance with pages 8, 9, 10 and 11 detailed in the detailed Arboricultural Impact Assessment, Bluegum Tree Care & Consultancy, July 2021, and section 4 of AS4970—Protection of trees on development sites. This applies to all trees in the table.																																																																						

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

28. Dry-weather Flows

Dry-weather flows of any seepage water including seepage from landscaped areas will not be permitted through kerb outlets and must be connected directly to a Council stormwater system.

29. Rock Anchors

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

30. Residential Flat Buildings – Hot Water Systems

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

31. Residential Flat Buildings – Air Conditioning Systems

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

32. Verification of Levels and Location

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

33. Works Outside the Property Boundary

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

33A. Construction Worker Parking

Construction workers are not permitted to park in the adjoining residential streets at any time during the period of works under this development consent. Once the principal contractor is appointed:

- a) The principal contractor is to ensure that all works and contractors at site induction are informed that no parking is permitted in adjoining residential streets and given the details of the shuttle bus service available for site workers;
- b) The principal contractor is to appoint a worker as a spotter to monitor parking activities to ensure compliance with this condition;
- c) The principal contractor is to provide contact details of the site supervisor to the general public for any community complaints and enquiries;
- d) The site supervisor's contact details (name, email and mobile number) are to be clearly displayed at all times on the construction fencing on the Edith and Mary Street frontages of the site.

34. Ausgrid - Supply of Electricity

It is recommended for the nominated electrical consultant/contractor to provide a preliminary enquiry to Ausgrid to obtain advice for the connection of the proposed development to the adjacent electricity network infrastructure. An assessment will be carried out based on the enquiry which may include whether or not:

- a) The existing network can support the expected electrical load of the development
- b) A substation may be required on-site, either a pad mount kiosk or chamber style and;
- c) Site conditions or other issues that may impact on the method of supply.

Please visit www.ausgrid.com.au - how to connect to Ausgrid's network

35. Ausgrid - Service Mains

It appears the existing overhead electricity service mains, that supply the subject property, may not have sufficient clearance to the proposed construction as per the requirements of "The Installation and Service Rules of NSW". It is recommended that the developer engage a Level 2 Accredited Service Provider (ASP) Electrician to ensure that the installation will comply with the Service Rules.

36. Ausgrid - Underground Cables

There are existing underground electricity network assets including transmission cables in Mary St. Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath.

NOTE: Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence it is recommended that the developer locate and record the depth of all known underground services prior to any

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

37. Ausgrid - Substation

- a) There is an existing electricity substation S723 within 73 Mary St. The substation ventilation openings, including substation duct openings and louvered panels, must be separated from building air intake and exhaust openings, natural ventilation openings and boundaries of adjacent allotments, by separation distances which meet the requirements of all relevant authorities, building regulations, BCA and Australian Standards including AS 1668.2: The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings.
- b) In addition to above, Ausgrid requires the substation ventilation openings, including duct openings and louvered panels, to be separated from building ventilation system air intake and exhaust openings, including those on buildings on adjacent allotments, by not less than 6 metres.
- c) Any portion of a building other than a BCA class 10a structure constructed from non combustible materials, which is not sheltered by a non-ignitable blast-resisting barrier and is within 3 metres in any direction from the housing of a kiosk substation, is required to have a Fire Resistance Level (FRL) of not less than 120/120/120. Openable or fixed windows or glass blockwork or similar, irrespective of their fire rating, are not permitted within 3 metres in any direction from the housing of a kiosk substation, unless they are sheltered by a nonignitable blast resisting barrier.
- d) The development must comply with both the Reference Levels and the precautionary requirements of the ICNIRP Guidelines for Limiting Exposure to Time-varying Electric and Magnetic Fields (1 HZ – 100 kHz) (ICNIRP 2010).
- e) For further details on fire segregation requirements refer to Ausgrid's Network Standard 141. Existing Ausgrid easements, leases and/or right of ways must be maintained at all times to ensure 24 hour access. No temporary or permanent alterations to this property tenure can occur without written approval from Ausgrid. For further details refer to Ausgrid's Network Standard 143.

38. TfNSW Requirements

- a) The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004, AS2890.6-2009 and AS 2890.2-2018.
- b) The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.
- c) All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.
- d) A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on the surrounding state classified

road network during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.

PRIOR TO ANY DEMOLITION OR WORKS COMMENCING

39. Construction Traffic Management Plan – Detailed

Prior to any demolition, excavation or works commencing on site under this development consent, a detailed Construction Traffic Management Plan (CTMP), must be prepared by an appropriately qualified Traffic Management Consultant with Transport for NSW accreditation. The CTMP must be submitted to the General Manager of Council and approved by Council prior to the commencement of any works, including demolition. A copy of the CTMP is to accompany each construction certificate application.

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) The CTMP must ensure that 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;
- f) All changes to on-street parking arrangements (loss of parking) and requiring changes the parking restriction signage within Mary or Edith Streets must be approved by Council's Traffic Committee;
- g) 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;
- h) Any Traffic Guidance Scheme (formerly known as a Traffic Control Plans (TCPs) proposed to regulate traffic and pedestrian movements for construction activities (such as concrete pours, crane installation/removal etc.);
- i) Proposed hours of construction related activities and vehicular movements to and from the site;
- j) Current/proposed approvals from other Agencies and Authorities (including Roads and Maritime Services, Police and State Transit Authority);
- k) Any activities proposed to be located or impact upon Council's road, footways or any public place;
- l) Measures to maintain public safety and convenience;
- m) Any proposed road and/or footpath closures;
- n) Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site;
- o) 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;
- p) 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);

- q) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
- r) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected;
- s) On-site parking area for employees, tradespersons and construction vehicles as far as possible;
- t) 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
- u) How it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.
- v) Swept Paths for the proposed construction vehicles to demonstrate that the needed manoeuvres can be achieved without causing any nuisance.
- w) If in the opinion of Council, TfNSW or the NSW Police the works results in unforeseen traffic congestion or unsafe work conditions, alternative Traffic Control arrangements must be investigated, approved by Council, and implemented to remedy the situation. In this regard you shall obey any lawful direction from the NSW Police or a Council officer if so required

40. Construction Noise and Vibration Management Plan - Detailed

Prior to any demolition or construction works the Certifying Authority must be provided with a detailed Construction Noise and Vibration Management Plan prepared by an appropriately qualified Acoustic engineer. The detailed Construction Noise and Vibration Management Plan is to be submitted to the General Manager of the Council and approved by Council prior to the issue of the first construction certificate

The following matters should be included in the Construction Noise and Vibration Management Plan:

- a) A detailed outline of the work methods and equipment used during all stages of demolition and construction;
- b) An assessment of the noise levels generated by the work methods and equipment. The noise impact is to be assessed at 1.5m above ground and, in the event nearby development is multi-storey, at Level 1 or higher windows on nearby receivers;
- c) The noise mitigation measures proposed in the event of an exceedance of the applicable noise management levels and Highly Noise Affected levels, identified in Part 5 of the Noise and Vibration Impact Assessment prepared by E-Lab Consulting, Reference P00011, Revision 11 dated 4 November 2022;
- d) Activities anticipated to exceed the highly Noise Affected threshold as defined in the EPA Interim Construction Noise Guidelines, the anticipated duration of those activities/works and appropriate specific respite periods must be proposed;
- e) Where exceedances of Highly Noise Affected thresholds are expected, justify any respite periods proposed considering the noise level and the duration of the proposed works.

- f) The vibration mitigation measures outlined Part 9 of the Noise and Vibration Impact Assessment prepared by E-Lab Consulting, Reference P00011, Revision 11 dated 4 November 2022;
- g) Methods for vibration monitoring at the commencement of intensive vibration activities;
- h) The various construction noise and vibration mitigation measures, recommendations and procedures in Part 9 of the Noise and Vibration Impact Assessment prepared by E-Lab Consulting, Reference P00011, Revision 11 dated 4 November 2022;
- i) Consideration of noise from truck movements and fixed plant and proposed methods by which these noise sources will be addressed and/or satisfactorily mitigated; and
- j) Any works proposes outside of the approved construction hours. These works can only occur if the applicant can demonstrate that they will not create a nuisance to neighbouring properties. Specifics must be provided including:
 - i. Nomination of the hours proposed;
 - ii. Identification of the works to be carried out in these hours;
 - iii. Justification as to why and how the works won't create a nuisance to neighbouring properties; and
 - iv. Details of where vehicles will be parked, break locations and use of equipment such as hoist/cranes etc.

The Certifying Authority must be provided with evidence of Council's approval/satisfaction prior to the issue of a construction certificate.

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

Prior to any demolition, excavation, or construction works under this development consent, the Certifying Authority must be provided with a Resource Recovery and Waste Management Plan - Demolition and Construction that includes details of materials that will be demolished or excavated or waste from the construction process and their proposed destination or reuse.

42. Hoardings

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

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

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

43. Dilapidation Report

Prior to any works commencing (including demolition), the Certifying Authority and owners of No. 48 Edith Street, No.41 and No. 8 Roberts St, No.s 49-71 Mary Street, and No.s 80-110 Unwins Bridge Road, must be provided with a colour copy of a dilapidation report prepared by a suitably qualified person. The report is required to include colour photographs of all the adjoining properties to the Certifying Authority's satisfaction. In the event that the consent of the adjoining property owner cannot be obtained to undertake the report, copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the Certifying Authority before work commences.

44. Advising Neighbours Prior to Excavation

At least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, 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.

45. Construction Fencing

Prior to the commencement of any works (including demolition), the site must be enclosed with suitable fencing to prohibit unauthorised access. The fencing must be erected as a barrier between the public place and any neighbouring property.

OCCUPATION OF RETAINED BUILDINGS DURING STAGE 1

46. Maximum occupation and use

A maximum of 1,925 sqm of GFA within the buildings retained under this consent can be occupied and used for current occupied purposes during Main Works Stage 1 construction carried out pursuant to this development consent.

47. Pre-conditions to occupation

Prior to any works commencing under this development consent the Principal Certifier and Council are to be provided with architectural plans nominating the areas to be occupied during the Main Works Stage 1 works construction period. Once works commence on site, no part of the retained buildings can be occupied by tenants unless the following matters have been satisfied:

- a) 15 car spaces have been provided on site, with access from Roberts Street, as shown in Figure 4.5 of the Construction Traffic Impact Assessment dated July 2022 prepared by EMM;
- b) The Green Travel Plan has been prepared and is implemented in accordance with **Condition 51**; and

- c) A shuttle bus is operated as set out in Part 4.14.1 of the Construction Traffic Impact Assessment dated July 2022 prepared by EMM which operates between the site and Sydenham Station during AM and PM peak hours which are revised as set out below:
- i. between 6:30am and 8:30am and 4:30pm and 6:30pm on a typical weekday; and
 - ii. between 6:30am and 7:30am and 12:30pm and 1:30pm on a Saturday

Only upon the satisfaction of the above matters, and their implementation can the maximum 1,925 sqm GFA within the retained buildings on site be occupied.

48. Occupation Hours

The hours of operation for those retained buildings in occupation during Stage 1 Construction are those authorised by the individual tenancy/fit out/occupancy development consents.

49. Acoustic impact from use of retained buildings

Occupation of the retained buildings as permitted under this development consent should not result in adverse noise impacts on surrounding residential properties. Continued occupation is subject to any noise controls provided for in the individual tenancy/fit out/occupancy development consents. Where such approval are silent on noise controls, the noise controls for occupation of premises included in this development consent shall apply to the occupation of the retained buildings.

PRIOR TO CONSTRUCTION CERTIFICATE

50. Basement Design Review

Prior to the issue of a Construction Certificate for Main Works Stage 1, Phase 3, the Certifying Authority is to be provided with evidence of a Basement Design Review (BDR) accepted by the EPA Accredited Site Auditor which confirms that final basement design, once constructed, will not pose any potential for unacceptable health risks. The BDR must:

- a) confirm that the final design meets modelling predictions for groundwater, seepage water inflows and ventilation set out in the "Human Health and Environmental Risk Assessment, Precinct 75 Development, St Peters NSW" prepared by WSP Golder and dated July 2022 or as updated (the HHERA);
- b) confirm that where the final design does not meet the modelling predictions of the HHERA, that works have been undertaken to complete a human health and environmental risk assessment that does provide modelling predictions for groundwater, seepage water inflows and ventilation that are consistent with the final design;
- c) confirm that under the final basement design the risk of harm to human health is low and acceptable; and

- d) be prepared by a qualified and experienced person(s)

A copy of the Site Auditor's review and the BDR must also be provided to Council.

51. Green Travel Plan

Prior to the commencement of demolition, excavation or construction works, a Green Travel Plan (GTP), must be submitted to the satisfaction of the General Manager of Council, to promote the use of active and sustainable transport modes. The plan must:

- a) be prepared by a suitably qualified traffic consultant in consultation with Council;
- b) include objectives and modes share targets (i.e. Site and land use specific, measurable and achievable and timeframes for implementation) to define the direction and purpose of the GTP;
- c) include specific tools and actions to help achieve the objectives and mode share targets;
- d) include measures to promote and support the implementation of the plan, including financial and human resource requirements, roles and responsibilities for relevant employees involved in the implementation of the GTP; and
- e) include details regarding the methodology and monitoring/review program to measure the effectiveness of the objectives and mode share targets of the GTP, including the frequency of monitoring and the requirement for travel surveys to identify travel behaviours of users of the development.

52. Parking Facilities – Major (including basement)

Prior to the issue of a Construction Certificate for Main Works Stage 1, Phase 3, the Certifying Authority must be provided with plans certified by a suitably qualified Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) demonstrating that the design of the vehicular access, off-street parking facilities and associated vehicle standing areas comply with Australian Standard AS/NZS 2890.1-2004 Parking Facilities: Off-street car parking, Australian Standard AS 2890.2-2018 Parking Facilities: Commercial vehicle facilities, AS/NZS 2890.3-2015 Parking facilities: Bicycle Parking, AS/NZS 2890.6-2009 Parking facilities: Off-street parking for people with disabilities and the following specific requirements:

- a) The floor/finished levels within the property must be adjusted to ensure that the levels at the boundary comply with the Alignment Levels approved with the public domain plan;
- b) The longitudinal profile across the width of the vehicle crossing must comply with the Ground Clearance requirements of AS/NZS 2890.1-2004;
- c) A minimum of 2200mm headroom must be provided throughout the access and parking facilities. Note that the headroom must be measured at the lowest projection from the ceiling, such as lighting fixtures, and to open garage doors;
- d) Headroom at a 'sag' type grade change must be measured in accordance with Figure 5.3 of AS/NZS 2890.1-2004;
- e) Minimum headroom of 2500mm must be provided above any disabled parking space(s);

- f) The longitudinal profile of the access and any ramps within the parking facilities must comply with the Ground Clearance requirements of AS/NZS 2890.1-2004 for a B99 design vehicle. Longitudinal sections must be provided along each outer edge of all ramps;
- g) Longitudinal sections must be provided along both sides of the vehicular access ramp(s) and throughout the path of travel for a MRV utilising the loading bay. The sections must demonstrate that minimum headroom of 4500mm is provided;
- h) The layout and minimum dimensions of any standing area comply with clause 2.4 of AS/NZS 2890.1-2004 such that:
 - i. Car spaces adjacent to walls or fences are increased in width by an additional 300mm; End spaces are provided with an additional 1m aisle extension;
 - ii. End spaces are provided with an additional 1m aisle extension; and
 - iii. The location of columns within the carpark complies with figure 5.1 of AS/NZS 2890.1-2004.
- i) At the property boundary the access from the road to a standing area is (as near as practicable) perpendicular to the line of the adjacent road;
- j) The relative surface levels of the internal access from the road being controlled so that:
 - i. The surface levels at the property boundary match "alignment levels"
 - ii. The change in grade for any 2m length of access way does not exceed 1 in 8 (12.5%) unless suitable transitions are provided in accordance with AS2890.1; and
 - iii. The maximum grade at the property boundary does not exceed 1 in 20 (5%) within 6m of the property boundary.
- k) The vehicle egress is designed such that there are no obstructions to lines of sight, along with the footpath and the roadway for drivers of egressing vehicles;
- l) All loading docks and parking bays are designed such that all vehicular movements to and from the proposed development are in a forward direction;
- m) The entry security door must be set back a minimum of 5500mm from the property boundary; and
- n) Loading / unloading facilities must be provided on-site in accordance with the requirements of AS2890.2 – 2002.

53. Driveway Long Section - Dwelling

The vehicular crossing and driveway ramp to the site shall be designed to satisfy the ground clearance template (Figure C1) from AS/NZS 2890.1-2004 Parking Facilities: Off-street car parking. A long section, along both sides of the proposed vehicular crossing and ramp, drawn at a 1:20 or 1:25 natural scale, shall be submitted to and approved by Council before the issue of a Construction Certificate for Main Works Stage 1, Phase 3. The long section shall begin from the centreline of the adjacent road to a minimum of 3 metres into the property. The long section approved by Council shall define the Alignment Levels at the property boundary. The long section shall show both existing surface levels and proposed surface levels with changes.

54. Stormwater Drainage System – Major Developments

Prior to the issue of a Construction Certificate for Main Works Stage 1, Phase 3 and Main Works Stage 2, Phase 2, the Certifying Authority must be provided with stormwater drainage design plans incorporating on site stormwater detention and/or on site retention/ re-use facilities (OSR/OSD) and Stormwater Quality Improvement Devices (SQIDS), certified by a suitably experienced Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer

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

- a) The design must be generally in accordance with the Stormwater Management Plan dated 24 October 2022 and stormwater plans on Drawing Nos. CI-DA-520-01 Rev C dated 21/10/2022, CI-DA-520-02 Rev C dated 21/10/2022, CI-DA-520-03 Rev C dated 21/10/2022, CI-DA-520-04 Rev C dated 21/10/2022, CI-DA-521-01 Rev C dated 21/10/2022, CI-DA-521-02 Rev B dated 06/07/2022, CI-DA-526-01 Rev B dated 06/07/2022, CI-DA-526-02 Rev B dated 06/07/2022, CI-DA-526-03 Rev C dated 21/10/2022 and CI-DA-526-04 Rev C dated 21/10/2022 prepared by Stantec as amended to comply with the following;
- b) The new 375 diameter pipe in Mary Street shall be extended to the existing pit adjacent 71 Mary Street.
- c) Stormwater runoff from all surface areas within the property must be collected in a system of gutters, pits and pipelines and to be discharged by gravity directly to Council's piped drainage system via the OSD/OSR tanks;
- d) Comply with Council's Stormwater Drainage Code, Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2018 'Stormwater Drainage' and Council's DCP.
- e) Charged or pump-out stormwater drainage systems are not permitted including for roof drainage other than for the pump-out of surface flows from the basement;
- f) The Drainage Plan must detail the existing and proposed site drainage layout, size, class and grade of pipelines, pit types, roof gutter and downpipe sizes;
- g) The on-site detention system must be designed for all storm events from the 1 in 5 years to the 1 in 100 year storm event, with discharge to a Council controlled storm water system limited to fully pervious (state of nature) conditions;
- h) Storage for the 1-year ARI storm event must be provided fully below ground;
- i) Details of the Height vs Storage and Height vs Discharge relationships must be submitted;
- j) Pipe and channel drainage systems including gutters must be designed to convey the one hundred (100) year Average Recurrence Interval (ARI) flows from the contributing catchment to the OSD/OSR tanks;
- k) Details of the 1 in 100-year ARI overflow route in case of failure/blockage of the drainage system must be provided;
- l) An overland flowpath must be provided within the setback to the eastern side boundary between Edith and Roberts Streets to convey existing 1 in 100 year overland flows;
- m) A pump-out system for drainage of surface flows from the basement ramp is permitted for the basement area only and must be designed in accordance with the following criteria:
 - i. Comply with all relevant Australian Standards;
 - ii. An overflow, flashing light and audible alarm is to be provided to warn of pump failure;
 - iii. A maintenance regime for the pump system must be provided, including provision for regular maintenance and servicing at least every 6 months;
 - iv. The proposed pump system must consist of two (2) pumps, connected in parallel, with each pump being capable of emptying the holding tank at a rate equal to the rate of inflow for the one-hour duration, 100-year Average Recurrence Interval (ARI) storm event. The holding tank must be capable of holding one hour's runoff from one-hour duration 20-year ARI storm event;
 - v. Where OSD facilities are required by this consent, the pump system must be discharged to the OSD storage tank;

- n) Details of external catchments currently draining to the site must be included on the plans. Existing natural overland flows from external catchments may not be blocked or diverted, but must be captured and catered for within the proposed site drainage system. Where necessary an inter-allotment drainage system must be incorporated into the design;
- o) No nuisance or concentration of flows to other properties;
- p) The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system;
- q) Plans must specify that any components of the existing system to be retained must be certified during construction to be in good condition and of adequate capacity to convey the additional runoff generated by the development and be replaced or upgraded if required;
- r) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets;
- s) All stormwater outlets through sandstone kerbs must be carefully core drilled in accordance with Council standard drawings;
- t) All redundant pipelines within footpath area must be removed and footpath/kerb reinstated, only to the extent they are encountered as part of approved works;
- u) Stormwater quality improvement devices must be installed such that stormwater flows leaving the site meet the following environmental targets:

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

- v) A WSUD Strategy Report must be provided to ensure the treatment measures proposed to meet Council's water quality targets. For sites with a GFA greater than 2000sqm a MUSIC model (including .sqz file) must be included with the report;

- w) A detailed WSUD maintenance plan outlining how all elements of the water quality treatment facility will be maintained and to record annual inspections/maintenance works to be undertaken.
- x) Dry-weather flows of any seepage water including seepage from landscaped areas will not be permitted through kerb outlets and must be connected directly to a Council stormwater system.
- y) No impact to street tree(s).

55. Tree Planting in the Public Domain

Prior to the issue of a Construction Certificate for Main Works Stage 1, Phase 7 and Main Works Stage 2, Phase 5, the Certifying Authority must be provided with a Public Domain/Street Tree Planting Plan and evidence that the works on the Road Reserve have been approved by Council under Section 138 of the *Roads Act 1993* incorporating the following requirements:

- a) new trees and planting beds shall be located in the Edith Street road reserve as indicated on the Public Domain Improvement Plan contained within the Landscape DA package prepared by Arcadia and dated October 2022
- b) All planting stock size shall be minimum 100 litres;
- c) The new tree shall be planted by a qualified horticulturist or arborist, with a minimum qualification of Certificate 3 in Horticulture or Arboriculture; and
- d) It must be demonstrated that adequate soil volume can be provided for the street trees. Tree planting details, soil specification and cell vault construction details (in accordance with the manufactures specifications and details) must be submitted to the satisfaction of Council's Urban Forest Manager before the issue of a Construction Certificate for Main Works Stage 1, Phase 7 and Main Works Stage 2, Phase 5. The plans must include dimensions for tree pits and details of a cell vault style structure with a minimum of 20-30m³ available soil volume for each tree. Refer to Appendix 6.6 (Detail 5) of the Marrickville Street Tree Master Plan 2014 for indicative detail, noting that structural soil is not approved in this case. Note: The soil vault may require a drainage system if the surrounding soil type will not naturally provide adequate drainage

56. Public Domain Works – Prior to Construction Certificate

Prior to the issue of a Construction Certificate for Main Works Stage 1, Phase 4, the Certifying Authority must be provided with a public domain works design, prepared by a qualified practising Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) and evidence that the works on the Road Reserve have been approved by Council under Section 138 of the *Roads Act 1993* incorporating the following requirements:

- a) The public domain along all frontages of the site inclusive of footpath paving, kerb, street trees and landscaping must be reconstructed and upgraded in accordance with the Street Tree Master plan and the Public Domain Design Guide or scheme in place at the time the works are undertaken;
- b) The construction of heavy duty vehicular crossings to all vehicular access locations and removal of all redundant vehicular crossings to the site;

- c) New footpath and kerb and gutter along the frontage of the site. The kerb type (concrete/brick/stone) must be consistent with the desired future kerb for the street as determined by the Council Engineer;
- d) Provide a continuous minimum 2m wide footpath in Mary Street by adjustment of the road width and on street parking as detailed on Plan No. CI_DA-520-03;
- e) Cross sections are to be provided at the boundary at a minimum distance of every 5m and at all pedestrian and vehicular access locations. Note, the cross fall of the footpath must be set at 2.5%. These sections will set the alignment levels at the boundary.
- f) Provide signage and line marking plan for approval of the Local Traffic Committee detailing any on street parking changes;
- g) The proposed new 375 diameter pipe in Mary Street detailed Plan No. CI_DA-520-03 shall be extended to the existing Stormwater Pit adjacent to 71 Mary Street;
- h) The pipeline must be designed to have the capacity to convey flows that would be collected at that section of street as generated by a 20 year Average Recurrence Interval storm event. Pipes must be Class 4 Steel Reinforced Concrete Pipe or approved equivalent and Pits must be cast in-situ. Plans, longsections and details must be provided including location of utility services;
- i) The road surface in both Mary and Edith Street, for the full frontage of the site shall be resealed with a 40mm Mill and Fill Treatment. Any failed section shall be boxed out and replaced with deeplift asphalt before the Mill and fill Treatment is undertaken

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

57. Bin Storage Area - Residential

Prior to the issue of a Construction Certificate for Main Works Stage 1, Phase 3, the Certifying Authority must be provided with a report detailing the ongoing waste generation requirements of the development and demonstrate that the bin storage area is to be provided within the site that will fully accommodate the number of bins required for all waste generated by a development of this type and scale. The number of bins required must be calculated based on a weekly collection of garbage, and a fortnightly collection of recycling.

The area must also include 50% allowance for manoeuvring of bins. The bin storage area is to be located away from habitable rooms, windows, doors and private useable open space, and to minimise potential impacts on neighbours in terms of aesthetics, noise and odour.

The bin storage area is to meet the design requirements detailed in the Marrickville DCP 2011 and must include doorways/entrance points of 1200mm.

58. Bulky Waste Storage Area – Residential

Prior to the issue of a Construction Certificate for Main Works Stage 1, Phase 3, the Certifying Authority must be provided with amended plans demonstrating that the bulky waste storage area must meet the floor area requirements as per the Marrickville DCP 2011 and have minimum doorways of 1200mm wide to accommodate large items.

59. Commercial - Additional Storage Space

Prior to the issue of a Construction Certificate for Main Works Stage 1, Phase 3, the Certifying Authority must be provided with amended plans demonstrating that additional space has been

allocated on site for the storage of reusable items such as crates and pallets and/or compaction equipment.

60. Waste Transfer Route

Prior to the issue of a Construction Certificate for Main Works Stage 1, Phase 3, the Certifying Authority must be provided with a plan demonstrating that the path of travel between the bin storage area/bulky waste storage area and the designated waste/recycling collection point is a minimum 1200mm wall-to-wall clearance, be slip-proof, of a hard surface, be free of obstructions and at no point have a gradient exceeding 1:14.

If the path of transfer exceeds this gradient, a bin tug, suited to the inclination, and which meets Australian Standards in Health, Safety, Environment and Quality is to be used to move waste and recycling bins, or bulky household waste, from the basement to ground level.

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

Prior to the issue of a Construction Certificate for Main Works Stage 1, Phase 3, the Certifying Authority must be provided with a plan demonstrating that the disposal point is to be within 30m of the dwelling access (distance covered by lifts excluded). Any bins stored on residential floors are to have the capacity to store, at minimum, all waste generated by that floor over a 24-hour period.

62. Waste Collection

Prior to the issue of a Construction Certificate for Main Works Stage 1, Phase 3 the Certifying Authority must be provided with plans including swept paths prepared by a suitably qualified Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) that demonstrate that waste collection can be collected on-site by a Council Standard Resource Recovery Vehicle entering and exiting in a forward direction. Council Resource Recovery Vehicle Specifications are as follows:

Dimension	Measurement
Length:	9.5 metres
Width:	2.5 metres
Height (travel):	4.5 metres
Weight (loaded):	26 tonnes
Turning Circle:	26 metres

63. Structural and Geotechnical Report

Prior to the issue of a Construction Certificate for Main Works Stage 1, Phase 2, the Certifying Authority must be provided with an integrated structural and geotechnical report and structural plans that address the design of the proposed basement, prepared certified as compliant with the terms of this condition by a qualified practicing Structural and Geotechnical Engineer(s) who holds current Chartered Engineer qualifications with the Institution of Engineers Australia

(CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng). The report and plans must be prepared/ amended to make provision for the following:

- a) The basement must be fully tanked (water tight) to prevent the ingress of subsurface flows as required by the General Terms of Approval from WaterNSW dated 30/08/22;
- b) Retaining walls must be entirely self-supporting in the event that excavation is undertaken within the road reserve adjacent to the property boundary to the depth of the proposed structure;
- c) Any existing or proposed retaining walls that provide support to the road reserve must be adequate to withstand the loadings that could be reasonably expected from within the constructed road and footpath area, including normal traffic and heavy construction and earth moving equipment, based on a design life of not less than 50 years;
- d) All components of the basement, including footings, must be located entirely within the property boundary;
- e) No adverse impact on surrounding properties including Council's footpath and road;
- f) The existing subsurface flow regime in the vicinity of the development must not be significantly altered as a result of the development;
- g) Recommendations regarding the method of excavation and construction, vibration emissions and identifying risks to existing structures or those on adjoining or nearby property; and
- h) Provide relevant geotechnical/ subsurface conditions of the site, as determined by a full geotechnical investigation.

64. Residential Flat Buildings – Adaptable Dwellings

Prior to the issue of the Construction Certificate for Main Works Stage 1 Phase 4, the Certifying Authority, must be provided with plans that demonstrate 41 units are Adaptable units.

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

65. Dilapidation Report – Pre-Development – Major

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

- a) Full width of Mary Street, including road pavement, stormwater drainage infrastructure, kerb and gutter and footpath, between Princes Highway and Unwins Bridge Road;
- b) Full width of Edith Street, including road pavement, stormwater drainage infrastructure, kerb and gutter and footpath, between Princes Highway and Unwins Bridge Road;
- c) Full width of Roberts Street, including road pavement, stormwater drainage infrastructure, kerb and gutter and footpath, between Princes Highway and Unwins Bridge Road; and
- d) Council's existing drainage pipe in Mary Street along the frontage of the site up to the existing pit adjacent to 71 Mary Street including CCTV inspection in accordance with WSA 05-2013 Conduit Inspection Reporting Code of Australia.

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

66. Enclosure of Fire Hydrant

Prior to the issue of a Construction Certificate for Main Works Stage 1, Phase 5, the Certifying Authority is to be provided with plans indicating that all fire hydrant and sprinkler booster valves and the like are enclosed in accordance with the requirements of AS 2419.1 2005.

67. Structural Certificate for retained elements of the building

Prior to the issue of the relevant Construction Certificate involving retained buildings, the Certifying Authority is required to be provided with a Structural Certificate prepared by a practising structural engineer, certifying the structural adequacy of the property and its ability to withstand the proposed additional, or altered structural loads during all stages of construction. The certificate must also include all details of the methodology to be employed in construction phases to achieve the above requirements without result in demolition of elements marked on the approved plans for retention.

68. Sydney Water – Tap In

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

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

69. Fibre-ready Facilities

Prior to the issue of Construction Certificate for Main Works Stage 1 Phase 5 and where relevant, Main Works Stage 2, Phase 3, the Certifying Authority must be provided with evidence that arrangements have been made for:

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

70. Concealment of Plumbing and Ductwork

Prior to the issue of a Construction Certificate for Main Works Stage 1, Phase 5 and where relevant Main Works Stage 2, Phase 3 the Certifying Authority must be provided with plans detailing the method of concealment of all plumbing and ductwork (excluding stormwater downpipes) within the outer walls of the building so they are not visible.

71. Future Food Use - Mechanical Ventilation Provision

Prior to the issue of a Construction Certificate for Main Works Stage 1, Phase 5 and where relevant Main Works Stage 2, Phase 3, the mechanical exhaust systems and/or shafts must be designed to allow for the discharge of effluent air above roof level and must be designed with capacity to accommodate exhaust ducts and mechanical ventilation systems for all

commercial tenancies proposed with the potential to become a food premises in future. Systems must be designed in accordance with AS1668.2 – The Use of Ventilation and Air-conditioning in Buildings – Mechanical Ventilation in Buildings, and AS1668.1 – The Use of Mechanical Ventilation and Air-Conditioning in Buildings – Fire and Smoke Control in Multi-compartment Buildings.

72. Operable screens to Building 6

Prior to the issue of the relevant Construction Certificate in Stage 2 construction, the Certifying Authority must be provided with amended plans which provide for the installation of internally operable screens on the north facing windows of Building 6 to reduce light glare.

Reason: to avoid light spill impacts on adjoining residences at night time.

73. Compliance with Planning Agreement

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided written evidence from Council that the Monetary Contribution specified in the Voluntary Planning Agreement for 75 Mary Street, St Peters executed on 24 June 2020 by JVM Holdings Pty Limited, Chalak Holdings Pty Ltd and Inner West Council and registered on titles Lot 1 in DP 556914, Lot 1 in DP 745014, Lot 1 in DP 745657, Lot 1 in DP 180958, Lot A in DP 331215 and Lot 1 in DP 87885 on 6 November 2020 has been paid to Council.

74. Access Report

Prior to the issue of a Construction Certificate for Main Works Stage 1, Phase 3 and, where relevant, Main Works Stage 2, Phase 2, the Certifying Authority must be provided with an Access Management Plan prepared by an Accredited Access Consultant. The Access Management Plan must address:

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

75. Fire Safety Upgrade

Prior to the issue of the first Construction Certificate in Main Works Stage 2, Phase 3, the Certifying Authority must be provided with a report and plans detailing how the retained buildings, which are subject to this development consent, will be brought into full or partial conformity with the Building Code of Australia. The report must include:

- a) A fire safety audit which shall cover Sections C, D and E of Building Code of Australia and to identify general areas of non-compliance against the deemed to satisfy fire

- safety provisions, and address the performance requirements of the BCA where relevant. The recommendations for the fire safety upgrade shall be indicated on amended plans;
- b) Review the current on site fire safety measures including their relevant standard of performance; and
 - c) The report shall include an updated Fire safety schedule stipulating the existing and proposed essential fire safety measures, including their relevant standards of performance.

76. Structural Details and Design

Prior to the issue of a Construction Certificate for Main Works Stage 1, Phase 3 and where relevant, Main Works Stage 2, Phase 2, the Certifying Authority must be provided with structural details and a Structural Certificate for Design by a qualified practising structural engineer and in accordance with Clause A2.2(a)(iii) of the Building Code of Australia (applicable to Class 2-9 buildings) and Clause 1.2.2(iii) of Volume 2 of the BCA (applicable to Class 1 and 10 buildings).

77. Structural Certification for Existing Building – Alterations and Additions

Prior to the issue of the relevant Construction Certificate, the Certifying Authority must be provided with a structural certification prepared by a qualified practising certified structural engineer verifying that the existing structure of the retained buildings can adequately support the proposed new loads and the structural design complies with the Structural Provisions of Part B1 (Vol 1) and Part 2.1 (Vol 2) of the Building Code of Australia.

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

DURING DEMOLITION AND CONSTRUCTION

78. Contamination – New Evidence

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

79. Imported Fill Materials

Materials to be imported onto the site for use as part of the works must be demonstrated to comply with the requirements for imported materials set out in the RWP (or as updated) and comply with the relevant requirements of the *Protection of the Environment Operations Act 1997* and its associated regulations.

80. Implementation of Construction Traffic Management Plan and Green Travel

During demolition, excavation and construction, the applicant must implement the Construction Traffic Management Plan and Green Travel Plan approved by Council pursuant to Conditions 39 and 51.

81. Implementation of Construction Noise and Vibration Management Plan

During construction and demolition, the applicant must implement the Construction Noise and Vibration Management Plan prepared pursuant to Condition 40.

82. Tree Protection Zone

To protect the following tree/s, no work must commence until its/their Protection Zone is fenced off at the specified radius from the trunk/s to prevent any activities, storage or the disposal of materials within the fenced area in accordance with the Tree Protection Plan and Council's *Development Fact Sheet—Trees on Development Sites*. The fence/s must be maintained intact until the completion of all demolition/building work on site.

Tree No.	Botanical/Common Name	Radius in metres
41	<i>Araucaria columnaris</i> (Cook Pine)	6 metres

83. Limited Root Pruning

No tree roots of 30mm or greater in diameter located within the specified radius of the trunk/s of the following tree/s must be severed or injured in the process of any works during the construction period:

Tree No.	Botanical/Common Name	Radius in metres
41	<i>Araucaria columnaris</i> (Cook Pine)	4 metres

All excavation within the specified radius of the trunk of Tree 41 being hand dug <using either pneumatic or hydraulic tools only (e.g. *Airspade*® or hydro excavation)> to a depth of one (1) metre under direct supervision of the Project Arborist and then by mechanical means as agreed by the Project Arborist. If tree roots less than 30mm diameter are required to be severed for the purposes of constructing the approved works, they must be cut cleanly using a sharp and *fit for purpose tool*. The pruning must be undertaken by a practicing Arborist.

84. Excavation Methods to Limit Impacts to Trees

Excavation for the installation of any services within the specified radius of the trunk/s of the following tree/s must utilise the thrust boring method or non-destructive excavation method

such as either pneumatic or hydraulic tools only (e.g. *Airspade®* or hydro excavation). Thrust boring being carried out at least 600mm beneath natural ground level to minimise damage to tree/s root system:

Tree No.	Botanical/Common Name	Radius in metres
41	<i>Araucaria columnaris</i> (Cook Pine)	4 metres

85. Documentation of Demolition and Construction Waste

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

85A. Placement of Construction Waste Bins

Any construction waste bin required for waste collection associated with the excavation, demolition and construction works under this development consent is to be located no closer than 5 metres from any site boundary and is not to be stored or placed on any public land. Collection of construction waste bins is to occur only during the permitted work hours as set out in Condition 86 of this development consent.

For clarity the bin location nominated in the Construction Waste Management Plan adjacent to the boundary with No.71 Mary Street is not approved. This bin storage area is to be located central to the site in an area proximate to the blue dot shown in the figure below.



86. Construction Hours – Class 2-9

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

- a) 7:00am to 6.00pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm);

- b) 8:00am to 1:00pm on Saturdays with no demolition works occurring during this time; and
- c) at no time on Sundays or public holidays.

Certain works may be undertaken outside these hours if specifically detailed in the approved Construction Noise and Vibration Management Plan prepared and approved pursuant to Condition 40.

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

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

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

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

Unless otherwise approved in the Construction Noise and Vibration Management Plan prepared and approved pursuant to Condition 40.

87. Survey Prior to Footings

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

PRIOR TO OCCUPATION CERTIFICATE

88. Contamination – Disposal of Soil

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with a report confirming that all off site disposal of soil has been classified, removed and disposed of in accordance with the NSW DECC Waste Classification Guidelines, Part 1: Classifying Waste (EPA 2014), Protection of the Environment Operations (Waste) Regulation 2014 and the *Protection of the Environmental Operations Act 1997*.

89. Contamination – Validation (Site Audit Statement Required)

Prior to the issue of an Occupation Certificate, the Principal Certifier and Council must be provided with a Section A Site Audit Statement and Site Audit Report prepared by a NSW Environment Protection Authority accredited Site Auditor.

The Site Audit Statement must confirm that the site has been remediated and validated in accordance with the RWP (or as updated) and clearly state that the site is suitable for the proposed use.

90. Contamination - Long-term Environmental Management Plan

Where a Long-term Environmental Management Plan is required to be implemented to ensure site suitability then this Long-term Environmental Management Plan must be prepared by a suitably qualified and experienced person(s) and in accordance with relevant guidelines made or approved by the EPA under section 105 of *the Contaminated Land Management Act 1997* (NSW). The Long-term Environmental Management Plan must be reviewed and accepted as appropriate by the EPA Accredited Site Auditor. The Long-term Environmental Management Plan must be provided to the Principal Certifier and Council with the Section A Site Audit Statement and Site Audit Report prepared by a EPA Accredited Site Auditor.

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

Prior to the issue of an Occupation Certificate, the Principal Certifier and Council must be provided with a report that confirms that the underground petroleum storage system/s has been removed, replaced or decommissioned in accordance with the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008, the Protection Environment Operations Act 1997 and Australian Standard AS4976-2008: The removal and disposal of underground petroleum storage tanks. This report may be included as part of the Validation Report required by the RWP and/ or can be issued as a separate report. Any reports on the UPSS works completed must be reviewed and accepted as appropriate by the EPA Accredited Site Auditor. The EPA Accredited Site Auditor review and acceptance of the reports must be submitted to Principal Certifier and Council prior to the issue of the issue of an Occupation Certificate.

92. Parking Signoff – Major Development

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

- a) The car park has been completed, line marked and all signage relating to car parking erected;
- b) Sign(s) have been erected that clearly indicate(s) to the drivers of vehicles both on and off the property which driveway they are to use to enter or leave the subject land; and
- c) Sign(s) have been erected that clearly indicate to the drivers of vehicles both on and off the property the location and means of access to the car parking area(s).

93. Noise– Compliance

Prior to the issue of each Occupation Certificate, the Principal Certifier must be provided with an acoustic report prepared by suitably qualified acoustic consultant, confirming that the development complies with the requirements of the:

- a) Australian Standard 2021-2000: Acoustics - Aircraft noise intrusion - Building siting and construction;

- b) the provisions of the *Protection of the Environment Operations Act 1997*;
- c) conditions of this development consent and the approved plans; and
- d) Recommendations of the Noise and Vibration Impact Assessment prepared by E-Lab Consulting, Reference P00011, Revision 11 dated 4 November 2022.

94. Stormwater Drainage and Road Works – Certification

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

- a) All works required to be undertaken on public roads must be designed and constructed in accordance with Council's approved plans;
- b) Video inspection (CCTV) in accordance with WSA 05-2013 Conduit Inspection Reporting Code of Australia has been carried out of completed stormwater drainage works that are to revert to Council by an accredited operator;
- c) Full works-as-executed plans in PDF and CAD format (dwg or dxf files), prepared and signed by a Registered Surveyor have been submitted to Council; and
- d) Certification by a Registered Surveyor that the as-built Council Stormwater pipeline is located totally within the drainage easement.

95. Works as Executed – Site Stormwater Drainage System

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

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

96. Operation and Management Plan

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

- a) The proposed maintenance regime, specifying that the system is to be regularly inspected and checked by qualified practitioners; and

- b) The proposed method of management of the facility, including procedures, safety protection systems, emergency response plan in the event of mechanical failure, etc.

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

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

- a) Right of carriage way to allow for public access to through site link and public open spaces;
- b) Restrictions on the Use of Land to prevent the erection of any structures or fencing;
- c) Restrictions on the Use of Land related to on Site Stormwater Detention System or stormwater quality improvement devices;
- d) Restrictions on the Use of Land related to Stormwater Surface Flow Paths;
- e) Positive Covenant related to on-site stormwater detention and/or retention system;
- f) Positive Covenant related to the basement pump out system;
- g) Positive Covenant related to stormwater quality improvement devices; and
- h) Positive Covenant related to Stormwater Surface Flow Paths.

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

98. Certification and Completion of Onsite Landscaping

Prior to the grant of the first occupation certificate for residential development within Stage 1 Main Works the applicant is to provide certification from a suitably qualified landscape architect that the landscape works to The Commons, The Grove, and The Garden have been completed in accordance with the terms of this development consent.

99. Project Arborist Certification

Prior to the issue of any Occupation Certificate, the Principal Certifier is to be provided with certification from the project arborist the requirements of the conditions of consent related to the landscape plan including the number and species of trees required to be planted is consistent with the approved landscape plan and conditions of consent and the role of the project arborist have been complied with.

100. Planting of Street Trees

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with written evidence from Council that the following works on the Road Reserve have been completed in accordance with the requirements of the approval under Section 138 of the *Roads Act 1993* including:

- a) Street trees and landscaping has been planted in Edith Street in accordance with the Public Domain/Street Tree Planting Plan provided pursuant to Condition 55;
- b) The tree must be grown and certified that it complies with AS2303:2018—*Tree stock for landscape use* to ensure quality trees and more successful establishment;
- c) The trees and tree pits must be inspected by Council's Public Tree Coordinator before and after planting.

- d) A copy of a maintenance agreement with a practicing Horticulturist or Arborist for a minimum period of twelve (12) months commencing on the planting date. Maintenance includes, but is not limited to, watering, weeding, removal of rubbish from tree base, pruning, fertilizing, pest and disease control and any other operations to maintain a healthy robust tree.
- e) Replacement street tree species must be to Council's satisfaction;
- f) At the end of the twelve (12) month maintenance period, written approval must be obtained from Council before hand-over of any street tree to Council.
- g) If a street tree has been replaced due to maintenance deficiencies during the twelve (12) month maintenance period, the twelve (12) month maintenance period will start again from the date that the street tree is replaced (up to three (3) occurrences)

101. Verification of Green Roofs, Walls and Facades Works

Prior to the issue of the relevant Occupation Certificate, the Principal Certifying Authority is to be provided with written evidence demonstrating that the works have been carried out in accordance with the Green Roofs, Walls and Facades Report that was submitted at Construction Certificate Stage.

102. Public Domain - Major Developments

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

103. Public Domain Works

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with written evidence from Council that the following works on the Road Reserve have been completed in accordance with the requirements of the approval under Section 138 of the *Roads Act 1993* including:

- a) Heavy duty concrete vehicle crossing(s) at the vehicular access location(s);
- b) The redundant vehicular crossing to the site must be removed and replaced by kerb and gutter and footpath;
- c) Construction of new footpaths and kerb along all site frontages;
- d) The public domain works approved with the development;
- e) Repair of all damage including road pavements resulting from the works ; and
- f) Other works subject to the *Roads Act 1993* approval.

All works must be constructed in accordance with Council's standards and specifications and AUS-SPEC#2-"Roadworks Specifications".

104. Compliance with Planning Agreement

Prior to the issue of the first Occupation Certificate which relates to residential build to rent apartments, the Certifying Authority must be provided written evidence from Council that all matters in the Voluntary Planning Agreement for 75 Mary Street, St Peters executed on 24 June 2020 by JVM Holdings Pty Limited, Chalak Holdings Pty Ltd and Inner West Council and

registered on titles Lot 1 in DP 556914, Lot 1 in DP 745014, Lot 1 in DP 745657, Lot 1 in DP 180958, Lot A in DP 331215 and Lot 1 in DP 87885 on 6 November 2020 have been complied with.

105. Light spill Prior to Occupation Certificate

All lighting is to be installed in accordance with External Lighting Report, ref: 301350227, prepared by Stantec Pty Ltd and dated 7.7.22 and Australian Standard AS4282:1992: Control of Obtrusive Effects of Outdoor Lighting. Prior to the issue of an Occupation Certificate (whether an interim or final Occupation Certificate), the Principal Certifier must be provided with an updated compliance report confirming compliance with Australian Standard AS4282:1992: Control of Obtrusive Effects of Outdoor Lighting.

106. No Encroachments

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

107. Protect Sandstone Kerb

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any stone or brick kerb, damaged as a consequence of the work that is the subject of this development consent, has been replaced.

108. Dilapidation Report – Post-Development Council Infrastructure

Prior to the issue of an Occupation Certificate for Major Works Stage 1 and Major Works Stage 2, the Principal Certifier must be provided with a second Dilapidation Report addressing the public infrastructure identified in approved predevelopment dilapidation report, including a photographic survey, structural condition and CCTV inspections which was compiled after the completion of works. As the report details public infrastructure, a copy is to be furnished to Council at the same time.

108A Dilapidation Report – Post Development Adjacent Residential Properties

Prior to the issue of an Occupation Certificate for Major Works Stage 1 and Major Works Stage 2, the Principal Certifier and owners of No. 48 Edith Street, No.41 and No. 8 Roberts St, No.s 1 added 49-71 Mary Street, and No.s 80-110 Unwins Bridge Road are to be provided with a second Dilapidation Report addressing each of the dwellings identified in a predevelopment dilapidation report, including a photographic survey, structural condition and CCTV inspections which was compiled after the completion of works. In the event that the consent of the adjoining property owner cannot be obtained to undertake the report, copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the Certifying Authority.

109. No Weep Holes

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

110. Basement/Retaining Wall Signoff – Major Development

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must be provided with certification from a suitably experienced structural and geotechnical engineer, who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng), that the basement and driveway has been constructed in accordance with the development consent and relevant Australian Standards and that the basement is fully tanked construction such that pump-out of subsurface flows is not required.

111. Heavy Duty Vehicle Crossing

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

112. Redundant Vehicle Crossing

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that all redundant vehicular crossings to the site have been removed and replaced by kerb and gutter and footpath paving in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications". Where the kerb in the vicinity of the redundant crossing is predominantly stone the replacement kerb must also be in stone.

113. Maintenance Bond

The applicant shall provide security, in a manner satisfactory to Council, for the proper maintenance of the Road and Footpath works in an amount of \$144,900.00 for a period of twelve (12) months from the date of completion of the public domain works as surety for the proper maintenance of the public domain works.

114. Not eligible for resident parking scheme

Prior the issue of an Occupation Certificate, the Principal Certifier must be provided with evidence that measures have been put in place to advise future owners and occupants/tenants of the proposed building that they are not eligible to obtain parking permits under any existing or future resident parking scheme for the area. The person acting on this consent shall advise any purchaser or prospective tenant of this condition.

115. Smoke Alarms - Certification of upgrade to NCC requirements

Prior to the issue of any Occupation Certificate, the Principal Certifier is required to be satisfied the existing building has been upgraded to comply with the provisions of the National Construction Code (Building Code of Australia) in relation to smoke alarm systems.

116. Section 73 Certificate

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with a Section 73 Certificate under the *Sydney Water Act 1994*.

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

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

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

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

119. Exhaust Fan Vents

Prior to the issue of an Occupation Certificate, the Principal Certifier must verify that the colour of any Exhaust Fan Vents is the same as the surrounding roof colour.

120. Skylights

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

121. Solar Panels

Prior to the issue of an Occupation Certificate, the Principal Certifier must verify that the Solar panels have the same pitch and angle as the roof plane.

ON-GOING

122. Long-Term Environmental Management Plan - Implementation

Where a Long-term Environmental Management Plan is required to ensure site suitability and that this is a requirement of the Section A Site Audit Statement then this Long-term Environmental Management Plan must be implemented to ensure that human health and the environment on the Site is protected. The owners and future owners are responsible for the implementation of the Long-term Environmental Management Plan.

123. Long-term Environmental Management Plan - Notification on Title

Where a Long-term Environmental Management Plan is required to ensure site suitability and that this is a requirement of the Section A Site Audit Statement then within 6 months of issue of the final Occupation Certificate a covenant shall be registered on title of the land giving notice of the contamination present on the Site and of the Long-term Environmental Management Plan that binds the owners and future owners as responsible for the implementation of the Long-term Environmental Management Plan. Documentation demonstrating that the covenant has been registered will be required to be provided to Council.

124. Hours of site access and operation of non-residential activities within the site

- a) Following the completion of the onsite landscaping works referred to in condition 98 (above) the applicant is to provide 24-hour public pedestrian access through the site, subject to any safety arrangements required to manage the ongoing demolition and construction involved with Main Works Stage 2 activities.
- b) Maximum permitted hours of operation of commercial uses within the buildings on site is 8am to 6pm Monday to Friday. Maximum permitted hours of operation of other non-residential uses within the buildings on site is 6am to 11pm Monday to Sunday. Occupation of non-residential spaces within the site are to be the subject of separate first use development applications and actual hours of operation to be set by each use development consent.

125. Noise General

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

126. Operation and Management Plan

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

127. Landscape Works

The landscape works must be carried out in accordance with the approved Landscape DA package prepared by Arcadia and dated October 2022 as modified by the amended details provided under condition 2 of this development consent.

All shrubs and groundcover plant species are to have the following density:

- a) Grasses and Groundcover a minimum of 4 per sqm and to be a minimum size of 150mm pot; and
- b) Shrubs a minimum of 1 per sqm and to be a minimum size of 200mm pot size.

Trees planted as part of the landscape works are to be minimum 100L, except for the following trees:

- c) Angophora Costata to be 400L minimum;
- d) Acer Campastre 'Elsrijii' 200L minimum;
- e) Acer Freemanni 'Jeffersred' 200L minimum;
- f) Eucalyptus Punctata 200L minimum; and
- g) Waterhousea Floribunda 'Green Vase' 200L minimum.

128. Landscape Maintenance

The landscape works carried out as part of this development must be maintained in accordance with Part 4 of the Site Management Plan prepared by Ethos Urban and dated 26 October 2022. Replacement planting should reflect the minimum densities and tree sizes outlined in condition 127. All landscaping to be maintained for the life of the development.

129. Green Roof, Walls and Façade Planting Maintenance

The green roof, wall and façade planting detailed in the Green Roofs, Walls and Facades Report are to be maintained in accordance with the Maintenance Plan provided in pursuant to these conditions of consent at the Construction Certificate phase.

Reason: *to ensure the landscaping is maintained to realise the amenity and visual impact outcomes as indicated on the DA documentation.*

130. Maintenance of Façade and Screen Treatments

The building facades and façade screens approved under this development consent are to be maintained to the approved standard for the life of the development. Windows beneath the perforated metal screens to Buildings 1 and 7 are to be cleaned in accordance with the cleaning methodology detailed in the information submitted under condition 2.

131. Operational Waste Management Plan

Once the development is occupied the applicant must implement the approved Operational Waste Management Plan prepared by Elephants Foot Recycling Solutions, revision G, dated 8 July 2022.

132. Separation of Commercial and Residential Waste and Recycling

The waste and recycling handling and storage systems for residential waste and commercial waste (including waste originating from retail premises) are to be separate and self-contained. Commercial and retail tenants must not be able to access residential waste storage area/s, or any storage containers or chutes used for residential waste and recycling.

133. Commercial Waste/Recycling Collection

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

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

134. Documentation of Businesses Waste Services

All businesses must have written evidence of all valid and current contracts and/ or tip dockets for the disposal and/ or processing of all waste streams generated from the site.

135. Commercial Bin and Re-usable Item Storage

All commercial bins and re-usable items such as crates and trays are to be stored within the site.

136. Bin Storage

All bins are to be stored within the site. Bins are to be returned to the property, including the single dwelling at 67 Mary Street, within 12 hours of having been emptied.

137. Vehicles Leaving the Site

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

WATER NSW GENERAL TERMS OF APPROVAL

138. Water NSW GTAs

The development is to be carried out in accordance with the conditions contained in the General Terms of Approval issued by WaterNSW dated 30 August 2022 below, subject to any amendments made by Water NSW in the issue of any subsequent approval pursuant to the *Water Management Act 2000* in respect of this development DA 2021/0800.

ADVISORY NOTES

Mechanical Ventilation System Certification

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

- a) Australian Standard AS 1668 Part 1 – 1998;
- b) Australian Standard AS 1668 Part 2 – 2012.

The system must be located in accordance with the approved plans and/or within the building envelope, design and form of the approved building. Any modifications to the approved plans required to house the system must be the subject of further approval from Council.

Asbestos Removal

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

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

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

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

Underground Petroleum Storage System (UPSS) – Decommissioning

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

Consent of Adjoining property owners

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

Arborists standards

All tree work must be undertaken by a practicing Arborist. The work must be undertaken in accordance with AS4373—*Pruning of amenity trees* and the Safe Work Australia Code of Practice—*Guide to Managing Risks of Tree Trimming and Removal Work*. Any works in the

vicinity of the Low Voltage Overhead Network (including service lines—pole to house connections) must be undertaken by an approved Network Service Provider contractor for the management of vegetation conflicting with such services. Contact the relevant Network Service Provider for further advice in this regard.

Tree Protection Works

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

Tree Pruning or Removal (including root pruning/mapping)

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

Notice to Council to deliver Residential Bins

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

Council will place an order for the required bins. Delivery will occur once the applicant has completed a Request for New Service.

Recycling / Garbage / Organics Service Information and Education

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

Rock Anchors

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

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

Electrical Substations

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

Permits

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

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

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

Easement and Covenant Process

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

- a) Work-As-Executed Plans

A "Work-as-Executed" plan prepared and signed by a Registered Surveyor must be submitted to the Council's Development Assessment Engineer at the completion of the works showing the location of the detention basin and SQIDS with finished surface levels, contours at 0.2-metre intervals and volume of storage available. Also, the outlet pipe from the detention basin to its connection to the Council's drainage system must be shown together with the following information: location; pipe diameter; gradient; pipe material, i.e. PVC or RCP etc.; pits sizes; orifice size; trash screen at orifice; emergency overflow dimensions and RL; all buildings (including floor levels) and finished ground and pavement surface levels and full details of SQIDS.

- a) Engineer's Certificate

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

- a) The soundness of the storage structure;
- b) The capacity of the detention storage;
- c) The emergency overflow system being in place;
- d) The works being constructed in accordance with the Development Application Consent and Council's Stormwater Management DCP/Code;

- e) The freeboard from maximum water surface level to the finished floor and garage levels are at or above the minimum required in Council's Stormwater Management DCP/Code;
 - f) Basement car park pumps are class one zone two; and
 - g) OSR pumps and SQIDS have been installed and commissioned.
- a) **Restriction-As-To-User**
A "Restriction-as-to-User" must be placed on the title of the subject property to indicate the location and dimensions of the detention area and stormwater quality improvement device(s) (SQIDS). This is to ensure that works, which could affect the function of the stormwater detention system and SQIDS, must not be carried out without the prior consent in writing of the Council.
- Such restrictions must not be released, varied or modified without the consent of the Council.
- A typical document is available from Council's Development Assessment Engineer.
- a) **A Maintenance Schedule.**

Insurances

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

Public Domain and Vehicular Crossings

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

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

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

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

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

Prescribed Conditions

This consent is subject to the prescribed conditions of consent within Sections 69-86 of the *Environmental Planning and Assessment Regulations 2021*.

Notification of commencement of works

At least 7 days before any demolition work commences:

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

Storage of Materials on public property

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

Toilet Facilities

The following facilities must be provided on the site:

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

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

Infrastructure

The developer must liaise with the Sydney Water Corporation, Ausgrid, AGL and Telstra concerning the provision of water and sewerage, electricity, natural gas and telephones respectively to the property. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development must be undertaken before occupation of the site.

Other Approvals may be needed

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

Failure to comply with conditions

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

Other works

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

Obtaining Relevant Certification

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

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

Disability Discrimination Access to Premises Code

The *Disability Discrimination Act 1992* (Commonwealth) and the *Anti-Discrimination Act 1977* (NSW) impose obligations on persons relating to disability discrimination. Council's determination of the application does not relieve persons who have obligations under those Acts of the necessity to comply with those Acts.

National Construction Code (Building Code of Australia)

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

Notification of commencement of works

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

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

- b) If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

Dividing Fences Act

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

Swimming Pools

Applicants are advised of the following requirements under the *Swimming Pools Act 1992*:

- a) The owner of the premises is required to register the swimming pool on the NSW State Government's Swimming Pool Register. Evidence of registration should be provided to the Certifying Authority.
- b) Access to the pool/spa is restricted by a child resistant barrier in accordance with the regulations prescribed in the. The pool must not be filled with water or be allowed to collect stormwater until the child resistant barrier is installed. The barrier is to conform to the requirements of Australian Standard AS 1926:2012.
- c) A high level overflow pipe has been provided from the back of the skimmer box to the filter backwash line discharging to the sewer. This line must not directly vent the receiving Sydney Water sewer. Evidence from the installer, indicating compliance with this condition must be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.
- d) Permanently fixed water depth markers are to be clearly and prominently displayed on the internal surface above the water line at the deep and shallow ends on in-ground pools / spas and on the outside of aboveground pools / spas.
- e) A durable cardiopulmonary resuscitation information poster sign authorised by the Life Saving Association is to be displayed in the pool / spa area in accordance with Clause 10 of the *Swimming Pool Regulation 2008*.
- f) Access to the swimming pool/spa must be restricted by fencing or other measures as required by the *Swimming Pools Act 1992* at all times.

All drainage, including any overland waters associated with the pool/spa, must be pipe-drained via the filter to the nearest sewer system in accordance with the requirements of Council & Sydney Water. No drainage, including overflow from the pool or spa must enter Council's stormwater system.

Permits from Council under Other Acts

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

- a) Work zone (designated parking for construction vehicles). Note that a minimum of 2 months should be allowed for the processing of a Work Zone application;
- b) A concrete pump across the roadway/footpath;
- c) Mobile crane or any standing plant;
- d) Skip bins;
- e) Scaffolding/Hoardings (fencing on public land);
- f) Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.;

- g) Awning or street verandah over footpath;
- h) Partial or full road closure; and
- i) Installation or replacement of private stormwater drain, utility service or water supply.

Contact Council's Road Access team to ensure the correct Permit applications are made for the various activities. A lease fee is payable for all occupations.

Noise

Noise arising from the works must be controlled in accordance with the requirements of the *Protection of the Environment Operations Act 1997*.

Amenity Impacts General

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

Fire Safety Certificate

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

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

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

Construction of Vehicular Crossing

The vehicular crossing and/or footpath works are required to be constructed by your own contractor. You or your contractor must complete an application for *Construction of a Vehicular Crossing & Civil Works* form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, prior to commencement of works.

Lead-based Paint

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

Dial before you dig

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

Useful Contacts

BASIX Information	1300 650 908 weekdays 2:00pm - 5:00pm www.basix.nsw.gov.au
Department of Fair Trading	13 32 20 www.fairtrading.nsw.gov.au Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Prior to You Dig	1100 www.dialprior toyoudig.com.au
Landcom	9841 8660 To purchase copies of Volume One of “Soils and Construction”
Long Service Payments Corporation	131441 www.lspc.nsw.gov.au
NSW Food Authority	1300 552 406 www.foodnotify.nsw.gov.au
NSW Government	www.nsw.gov.au/fibro www.diysafe.nsw.gov.au Information on asbestos and safe work practices.
NSW Office of Environment and Heritage	131 555 www.environment.nsw.gov.au
Sydney Water	13 20 92 www.sydneywater.com.au
Waste Service - SITA Environmental Solutions	1300 651 116 www.wasteservice.nsw.gov.au

Water Efficiency Labelling and Standards (WELS) www.waterrating.gov.au

WorkCover Authority of NSW 13 10 50

www.workcover.nsw.gov.au

Enquiries relating to work safety and asbestos removal and disposal.

Street Numbering

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

Application Required for Approval of Crane Operation

Application is required pursuant to airport (protection of airspace) regulations reg 7:

- a) Pursuant to s. 183 of the Airports Act 1996 and Reg 7 of the Airports (Protection of Airspace) Regulations 1996, the Proponent must apply through the Airport to the Secretary of the Department of Infrastructure and Regional Development for approval of the operation ("controlled activity") set out in the Schedule.
- b) An Application for approval must be given to the Airport at least 28 days before commencement of the operation.
- c) The operation must not commence without approval and must only proceed in compliance with any conditions imposed on such approval.
- d) Sydney Airport has delegated authority from the Secretary to determine "short term" operations (less than 3 months).
- e) The Airport is required to invite submissions from CASA and Airservices regarding the proposed operation.
- f) The Secretary and the Airport, as applicable, may request further information before determining an application.
- g) The "Important Notes" must be read and accepted. h) The Proponent must complete this Application and provide it to Sydney Airport, with a copy to the Council as part of the relevant Development Application.

Trade Wastewater Requirements - Sydney Water

If this development is going to generate trade wastewater, the property owner must submit an application requesting permission to discharge trade wastewater to Sydney Water's sewerage system. You must obtain Sydney Water approval for this permit before any business activities can commence. It is illegal to discharge Trade Wastewater into the Sydney Water sewerage system without permission. The permit application should be emailed to Sydney Water's Business Customer Services at businesscustomers@sydneywater.com.au A Boundary Trap is required for all developments that discharge trade wastewater where arrestors and special units are installed for trade wastewater pre-treatment. If the property development is for Industrial operations, the wastewater may discharge into a sewerage area that is subject to wastewater reuse. Find out from Business Customer Services if this is applicable to your development.

Backflow Prevention Requirements - Sydney Water

Backflow is when there is unintentional flow of water in the wrong direction from a potentially polluted source into the drinking water supply. All properties connected to Sydney Water's supply must install a testable Backflow Prevention Containment Device appropriate to the property's hazard rating. Property with a high or medium hazard rating must have the backflow prevention containment device tested annually. Properties identified as having a low hazard rating must install a non-testable device, as a minimum. Separate hydrant and sprinkler fire services on non-residential properties, require the installation of a testable double check detector assembly. The device is to be located at the boundary of the property. Before you install a backflow prevention device:

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

For installation you will need to engage a licensed plumber with backflow accreditation who can be found on the Sydney Water website:

<https://www.sydneywater.com.au/plumbing-building-developing/plumbing/backflowprevention.html>

Water Efficiency Recommendations - Sydney Water

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

- a) Install water efficiency fixtures to help increase your water efficiency, refer to WELS (Water Efficiency Labelling and Standards (WELS) Scheme, <http://www.waterrating.gov.au/>
- b) Consider installing rainwater tanks to capture rainwater runoff, and reusing it, where cost effective. Refer to <https://www.sydneywater.com.au/your-business/managing-your-wateruse/water-efficiency-tips.html>
- c) Install water-monitoring devices on your meter to identify water usage patterns and leaks.
- d) Develop a water efficiency plan for your business. It is cheaper to install water efficiency appliances while you are developing than retrofitting them later.

Contingency Plan Recommendations - Sydney Water

Under Sydney Water's customer contract Sydney Water aims to provide Business Customers with a continuous supply of clean water at a minimum pressure of 15meters head at the main tap. This is equivalent to 146.8kpa or 21.29psi to meet reasonable business usage needs. Sometimes Sydney Water may need to interrupt, postpone or limit the supply of water services to your property for maintenance or other reasons. These interruptions can be planned or unplanned. Water supply is critical to some businesses and Sydney Water will treat vulnerable customers, such as hospitals, as a high priority. Have you thought about a contingency plan for your business? Your Business Customer Representative will help you to develop a plan that is tailored to your business and minimises productivity losses in the event of a water service disruption. For further information please visit the Sydney Water website at:

<https://www.sydneywater.com.au/your-business/managing-trade-wastewater/commercial-tradewastewater.html> or contact Business Customer Services on 1300 985 227 or businesscustomers@sydneywater.com.au



General Terms of Approval

for proposed development requiring approval
under s89, 90 or 91 of the Water Management Act 2000

Reference Number:	IDAS1145000
Issue date of GTA:	30 August 2022
Type of Approval:	Water Supply Work
Description:	80mm submersible pump
Location of work/activity:	73 Mary Street, St Peters NSW 2044
DA Number:	DA/2021/0800
LGA:	Inner West Council - Marrickville
Water Sharing Plan Area:	Greater Metropolitan Region Groundwater Sources 2011

The GTA issued by WaterNSW do not constitute an approval under the Water Management Act 2000. The development consent holder must apply to WaterNSW for the relevant approval after development consent has been issued by Council and before the commencement of any work or activity.

Condition Number	Details
Dewatering	
GT0115-00001	Groundwater must only be pumped or extracted for the purpose of temporary construction dewatering at the site identified in the development application. For clarity, the purpose for which this approval is granted is only for dewatering that is required for the construction phase of the development and not for any dewatering that is required once construction is completed.
GT0115-00001	Before any construction certificate is issued for any excavation under the development consent, the applicant must: 1. apply to WaterNSW for, and obtain, an approval under the Water Management Act 2000 or Water Act 1912, for any water supply works required by the development; and 2. notify WaterNSW of the programme for the dewatering activity to include the commencement and proposed completion date of the dewatering activity Advisory Note: 3. An approval under the Water Management Act 2000 is required to construct and/or install the water supply works. For the avoidance of doubt, these General Terms of Approval do not represent any authorisation for the take of groundwater, nor do they constitute the grant or the indication of an intention to grant, any required Water Access Licence (WAL). A WAL is required to lawfully take more than 3ML of water per water year as part of the dewatering activity. 4. A water use approval may also be required, unless the use of the water is for a purpose for which a development consent is in force.
GT0117-00001	A water access licence, for the relevant water source, must be obtained prior to extracting more than 3ML per water year of water as part of the construction dewatering activity. Advisory Notes: 1. This approval is not a water access licence. 2. A water year commences on 1 July each year. 3. This approval may contain an extraction limit which may also restrict the ability to take more than 3ML per water year without further information being provided to WaterNSW. 4. Note that certain water sources may be exempted from this requirement - see paragraph 17A, Schedule 4 of the Water Management (General) Regulation 2018.
GT0118-00001	If no water access licence is obtained for the first 3ML / year (or less) of water extracted, then, in accordance with clause 21(6), Water Management (General) Regulation 2018, the applicant must: (a) record water taken for which the exemption is claimed, and (b) record the take of water not later than 24 hours after water is taken, and (c) make the record on WAL exemption form located on WaterNSW website "Record of groundwater take under exemption", and (d) keep

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	the record for a period of 5 years, and (e) give the record to WaterNSW either via email to Customer.Helpdesk@waternsw.com.au or post completed forms to - PO Box 398 Parramatta NSW 2124 (i) not later than 28 days after the end of the water year (being 30 June) in which the water was taken, or (ii) if WaterNSW directs the person in writing to give the record to WaterNSW on an earlier date, by that date.
GT0119-00001	All extracted groundwater must be discharged from the site in accordance with Council requirements for stormwater drainage or in accordance with any applicable trade waste agreement.
GT0120-00001	The design and construction of the building must prevent: (a) any take of groundwater, following the grant of an occupation certificate (and completion of construction of development), by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation; (b) obstruction to groundwater flow, by using sufficient permanent drainage beneath and around the outside of the watertight structure to ensure that any groundwater mounding shall not be greater than 10 % above the pre-development level; and (c) any elevated water table from rising to within 1.0 m below the natural ground surface.
GT0121-00001	Construction phase monitoring bore requirements GTA: a) A minimum of three monitoring bore locations are required at or around the subject property, unless otherwise agreed by WaterNSW. b) The location and number of proposed monitoring bores must be submitted for approval, to WaterNSW with the water supply work application. c) The monitoring bores must be installed and maintained as required by the water supply work approval. d) The monitoring bores must be protected from construction damage.
GT0122-00001	Construction Phase Monitoring programme and content: a) A monitoring programme must be submitted, for approval, to WaterNSW with the water supply work application. The monitoring programme must, unless agreed otherwise in writing by WaterNSW, include matters set out in any Guide published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no Guide is current or published, the monitoring programme must include the following (unless otherwise agreed in writing by WaterNSW): i. Pre-application measurement requirements: The results of groundwater measurements on or around the site, with a minimum of 3 bore locations, over a minimum period of 3 months in the six months prior to the submission of the approval to WaterNSW. ii. Field measurements: Include provision for testing electrical conductivity; temperature; pH; redox potential and standing water level of the groundwater; iii. Water quality: Include a programme for water quality testing which includes testing for those analytes as required by WaterNSW; iv. QA: Include details of quality assurance and control v. Lab assurance: Include a requirement for the testing by National Association of Testing



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Water Sharing Plan Area:	Greater Metropolitan Region Groundwater Sources 2011
	Authorities accredited laboratories. b) The applicant must comply with the monitoring programme as approved by WaterNSW for the duration of the water supply work approval (Approved Monitoring Programme)
GT0123-00001	(a) Prior to the issuing of the occupation certificate, and following the completion of the dewatering activity, and any monitoring required under the Approved Monitoring Programme, the applicant must submit a completion report to WaterNSW. (b) The completion report must, unless agreed otherwise in writing by WaterNSW, include matters set out in any guideline published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no guideline is current or published, the completion report must include the following (unless otherwise agreed in writing by WaterNSW): 1) All results from the Approved Monitoring Programme; and 2) Any other information required on the WaterNSW completion report form as updated from time to time on the WaterNSW website. c) The completion report must be submitted using "Completion Report for Dewatering work form" located on WaterNSW website www.waternsw.com.au/customer-service/water-licensing/dewatering
GT0150-00001	The extraction limit shall be set at a total of 3ML per water year (being from 1 July to 30 June). The applicant may apply to WaterNSW to increase the extraction limit under this condition. Any application to increase the extraction limit must be in writing and provide all information required for a hydrogeological assessment. Advisory note: Any application to increase the extraction limit should include the following: - Groundwater investigation report describing the groundwater conditions beneath and around the site and subsurface conceptualisation - Survey plan showing ground surface elevation across the site - Architectural drawings showing basement dimensions - Environmental site assessment report for any sites containing contaminated soil or groundwater (apart from acid sulphate soils (ASS)) - Laboratory test results for soil sampling testing for ASS - If ASS, details of proposed management and treatment of soil and groundwater. Testing and management should align with the NSW Acid Sulphate Soil Manual
GT0151-00001	Any dewatering activity approved under this approval shall cease after a period of two (2) years from the date of this approval, unless otherwise agreed in writing by WaterNSW (Term of the dewatering approval). Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.
GT0152-00001	This approval must be surrendered after compliance with all conditions of this approval, and prior to the expiry of the Term of the dewatering approval, in condition GT0151-00001. Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.
GT0155-00001	The following construction phase monitoring requirements apply (Works Approval): a. The monitoring bores must be installed in accordance with the number and location shown, as modified by this approval, unless otherwise



General Terms of Approval

for proposed development requiring approval
under s89, 90 or 91 of the Water Management Act 2000

Reference Number:	IDAS1145000
Issue date of GTA:	30 August 2022
Type of Approval:	Water Supply Work
Description:	80mm submersible pump
Location of work/activity:	73 Mary Street, St Peters NSW 2044
DA Number:	DA/2021/0800
LGA:	Inner West Council - Marrickville
Water Sharing Plan Area:	Greater Metropolitan Region Groundwater Sources 2011

agreed in writing with WaterNSW. b. The applicant must comply with the monitoring programme as amended by this approval (Approved Monitoring Programme). c. The applicant must submit all results from the Approved Monitoring Programme, to WaterNSW, as part of the Completion Report

SCHEDULE 1

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by WaterNSW for integrated development associated with DA/2021/0800 as provided by Council:

- Proposed Mixed-Use Development 75-85 Mary Street, St Peters - Dewatering Management Plan (209825.00.R.001.Rev1)
- Geotechnical Investigation Report (209825.00.R.002.Rev0)
- Douglas Partners Pty Ltd - Memorandum Groundwater Level Monitoring