

DRAFT CONDITIONS OF CONSENT

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):

DEFERRED COMMENCEMENT

| | Condition |
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| A. | <p>Concept DA – Stage 2</p> <p>A development application for any building works within the area identified as ‘Stage 2’ must be lodged which demonstrates the following requirements:</p> <ul style="list-style-type: none"> • Provides 248sqm of gross floor area for employment uses • Retention and adaptive reuse the existing single storey character building. At a minimum the northern elevation and roof plane must be retained and the timber roof trusses incorporated into the design. <p>Reason: To ensure the development of the site is in accordance with the provisions of Council’s site specific LEP requirement.</p> |

Evidence of the above matter(s) must be submitted to Council within 2 years otherwise the Consent will not operate.

CONCEPT DEVELOPMENT APPLICATION CONDITIONS

Terms and Reasons for Conditions

Under section 88(1)(c) of the *Environmental Planning and Assessment Regulation 2021*, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of *Environmental Planning and Assessment Act 1979*. The terms of the conditions and reasons are set out below.

| | Condition |
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| 1. | <p>Documents related to the consent</p> <p>The development must be carried out in accordance with plans and documents listed below:</p> |

| | Plan, Revision and Issue No. | Plan Name | Date | Prepared by |
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| | A-CDA11 rev 04 | Ground floor plan | 03 May 2024 | CHROFI |
| | A-CDA12 rev 04 | Roof plan | 03 May 2024 | CHROFI |
| | A-CDA51 rev 04 | Elevation 1+ 2 | 03 May 2024 | CHROFI |
| | A-CDA52 rev 04 | Elevation 3 + 4 | 03 May 2024 | CHROFI |
| | A-DA010 rev 04 | Ground floor demolition and retention plan | 03 May 2024 | CHROFI |
| | A-DA011 rev 04 | Level 1 demolition and retention plan | 03 May 2024 | CHROFI |
| | A-DA101 rev 04 | Basement 2 floor plan | 03 May 2024 | CHROFI |
| | A-DA102 rev 04 | Basement 1 floor plan | 03 May 2024 | CHROFI |
| | A-DA103 rev 04 | Ground floor plan | 03 May 2024 | CHROFI |
| | A-DA104 rev 04 | Level / podium | 03 May 2024 | CHROFI |
| | A-DA105 rev 04 | Level 2 | 03 May 2024 | CHROFI |
| | A-DA106 rev 04 | Level 3 | 03 May 2024 | CHROFI |
| | A-DA107 rev 04 | Level 4 | 03 May 2024 | CHROFI |
| | A-DA108 rev 04 | Level 5 | 03 May 2024 | CHROFI |
| | A-DA109 rev 04 | Roof plan | 03 May 2024 | CHROFI |
| | A-DA201 rev 04 | North elevation | 03 May 2024 | CHROFI |
| | A-DA202 rev 04 | East elevation | 03 May 2024 | CHROFI |
| | A-DA203 rev 04 | South elevation | 03 May 2024 | CHROFI |
| | A-DA204 rev 04 | West elevation | 03 May 2024 | CHROFI |
| | A-DA301 rev 04 | Section A & B | 03 May 2024 | CHROFI |
| | A-DA302 rev 04 | Section C & D | 03 May 2024 | CHROFI |
| | A-DA303 rev 04 | Section E & F | 03 May 2024 | CHROFI |
| | A-DA304 rev 04 | Section G & H | 03 May 2024 | CHROFI |
| | A-DA305 rev 04 | Section I & J | 03 May 2024 | CHROFI |

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| | A-DA306 rev 04 | Section K | 03 May 2024 | CHROFI |
| | A-DA307 rev 01 | Section coloured B | 03 May 2024 | CHROFI |
| | A-DA308 rev 01 | Section coloured D | 03 May 2024 | CHROFI |
| | A-DA309 rev 01 | Section coloured E | 03 May 2024 | CHROFI |
| | A-DA310 rev 01 | Section I coloured | 03 May 2024 | CHROFI |
| | A-DA311 rev 01 | Section coloured J | 03 May 2024 | CHROFI |
| | A-DA312 rev 01 | Section coloured M | 03 May 2024 | CHROFI |
| | A-DA313 rev 01 | Section coloured N | 03 May 2024 | CHROFI |
| | A-DA351 rev 02 | Detailed facade sections | 03 May 2024 | CHROFI |
| | A-DA401 rev 04 | Apartments - building A+B - level 2 | 03 May 2024 | CHROFI |
| | A-DA402 rev 04 | Apartments - building A+B - level 2 | 03 May 2024 | CHROFI |
| | A-DA403 rev 04 | Apartments - building A+B - level 2 -5 | 03 May 2024 | CHROFI |
| | A-DA404 rev 04 | Apartments - building A+B - level 3 + 4 | 03 May 2024 | CHROFI |
| | A-DA405 rev 04 | Apartments - building A+B - level 3 + 4 | 03 May 2024 | CHROFI |
| | A-DA406 rev 04 | Apartments - building A+B - level 5 | 03 May 2024 | CHROFI |
| | A-DA407 rev 04 | Apartments - building A+B - level 5 | 03 May 2024 | CHROFI |
| | A-DA408 rev 04 | Apartments - building C - level 2 | 03 May 2024 | CHROFI |
| | A-DA409 rev 04 | Apartments - building C - level 3 + 4 | 03 May 2024 | CHROFI |
| | A-DA410 rev 04 | Apartments - building C - level 3 + 4 | 03 May 2024 | CHROFI |

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| | A-DA411 rev 04 | Apartments - building C - level 5 | 03 May 2024 | CHROFI |
| | A-DA412 rev 04 | Apartments - building C - level 5 | 03 May 2024 | CHROFI |
| | A-DA413 rev 04 | Apartments - building D + E | 03 May 2024 | CHROFI |
| | A-DA414 rev 04 | Apartments - building F | 03 May 2024 | CHROFI |
| | A-DA610 rev 03 | Material palette | 03 May 2024 | CHROFI |
| | A-DA611 rev 04 | Signage | 03 May 2024 | CHROFI |
| | 2522121 rev E | Landscape Plans | 13 March 2024 | Place Design Group pty Ltd |
| | 20231948 rev 3 | Tree Protection Plan | 20 April 2023 | Australis Tree Management |
| | 20231948 rev 3 | Arboriculture Impact Assessment | 20 April 2023 | Australis Tree Management |
| | 72046.04 | Remediation Action Plan | March 2023 | Douglas Partners |
| | Project 720426.03 doc no. R.001.Rev2 | Report on Geotechnical Investigation | June 2023 | Douglas Partners |
| | C220450 Access r1 | Access Report | 12 May 2023 | Credwell |
| | 22S0007 issue C | Transport Impact Assessment | 22 May 2023 | PeopleTrans |
| | 20221426.1 rev 3 | Noise Impact Assessment | 10 May 2023 | Acoustic Logic Pty Ltd |
| | 1376956M_02 | BASIX Certificate | 1 February 2024 | ESD Synergy pty Ltd |
| | Report No. 4590 Rev F | Operational Waste Management Plan | 18 May 2023 | Elephants Foot |
| | Project: 221004 | Structural engineering report | 26 April 2023 | Xavier Knight |
| | Drawing No. C000-A, C100-C, C101-C, C102-D, C150-D, C200-B, C250-C, C320-B and C350-A | Stormwater drainage concept plan | 31 March 2023 | Xavier Knight |
| As amended by the conditions of consent. | | | | |

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| | Reason: To ensure development is carried out in accordance with the approved documents. |
| 2. | <p>Scope of Consent</p> <p>Pursuant to s4.22 of the <i>Environmental Planning and Assessment Act 1979</i> and Section 33 of the <i>Environmental Planning and Assessment Regulation 2021</i>, this Notice of Determination relates to a Concept Development Application and Stage 1 detailed design.</p> <p>This consent does not authorise the carrying out of development on any part of the site except for the portion of the site nominated as 'Stage 1', unless consent is subsequently granted to carry out development on that part of the site following a further development application in respect of that part of the site.</p> <p>Reason: To confirm the terms of the concept application.</p> |
| 3. | <p>Concept Development</p> <p>This development consent applies to the concept approval for the entire site, nominated in two stages in the concept plan and as described below:</p> <ul style="list-style-type: none"> a. Stage 1: Partial demolition of existing structures within the site including partial demotion of the character building; retention and restoration of the 2-storey character buildings, tree removal, construction and use of six buildings for 90 residential apartments and allocation of 5,752sqm of floor space for industrial uses; excavation/construction of a two-level basement including car parking for 153 vehicles for staff and residents, waste management areas and loading facilities; and public domain, communal open space, landscaping and tree planting works. b. Stage 2: Retention and adaptive reuse of the existing single storey portion of the character building, allocation 248sqm of floor space for industrial uses and construction of an unenclosed first floor link bridge. <p>Reason: To confirm the terms of the concept application.</p> |
| 4. | <p>Building Envelopes</p> <p>Building envelopes, separation distances and horizontal building envelopes are to be generally consistent with the building envelopes depicted in approved plans dated 3 May 2024; A-CDA11 rev 04; A-CDA12 rev 04; A-CDA51 rev 04; A-CDA52 rev 04, and as amended with a 6m setback on the ground floor to Cecily Street.</p> <p>Reason: To confirm the terms of the concept application.</p> |
| 5. | <p>Buildings to be Retained and Incorporated</p> <p>Future applications including Stage 2 must ensure the buildings identified as character buildings, known as former Pilchers Bakery Warehouse buildings and the former ABBCO Pty Ltd office building, are to be retained and restored including exterior facades, fenestration, and roof forms.</p> <p>Reason: To confirm the terms of the concept application.</p> |

| 6. | <p>Maximum Building Height</p> <p>The maximum height of storeys of each building must not exceed the heights identified in the approved plans dated 3 May 2024; A-CDA11 rev 04; A-CDA12 rev 04; A-CDA51 rev 04; A-CDA52 rev 04, being:</p> <table data-bbox="571 387 1177 589"> <tr> <th></th><th>storeys</th></tr> <tr> <td>Building A & B</td><td>6</td></tr> <tr> <td>Building C</td><td>6</td></tr> <tr> <td>Building D</td><td>3</td></tr> <tr> <td>Building E & F</td><td>3</td></tr> </table> <p>Reason: To confirm the terms of the concept application.</p> | | storeys | Building A & B | 6 | Building C | 6 | Building D | 3 | Building E & F | 3 |
|----------------|---|--|---------|----------------|---|------------|---|------------|---|----------------|---|
| | storeys | | | | | | | | | | |
| Building A & B | 6 | | | | | | | | | | |
| Building C | 6 | | | | | | | | | | |
| Building D | 3 | | | | | | | | | | |
| Building E & F | 3 | | | | | | | | | | |
| 7. | <p>Maximum Floor Area</p> <p>The maximum floor area must not exceed 2.2:1 for the site. This equates to a maximum gross floor area of 15,013sqm.</p> <p>Reason: To confirm the terms of the concept application.</p> | | | | | | | | | | |
| 8. | <p>Creative Industries</p> <p>Future applications will need to demonstrate that at least 1,200sqm of the 6,000sqm set aside for employment uses will be used for creative purposes as defined in Section 6.25 of the Inner West LEP 2022; includes media, advertising, fine arts and craft, design, film and television, music, publishing, performing arts, cultural heritage institutions, community facilities or other related purposes, but does not include business premises or office premises.</p> <p>Reason: To protect and promote the use of the site for creative purposes.</p> | | | | | | | | | | |
| 9. | <p>Employment Uses and Residential Amenity</p> <p>Future applications for employment uses must provide details on how noise, odour or vibration impacts on the residential dwellings within and adjoining the development have been addressed to ensure residential amenity can be maintained.</p> <p>Reason: To protect residential amenity.</p> | | | | | | | | | | |
| 10. | <p>Construction Phasing</p> <p>Stage 1 and Stage 2 can be constructed concurrently. An Occupation Certification for Stage 1 cannot be issued until a final Occupation Certificate has been issued for Stage 2.</p> <p>Reason: To confirm the terms of the concept application.</p> | | | | | | | | | | |

GENERAL CONDITIONS

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| 11. | <p>Noise – Consultant’s Recommendations</p> <p>The recommendations contained in the acoustic report prepared by Acoustic Logic reference 20221426.1/1005A/3R/JHT dated 10/05/2023 must be implemented.</p> <p>Reason: To protect the amenity of the neighbourhood and ensure that the development is carried out in accordance with the consent.</p> |
| 12. | <p>Contamination – Remedial Action Plan (No Site Auditor Engaged)</p> <p>The site is to be remediated and validated in accordance with the recommendations set out in the Remedial Action Plan, prepared by Douglas Group Pty Ltd reference 72046.04.R.001.Rev1.Lilyfield RAP dated 16 March 2023 the <i>Contaminated Land Management Act 1997</i> and the <i>State Environmental Planning Policy No 55</i>.</p> <p>Reason: To protect the amenity of the neighbourhood from contamination and ensure that the development is carried out in accordance with the consent.</p> |
| 13. | <p>Mechanical Ventilation System Certification</p> <p>The mechanical ventilation systems are to be designed, constructed and operated in accordance with the following:</p> <ul style="list-style-type: none"> a. Australian Standard AS 1668 Part 1 – 1998; b. Australian Standard AS 1668 Part 2 – 2012; c. Australian Standard 3666.1 – 2011; d. Australian Standard 3666.2 – 2011; and e. Australian Standard 3666.3 - 2011. <p>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.</p> <p>Reason: To ensure compliance with the relevant Australian Standards.</p> |
| 14. | <p>Asbestos Removal</p> <p>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).</p> <p>Removal of friable asbestos material must only be undertaken by a contractor that holds a current Class A Friable Asbestos Removal Licence.</p> |

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| | <p>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.</p> <p>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.</p> <p>Reason: To ensure compliance with the relevant environmental legislation.</p> |
| 15. | <p>Bin Storage</p> <p>All bins are to be stored within the site.</p> <p>Reason: To ensure resource recovery is promoted and residential amenity is protected.</p> |
| 16. | <p>Recycling / Garbage / Organics Service Information and Education</p> <p>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.</p> <p>Reason: To ensure resource recovery is promoted and residential amenity is protected</p> |
| 17. | <p>Separation of Commercial and Residential Waste and Recycling</p> <p>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.</p> <p>Reason: To ensure resource recovery is promoted and residential amenity is protected.</p> |
| 18. | <p>Tree Pruning or Removal (including root pruning/mapping)</p> <p>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 <i>Development Fact Sheet—Arborist Reports</i>.</p> <p>Reason: To protect and retain trees.</p> |
| 19. | <p>Dry-weather Flows</p> |

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| | <p>Dry-weather flows of any seepage water including seepage from landscaped areas will not be permitted through kerb outlets and must be connected directly to a Council stormwater system. Alternatively, the basement or any below ground structure must be designed to be “tanked” preventing the ingress of seepage or groundwater.</p> <p>Reason: To prevent continuous flow of groundwater in the kerb and gutter and to ensure no substance other than rainwater enters the stormwater system and waterways.</p> |
| 20. | <p>Rock Anchors</p> <p>This consent does not grant consent for any rock anchors on the road reserve or Council land.</p> <p>Reason: To protect Council infrastructure.</p> |
| 21. | <p>Rock Anchors</p> <p>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:</p> <ul style="list-style-type: none"> 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. <p>Reason: To ensure works are carried out in accordance with the relevant legislation.</p> |
| 22. | <p>Vehicles Leaving the Site</p> <p>All vehicles must enter and exit the site in a forward direction.</p> <p>Reason: To ensure parking facilities maintain public and pedestrian safety.</p> |
| 23. | <p>Electrical Substations</p> <p>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.</p> <p>Reason: To ensure works are carried out in accordance with the relevant legislation.</p> |

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| 24. | <p>Permits</p> <p>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 <i>Local Government Act 1993</i> and/or Section 138 of the <i>Roads Act 1993</i>. Permits are required for the following activities:</p> <ul style="list-style-type: none"> 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. <p>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.</p> <p>Reason: Reason: To ensure works are carried out in accordance with the relevant legislation.</p> |
| 25. | <p>Public Domain and Vehicular Crossings</p> <p>The vehicular crossing and/or footpath works are required to be constructed by your contractor. You or your contractor must complete an application for <i>Design of Vehicle Crossing and Public Domain Works – Step 1</i> form and <i>Construction of Vehicle Crossing and Public Domain Works – Step 2</i> form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, before commencement of works.</p> <p>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</p> <p>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.</p> |

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| | <p>Any driveway crossovers or other works within the road reserve must be provided at no cost to Council.</p> <p>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.</p> <p>Reason: To ensure works are carried out in accordance with the relevant legislation.</p> |
| 26. | <p>Awnings with Lighting</p> <p>The proposed awning must be of cantilever type and be set back at least 600mm from the kerb line. The awning must include pedestrian lighting (Category P3-AS1158) and must be maintained and owned by the property owner(s). The proposed awning must be designed to be easily removed if required in future. The owner must maintain, modify or remove the structure at any time if given notification by Council to do so. The lighting must be not be obtrusive and should be designed so that it does not shine into any adjoining residences.</p> <p>Reason: Provide all weather protection to pedestrians.</p> |
| 27. | <p>Underground Petroleum Storage System (UPSS) – Decommissioning</p> <p>The removal, replacing or decommissioning of an underground petroleum storage system must comply with the requirements of the <i>Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019</i>, the <i>Protection of the Environment Operations Act 1997</i> and Australian Standard AS4976-2008: The removal and disposal of underground petroleum storage tanks.</p> <p>Reason: To ensure compliance with the relevant environmental legislation and Australian Standards.</p> |
| 28. | <p>Microbial Control – Certification</p> <p>All cooling towers and warm water systems are to be operated and maintained in accordance with the following:</p> <ul style="list-style-type: none"> a. <i>Public Health Act 2010</i>; b. <i>Public Health Regulation 2012</i>; and c. Australian Standard AS/NZS 3666 – Air Handling and Water Systems of Buildings – Microbial Control, Parts 1, 2 & 3. <p>Reason: To ensure compliance with the relevant environmental legislation and Australian Standards.</p> |
| 29. | <p>Ausgrid Overhead Powerlines are in the vicinity of the development</p> <p>The developer should refer to SafeWork NSW Document – Work Near Overhead Powerlines: Code of Practice. This document outlines the minimum</p> |

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| | <p>separation requirements between electrical mains (overhead wires) and structures within the development site throughout the construction process. It is a statutory requirement that these distances be maintained throughout the construction phase.</p> <p>Consideration should be given to the positioning and operating of cranes, scaffolding, and sufficient clearances from all types of vehicles that are expected be entering and leaving the site.</p> <p>The “as constructed” minimum clearances to the mains must also be maintained. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid’s website at www.ausgrid.com.au.</p> <p>It is the responsibility of the developer to verify and maintain minimum clearances onsite. In the event where minimum safe clearances are not able to be met due to the design of the development, the Ausgrid mains may need to be relocated in this instance. Any Ausgrid asset relocation works will be at the developer’s cost.</p> <p>Additional information can be found in the Ausgrid Quick Reference Guide for Safety Clearances “Working Near Ausgrid Assets - Clearances”. This document can be found by visiting the following Ausgrid website: www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries</p> <p>For new connections or to alter the existing electrical connection to the property from the Ausgrid network, the proponent should engage an Accredited Service Provider and submit a connection application to Ausgrid as soon as practicable. Visit the Ausgrid website for further details: https://www.ausgrid.com.au/Connections/Get-connected</p> <p>Reason: To ensure that the relevant Ausgrid requirements are implemented</p> |
| 30. | <p>Ausgrid Underground Cables are in the vicinity of the development</p> <p>Care should be taken to ensure that construction activities do not interfere with existing underground cables located in the footpath or adjacent roadways.</p> <p>It is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Information regarding the position of cables along footpaths and roadways can be obtained by contacting Dial Before You Dig (DBYD).</p> <p>The following points should be taken into consideration:</p> <ul style="list-style-type: none"> • Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. • Should ground anchors be required in the vicinity of Ausgrid underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable. |

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| | <p>In addition to DBYD the proponent should refer to the following documents to support safety in design and construction:</p> <ul style="list-style-type: none"> • - SafeWork Australia – Excavation Code of Practice. • - Ausgrid's Network Standard NS156 which outlines the minimum requirements for working around Ausgrid's underground cables. This document can be found by visiting the Ausgrid website via www.ausgrid.com.au. • - The Ausgrid Quick Reference Guide for Safety Clearances "Working Near Ausgrid Assets - Clearances". This document can also be found by visiting the Ausgrid website : www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries <p>Reason: To ensure that the relevant Ausgrid requirements are implemented</p> |
| 31. | <p>Transport for NSW requirements</p> <ol style="list-style-type: none"> a. All buildings and structures, together with any improvements integral to the future use of the site (with the exception of pedestrian footpath awnings) shall be wholly within the freehold property (unlimited in height or depth). b. The redundant vehicle crossover(s) on Balmain Road shall be removed and replaced with kerb and gutter. The design and construction of the kerb and gutter works on Balmain Road shall be in accordance with TfNSW requirements. Details of these requirements should be obtained by email to developerworks.sydney@transport.nsw.gov.au. Detailed design plans of the proposed kerb and guttering are to be submitted to TfNSW for approval prior to the issue of a construction certificate and commencement of any road works. Please send all documentation to development.sydney@transport.nsw.gov.au. A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by TfNSW. c. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system that impact upon Balmain Road are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to development.sydney@transport.nsw.gov.au. A plan checking fee will be payable, and a performance bond may be required before TfNSW approval is issued. d. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2020/001. The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by TfNSW. Please send all documentation to development.sydney@transport.nsw.gov.au <p>Reason: To ensure the relevant TfNSW requirements are implemented.</p> |
| 32. | Other works |

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| | <p>This development application does not provide consent for any fit out and use of premises or signage content.</p> <p>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 <i>Environmental Planning and Assessment Act 1979</i>.</p> <p>Reason: To ensure compliance with legislative requirements.</p> |
| 33. | <p>Car Parking</p> <p>The development must provide and maintain within the site 153 car parking spaces must be paved and line marked, of which;</p> <ul style="list-style-type: none"> a. 97 car parking spaces are for the residential uses; b. 56 car parking spaces are for the employment uses; c. 11 car parking spaces, for persons with a disability must be provided and marked as disabled car parking spaces of which 1 must be dedicated to each of the 9 adaptable units; d. 12 residential visitor car parking spaces must be provided and marked as visitor car parking spaces. A sign legible from the street must be permanently displayed to indicate that visitor parking is available on site; e. 12 off-street motorcycle parking spaces must be provided, paved, line marked and maintained at all times; f. 128 Bicycle storage capacity within the site; g. 2 Car share parking spaces; h. 2 EV charging parking spaces; and i. 1 Loading docks/bays. <p>Reason: To ensure parking facilities are designed in accordance with the Australian Standard and Council's DCP.</p> |
| 34. | <p>Car Share</p> <p>The development must:</p> <ul style="list-style-type: none"> a. Provide two (2) dedicated electric or hybrid private car share vehicles for the use of the residents and employees only; b. Maintain, service, keep registered, keep insured (CTP and third party) and keep clean the car share vehicles for the life of the development; c. The residents and employees will not be responsible for any costs associated with the car share vehicles, with the exception that a specific person using a vehicle may be responsible for any of the following costs if incurred whilst the person is using that vehicle: i. fuel used ii. tolls incurred; iii. damage that person causes to the vehicle (to the extent that such costs are not covered by insurance); and iv. the cost of infringement notices issued in respect of the vehicle. |

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| | Reason: To confirm terms of the car share arrangement |
| 35. | 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. Reason: To protect the visual amenity of the neighbourhood. |
| 36. | 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. Reason: To protect the visual amenity of the neighbourhood. |
| 37. | Works Outside the Property Boundary This development consent does not authorise works outside the property boundaries on adjoining lands. Reason: To ensure works are in accordance with the consent. |
| 38. | 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. Reason: To protect pedestrian safety. |
| 39. | 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. Reason: To ensure compliance with legislative requirements. |
| 40. | 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: <ul style="list-style-type: none"> a. In the case of work for which a principal contractor is required to be appointed: <ul style="list-style-type: none"> i. The name and licence number of the principal contractor; and ii. The name of the insurer by which the work is insured under Part 6 of that Act. b. In the case of work to be done by an owner-builder: <ul style="list-style-type: none"> i. The name of the owner-builder; and |

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| | <p>ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.</p> <p>Reason: To ensure compliance with legislative requirements.</p> |
| 41. | <p>Dividing Fences Act</p> <p>The person acting on this consent must comply with the requirements of the <i>Dividing Fences Act 1991</i> in respect to the alterations and additions to the boundary fences.</p> <p>Reason: To ensure compliance with legislative requirements.</p> |
| 42. | <p>Construction of Vehicular Crossing</p> <p>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.</p> <p>Reason: To protect assets, infrastructure and pedestrian safety.</p> |
| 43. | <p>Lead-based Paint</p> <p>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.</p> <p>Reason: To protect human health.</p> |
| 44. | <p>Dial before you dig</p> <p>Contact "Dial Prior to You Dig" prior to commencing any building activity on the site.</p> <p>Reason: To protect assets and infrastructure.</p> |
| 45. | <p>Subsurface drainage pump-out systems</p> <p>Where it is demonstrated by detailed geotechnical investigation that the groundwater flows are minimal or intermittent, a pump out system for groundwater may be considered. An application for modification of development consent with supporting documentation must be submitted. Where this option is to be pursued dry-weather flows of any seepage water will not be permitted through kerb outlets and must be connected directly to a Council stormwater system in accordance with Council requirements.</p> |

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| | Reason: To confirm Councils stormwater requirements. |
| 46. | 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. Reason: To ensure Council assets are protected. |

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

| | Condition |
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| 47. | Hazardous Materials Survey Prior to any demolition or the issue of a Construction Certificate (whichever occurs first), the Certifying Authority must provide a hazardous materials survey to Council. The survey shall be prepared by a suitably qualified Occupational Hygienist and is to incorporate appropriate hazardous material removal and disposal methods in accordance with the requirements of SafeWork NSW. A copy of any SafeWork NSW approval documents is to be included as part of the documentation. Reason: To ensure compliance with the requirements of SafeWork NSW. |
| 48. | Each Dwelling is to have Access to a Disposal Point for All Waste Streams Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a plan demonstrating that the disposal point will be within 30m of the dwelling access (distance covered by lifts excluded). Reason: To ensure resource recovery is promoted and residential amenity is protected. |
| 49. | Bin Storage Area - Residential Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a report detailing the ongoing waste generation requirements of the development and demonstrating that the bin storage area to be provided within the site will fully accommodate the number of bins required for all waste generated by a development of this type and scale. |

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| | <p>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.</p> <p>The bin storage area is to meet the design requirements detailed in the Leichhardt DCP 2013 and must include doorways/entrance points of 1200mm.</p> <p>Reason: To ensure resource recovery is promoted and local amenity protected during construction.</p> |
| 50. | <p>Bulky Waste Storage Area – Residential</p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans demonstrating that the bulky waste storage area meets the floor area requirements as per the Leichhardt DCP 2013 and has minimum doorways of 1200mm wide to accommodate large items.</p> <p>Reason: To ensure resource recovery is promoted and local amenity protected during construction.</p> |
| 51. | <p>Waste Transfer Route</p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a plan demonstrating that the path of travel between the bin storage area/bulky waste storage area and the designated waste/recycling collection point has a minimum 1200mm wall-to-wall clearance, will be slip-proof, of a hard surface, free of obstructions and will at no point have a gradient exceeding 1:40 (for 660L bins) or 1:14 for 240L bins.</p> <p>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 storage area to the presentation point.</p> <p>Reason: To ensure resource recovery is promoted and local amenity is protected</p> |
| 52. | <p>Resource Recovery and Waste Management Plan - Demolition and Construction</p> <p>Prior to any demolition works, the Certifying Authority must be provided with a Resource Recovery and Waste Management Plan - Demolition and Construction that includes details of materials that will be excavated and their proposed destination or reuse.</p> <p>Reason: To ensure resource recovery is promoted and local amenity protected during construction.</p> |
| 53. | <p>Design Change</p> |

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| | <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans demonstrating the following:</p> <ul style="list-style-type: none"> a. The timber framed sash windows to north elevations of character buildings 1 and 2 are to be retained and repaired or reinstated as part of the proposal. The steel framed windows to Building 2 must also be retained and repaired. b. The timber door to first floor level of east elevation of Building 2 is to be retained and incorporated into the proposal. c. The landscape plan is to be revised to include the deep soil areas as shown on the ground floor plan (drawing no. A-DA103 rev 4) <p>Reason: To ensure the materials and alterations are sympathetic to the character of the Inner West, and to clarify inconsistencies within the stamped documentation.</p> |
| <p>54.</p> | <p>Tree Planting in the Public Domain</p> <p>Prior to the issue of a Construction Certificate, 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 <i>Roads Act 1993</i> incorporating the following requirements:</p> <ul style="list-style-type: none"> a. Five (5) new trees shall be located within the footpath outside the subject property on Balmain Road. The species of tree selected shall be <i>Lophostemon confertus</i> (Brush Box); b. The trees are to be planted at minimum 4.5 metre spacings; c. All planting stock size shall be minimum 200 litres; d. The planting stock shall comply with AS 2303—<i>Tree Stock for Landscape Use</i>; e. The new tree shall be planted by a qualified horticulturist or arborist, with a minimum qualification of Certificate 3 in Horticulture or Arboriculture; f. The tree pit (pavement 'cutouts') minimum dimensions shall be 2m x 0.9m and planting detail generally in accordance with Detail 10 on page 137 of the <i>Marrickville Street Tree Strategy 2014</i>, structural soil is to be used; g. The tree pits are to be located in an appropriate location so that street trees are able to be planted a minimum of 1.25m away from the boundary and other structures. h. Where resin bonded porous paving is not used the tree pits shall be planted out with suitable grasses or low shrubs selected from the list at 2.18.13 of the Marrickville DCP. There shall be no plants within 300mm of the tree trunks. i. The awning configuration must be detailed on the plan. All construction plans shall show the awning on Fred Street, Cecily Street, Alberto Street and Balmain Road frontages to be setback around the street trees. The awning must be setback a minimum of 1500mm from the back of the kerb for a minimum distance of 1800mm either side of each tree location; and j. 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. Refer to Appendix 6.6 (Detail 10) of the |

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| | <p>Marrickville Street Tree Master Plan 2014 for indicative detail, noting that structural soil is approved in this case.</p> <p>k. The trees and tree pits must be inspected by Council's Public Tree Coordinator before and after planting. The plans must be annotated with this requirement Note: The soil vault may require a drainage system if the surrounding soil type will not naturally provide adequate drainage.</p> <p>Reason: To ensure appropriate tree planting is undertaken.</p> | | | | |
| 55. | <p>Security Deposit</p> <p>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.</p> <table border="1"> <tr> <td>Security Deposit:</td><td>\$822,767.00</td></tr> <tr> <td>Inspection Fee:</td><td>\$374.50</td></tr> </table> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Reason: To ensure required security deposits are paid.</p> | Security Deposit: | \$822,767.00 | Inspection Fee: | \$374.50 |
| Security Deposit: | \$822,767.00 | | | | |
| Inspection Fee: | \$374.50 | | | | |
| 56. | <p>Stormwater Drainage System – Major Developments</p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with stormwater drainage design plans incorporating on site stormwater detention and/or on site retention/ re-use facilities (OSR/OSD) and Stormwater Quality</p> | | | | |

Improvement Devices (SQIDS), certified by a suitably experienced Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) that the design of the site drainage system complies with the following specific requirements:

- a. The design must be generally in accordance with the stormwater drainage concept plan on Drawing No. C000-A, C100-C, C101-C, C102-D, C150-D, C200-B, C250-C, C320-B and C350-A, prepared by Xavier Knight, as amended to comply with the following;
- b. Stormwater runoff from all surface areas within the property must be collected in a system of gutters, pits and pipelines and be discharged together with overflow pipelines from any rainwater tank(s) by gravity to Council's piped drainage system via the OSD/OSR tanks;
- c. Comply with Council's Stormwater Drainage Code, Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2018 'Stormwater Drainage' and Council's DCP.
- d. Charged or pump-out stormwater drainage systems are not permitted including for roof drainage other than for the pump-out of subsurface flows and surface flows from the driveway from the basement;
- e. The Drainage Plan must detail the existing and proposed site drainage layout, size, class and grade of pipelines, pit types, roof gutter and downpipe sizes;
- f. The plans, including supporting calculations, must demonstrate that the post development flows for the 100 year ARI storm are restricted to the pre development flows for the 5 year ARI storm event in accordance with Section E1.2.3 (C2 and C3) of Council's DCP2013 and the maximum allowable discharge to Council's street gutter limited to 15 litres/second (flooding ARI);
- g. So as not to exacerbate flooding in Fred Street during more frequent events (2 year ARI) the primary orifice shall be reduced in size to 150mm. A secondary orifice may be introduced at a higher level in the OSD storage to allow for the 5 year ARI storm event when combined with the primary orifice;
- h. The rain garden shall wholly contained within the site boundaries;
- i. OSD may be reduced or replaced by on site retention (OSR) for rainwater reuse in accordance with the relevant DCP that applies to the land. Where this is pursued, the proposed on-site retention (OSR) tanks must be connected to a pump system for internal reuse for laundry purposes, the flushing of all toilets and for outdoor usage such as irrigation. Surface water must not be drained to rainwater tanks where the collected water is to be used to supply water inside the dwelling, such as for toilet flushing or laundry use;
- 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. 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:

- a. Comply with all relevant Australian Standards;
- b. An overflow, flashing light and audible alarm is to be provided to warn of pump failure;
- c. A maintenance regime for the pump system must be provided, including provision for regular maintenance and servicing at least every 6 months;
- d. 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;
- e. Where OSD facilities are required by this consent, the pump system must be discharged to the OSD storage tank;
- m. No nuisance or concentration of flows to other properties;
- n. The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system;
- o. An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets;
- p. Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site;
- q. All stormwater outlets through sandstone kerbs must be carefully core drilled in accordance with Council standard drawings;
- r. All redundant pipelines within footpath area must be removed and footpath/kerb reinstated;
- s. Water quality filtration basket(s) with screening bag or similar primary treatment device(s) must be installed on the site stormwater drainage system such that all water entering the site stormwater drainage system is filtered by the device(s);
- t. Stormwater quality improvement devices must be installed such that stormwater flows leaving the site meet the following environmental targets:

| Pollutant | Baseline Annual Pollution Load (kg/ha/yr) | Retention Criteria |
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| 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 |

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| | Hydrocarbons (Oil and Grease) | | 90% reduction of average annual load – no visible discharge |
| | Toxicants | | 100% containment of toxicants |
| | <ul style="list-style-type: none"> u. 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; v. 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. w. Dry-weather flows of any seepage water including seepage from landscaped areas will not be permitted through kerb outlets and must be connected directly to a Council stormwater system. Alternatively, the basement must be fully "tanked" so as not to allow the ingress of seepage or groundwater. x. No impact to street tree(s). <p>Reason: To ensure that the adequate provision of stormwater drainage is provided.</p> | | |
| 57. | Structural and Geotechnical Report | | |
| | <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with an integrated structural and geotechnical report and structural plans that address the design of the proposed basement, prepared certified as compliant with the terms of this condition by a qualified 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:</p> <ul style="list-style-type: none"> a. The basement must be fully tanked to prevent the ingress of subsurface flows; 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; | | |

| | <p>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</p> <p>h. Provide relevant geotechnical/ subsurface conditions of the site, as determined by a full geotechnical investigation.</p> <p>Reason: To ensure that the design of the basement is structurally sound and has been appropriately certified.</p> | | | | | | | | | | | | |
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| 58. | <p>Waste Collection</p> <p>Prior to the issue of a Construction Certificate 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:</p> <table border="1"> <thead> <tr> <th>Dimension</th><th>Measurement</th></tr> </thead> <tbody> <tr> <td>Length:</td><td>9.5metres</td></tr> <tr> <td>Width:</td><td>2.5 metres</td></tr> <tr> <td>Height (travel):</td><td>4.5 metres</td></tr> <tr> <td>Weight (loaded):</td><td>26 tonnes</td></tr> <tr> <td>Turning Circle:</td><td>26 metres</td></tr> </tbody> </table> <p>Reason: To ensure waste collection can safely enter and exit a property.</p> | Dimension | Measurement | Length: | 9.5metres | Width: | 2.5 metres | Height (travel): | 4.5 metres | Weight (loaded): | 26 tonnes | Turning Circle: | 26 metres |
| Dimension | Measurement | | | | | | | | | | | | |
| Length: | 9.5metres | | | | | | | | | | | | |
| Width: | 2.5 metres | | | | | | | | | | | | |
| Height (travel): | 4.5 metres | | | | | | | | | | | | |
| Weight (loaded): | 26 tonnes | | | | | | | | | | | | |
| Turning Circle: | 26 metres | | | | | | | | | | | | |
| 59. | <p>Public Domain Works – Prior to Construction Certificate</p> <p>Prior to the issue of a Construction Certificate, 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 <i>Roads Act 1993</i> incorporating the following requirements:</p> <ol style="list-style-type: none"> The public domain along all frontages of the site inclusive of footpath paving, kerb, street trees, landscaping, street furniture, etc. must be reconstructed and upgraded in accordance with the Street Tree Master plan and the Public Domain Design Guide or scheme; The construction of heavy duty vehicular crossings to all vehicular access locations and removal of all redundant vehicular crossings to the site; New footpath and kerb and gutter along the frontage of the site. The kerb type (concrete or stone) must be consistent with the majority of kerb type at this location as determine by the Council Engineer; | | | | | | | | | | | | |

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| | <ul style="list-style-type: none"> d. Cross sections are to be provided at the boundary at a minimum distance of every 5m and at all pedestrian and vehicular access locations. Note, the cross fall of the footpath must be set at 2.5%. These sections will set the alignment levels at the boundary. e. The existing Council drainage system must be extended by an appropriately sized pipeline (minimum 375mm diameter) to the frontage of the site, where a kerb inlet pit (minimum 3m lintel) must be installed; f. In Cecily Street all Trees and the proposed rain garden shall be located wholly within the site boundary; g. So as to formalise ownership any discrete landscape or public domain element such as tree planter beds, street furniture etc shall be placed so that they are wholly within the site boundary or wholly outside, ie the boundary shall not run through it. 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. Connection of the private drainage system to Council's piped drainage system must be at a stormwater drainage pit at a level 300mm above the invert of the outgoing pipe. <p>All works must be completed prior to the issue of an Occupation Certificate.</p> <p>Reason: To ensure public domain works are constructed to Council's standards</p> |
| 60. | <p>Parking Facilities – Major (including basement)</p> <p>Prior to the issue of a Construction Certificate, 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:</p> <ul style="list-style-type: none"> a. The floor/finished levels within the property must be adjusted to ensure that the levels at the boundary comply with the Alignment Levels issued with this consent; b. 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; |

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| | <ul style="list-style-type: none"> 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 and Council's waste Vehicle 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: <ul style="list-style-type: none"> i. Car spaces adjacent to walls or fences are increased in width by an additional 300mm; ii. End spaces are provided with an additional 1m aisle extension; and iii. The location of columns within the carpark complies with figure 5.1 of AS/NZS 2890.1-2004. 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 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. The curved section of the ramp is designed in accordance with AS/NZS 2890.1-2004 with grades measured along the inside radius; m. All loading docks and parking bays are designed such that all vehicular movements to and from the proposed development are in a forward direction; n. The entry security door must be set back a minimum of 5500mm from the property boundary; o. Loading / unloading facilities must be provided on-site in accordance with the requirements of AS2890.2 – 2002; <p>Reason: To ensure parking facilities are designed in accordance with the Australian Standard and council's DCP.</p> |
| 61. | <p>Dilapidation Report – Pre-Development – Major</p> <p>Prior to the issue of a Construction Certificate or any demolition, the Certifying Authority must be provided with a dilapidation report on the visible and structural condition of the following public infrastructure:</p> <ul style="list-style-type: none"> a. Full width of Alberto Street, including road pavement, stormwater drainage infrastructure, kerb and gutter and footpath for the full frontage of the site; b. Full width of Cecily Street, including road pavement, stormwater drainage infrastructure, kerb and gutter and footpath for the full frontage of the site; |

| | <p>c. Full width of Fred Street, including road pavement, stormwater drainage infrastructure, kerb and gutter and footpath for the full frontage of the site;</p> <p>d. Half-width of Balmain Road adjacent the site, including road pavement, stormwater drainage infrastructure, kerb and gutter and footpath, between Alberto Street and Cecily Street;</p> <p>e. 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).</p> <p>Reason: To ensure Council assets are protected.</p> | | | | | | | | | | | | | | |
|-------------------------|---|-----------------------|--------|-------------------------|----------------|----------------------|--------------|-----------|--------------|---------------------|-------------|----------|-------------|--------------|-----------------------|
| 62. | <p>Noise General – Acoustic Report</p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with an acoustic report demonstrating that noise and vibration from the operation of the premises will satisfy the relevant provisions of the <i>Protection of the Environment Operations Act 1997</i> and Regulations and relevant state and local policies and guidelines. The acoustic report is to be prepared by a suitably qualified and experienced acoustic consultant and any recommendations must be consistent with the approved plans.</p> <p>Reason: To protect the amenity of the neighbourhood.</p> | | | | | | | | | | | | | | |
| 63. | <p>Section 7.11 Contribution</p> <p>In accordance with section 7.11 of the <i>Environmental Planning and Assessment Act 1979</i> and the Inner West Local Infrastructure Contribution Plan 2023 (the Plan), the following monetary contributions shall be paid to Council to cater for the increased demand for local infrastructure resulting from the development:</p> <table border="1"> <thead> <tr> <th>Contribution Category</th><th>Amount</th></tr> </thead> <tbody> <tr> <td>Open Space & Recreation</td><td>\$1,286,997.00</td></tr> <tr> <td>Community Facilities</td><td>\$238,539.00</td></tr> <tr> <td>Transport</td><td>\$169,205.00</td></tr> <tr> <td>Plan Administration</td><td>\$16,525.00</td></tr> <tr> <td>Drainage</td><td>\$88,734.00</td></tr> <tr> <td>TOTAL</td><td>\$1,800,000.00</td></tr> </tbody> </table> <p>At the time of payment, the contributions payable will be adjusted for inflation in accordance with indexation provisions in the Plan in the following manner:</p> <ul style="list-style-type: none"> • $C_{\text{payment}} = C_{\text{consent}} \times (CPI_{\text{payment}} \div CPI_{\text{consent}})$ • Where: <ul style="list-style-type: none"> • C_{payment} = is the contribution at time of payment • C_{consent} = is the contribution at the time of consent, as shown above • CPI_{consent} = is the Consumer Price Index (All Groups Index) for Sydney at the date the contribution amount above was calculated being 137.7 for the July 2024 quarter. • CPI_{payment} = is the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics that applies at the time of payment | Contribution Category | Amount | Open Space & Recreation | \$1,286,997.00 | Community Facilities | \$238,539.00 | Transport | \$169,205.00 | Plan Administration | \$16,525.00 | Drainage | \$88,734.00 | TOTAL | \$1,800,000.00 |
| Contribution Category | Amount | | | | | | | | | | | | | | |
| Open Space & Recreation | \$1,286,997.00 | | | | | | | | | | | | | | |
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| Transport | \$169,205.00 | | | | | | | | | | | | | | |
| Plan Administration | \$16,525.00 | | | | | | | | | | | | | | |
| Drainage | \$88,734.00 | | | | | | | | | | | | | | |
| TOTAL | \$1,800,000.00 | | | | | | | | | | | | | | |

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| | <p>Note: The contribution payable will not be less than the contribution specified in this condition.</p> <p>The monetary contributions must be paid to Council (i) <u>if the development is for subdivision – prior to the issue of the subdivision certificate</u>, or (ii) if the development is for building work – prior to the issue of the first construction certificate, or (iii) if the development involves both subdivision and building work – prior to issue of the subdivision certificate or first construction certificate, whichever occurs first, or (iv) if the development does not require a construction certificate or subdivision certificate – prior to the works commencing.</p> <p><u>It is the professional responsibility of the principal certifying authority to ensure that the monetary contributions have been paid to Council in accordance with the above timeframes.</u></p> <p>Council's Plan may be viewed at www.innerwest.nsw.gov.au or during normal business hours at any of Council's customer service centres.</p> <p>Please contact any of Council's customer service centres at council@innerwest.nsw.gov.au or 9392 5000 to request an invoice confirming the indexed contribution amount payable. Please allow a minimum of 2 business days for the invoice to be issued.</p> <p>Once the invoice is obtained, payment may be made via (i) BPAY (preferred), (ii) credit card / debit card (AMEX, Mastercard and Visa only; log on to www.innerwest.nsw.gov.au/invoice; please note that a fee of 0.75 per cent applies to credit cards), (iii) in person (at any of Council's customer service centres), or (iv) by mail (make cheque payable to 'Inner West Council' with a copy of your remittance to PO Box 14 Petersham NSW 2049).</p> <p>The invoice will be valid for 3 months. If the contribution is not paid by this time, please contact Council's customer service centres to obtain an updated invoice. The contribution amount will be adjusted to reflect the latest value of the Consumer Price Index (All Groups Index) for Sydney.</p> <p>Reason: To ensure payment of the required development contribution.</p> |
| 64. | <p>Residential Flat Buildings – Adaptable Dwellings</p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority, must be provided with plans that demonstrate 9 units are Adaptable units.</p> <p>No works are to occur to the premises that would prevent the Adaptable units from being adapted for persons with a disability.</p> <p>Reason: To ensure adaptable units are designed in accordance with the relevant Australian Standard.</p> |

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| 65. | <p>Long Service Levy</p> <p>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 0.25% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$250,000 or more.</p> <p>Reason: To ensure the long service levy is paid.</p> |
| 66. | <p>Structural Certificate for retained elements of the building</p> <p>Prior to the issue of a Construction Certificate, 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.</p> <p>Reason: To ensure the structural adequacy of the works.</p> |
| 67. | <p>Sydney Water – Tap In</p> <p>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.</p> <p>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.</p> <p>Reason: To ensure relevant utility and service provides requirements are provided to the certifier.</p> |
| 68. | <p>Acoustic Report – Aircraft Noise</p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans detailing the recommendations of an acoustic report prepared by a suitably qualified Acoustic Engineer demonstrating compliance of the development with the relevant provisions of Australian Standard AS 2021:2015 Acoustics – Aircraft noise intrusion – Building siting and construction.</p> <p>Reason: To ensure all noise attenuation is in accordance with the relevant Australian Standard.</p> |
| 69. | <p>Fibre-ready Facilities</p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with evidence that arrangements have been made for:</p> |

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| | <p>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.</p> <p>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.</p> <p>Reason: To ensure relevant utility and service providers' requirements are provided to the certifier.</p> |
| 70. | <p>Concealment of Plumbing and Ductwork</p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans detailing the method of concealment of all plumbing and ductwork (excluding stormwater downpipes) within the outer walls of the building so they are not visible.</p> <p>Reason: To protect the visual amenity of the neighbourhood.</p> |
| 71. | <p>Future Food Use - Mechanical Ventilation Provision</p> <p>Prior to the issue of a Construction Certificate, the mechanical exhaust systems and/or shafts must be designed to allow for the discharge of effluent air above roof level and must be designed with capacity to accommodate exhaust ducts and mechanical ventilation systems for any tenancies with the potential to become artisan food and drink 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.</p> <p>Reason: To protect the amenity of the neighbourhood and to ensure all mechanical ventilation is in accordance with the relevant Australian Standards.</p> |
| 72. | <p>Green Roofs, Walls and Facades Report</p> <p>Prior to the issue of Construction Certificate, the Certifying Authority is to be provided with a report prepared by a registered landscape architect demonstrating that the proposed landscape plan and details of any green roofs, wall and facades 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.</p> <p>Reason: To ensure landscaping is maintained.</p> |
| 73. | <p>Driveway Long Section</p> <p>Prior to the issue of a Construction Certificate, 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,</p> |

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| | <p>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. 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.</p> <p>Reason: To ensure parking facilities are designed in accordance with the Australian Standard and council's DCP.</p> |
| 74. | <p>Light Spill</p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with details demonstrating that any lighting of the premises complies with Australian Standard AS4282:2019: Control of Obtrusive Effects of Outdoor Lighting.</p> <p>Reason: To protect the amenity of the neighbourhood.</p> |
| 75. | <p>Provision of litter bins in Walkways</p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with an amended Landscape Plan showing placement of four litter bins in the public open space within the site.</p> <p>The submitted Waste and Recycling Management Plan must also be amended to reflect inclusion of these bins, and that the bins need to be installed, maintained and emptied at no cost to Council.</p> <p>Reason: To ensure resource recovery is promoted and residential amenity is protected.</p> |
| 76. | <p>Heritage Interpretation Plan</p> <p>A Heritage Interpretation Plan for the site, including the 1907 former Pilchers Bakery and the c.1917 former Administrative Building, must be submitted to and approved by Council's Heritage Specialist prior to the issue of a Construction Certificate. The plan is to be prepared by a suitably qualified and experienced heritage practitioner or historian in accordance with the 'Heritage Interpretation Policy' published by the Heritage Council of NSW and the NSW Department of Planning in August 2005 and 'Heritage Information. Series, Interpreting Heritage Places and Items Guidelines' published by the former NSW Heritage Office in August 2005.</p> <p>The interpretation plan must detail how information on the history and significance of the former Pilchers Bakery and the Automatic Bread Baking Company will be provided for the public and make recommendations regarding public accessibility, signage and lighting. Public art, details of the heritage design, the display of selected artefacts are some of the means that can be used. The plan must specify the location, type, making materials and contents of the interpretation device being proposed and further develop</p> |

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| | <p>the identified locations and the options for public art, as identified in Drawing No. A-DA612 prepared by CHROFI (dated 17 May 2023).</p> <p>Reason: To ensure that the history of the Inner West is recorded and is made publicly available as part of the development.</p> |
| 77. | <p>Public Art</p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority is required to ensure amended plans including a public art feature in 'Alberto Lane' and locations identified in Drawing No. D-DA612 rev 4 prepared by CHROFI (dated 5 May 2024) for public artworks within the site have been submitted to and approved by Council Living Arts Team.</p> <p>A public art feature shall be designed and constructed/installed at the owners cost. This feature shall provide visual interest for pedestrians and interpret or reflect the local setting and/or landscape character and/or the cultural setting of the area. The feature shall be of an appropriate size. The feature shall be designed to ensure long-term durability and be resistant to vandalism.</p> <p>Reason: To confirm the details of the public art feature and ensure that the design is appropriate to the site.</p> |
| 78. | <p>Reinstatement of part parapet detail to Character Building</p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a western elevation of the western most Character Building showing the detail of the proposed reinstatement of the parapet detail around from the front façade. The parapet detail must match the treatment of the fascia and guttering to the eastern façade of the building, e.g. continue the brackets and corbelled parapet to the return, but not for the entire length of the elevation.</p> <p>Reason: To ensure the works conserve and maintain the cultural heritage of the Inner West.</p> |
| 79. | <p>Ecologically Sustainable Development</p> <p>Prior to the issue of a Construction Certificate, the Principal Certifier must be provided with evidence that the building is registered for a minimum 5-star Green Star rating with the Green Building Council Australia.</p> <p>Reason: To ensure efficient and sustainable use of energy and resources in accordance with ecologically sustainable development principles.</p> |
| 80. | <p>Lighting Strategy</p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority is to be provided with a safe lighting strategy along the publicly accessible open spaces. The lighting strategy must include details on pedestrian lighting (Category P3-AS1158) and is to be maintained and owned by the property owner(s). The lighting must be not be</p> |

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| | obtrusive and should be designed so that it does not shine into any adjoining residences. Reason: To ensure the site is safe at night. |
| 81. | Storage |
| | Prior to the issue of a Construction Certificate, the Certifying Authority is to be provided with an amended basement 2 floor plan which provides details or basement storage allocations to each unit which comply with the requirements in the Apartment Design Guide. Reason: To ensure appropriate storage volumes are provided. |
| 82. | Travel Plan |
| | <p>Prior to the issue of a Construction Certificate, the Certifying Authority is to be provided with a site-specific travel plan which includes:</p> <ul style="list-style-type: none"> a. Provision of on-site car share spaces or car share membership for building occupants; b. Details regarding facilities for charging electrical vehicles; c. Establishment of self-managed car pool systems; d. "Welcome packs" for new building occupants, which provide information on sustainable transport choices including bus stops, light rail stops, cycleways and public transport timetables; e. Bike share facilities; f. Management initiatives for employees including subsidised public transport. Provision of peak period shuttle buses, locality-based relocation allowances, subsidised bicycle purchase and flexible working hours; and g. Sustainable transport web-portal, on-site displays, or digital apps, as information for both building occupants and visitors. <p>Reason: To reduce private car dependency for a development by encouraging use of more sustainable transport modes.</p> |

BEFORE BUILDING WORK COMMENCES

| | Condition |
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| 83. | Project Arborist |
| | <p>Prior to the commencement of any demolition or construction works within close proximity to protected trees 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.</p> <p>Reason: To protect and retain trees.</p> |
| 84. | Tree Protection Zone |

| | <p>To protect the following trees, no work must commence until their Protection Zone is fenced off at the specified radius from the trunks to prevent any activities, storage or the disposal of materials within the fenced area in accordance with the Tree Protection Plan. The fences (including existing boundary fencing) must be maintained intact until the completion of all demolition/building work on site.</p> <table><tr><th>Tree No.</th><th>Botanical/Common Name</th><th>Location</th><th>Radius in metres</th></tr><tr><td>4</td><td><i>Howea forsteriana</i> (Kentia Palm)</td><td>Neighbouring property 14-22 Fred Street.</td><td>In accordance with the Tree Protection Plan by Australis Tree Management dated 20th April 2023</td></tr><tr><td>5</td><td><i>Elaeocarpus reticulatus</i> (Blueberry Ash)</td><td>Neighbouring property 14-22 Fred Street.</td><td>In accordance with the Tree Protection Plan by Australis Tree Management dated 20th April 2023</td></tr><tr><td>7</td><td><i>Elaeocarpus reticulatus</i> (Blueberrysh)</td><td>Neighbouring property 14-22 Fred Street.</td><td>In accordance with the Tree Protection Plan by Australis Tree Management dated 20th April 2023</td></tr><tr><td>8</td><td><i>Callistemon viminalis</i> (Weeping Bottlebrush)</td><td>Neighbouring property 14-22 Fred Street.</td><td>In accordance with the Tree Protection Plan by Australis Tree Management dated 20th April 2023</td></tr></table> <p>Reason: To protect and retain trees.</p> | Tree No. | Botanical/Common Name | Location | Radius in metres | 4 | <i>Howea forsteriana</i> (Kentia Palm) | Neighbouring property 14-22 Fred Street. | In accordance with the Tree Protection Plan by Australis Tree Management dated 20th April 2023 | 5 | <i>Elaeocarpus reticulatus</i> (Blueberry Ash) | Neighbouring property 14-22 Fred Street. | In accordance with the Tree Protection Plan by Australis Tree Management dated 20th April 2023 | 7 | <i>Elaeocarpus reticulatus</i> (Blueberrysh) | Neighbouring property 14-22 Fred Street. | In accordance with the Tree Protection Plan by Australis Tree Management dated 20th April 2023 | 8 | <i>Callistemon viminalis</i> (Weeping Bottlebrush) | Neighbouring property 14-22 Fred Street. | In accordance with the Tree Protection Plan by Australis Tree Management dated 20th April 2023 |
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| Tree No. | Botanical/Common Name | Location | Radius in metres | | | | | | | | | | | | | | | | | | |
| 4 | <i>Howea forsteriana</i> (Kentia Palm) | Neighbouring property 14-22 Fred Street. | In accordance with the Tree Protection Plan by Australis Tree Management dated 20th April 2023 | | | | | | | | | | | | | | | | | | |
| 5 | <i>Elaeocarpus reticulatus</i> (Blueberry Ash) | Neighbouring property 14-22 Fred Street. | In accordance with the Tree Protection Plan by Australis Tree Management dated 20th April 2023 | | | | | | | | | | | | | | | | | | |
| 7 | <i>Elaeocarpus reticulatus</i> (Blueberrysh) | Neighbouring property 14-22 Fred Street. | In accordance with the Tree Protection Plan by Australis Tree Management dated 20th April 2023 | | | | | | | | | | | | | | | | | | |
| 8 | <i>Callistemon viminalis</i> (Weeping Bottlebrush) | Neighbouring property 14-22 Fred Street. | In accordance with the Tree Protection Plan by Australis Tree Management dated 20th April 2023 | | | | | | | | | | | | | | | | | | |
| 85. | <p>Waste Management Plan</p> <p>Prior to the commencement of any works (including any demolition works), the Certifying Authority is required to be provided with a Recycling and Waste Management Plan (RWMP) in accordance with the relevant Development Control Plan.</p> <p>Reason: To ensure resource recovery is promoted and local amenity is maintained.</p> | | | | | | | | | | | | | | | | | | | | |
| 86. | <p>Erosion and Sediment Control</p> <p>Prior to the issue of a commencement of any works (including any demolition works), the Certifying Authority must be provided with an erosion and sediment control plan and specification. Sediment control devices must be installed and maintained in proper working order to prevent sediment discharge from the construction site.</p> <p>Reason: To ensure resource recovery is promoted and local amenity is maintained.</p> | | | | | | | | | | | | | | | | | | | | |
| 87. | <p>Verification of Levels and Location</p> <p>Prior to the pouring of the ground floor slab or at dampcourse level, whichever is applicable or occurs first, the Principal Certifier must be provided with a survey levels</p> | | | | | | | | | | | | | | | | | | | | |

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| | <p>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.</p> <p>Reason: To ensure works are in accordance with the consent.</p> |
| 88. | <p>Dilapidation Report</p> <p>Prior to any works commencing (including demolition), the Certifying Authority and owners of identified properties, must be provided with a colour copy of a dilapidation report prepared by a suitably qualified person. The report is required to include colour photographs of all the identified property 14-22 Alberto Street 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.</p> <p>Reason: To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report.</p> |
| 89. | <p>Construction Fencing</p> <p>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.</p> <p>Reason: To protect the built environment from construction works.</p> |

DURING BUILDING WORK

| | Condition |
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| 90. | <p>Contamination – New Evidence</p> <p>Any new information revealed during demolition, remediation or construction works that have the potential to alter previous conclusions about site contamination must be immediately notified to the Council and the Certifying Authority.</p> <p>Reason: To protect the amenity of the neighbourhood from contamination.</p> |
| 91. | <p>Imported Fill Materials</p> <p>All imported fill on the site shall be validated as Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM), in accordance with NSW Environment Protection Authority guidelines, 'Consultants Reporting on Contaminated Sites' (August 2011) to ensure the imported fill is suitable for the proposed land use.</p> <p>All fill imported onto the site shall be validated by either one or both of the following methods:</p> |

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| | | | property on Balmain Road | | | | | | | | | | |
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| | 3 | <i>Tristaniopsis laurina</i> (Water Gum) | Council owned tree within grass verge on Alberto Street | Removal | | | | | | | | | |
| | 6 | <i>Callistemon viminalis</i> (Weeping Bottlebrush) | Onsite, in south west car parking area | Removal | | | | | | | | | |
| | 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 | <i>Platanus x acerifolius</i> (London Plane Tree) x12 | Council owned trees within grass verge in front of property on Fred Street | Removal | | | | | | | | | |
| | <p>The removal of any street tree approved by Council must include complete stump removal (to a minimum depth of 400mm) and the temporary reinstatement of levels so that no trip or fall hazards exist until suitable replanting occurs. These works must be completed immediately following the tree/s removal.</p> <p>Removal or pruning of any other tree (that would require consent of Council) on the site is not approved and shall be retained and protected in accordance with Council's <i>Development Fact Sheet—Trees on Development Sites</i>.</p> <p>Reason: To identify trees permitted to be pruned or removed.</p> | | | | | | | | | | | | |
| 94. | Inspections by Project Arborist | | | | | | | | | | | | |
| | <p>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:</p> | | | | | | | | | | | | |
| | <table><tr><th>Tree No./ Botanical/ Common Name/ Location</th><th>Time of Inspection</th><th>Key stage/ Hold point</th></tr><tr><td>Tree 4 - <i>Howea forsteriana</i> (Kentia Palm) - Neighbouring property 14-22 Fred Street.</td><td colspan="2" rowspan="4">In accordance with the approved Tree Protection Plan and Section 11 of the Arboricultural Impact Assessment prepared by Australis Tree Management dated 20th April 2023 as well as section 4 of AS4970—<i>Protection of trees on development sites</i>.</td></tr><tr><td>Tree 5 - <i>Elaeocarpus reticulatus</i> (Blueberry Ash) - Neighbouring property 14-22 Fred Street.</td></tr><tr><td>Tree 7 - <i>Elaeocarpus reticulatus</i> (Blueberry Ash) - Neighbouring property 14-22 Fred Street.</td></tr><tr><td>Tree 8 - <i>Callistemon viminalis</i> (Weeping Bottlebrush) - Neighbouring property 14-22 Fred Street.</td></tr></table> | | | | Tree No./ Botanical/ Common Name/ Location | Time of Inspection | Key stage/ Hold point | Tree 4 - <i>Howea forsteriana</i> (Kentia Palm) - Neighbouring property 14-22 Fred Street. | In accordance with the approved Tree Protection Plan and Section 11 of the Arboricultural Impact Assessment prepared by Australis Tree Management dated 20th April 2023 as well as section 4 of AS4970— <i>Protection of trees on development sites</i> . | | Tree 5 - <i>Elaeocarpus reticulatus</i> (Blueberry Ash) - Neighbouring property 14-22 Fred Street. | Tree 7 - <i>Elaeocarpus reticulatus</i> (Blueberry Ash) - Neighbouring property 14-22 Fred Street. | Tree 8 - <i>Callistemon viminalis</i> (Weeping Bottlebrush) - Neighbouring property 14-22 Fred Street. |
| Tree No./ Botanical/ Common Name/ Location | Time of Inspection | Key stage/ Hold point | | | | | | | | | | | |
| Tree 4 - <i>Howea forsteriana</i> (Kentia Palm) - Neighbouring property 14-22 Fred Street. | In accordance with the approved Tree Protection Plan and Section 11 of the Arboricultural Impact Assessment prepared by Australis Tree Management dated 20th April 2023 as well as section 4 of AS4970— <i>Protection of trees on development sites</i> . | | | | | | | | | | | | |
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| Tree 8 - <i>Callistemon viminalis</i> (Weeping Bottlebrush) - Neighbouring property 14-22 Fred Street. | | | | | | | | | | | | | |

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| | <p>Recommendations to ensure the trees long term survival must be carried out immediately upon receipt of the report.</p> <p>Reason: To protect and retain trees</p> |
| 95. | <p>Arborists standards</p> <p>All tree work must be undertaken by a practicing Arborist. The work must be undertaken in accordance with AS4373—<i>Pruning of amenity trees</i> and the Safe Work Australia Code of Practice—<i>Guide to Managing Risks of Tree Trimming and Removal Work</i>. 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.</p> <p>Reason: To ensure compliance with legislative requirements.</p> |
| 96. | <p>Tree Protection Works</p> <p>All tree protection for the site must be undertaken in accordance with Council's <i>Development Fact Sheet—Trees on Development Sites</i> and AS4970—<i>Protection of trees on development sites</i>.</p> <p>Reason: To protect and retain trees.</p> |
| 97. | <p>Advising Neighbours Prior to Excavation</p> <p>At least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, reasonable notice must be provided to the owner of the adjoining allotment of land including particulars of the excavation.</p> <p>Reason: To ensure surrounding properties are adequately notified of the proposed works.</p> |
| 98. | <p>Construction Hours – Class 2-9</p> <p>Unless otherwise approved by Council, excavation, demolition, construction or subdivision work must only be permitted during the following hours:</p> <p>7:00am to 6.00pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm); 8:00am to 1:00pm on Saturdays with no demolition works occurring during this time; and at no time on Sundays or public holidays.</p> <p>Works may be undertaken outside these hours where they do not create any nuisance to neighbouring properties in terms of dust, noise, vibration etc. and do not entail the use of power tools, hammers etc. This may include but is not limited to painting.</p> |

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| | <p>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.</p> <p>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.</p> <p>Activities generating noise levels greater than 75dB(A) such as rock breaking, rock hammering, sheet piling and pile driving must be limited to 8:00am to 12:00pm, Monday to Saturday; and 2:00pm to 5:00pm Monday to Friday.</p> <p>The person acting on this consent must not undertake such activities for more than three continuous hours and must provide a minimum of one 2 hour respite period between any two periods of such works. "Continuous" means any period during which there is less than an uninterrupted 60 minute respite period between temporarily halting and recommencing any of that intrusively noisy work.</p> <p>Reason: To protect the amenity of the neighbourhood.</p> |
| 99. | <p>Survey Prior to Footings</p> <p>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.</p> <p>Reason: To ensure works are in accordance with the consent.</p> |
| 100. | <p>Documentation of Demolition and Construction Waste</p> <p>All waste dockets from the recycling and/or disposal of any demolition and construction waste generated from the works must be retained on site.</p> <p>Reason: To ensure resource recovery is promoted and residential amenity is protected.</p> |
| 101. | <p>Ecologically Sustainable Development</p> <p>Within three months of commencement of construction, the Principal Certifier must be provided with evidence that the building is registered for a minimum 5-star Green Star rating with the Green Building Council Australia.</p> <p>Reason: To ensure efficient and sustainable use of energy and resources in accordance with ecologically sustainable development principles.</p> |
| 102. | <p>Retention of character buildings to Balmain Road</p> <p>That a qualified structural engineer is to supervise the demolition works in the vicinity and partial demolition of the character buildings, and construction of the supporting columns for building C.</p> <p>Reason: To ensure retention of the existing character buildings</p> |

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

| | Condition |
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| 103. | <p>Noise – Acoustic Report</p> <p>Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with an acoustic report prepared by suitably qualified acoustic consultant which demonstrates and certifies that noise and vibration emissions from the development comply with the relevant provisions of <i>the Protection of the Environment Operations Act 1997</i> and conditions of Council's approval, including any recommendations of the acoustic report referenced in the conditions of the approval. The acoustic report is to be prepared by a suitably qualified and experienced acoustic consultant and any recommendations must be consistent with the approved plans.</p> <p>Reason: To ensure compliance with the relevant Australian Standard.</p> |
| 104. | <p>Contamination – Disposal of Soil</p> <p>Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with a validation report confirming that all off site disposal of soil has been classified, removed and disposed of in accordance with the NSW DECC Waste Classification Guidelines, Part 1: Classifying Waste (EPA 2014), Protection of the Environment Operations (Waste) Regulation 2014 and the <i>Protection of the Environmental Operations Act 1997</i>.</p> <p>Reason: To ensure compliance with the relevant environmental legislation.</p> |
| 105. | <p>Contamination – Validation (Site Audit Statement Required)</p> <p>Prior to the issue of an Occupation Certificate, the Principal Certifier and Council must be provided with a Section A Site Audit Statement prepared by a NSW Environment Protection Authority accredited Site Auditor.</p> <p>The Site Audit Statement must confirm that the site has been remediated in accordance with the Remedial Action Plan and clearly state that the site is suitable for the proposed use.</p> <p>Reason: To protect the amenity of the neighbourhood from contamination.</p> |
| 106. | <p>Food Premises Grease Trap – Trade Waste Agreement</p> <p>Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with certification confirming that the grease trap has been installed to the premises in accordance with Australian Standard AS 3500 and the National Plumbing and Drainage Code. A copy of the Sydney Water Trade Waste Agreement must also accompany the certification.</p> |

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| | Reason: To ensure works are in accordance with the relevant Sydney Water requirements, Australian Standard and National Construction Code (Building Code of Australia). |
| 107. | <p>Notice to Council to deliver Residential Bins</p> <p>If 660L bins are to be used, Council should be notified of bin requirements three months prior to the occupation of the building to ensure timely delivery.</p> <p>Council will place an order for the required bins. Delivery will occur once the applicant has completed a Request for New Service, and a site visit has been undertaken by a waste collection supervisor.</p> <p>Reason: To ensure resource recovery is promoted and residential amenity is protected.</p> |
| 108. | <p>Planting of Street Trees</p> <p>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 <i>Roads Act 1993</i> including:</p> <ol style="list-style-type: none"> The street trees have been planted in Alberto Street, Fred Street and Balmain Road in accordance with the Landscape Plan, or Public Domain Plan or Street Tree Planting Plan and comply with the following requirements; The trees must be grown and certified that it complies with AS2303:2018—<i>Tree stock for landscape use</i> to ensure quality trees and more successful establishment; The new street trees must be a minimum container size of 200L; The street tree(s) must be planted by a practicing Arborist or Horticulturist; The trees and tree pits must be inspected by Council's Public Tree Coordinator before and after planting. 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. 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. 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. <p>Reason: To ensure appropriate tree planting is undertaken and compliance with the Roads Act 1993.</p> |
| 109. | Certification of Tree Planting within boundary domain |

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| | <p>Prior to the issue of any Occupation Certificate, the Principal Certifier is to be provided with evidence certified by a person holding a minimum qualification of AQF5 Diploma of Landscape Design or Arboriculture that:</p> <p>That the 67 x 100L size trees listed within the boundary domain on the Landscape Plan prepared by Place Design Group dated 16 May 2024 have been planted in a suitable location, that provides the space above and below ground within the property at a minimum of 1 metre from any boundary, 1.25m from any dwelling or garage wall and allowing for future tree growth. The tree is to conform to AS2303—<i>Tree stock for landscape use</i>. Tree species listed on the landscape plans are acceptable, if alternatives are required, trees listed as exempt species from Council's Tree Management Controls, palms, fruit trees and species recognised to have a short life span will not be accepted as suitable replacements</p> <p>If the replacement trees are found to be faulty, damaged, dying or dead before they reach a height where they are protected by Council's Tree Management Controls they must be replaced with the same species.</p> <p>Reason: To ensure appropriate landscaping is undertaken.</p> |
| 110. | <p>Project Arborist Certification</p> <p>Prior to the issue of any Occupation Certificate, the Principal Certifier is to be provided with certification from the project arborist the requirements of the conditions of consent related to the landscape plan and the role of the project arborist have been complied with.</p> <p>Reason: To ensure the protection and ongoing health of trees to be retained.</p> |
| 111. | <p>Public Domain Works</p> <p>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 <i>Roads Act 1993</i> including:</p> <ol style="list-style-type: none"> Heavy duty concrete vehicle crossing(s) at the vehicular access location(s); The redundant vehicular crossings to the site must be removed and replaced by kerb and gutter and footpath. Where the kerb in the vicinity of the redundant crossing is predominately stone (as determined by Council's Engineer) the replacement kerb must also be in stone; The existing concrete footpath across the frontage of the site must be reconstructed in accordance with the approved scheme for the area; Direct connection of the site stormwater to Council's stormwater system; and Other works subject to the <i>Roads Act 1993</i> approval. <p>All works must be constructed in accordance with Council's standards and specifications and AUS-SPEC#2-"Roadworks Specifications".</p> |

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| | Reason: To ensure Council assets are protected, and that works that are undertaken in the public domain maintain public safety. |
| 112. | <p>No Encroachments</p> <p>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.</p> <p>Reason: To maintain and promote vehicular and pedestrian safety.</p> |
| 113. | <p>Protect Sandstone Kerb</p> <p>Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any stone kerb, damaged as a consequence of the work that is the subject of this development consent, has been replaced.</p> <p>Reason: To ensure Council assets are protected.</p> |
| 114. | <p>Undergrounding Power – Major development</p> <p>Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that the existing overhead power cables along all road frontages of the site have been relocated underground with appropriate street lighting and new steel standard poles. The street lighting must be designed in accordance with Australian Standard AS1158-Road Lighting and the Network Standards of Ausgrid and must meet the lighting category required by Council and RMS. In addition the design must also comply with AS4282 to ensure that no injury is caused to the amenity of the surrounding area by light overspill or obtrusive light.</p> <p>Reason: To ensure Council assets are protected, and that lighting is provided in accordance with the relevant standards.</p> |
| 115. | <p>Parking Signoff – Major Development</p> <p>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.</p> <ul style="list-style-type: none"> a. The car park has been completed, line marked and all signage relating to car parking erected; b. A notice has been clearly displayed indicating that visitor parking is available within the property; <p>Reason: To ensure parking facilities are designed in accordance with the Australian Standard and council's specifications.</p> |

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| 116. | Public Domain - Major Developments <p>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.</p> <p>Reason: To confirm the public domain works once constructed are in accordance with the consent and the approved plans.</p> |
| 117. | Dilapidation Report – Post-Development <p>Prior to the issue of an Occupation Certificate, 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.</p> <p>Reason: To ensure Council assets are protected.</p> |
| 118. | Stormwater Drainage and Road Works – Certification <p>Prior to the issue of an 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:</p> <ul style="list-style-type: none"> 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; and 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. <p>Reason: To ensure Council assets are protected</p> |
| 119. | Works as Executed – Site Stormwater Drainage System <p>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:</p> |

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| | <p>a. The stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards; and</p> <p>b. Works-as-executed plans of the stormwater drainage system certified by a Registered Surveyor, to verify that the drainage system has been constructed, OSD/OSR system commissioned and stormwater quality improvement device(s) and 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.</p> <p>Reason: To ensure the approved works are undertaken in accordance with the consent.</p> |
| 120. | <p>Operation and Management Plan</p> <p>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:</p> <p>a. The proposed maintenance regime, specifying that the system is to be regularly inspected and checked by qualified practitioners; and</p> <p>b. The proposed method of management of the facility, including procedures, safety protection systems, emergency response plan in the event of mechanical failure, etc.</p> <p>Reason: To ensure the approved works are undertaken in accordance with the consent.</p> |
| 121. | <p>Easements, Restrictions on the Use of Land and Positive Covenants</p> <p>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 <i>Conveyancing Act 1919</i>, has been created on the title of the property detailing the following :</p> <p>a. Public right of ways for publicly accessible areas within the street setback areas and along the through-site links within the site;</p> <p>b. Restrictions on the Use of Land related to on Site Stormwater Detention System or stormwater quality improvement devices;</p> <p>c. Positive Covenant related to on-site stormwater detention and/or retention system;</p> <p>d. Positive Covenant related to maintenance of the public right of ways including lighting;</p> |

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| | <p>e. Positive Covenant related to maintenance of the carshare space for the life of the building;</p> <p>f. Positive Covenant related to stormwater quality improvement devices; and</p> <p>The wording in the Instrument must be in accordance with Councils Standard wording.</p> <p>Reason: To ensure that the relevant easements are registered on the property.</p> |
| 122. | <p>No Weep Holes</p> <p>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.</p> <p>Reason: To ensure adequate public safety.</p> |
| 123. | <p>Easement and Covenant Process</p> <p>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):</p> <p>a. Work-As-Executed Plans</p> <p>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.</p> <p>b. Engineer's Certificate</p> <p>A qualified practising Civil Engineer must certify on the completion of drainage works in respect of:</p> <p>c. The soundness of the storage structure;</p> <p>d. The capacity of the detention storage;</p> <p>e. The emergency overflow system being in place;</p> <p>f. The works being constructed in accordance with the Development Application Consent and Council's Stormwater Management DCP/Code;</p> <p>g. 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;</p> <p>h. Basement car park pumps are class one zone two; and</p> |

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| | <p>i. OSR pumps and SQIDS have been installed and commissioned.</p> <p>c. 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.</p> <p>d. A Maintenance Schedule.</p> <p>Reason: To ensure easements are registered and the correct documentation is provided.</p> |
| 124. | <p>Heavy Duty Vehicle Crossing</p> <p>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.</p> <p>Reason: To ensure that suitable vehicle access has been provided.</p> |
| 125. | <p>Redundant Vehicle Crossing</p> <p>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.</p> <p>Reason: To ensure Council assets are protected, and that works that are undertaken in the public domain maintain public safety.</p> |
| 126. | <p>Underground Petroleum Storage System (UPSS) – Decommissioning – Validation</p> <p>Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with a validation report prepared by a suitably qualified and experienced person. The report is to confirm that the underground petroleum storage system has been removed, replaced or decommissioned in accordance with the <i>Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008</i>, the <i>Protection Environment Operations Act 1997</i> and Australian Standard AS4976-2008: The removal and disposal of underground petroleum storage tanks.</p> |

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| | Reason: To ensure compliance with the relevant environmental legislation and Australian Standard. |
| 127. | Car share operational Prior to the issue of an Occupation Certificate the Principal Certifier must be provided with evidence that the car share vehicles must be purchased, registered and otherwise ready to be used by the occupants and employees. Reason: To confirm the terms of the car share arrangements |
| 128. | Loading Dock Management Plan Prior to the issue of a Occupation Certificate, the Certifying Authority is to be provided with a loading dock management plan which include hours of operation, delivery scheduling, management of booking requests, and restrictions of use for storage of bins in the holding area. Reason: To ensure the loading dock is efficiently managed. |
| 129. | Aircraft Noise Prior to the issue of any Occupation Certificate, the Principal Certifier must be provided with a report prepared and submitted by an accredited Acoustics Consultant certifying that the final construction meets AS2021-2015 with regard to the noise attenuation measures referred to in the "Before the Issue of a Construction Certificate" Section of this Determination. Such report must include external and internal noise levels to ensure that the external noise levels during the test are representative of the typical maximum levels that may occur at this development. Where it is found that internal noise levels are greater than the required dB(A) rating due to faulty workmanship or the like, necessary corrective measures must be carried out and a further certificate being prepared and submitted to the Principal Certifier in accordance with this condition. Reason: To ensure all noise attenuation is in accordance with the relevant Australian Standard. |
| 130. | 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. Reason: To ensure relevant utility and service provides' requirements are provided to the certifier. |
| 131. | Verification and Maintenance of Green Roofs, Walls and Facades Works Prior to the issue of an Occupation Certificate, the principal certifier 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 and a maintenance plan that is consistent with the Inner West Councils Green Roof, Walls and Facades Technical Guidelines. |

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| | Reason: To ensure landscaping is maintained. |
| 132. | <p>Dilapidation Report</p> <p>Prior to the issue of an Occupation Certificate, the Certifying Authority and owners of identified properties must be provided with a second colour copy of a dilapidation report prepared by a suitably qualified person. The report is required to include colour photographs of all the identified property 14-22 Alberto Street 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.</p> <p>Reason: To determine potential construction impacts.</p> |
| 133. | <p>Affordable Housing</p> <p>Prior to the issue of any occupation certificate, a restriction is to be registered against the title of the property on which development is to be carried out, in accordance with Section 88E of the <i>Conveyancing Act 1919</i>, that will ensure that:</p> <ul style="list-style-type: none"> a. Units B202, B203, B302, B304, B502, C201 and D003 must be used for the purposes of affordable housing, and b. The affordable housing unit is to be managed by a registered community housing provider for 30 years from date of occupation. <p>Reason: To confirm the terms of the affordable housing</p> |
| 134. | <p>Basement/Retaining Wall Signoff – Major Development</p> <p>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.</p> <p>Reason: To ensure that the design of the basement is structurally sound and has been appropriately certified.</p> |
| 135. | <p>Noise From Road, Rail & Aircraft – Compliance</p> <p>Prior to the issue of an 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:</p> <ul style="list-style-type: none"> a. <i>State Environmental Planning Policy (Infrastructure) 2007</i>; |

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| | <ul style="list-style-type: none"> b. NSW Planning, Development near Rail Corridors and Busy Roads – Interim Guideline; c. Australian Standard 2021-2000: Acoustics - Aircraft noise intrusion - Building siting and construction; d. conditions of development consent <p>Reason: To ensure compliance with the relevant Australian Standard.</p> |
| 136. | <p>Resident Parking Scheme Not Applicable</p> <p>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 or 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 Development Consent shall advise any purchaser or prospective tenant of this condition. All developments that are excluded from Permit Parking Schemes can be found in Councils Public Domain Parking Policy.</p> <p>Reason: To provide transparency in the application of the Resident Parking Scheme.</p> |
| 137. | <p>Public Art Completion</p> <p>Prior the issue of an Occupation Certificate, the Principal Certifier must be provided with evidence that demonstrating that a public art feature has been provided in accordance with the strategy approved by Council required by this consent, has been satisfied.</p> <p>Reason: To ensure the public art feature as been completed.</p> |
| 138. | <p>Ecologically Sustainable Development</p> <p>Prior the issue of an Occupation Certificate, the Principal Certifier must be provided with evidence of the certification that the development achieves a minimum 5-star Green Star As Built rating.</p> <p>Reason: To ensure efficient and sustainable use of energy and resources in accordance with ecologically sustainable development principles.</p> |
| 139. | <p>No Gas</p> <p>Prior the issue of an Occupation Certificate, the Principal Certifier must be provided with evidence that residential uses are to use only electricity (grid provided and on-site renewables) for all energy requirements.</p> <p>Reason: To ensure efficient and sustainable use of energy and resources in accordance with ecologically sustainable development principles.</p> |
| 140. | <p>Concept DA – Stage 2 Completion</p> <p>Prior to the issue of any Occupation Certificate, the Principal Certifier must be provided with the final occupation certificate related to the stage 2 Development Application to ensure that works described under ‘stage 2’ have been completed.</p> |

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| | Reason: To ensure the delivery of stage 2. |
| 141. | Certification of Design of Publicly Accessible Open Space |
| | <p>Prior to the issue of the Occupation Certificate, the Principal Certifier must be provided with a certificate from a qualified landscape architect confirming that the landscape works (planting schedule), litter bins, paths, planters and retaining walls in the publicly accessible open space have been planted, installed, and constructed in accordance with the detailed landscape plans prepared by Place Design Group dated 13 March 2024.</p> <p>Reason: To confirm the design details of publicly accessible open space are in accordance.</p> |

OCCUPATION AND ONGOING USE

| | Condition |
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| 142. | Noise General |
| | <p>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 <i>Protection of the Environment Operations Act 1997</i> and Regulations, NSW EPA Noise Policy for Industry and NSW EPA Noise Guide for Local Government.</p> <p>Reason: To protect the amenity of the neighbourhood.</p> |
| 143. | Operation and Management Plan |
| | <p>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.</p> <p>Reason: To ensure that the adequate provision of stormwater drainage is provided.</p> |
| 144. | Green Roofs, Walls and Facades Establishment |
| | <p>The plantings within the Green Roofs, Walls and Facades as part of this consent are to be maintained in a healthy and vigorous condition from the issue of an Occupation Certificate.</p> <p>Reason: To ensure landscaping is maintained.</p> |
| 145. | Loading/unloading on site |
| | <p>All loading and unloading are to be conducted within the site at all times. Any designated loading bay/dock area is to remain available for loading/unloading purposes at all times. No storage of goods or parking of cars is to be carried out in these areas.</p> |

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| | Reason: To ensure adequate public safety. |
| 146. | <p>Commercial Waste/Recycling Collection</p> <p>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.</p> <p>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.</p> <p>Reason: To ensure resource recovery is promoted and residential amenity is protected</p> |
| 147. | <p>Documentation of Businesses Waste Services</p> <p>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.</p> <p>Reason: To ensure resource recovery is promoted and local amenity is protected.</p> |
| 148. | <p>Publicly Accessible Open Space</p> <p>The publicly accessible open space must remain open to the public and be maintained and managed at all times. The routine maintenance includes (but is not limited to) cleaning and emptying waste bins, removing weeds, watering, replacing of dying and dead plants, trimming and pruning of shrubs and trees as required, replacing lightbulbs, fixing of any damage to pathways, furniture, and equipment.</p> <p>Reason: To ensure amenity of the publicly accessible open space is protected</p> |
| 149. | <p>Ecologically Sustainable Development</p> <p>The development must maintain a minimum 5-star Green Star rating.</p> <p>Reason: To ensure efficient and sustainable use of energy and resources in accordance with ecologically sustainable development principles.</p> |

DEMOLITION WORK

BEFORE DEMOLITION WORK COMMENCES

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| | Condition |
| 150. | <p>Hoardings</p> <p>The person acting on this consent must ensure the site is secured with temporary fencing prior to any works commencing.</p> |

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| | <p>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.</p> <p>Separate approval is required from the Council under the <i>Roads Act 1993</i> to erect a hoarding or temporary fence or awning on public property.</p> <p>Reason: To ensure the site is secure and that the required permits are obtained if enclosing public land.</p> |
| 151. | <p>Construction Traffic Management Plan – Detailed</p> <p>Prior to Any Demolition, the Certifying Authority, must be provided with a detailed Construction Traffic Management Plan (CTMP), prepared by an appropriately qualified Traffic Management Consultant with Transport for NSW accreditation. The Certifying Authority must approved by the CTMP prior to the commencement of any works, including demolition. The Certifying Authority must ensure that the CTMP instructs vehicles to use State and Regional and Collector Roads to the maximum extent with the use of Local Roads as final approach to the development site via the most suitable direct route.</p> <p>The following matters should be addressed in the CTMP (where applicable):</p> <ol style="list-style-type: none"> Description of the demolition, excavation and construction works; Site plan/s showing the site, roads, footpaths, site access points and vehicular movements; Size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site); 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; 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; Any Traffic Control Plans (TCP's) proposed to regulate traffic and pedestrian movements for construction activities (such as concrete pours, crane installation/removal etc.); Proposed hours of construction related activities and vehicular movements to and from the site; Current/proposed approvals from other Agencies and Authorities (including Roads and Maritime Services, Police and State Transit Authority); Any activities proposed to be located or impact upon Council's road, footways or any public place; Measures to maintain public safety and convenience; Any proposed road and/or footpath closures; |

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| | <p>l. Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site;</p> <p>m. Locations of work zones (where it is not possible for loading/unloading to occur on the site) in the frontage roadways accompanied by supporting documentation that such work zones have been approved by the Local Traffic Committee and Council;</p> <p>n. Location of any proposed crane and concrete pump and truck standing areas on and off the site (and relevant approvals from Council for plant on road);</p> <p>o. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;</p> <p>p. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected;</p> <p>q. On-site parking area for employees, tradespersons and construction vehicles as far as possible;</p> <p>r. Proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period; and</p> <p>s. How it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.</p> <p>t. Swept Paths for the proposed construction vehicles to demonstrate that the needed manoeuvres can be achieved without causing any nuisance.</p> <p>Reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.</p> |
| 152. | <p>Photographic Archival Record</p> <p>Prior to the commencement of demolition work or prior to the issue of a Construction Certificate, a photographic archival record of the buildings and landscape elements to be altered or demolished is to be submitted to the satisfaction of Council's Heritage Specialist.</p> <p>The photographic archival recording is to be submitted in a digital format only and is to include the following:</p> <p>Site plan at a scale of 1:200 (or 1:500 if appropriate) of all structures and major landscape elements including their relationship to the street and adjoining properties and directional details of photographs taken.</p> <p>Coloured photographs of:</p> <ul style="list-style-type: none"> • each elevation, • each elevation of each room; • each structure and landscape feature; • views to the subject property from each street and laneway or public space. <p>Photographic archival records must be taken of the building, landscape or item in accordance with 'Heritage Information Series, Photographic Recording of Heritage Items Using Film or Digital Capture 2006' published by the former NSW Department</p> |

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| | <p>of Planning Heritage Branch available online at http://www.environment.nsw.gov.au/resources/heritagebranch/heritage/infophotographicrecording2006.pdf</p> <p>The electronic images are to be taken with a minimum 8 megapixel camera, saved as JPEG TIFF or PDF files with a size of approximately 4-6MB, and cross referenced to the digital catalogue sheets and base plans. Choose only images that are necessary to document the process, and avoid duplicate images.</p> <p>The report can be submitted on a USB, CD or DVD, in PDF/A format (created directly from the digital original), with a digital catalogue of images with the following data for each: title, image subject/description and date photograph taken.</p> <p>Reason: To ensure that the heritage of the Inner West is conserved as part of the development.</p> |
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