

DATE OF DETERMINATION	Thursday 5 March, 2020
PANEL MEMBERS	Carl Scully (Chair), Jan Murrell, Roberta Ryan, Rosana Tyler
APOLOGIES	Sam Iskandar
DECLARATIONS OF INTEREST	Victor Macri made a declaration of interest that as Chair of the Inner West Local Traffic Committee, he was present at a meeting where the applicant's traffic report was accepted by the Committee. Victor did not participate in the panel for this matter.

Public meeting held at Inner West Council, 260 Liverpool Road, Ashfield on 5 March 2020, opened at 3.15pm and closed at 4.30pm.

MATTER DETERMINED

PPS-2019ECI017 – Inner West – DA201900096 - 182-198 Victoria Road and 28-30 Faversham Street, Marrickville – Toga Wicks Park (as described in Schedule 1)

PANEL CONSIDERATION AND DECISION

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

The panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

Application to vary a development standard

Following consideration of a written request from the applicant, made under cl 4.6 (3) of the Marrickville Local Environmental Plan 2011 (LEP), that has demonstrated that:

- a) compliance with cl. 4.6 is unreasonable or unnecessary in the circumstances; and
- b) there are sufficient environmental planning grounds to justify contravening the development standard

the panel is satisfied that:

- a) the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
- b) the development is in the public interest because it is consistent with the objectives of cl. 4.6 of the LEP and the objectives for development in the B4 zone; and
- c) the concurrence of the Secretary has been assumed.

Development application

The panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

- The panel is satisfied the proposed development generally complies with the council's guidelines and controls, and the Departments guidelines.

- With respect to the applicants request to delete or amend condition 30 for the partial no right turn, the panel is not persuaded to approve this deletion and imposes the condition as recommended. The panel notes that the no right turn corresponds with the hours of the morning clearway.
- The panel notes there were no objectors at the public meeting.

CONDITIONS





The development application was approved subject to the conditions in the council assessment report with the amendments attached at Schedule 2.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered written submissions made during public exhibition and heard from all those wishing to address the panel. The panel notes that issues of concern included:

- Traffic and parking impacts
- Flooding
- Flight path/ airspace impacts
- Overshadowing
- Contamination
- Bulk and Scale
- Amenity impacts
- Acoustic Impacts
- Median island construction in Victoria Road

The panel considers that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the public meeting. The panel notes that in addressing these issues appropriate conditions have been imposed.

PANEL MEMBERS	
 Carl Scully (Chair)	 Jan Murrell
 Roberta Ryan	 Rosana Tyler

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPS-2019ECI017 – Inner West – DA201900096
2	PROPOSED DEVELOPMENT	To demolish existing improvements and construct a mixed-use development ranging from 6 storeys to 12 storeys in height comprising 2,387sqm of ground floor retail floor space, 272 residential apartments and two levels of basement car parking, public domain and landscaping works.
3	STREET ADDRESS	182-198 Victoria Road and 28-30 Faversham Street, Marrickville – Toga Wicks Park
4	APPLICANT/OWNER	Toga Wicks Park Developments Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy No. 55 – Remediation of Land ○ State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development ○ State Environmental Planning Policy (Building and Sustainability Index: BASIX) 2004 ○ State Environmental Planning Policy (Infrastructure) 2007 ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 ○ Marrickville Local Environmental Plan 2011 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Marrickville Development Control Plan 2011 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil • Coastal zone management plan: [Nil] • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report: 21 February 2020 • Clause 4.6 variation request - Height • Written submissions during public exhibition: 93 • Written submission from Council outlining Council Resolution: 5 March 2020 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ In support – Nil ○ In objection – Nil ○ Council assessment officer – Matthew Di Maggio, Martin Amy, Luke Murtas ○ On behalf of the applicant – David Tierney, Daniel Gonzalez, Rhys Hazell, Ben Craig

8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 13 February 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Jan Murrell, Roberta Ryan ○ <u>Council assessment staff</u>: Luke Murtas, Martin Amy, Matthew Di Maggio • Site inspection: 5 March 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Jan Murrell, Roberta Ryan ○ Rosana Tyler visited the site independently prior to 5 March 2020 ○ <u>Council assessment staff</u>: Luke Murtas, Martin Amy, Matthew Di Maggio • Final briefing to discuss council's recommendation, 5 March 2020, 2.40pm Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Jan Murrell, Roberta Ryan, Rosana Tyler ○ <u>Council assessment staff</u>: Luke Murtas, Martin Amy, Matthew Di Maggio
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report with the amendments attached at Schedule 2

SCHEDULE 2

Conditions of Consent

Fees

1. Section 7.11 (Former Section 94) Contribution

Prior to the issue of a Construction Certificate works written evidence must be provided to the Certifying Authority that a monetary contribution of **\$5,371,353.29** indexed in accordance with Marrickville Section 94/94A Contributions Plan 2014] (“CP”) has been paid to the Council.

The above contribution is the contribution applicable as at **19 February 2020**.

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

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

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

Public Amenities Type:	Contribution \$
Recreation Facilities	\$4,696,058.81
Community Facilities	\$547,783.58
Traffic Facilities	\$12,223.07
*Road access dedication	\$9,967.17
Plan Administration	\$105,320.65
TOTAL	\$5,371,353.29

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

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

The contribution must be paid either in cash, by unendorsed bank cheque (from an Australian Bank only), via EFTPOS (Debit only) or credit card*.

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

2. Long Service Levy

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

3. Security Deposit - Standard

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

Security Deposit:	\$128,000
Inspection Fee:	\$230.65

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

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

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

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

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

General Conditions

4. Documents related to the consent

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

Plan/ Drawing No. / Revision/ Issue	Plan/Document Name	Date Issued	Prepared by
Cover Page, A-DA-001, Rev. 6	Architectural Plans	16 January 2020	Turner
Site Analysis, A-DA-003, Rev. 3	Architectural Plans	11 November 2019	Turner
Demolition Plan, A-DA-004, Rev. 3	Architectural Plans	11 November 2019	Turner
Basement 02, A-DA-008, Rev. 5	Architectural Plans	3 March 2020	Turner
Basement 01, A-DA-009, Rev. 5	Architectural Plans	3 March 2020	Turner
Ground Level, A-DA-010, Rev. 7	Architectural Plans	3 March 2020	Turner
Level 01, A-DA-011, Rev. 4	Architectural Plans	16 January 2020	Turner
Level 02, A-DA-012, Rev. 5	Architectural Plans	16 January 2020	Turner
Level 03, A-DA-013, Rev. 5	Architectural Plans	16 January 2020	Turner
Level 04, A-DA-014, Rev. 5	Architectural Plans	16 January 2020	Turner

Level 05, A-DA-015, Rev. 5	Architectural Plans	16 January 2020	Turner
Level 06, A-DA-016, Rev. 5	Architectural Plans	16 January 2020	Turner
Level 07, A-DA-017, Rev. 5	Architectural Plans	16 January 2020	Turner
Level 08, A-DA-018, Rev. 5	Architectural Plans	16 January 2020	Turner
Level 09, A-DA-019, Rev. 5	Architectural Plans	16 January 2020	Turner
Level 10, A-DA-020, Rev. 5	Architectural Plans	16 January 2020	Turner
Level 11, A-DA-021, Rev. 5	Architectural Plans	16 January 2020	Turner
Roof Level, A-DA- 024, Rev. 6	Architectural Plans	16 January 2020	Turner
North Elevation - Shareway, A-DA- 050, Rev. 4	Architectural Plans	16 January 2020	Turner
West Elevation – Victoria Road, A- DA-051, Rev. 4	Architectural Plans	16 January 2020	Turner
South Elevation – Wicks Park, A-DA- 052, Rev. 4	Architectural Plans	16 January 2020	Turner
East Elevation – Through Site Link, A-DA-053, Rev. 4	Architectural Plans	16 January 2020	Turner
Section AA, A-DA- 060, Rev. 4	Architectural Plans	16 January 2020	Turner
Section BB, A-DA- 061, Rev. 4	Architectural Plans	16 January 2020	Turner
Section CC, A-DA- 062, Rev. 4	Architectural Plans	16 January 2020	Turner
Section DD, A-DA- 063, Rev. 4	Architectural Plans	16 January 2020	Turner

Section EE, A-DA-064, Rev. 4	Architectural Plans	16 January 2020	Turner
Perspectives 01, A-DA-170, Rev. 4	Architectural Plans	11 November 2019	Turner
Perspectives 02, A-DA-171, Rev. 4	Architectural Plans	11 November 2019	Turner
Perspectives 03, A-DA-172, Rev. 4	Architectural Plans	11 November 2019	Turner
Perspectives 04, A-DA-173, Rev. 2	Architectural Plans	11 November 2019	Turner
Solar and Daylight Access Sections, A-DA-090, Rev. 3	Architectural Plans	11 November 2019	Turner
GFA Diagrams - Ground to 05, A-DA-100, Rev. 3	Architectural Plans	11 November 2019	Turner
GFA Diagrams - 06 to 11, A-DA-101, Rev. 3	Architectural Plans	11 November 2019	Turner
Adaptable Apartment Plans, A-DA-150, Rev. 3	Architectural Plans	11 November 2019	Turner
Adaptable Apartment Plans, A-DA-151, Rev. 3	Architectural Plans	11 November 2019	Turner
Adaptable Apartment Plans, A-DA-152, Rev. 3	Architectural Plans	11 November 2019	Turner
Adaptable Apartment Plans, A-DA-153, Rev. 3	Architectural Plans	11 November 2019	Turner

Adaptable Apartment Plans, A-DA-154, Rev. 3	Architectural Plans	11 November 2019	Turner
Adaptable Apartment Plans, A-DA-155, Rev. 1	Architectural Plans	11 November 2019	Turner
Adaptable Apartment Plans, A-DA-156, Rev. 1	Architectural Plans	11 November 2019	Turner
Adaptable Apartment Plans, A-DA-157, Rev. 1	Architectural Plans	11 November 2019	Turner
Adaptable Apartment Plans, A-DA-158, Rev. 1	Architectural Plans	11 November 2019	Turner
Materials & Finishes - External, A-DA-160, Rev. 3	Architectural Plans	11 November 2019	Turner
Material & Finishes – North Elevation, Lobby 3, A-DA-161, Rev. 1	Architectural Plans	11 November 2019	Turner
Lobby 4 Extension, A-DA-162, Rev. 1	Architectural Plans	16 January 2020	Turner
Lobby 5 Extension, A-DA-163, Rev. 1	Architectural Plans	16 January 2020	Turner
North Recesses Materiality Change, A-DA-164, Rev. 1	Architectural Plans	16 January 2020	Turner
Wayfinding Location Ground Level, A-DA-180, Rev. 1	Architectural Plans	16 January 2020	Turner
Wayfinding Location Level 1, A-DA-181, Rev. 1	Architectural Plans	16 January 2020	Turner

Cover Sheet, L-DA-839, Issue D	Landscape Plans	11 November 2019	Black Beetle
Ground Level, L-DA-840, Issue L	Landscape Plans	11 November 2019	Black Beetle
Level 01, L-DA-841, Issue M	Landscape Plans	11 November 2019	Black Beetle
Level 02, L-DA-842, Issue E	Landscape Plans	11 November 2019	Black Beetle
Level 03, L-DA-843, Issue E	Landscape Plans	11 November 2019	Black Beetle
Level 04, L-DA-844, Issue E	Landscape Plans	11 November 2019	Black Beetle
Level 05, L-DA-845, Issue E	Landscape Plans	11 November 2019	Black Beetle
Level 06, L-DA-846, Issue E	Landscape Plans	11 November 2019	Black Beetle
Notes and Plants Schedule, L-DA-854, Issue F	Landscape Plans	11 November 2019	Black Beetle
Section / Elevation 01, L-DA-855, Issue D	Landscape Plans	11 November 2019	Black Beetle
Section / Elevation 02, L-DA-856, Issue D	Landscape Plans	11 November 2019	Black Beetle
Landscape Area Calculations, L-DA-857, Issue F	Landscape Plans	11 November 2019	Black Beetle

Ground Level Landscape Areas, L-DA-858, Issue E	Landscape Plans	11 November 2019	Black Beetle
Level 01 Landscape Areas, L-DA-859, Issue E	Landscape Plans	11 November 2019	Black Beetle
Ground Level Trees in Deep Soil, L-DA-860, Issue C	Landscape Plans	11 November 2019	Black Beetle
Landscape Sketches, L-DA-861, Issue B	Landscape Plans	11 November 2019	Black Beetle
Notes & Legend Sheet, C-8200-OVR, Rev. P2	Civil/Stormwater Plans	5 November 2019	Taylor Thomson Whitting
Details Sheet, Sheet 1 of 2, C-8201-OVR, Rev. P2	Civil/Stormwater Plans	5 November 2019	Taylor Thomson Whitting
Details Sheet, Sheet 2 of 2, C-8202-OVR, Rev. P2	Civil/Stormwater Plans	5 November 2019	Taylor Thomson Whitting
Erosion and Sediment Control Plan, C-8208-OVR, Rev. P2	Civil/Stormwater Plans	5 November 2019	Taylor Thomson Whitting
Site Works and Stormwater Plan, C-8209-EAS, Rev. D	Civil/Stormwater Plans	5 November 2019	Taylor Thomson Whitting
Site Works and Stormwater Plan, C-8209-WES, Rev. D	Civil/Stormwater Plans	5 November 2019	Taylor Thomson Whitting
Pavement & Jointing Plan East, C-8210-EAS, Rev. P2	Civil/Stormwater Plans	5 November 2019	Taylor Thomson Whitting

Pavement & Jointing Plan West, C-8210-WES, Rev. P2	Civil/Stormwater Plans	5 November 2019	Taylor Thomson Whitting
Reference No.: 50410004, Sheet 1 of 1, Rev. D	Survey	13 May 2019	LTS Lockley
21850, Rev. Final V2	Statement of Environmental Effects	18 March 2019	Ethos Urban
Version 1	Clause 4.6 Variation (Building Height)	11 November 2019	Ethos Urban
Rev. 3	Design Statement	11 November 2019	Turner
Document Reference: TK484-04F02, Revision 4	Acoustic Assessment	11 November 2019	Renzo Tonin & Associates
Reference: N156270, Issue: D	Transport Impact Assessment	11 November 2019	GTA Consultants
Reference: 181392	Civil Report	7 November 2019	Taylor Thomson Whitting
Report No. 17120-R1-V6	Fire Safety Strategy	11 November 2019	Peter Gardner & Associates
Project No. S2180604 Issue 3	ESD Report	11 November 2019	EMF Griffiths
Report No. RE183926, Rev. 06	BCA Report	11 November 2019	City Plan
Job No. 218379, Rev. D	Statement of Compliance – Access for People with a Disability	11 November 2019	Accessible Building Solutions

Certificate No. 986314M_03	BASIX	11 November 2019	EMF Griffiths
Certificate No. 0004346170	NATHERS Summary Certificate	11 November 2019	EMF Griffiths
Revision E	Operational Waste Management Plan	11 November 2019	Elephants Foot
E24098.G03	Geotechnical Investigation Report	12 February 2019	EI Australia
E24098.E03.Rev0	Additional Site Investigation Parts 1, 2 & 3	6 February 2019	EI Australia
E24098.E06_Rev00	Remediation Action Plan	7 February 2019	EI Australia
E24098.E10_Rev0	Hazard Materials Survey	5 February 2019	EI Australia
E24098.E14.Rev0	Acid Sulfate Soil Assessment	18 March 2019	EI Australia
21850	Social Impact Statement	12 February 2019	Ethos Urban
21850	Economic Benefits Statement	17 January 2019	Ethos Urban
	Arboricultural Impact Assessment	February 2019	Urban Forestry Australia

As amended by the conditions of consent.

5. Car Parking

The development must provide and maintain within the site:

- a) 304 car parking spaces must be paved and line marked.
- b) Car parking spaces, for persons with a disability must be provided and marked as disabled car parking spaces.

- c) 22 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.
- d) 62 retail 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 retail parking is available on site.
- e) 6 carshare car parking spaces must be provided and marked as carshare parking spaces. In this regard, a plan of management is to be implemented for the carshare spaces to ensure they are accessed and used in a safe and efficient manner.
- f) 16 off-street motorcycle parking spaces must be provided, paved, line marked and maintained at all times.
- g) 200 Bicycle storage capacity within the site.
- h) 1 Carwash bay.
- i) Loading dock and loading spaces.

6. Noise Consultant's Recommendations

The recommendations contained in the acoustic report prepared by Renzo Tonin & Associates reference TK484-04F02 Acoustic Assessment for DA (r4) dated 11 November 2019 must be implemented.

7. Contamination – Remedial Action Plan (No Site Auditor Engaged)

The site is to be remediated and validated in accordance with the recommendations set out in the Remedial Action Plan, prepared by EI Australia reference E24098.E06_Rev00 dated 7 February 2019 the *Contaminated Land Management Act 1997* and the *State Environmental Planning Policy No. 55 – Remediation of Land*.

8. Asbestos Survey

Prior to any demolition or the issue of a Construction Certificate (whichever occurs first), the Certifying Authority must provide an asbestos survey to Council. The survey shall be prepared by a suitably qualified Occupational Hygienist and is to incorporate appropriate asbestos 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.

9. 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.

10. 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.

11. Residential Flat Buildings – Adaptable Dwellings

Prior to the issue of a Construction Certificate, the Certifying Authority, must be provided with plans that demonstrate 55 units are Adaptable units.

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

12. Waste Management Plan – Ongoing Use

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.

13. Erosion and Sediment Control

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

14. Verification of Levels and Location

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

15. Works Outside the Property Boundary

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

16. Rock Anchors

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

17. Separate Consents for Commercial Floor Space

Approval under this consent is not granted for the use and/or fit-out, including any associated signage, of any commercial floor space. In this regard, separate consents are to be obtained for the use and/or fit-out of the commercial floor space, including any associated signage.

18. Tree Protection

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

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

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

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

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

- Green for trees to be retained,
- Red for trees to be removed,
- Blue for trees to be pruned, and
- Yellow for trees to be transplanted.

19. Works to Trees

Approval is given for the following works to be undertaken to trees on the site and in the public domain after the issuing of a Construction Certificate:

Tree No/location	Approved works
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Tree 1 – <i>Tristaniopsis laurina</i> (Water Gum) – street tree	Removal
Tree 2 - <i>Washingtonia filifera</i> (Desert Fan Palm)	Transplant in accordance with approved Landscape Plans.
Trees 3, 8 and 9 – <i>Washingtonia robusta</i> (Mexican Fan Palm)	Transplant in accordance with approved Landscape Plans.
Tree 4 – <i>Syagrus romanzoffiana</i> (Cocos Palm – exempt species)	Removal
Tree 5 – <i>Beaucarnea recurvata</i> (Ponytail Palm – exempt species)	Removal
Tree 6 – Unknown exotic species	Removal
Tree 7 – <i>Phoenix species</i> (Date Palm – exempt)	Removal
Tree 10 – <i>Archontophoenix cunninghamiana</i> (Bangalow Palm)	Removal
Tree 11 – <i>Syagrus romanzoffiana</i> (Cocos Palm – exempt species)	Removal
Tree 12 – <i>Cinnamomum camphora</i> (Camphor Laurel - exempt)	Removal
Tree 13 – <i>Michelia figo</i> (Port Wine Magnolia)	Removal
	Removal

Note – Tree numbers and locations are in accordance with the Arboricultural Impact Assessment prepared by Urban Forestry Australia and dated February 2019.

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

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

20. Project Arborist

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.

21. Airspace Operations (Sydney Airport Corporation Limited (SACL))

- a) The development is approved to a maximum height of 45.25 metres above Australian Height Datum (AHD) inclusive of all lift over-runs, vents, chimneys, aerials, TV antennae etc.;
- b) Should the proposal exceed the height referred to in (a) above, a new application must be submitted;
- c) Should the height of any temporary structure and / or equipment be greater than 50 feet (15.24 metres) above existing ground height (AEGH), a new approval must be sought in accordance with the Civil Aviation (Buildings Control) Regulations Statutory Rules 1988 No. 161;
- d) Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Airports (Protection of Airspace) Regulations; and
- e) SACL advises that approval to operate construction equipment (i.e. Cranes) should be obtained prior to any commitment to construct.

22. Containment of buildings and structures (Transport for NSW (formerly RMS) Condition)

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

Prior to any Demolition

23. Dilapidation Report

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 adjoining properties to the Certifying Authority's satisfaction. In the event that the consent of the adjoining property owner cannot be obtained to undertake the report, copies of the letter/s

that have been sent via registered mail and any responses received must be forwarded to the Certifying Authority before work commences.

24. Advising Neighbors Prior to Excavation

At least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

25. Hoardings

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

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

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

26. Construction Management Plan

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

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

- a) Description of the demolition, excavation and construction works;
- b) Site plan/s showing the site, roads, footpaths, site access points and vehicular movements;

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

27. Waste Management Plan – Demolition & Construction

Prior to any demolition works occurring 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.

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

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

Prior to Construction Certificate

28. Power Pole and Utility Relocation

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with evidence that the power pole and any Ausgrid services and any service utility pits will be relocated to a position clear of the proposed vehicular crossings.

29. Dilapidation Report – Pre-Development

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:

- a) Full width of Hans Place and Faversham Street, including road pavement, stormwater drainage infrastructure, kerb and gutter and footpaths, between Fitzroy Street and Sydenham Road
- b) Half-width of Victoria Road adjacent the site, including road pavement, stormwater drainage infrastructure, kerb and gutter and footpath.
- c) The interface between Wicks Park and the development site.

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

30. Right Turn Restriction

Access to the site from Victoria Road during the morning peak shall be restricted to “left in” only. The restriction shall be enforced by regulatory signage banning “rights turns” into the site between 7:00am and 9:30 am (Monday to Friday). A regulatory signage plan for Victoria Road shall be submitted to and approved by Council’s Traffic Committee before the issue of a Construction Certificate.

31. Signage and Car parking Plan

A signage and carparking plan must be developed which maximises the retention of existing “on-street” parking whilst providing for efficient and safer movement of vehicles through the provision of passing bays and intersection controls/treatments for both Hans Place and Faversham Street. The plan must also include an assessment of sight lines and swept paths for the largest vehicles at the exit driveway and at the intersections of Hans Place with Fitzroy Street and Faversham Street with Sydenham Road. The plan shall be submitted to and approved by Council before the issue of a Construction Certificate

32. Driveway Long Section

The vehicular crossing and driveway ramp to the site shall be designed to satisfy the ground clearance templates from AS/NZS 2890.1 AS/NZS 2890.2. A long section, along both sides of the proposed vehicular crossings and basement ramps, 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 chainages.

33. Parking Facilities

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

AS/NZS 2890.3-2015 Parking facilities: Bicycle Parking, AS/NZS 2890.6-2009 Parking facilities: Off-street parking for people with disabilities and the following specific requirements:

- a) The driveway crest level at the Victoria Road entry must be set at 3.8m AHD.
- b) The driveway crest level at the basement ramp has been set at 3.2m AHD providing 500mm freeboard protection to the basement carparks.
- c) The longitudinal profile across the width of the vehicle crossing, vehicular access and any ramps within the parking facilities must comply with the Ground Clearance requirements of AS/NZS 2890.1-2004 and AS 2890.2-2018 for a B99 and a HRV design vehicle.
- d) Minimum headroom of 2200mm must be provided throughout the access and parking facilities. Minimum headroom of 2500mm must be provided above any disabled parking space(s). Minimum headroom of 4500mm must be provided throughout the path of travel for a MRV/HRV utilising the loading bay
- e) The headroom must be measured at the lowest projection from the ceiling, such as lighting fixtures, and to open garage doors. Headroom at a 'sag' type grade change must be measured in accordance with Figure 5.3 of AS/NZS 2890.1-2004.
- f) The layout and minimum dimensions of any standing area comply with clause 2.4 of AS/NZS 2890.1-2004 such that:
 - i. Car spaces and aisles 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;
- g) 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. In addition clear sight lines (triangles) to pedestrians in accordance with the requirements of Clause 3.2.4(b) of AS/NZS 2890.1-2004 shall be provided at all vehicular egress points including the loading dock.

34. Loading Dock Management Plan

A loading dock management plan must be developed and submitted to Council for approval before the issue of a Construction Certificate. The loading dock management plan must include the following measures and incorporate the loading zone within the access road:

- a) Strict delivery scheduling via an online loading dock booking system, and incorporating the following:

- i. delivery type/ reason
 - ii. day/ date, timeslot (one timeslot or more)
 - iii. carrier/ vehicle type/ size
 - iv. vehicle number plate
 - v. company (name, ABN, address, phone/ mobile, email, etc.)
 - vi. receiver (tenant/ owner)
 - vii. loading space reference number
 - viii. additional comments.
- b) All booking requests must be lodged no less than 48 hours prior to the use of the loading facilities. All bookings will be on a per vehicle basis, with vehicle size/ dimensions and driver details (including mobile phone contacts etc.) essential. Unforeseen circumstances that necessitate a longer stay must be appropriately managed, with the duty manager to ensure equitable use of the loading area at all times.
 - c) The loading dock manager must contact the relevant receiver should a loading vehicle exceed their booking timeslot by more than 5-10 minutes.
 - d) The dock manager would ensure appropriate management measures are in place, including expandable barriers for pedestrian safety, flashing warning lights and 'spotter' to temporarily hold through vehicles on the private access road.
 - e) The provision of certified traffic control to assist in control of movements at the time of delivery.
 - f) Materials are not to be stored in the loading spaces or other common areas at any time.
 - g) It is the responsibility of the dock manager and retail tenants/owners to ensure that all vehicles permitted access to the site through the online booking system remain strictly within the allowable dimensions (length, height etc.).
 - h) Surveillance and monitoring to ensure the loading spaces are used for site deliveries only and trade vehicles as required, with no other unauthorised use permitted.
 - i) Access to the dock would be restricted to typical hours of operation, with peak activity to be outside broader road network peaks periods and peak site activity.

35. Overland Flow Path

The access way / shareway from the Through Site Link out to Hans Place shall be designed as an overland flow path to capture all overland flows from upstream properties during a 1 in 100 year storm event (1% AEP). The design of the overland flow path must be submitted to and approved by Council before the issue of a Construction Certificate. The design must include detailed hydrologic and hydraulic calculations for the overland flow path and must be 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).

36. Flood Affected Site

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans certified by a suitably experienced Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) that the works comply with the following specific requirements::

- a) The plan must be generally in accordance with the recommendations of the Civil DA Report prepared by TTW and dated 7/11/19 including the following:
 - a. Types of materials to be used to ensure the structural integrity of the building to immersion and impact of velocity and debris.
 - b. Waterproofing methods, including electrical equipment, wiring, fuel lines or any other service pipes or connections.
 - c. Flood warning signs/depth indicators for areas that may be inundated
 - d. A flood evacuation strategy with detailed refuge in place areas designated to accommodate the maximum number of people that will be on site at any one time.
 - e. On-site response plan to minimise flood damage, demonstrating that adequate storage areas are available for hazardous materials and valuable goods above the flood level.
- b) All floor levels and crest levels must be set as recommended in Figure 13 of the TTW Civil DA Report. All structures below these levels must be constructed from flood compatible materials.
- c) Entry crest to the basement carpark must be set at RL 3.2m m AHD (flood level plus 500mm freeboard)
- d) All electrical equipment and wiring must be waterproofed or installed at or above the flood planning levels.
- e) A structural engineer's certificate must be submitted stating that the proposed building has been designed to withstand the forces of flood water, debris and buoyancy up to the Probable Maximum Flood (PMF) level.

37. Stormwater Drainage System – Major Developments

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

- a) The design must be generally in accordance with the stormwater drainage concept plans contained within the Civil DA Report prepared by TTW and dated 7/11/19
- b) The OSD system and connection to the Sydney Water trunk drainage system must be in accordance with the requirements of Sydney Water.
- c) Stormwater runoff from all surface areas within the property must be collected in a system of gutters, pits and pipelines and be discharged together overflow pipelines from any rainwater tank(s) by gravity to a public road/directly to Council's or Sydney Waters piped drainage system.
- d) Comply with Council's Stormwater Drainage Code, Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2018 'Stormwater Drainage' and Sydney Water requirements.
- e) The drainage plan must detail any existing piped drainage systems from upstream properties. If any such systems are found these shall be incorporated in the design with appropriate easements created.
- f) 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.
- g) Details of the 1 in 100-year ARI overflow routes in case of failure/blockage of the drainage system must be provided.
- h) Details of external catchments currently draining to the site must be included on the plans. Existing natural overland flows from external catchments may not be blocked or diverted, but must be captured and catered for within the proposed site drainage system. Where necessary an inter-allotment drainage system must be incorporated into the design.
- i) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
- j) All redundant pipelines within footpath area must be removed and footpath/kerb reinstated.
- k) Details of the water re-use system shall be provided detailing the used of the captured stormwater water. A water balance model must be submitted to accompany the water re-use proposal;

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

38. Structural and Geotechnical Report

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 practising Structural and Geotechnical Engineer(s) who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng). The report and plans must be prepared/ amended to make provision for the following:

- a) 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.
- b) 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.
- c) All components of the basement, including footings and subsoil drainage, must be shown on the plans and be located entirely within the property boundary.
- d) No adverse impact on surrounding properties including Council's footpath and road.
- e) The existing subsurface flow regime in the vicinity of the development must not be significantly altered as a result of the development.
- f) Recommendations regarding the method of excavation and construction, vibration emissions and identifying risks to existing structures or those on adjoining or nearby property.
- g) Provide relevant geotechnical/ subsurface conditions of the site, as determined by a full geotechnical investigation.

39. Waste Collection

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

Length: 9.5 metres

Width: 2.6 metres

Height (travel): 4.5 metres

Weight (loaded): 26 tonnes

Turning Circle: 26 metres

40. Public Domain Works – Prior to Construction Certificate

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

- a) The public domain along all frontages of the site inclusive of footpath paving, kerb, street trees, landscaping, street furniture, etc. must be reconstructed and upgraded in accordance with the Street Tree Master plan and the Neighbourhood Palette detailed in the Public Domain Design Guide;
- b) The construction of heavy duty vehicular crossings to all vehicular access locations and removal of all redundant vehicular crossings to the site.
- c) Detailed design of the public right of way/access way from Victoria Road to Faversham Street. A minimum footpath width of 2.0m must be maintained along the entire length of the public right of way/access way.
- d) New 150mm high 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. Long sections along the new kerb line and boundary shall be submitted for approval.

- e) A long section, along both sides of the proposed vehicular crossing and ramp, drawn at a 1:20 or 1:25 natural scale. The long section shall begin from the centreline of the adjacent road to a minimum of 3 metres into the property. The long section shall show both existing surface levels and proposed surface levels. The long section approved by Council shall define the Alignment Levels at the property boundary.
- f) 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.
- g) The existing Council drainage system must be extended by an appropriately sized pipeline (minimum 375mm diameter) to the frontage of the site only. 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, long sections and details must be provided including location of utility services.

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

41. Enclosure of Fire Hydrant

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

42. Sydney Water – Tap In

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

Note: Please refer to the web site <http://www.sydneywater.com.au/tapin/index.htm> for details on the process or telephone 132092.

43. Noise General- Acoustic Report

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 *Protection of the Environment Operations Act 1997* and Regulations and relevant state and local policies and guidelines. The acoustic report is to be prepared by a suitably qualified and experienced acoustic consultant and any recommendations must be consistent with the approved plans.

44. Light Spill

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 AS4282:1992: Control of Obtrusive Effects of Outdoor Lighting.

45. Car Wash Bay – Design

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

46. Fibre-ready Facilities

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

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

47. Consolidation of Lots (Site A only)

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with evidence that the separate lots comprising the development (Site A only, as shown on Survey by. LTS Lockley, reference no. 50410 004DT, dated 13/05/2019) have been consolidated into one lot and under one title and registered at NSW Land Registry Services.

48. Future Food Use - Mechanical Ventilation Provision

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

49. Heritage Interpretation Plan

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a Heritage Interpretation Plan for the full length and extent of the eastern brick façade of the existing building at 28-30 Faversham Street, Marrickville (Site B). The plan is to be prepared by a suitably qualified heritage practitioner, interpretation specialist or historian in accordance with the 'Heritage Interpretation Policy' published by the Heritage Council of NSW and the NSW Department of Planning in August 2005 and 'Heritage Information. Series, Interpreting Heritage Places and Items Guidelines' published by the former NSW Heritage Office in August 2005.

The interpretation plan must detail how archival, oral and other specific historical information regarding the historical development and significance of the eastern brick façade of the existing building at 28-30 Faversham Street, Marrickville (Site B) will be provided for the public and make recommendations regarding public accessibility, signage and lighting. Public art, interpretive panels and the display of selected artefacts are some of the means that can be used. The plan must specify the location, type, details, materials and content of the interpretation device/s being proposed.

50. Tree Planting in the Public Domain

Prior to the issue of a Construction Certificate, the Council must be provided with a Public Domain/Street Tree Planting Plan and evidence that the works on the Road Reserve have been approved by Council under Section 138 of the *Roads Act 1993* incorporating the following requirements:

- a) Six (6) trees shall be located within the footpath outside the subject property on Victoria Road. The species of tree selected shall be *Lophostemon confertus* (Brush Box). Note – The *Tristaniopsis laurina* (Tree 1, Water Gum – street tree) is approved for removal.
- b) The trees are to be planted at ten (10) metre spacings.
- c) All street tree planting stock sizes shall be minimum 400 litres.
- d) The planting stock shall comply with AS 2303—*Tree Stock for Landscape Use*. The plan must be annotated in this regard.
- e) The new trees shall be planted by a qualified horticulturist or arborist, with a minimum qualification of Certificate 3 in Horticulture or Arboriculture. The plan must be annotated in this regard.
- f) The tree pit (pavement ‘cutouts’) dimensions shall be 1.5m x 3m and planting detail generally in accordance with Detail 9 of the Marrickville Street Tree Master Plan 2014. Structural cells (not structural soil) to be used to support pavement and provide a minimum of 30m³ of soil volume for each tree.
- g) 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.
- h) The awning configuration must be detailed on the plan. All construction plans shall show the awning on the Victoria Road frontage to be setback around the street trees. The awning must be setback a minimum of 1500 mm from the back of the kerb for a minimum distance of 1800mm either side of each tree location.
- i) 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. Note: The soil vault may require a drainage system if the surrounding soil type will not naturally provide adequate drainage.
- j) 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.

51. Underground services near trees

Prior to the issue of a Construction Certificate, the Certifying Authority must verify that no proposed underground services are located beneath the trunk of a prescribed tree or where the root system of a prescribed tree will be impacted on the subject site and adjoining sites (including trees located within the public domain).

52. Tree Transplant Method Statement

Prior to the issue of the Construction Certificate, the Certifying Authority must also be provided with a Transplantation Method Statement (relating to Palms 2, 3, 8 and 9) prepared by a Consultant Arborist and approved by the Project Arborist detailing the following:

- a) Pre-transplantation methodology;
- b) Preparation of transplantation site;
- c) Transplantation method;
- d) Post-transplantation establishment and maintenance programme (including duration).

The relocation of the palms must be undertaken in accordance with the approved Transplant Method Statement.

53. Construction Pedestrian Traffic Management Plan (Transport for NSW (formerly RMS) Condition)

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

54. 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 demonstrate that the bin storage area is to be provided within the site that will fully accommodate the number of bins required for all waste generated by a development of this type and scale. The number of bins required must be calculated based on a weekly collection of garbage, and a fortnightly collection of recycling.

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

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

No compaction of waste or recyclable material is permissible in residential developments.

55. Bulky Waste Storage Area – Residential

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans demonstrating that the bulky waste storage area (within the basement) must meet the floor area requirements as per the Marrickville DCP 2011 and have minimum doorways of 1200mm wide to accommodate large items.

56. Separation of commercial and residential waste and recycling

Prior to the issue of a Construction Certificate, the Certifying Authority must be satisfied that the waste and recycling handling and storage systems for residential waste and commercial waste (including waste originating from retail premises) are to be additional, separate and self-contained. Commercial and retail tenants must not be able to access residential waste storage area/s, or any storage containers or chutes used for residential waste and recycling.

57. Bin Storage Areas (Commercial)

Prior to the issue of a Construction Certificate, the Certifying Authority must be satisfied that there is adequate bin storage allocation in the commercial bin storage areas to accommodate the generation of all waste streams from the businesses on site.

The design of the bin storage areas must comply with the requirements in the Marrickville Development Control Plan 2011. The bin storage areas are to be located away from habitable rooms, windows, doors and private useable open space to minimise potential impacts on neighbours in terms of aesthetics, noise and odour.

All bins are only to be placed out for collection and must be returned to the storage area/s after collection.

There must be additional space allocated on site for the storage of reusable items such as crates and pallets and/or compaction equipment.

58. Waste Transfer Route

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 is has a minimum 1200mm wall-to-wall clearance, be slip-proof, of a hard surface, be free of obstructions and at no point have a gradient exceeding 1:12.

During Demolition and Construction

59. Construction Hours – Class 2-9

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

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

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

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

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

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

8:00am to 12:00pm, Monday to Saturday; and

2:00pm to 5:00pm Monday to Saturday.

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.

60. Survey Prior to Footings

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

61. Documentation of Demolition and Construction Waste

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

62. Road Occupancy Licence (Transport for NSW (formerly RMS) Condition)

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

Prior to Occupation Certificate

63. 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*.

64. Road Widening

Prior the issue of an Occupation Certificate, the Principal Certifying Authority must be provided with evidence which establishes that a plan of subdivision has been registered with NSW Land and Registry Services which results in the following road widening:

- a) Widening of Victoria Road by 1.5m for the full frontage of the site.

65. Public Domain Works

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

- a) Heavy duty concrete vehicle crossing(s) at the vehicular access location(s).

- b) The redundant vehicular crossing to the site must be removed and replaced by kerb and gutter and footpath. 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.
- c) The completion of all public domain works required by this consent.
- d) Repair of all damaged to the public domain or infrastructure arising from the development works.
- e) Other works subject to the Roads Act 1993 approval.

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

66. Encroachments

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

67. Heavy Duty Vehicle Crossing

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

68. Redundant Vehicle Crossing

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

69. Undergrounding Power – Major development

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that the existing overhead power cables along the Victoria Road frontage 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.

70. Parking Signoff – Major development

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

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

71. Car Share – Operational

The use and operation of the car share space must be managed by the owner or contracted by the owner to a car share operator to the satisfaction of Council. The use and operation of the car share space must be accommodated in the titling and management of the development, including covenants, building or strata management statement, by laws and other instruments before the issue of an Occupation Certificate, and must provide for:

- a) Free use of the car share space;
- b) The person acting on this consent must demonstrate that the car share scheme is operational;
- c) Public access at all times to the car share vehicle; and
- d) Insurances, including public liability.

72. Public Doman – Major Developments

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

73. Dilapidation Report – Post Development

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

74. Flood Risk Management Plan – Certification

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must be provided with Certification by a suitably experienced Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) that all aspects of the flood risk management plan have been implemented in accordance with the approved design, conditions of this consent and relevant Australian Standards.

75. Stormwater Drainage and Road Works – Certification

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

- a) All works required to be undertaken on public roads must be designed and constructed in accordance with the approved plans.
- b) Video inspection (CCTV) in accordance with WSA 05-2013 Conduit Inspection Reporting Code of Australia has been carried out of completed stormwater drainage works that are to revert to Council by an accredited operator.

- c) Full works-as-executed plans in PDF and CAD format (dwg or dxf files), prepared and signed by a Registered Surveyor have been submitted to Council.
- d) Certification by a Registered Surveyor that the as-built Council Stormwater pipeline is located totally within the drainage easement.

76. Works as Executed – Site Stormwater Drainage System

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

- a) The stormwater drainage system has been constructed in accordance with the approved design, in accordance with Sydney Water requirements and relevant Australian Standards.
- b) Works-as-executed plans of the stormwater drainage system certified by a Registered Surveyor, to verify that the drainage system has been constructed, OSD/OSR system commissioned and stormwater quality improvement device(s) and 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 Certifying Authority stamped Construction Certificate plans.

77. Operation and Management Plan

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

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

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

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

- a) Easement for drainage of water if required to drain upstream properties;
- b) A public right of carriage way for vehicles and pedestrians from Victoria Road to Hans Place;
- c) A public right of way along the through site link from Wicks Park and through the development;
- d) Restrictions on the Use of Land related to on Site Stormwater Detention System or stormwater quality improvement devices;
- e) Restrictions on the Use of Land related to Stormwater Surface Flow Paths;
- f) Positive Covenant related to on-site stormwater detention and/or retention system;
- g) Positive Covenant related to stormwater quality improvement devices;
- h) Positive Covenant related to Stormwater Surface Flow Paths; and
- i) Positive Covenant related Maintenance of the Public Right of Carriage Way and the through site link including lighting thereof.
- j) Positive Covenant related to Car share spaces

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

79. Easement – Inter-allotment Drainage

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must be provided with evidence that a common drainage easement 1.5m wide in favour of the parcels of land to be drained must be created over the full length of any existing and proposed inter-allotment drainage systems within the site of the proposed development.

80. No Weep Holes

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

81. Noise from Road, Rail & Aircraft – Compliance

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

- a) *State Environmental Planning Policy (Infrastructure) 2007*;
- 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;
- e) Schedule 1 – Victoria Road Precinct Noise Policy of Part 9.47 Victoria Road of the Marrickville Development Control Plan 2011; and
- f) Recommendations of report prepared by Renzo Tonin & Associates reference TK484-04F02 Acoustic Assessment for DA (r4) dated 11 November 2019.

82. Contamination – Disposal of Soil

Prior to the issue of an Occupation Certificate, the Certifying Authority must be provided with a validation report confirming that all off-site disposal of soil has been classified, removed and disposed of in accordance with the NSW DECC Waste Classification Guidelines, Part 1: Classifying Waste (July 2009) and the Protection of the Environmental Operations Act 1997.

83. Contamination – Validation

Prior to the issue of an Occupation Certificate, the Certifying Authority and Council must be provided with a Site Validation Report prepared by a suitably qualified environmental consultant with experience in land contamination.

The Validation report must be prepared in accordance with relevant NSW Environment Protection Authority guidelines, including the guidelines 'Consultants Reporting on Contaminated Sites' and 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.

84. Car Wash Bay – Trade Waste Agreement

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

85. Planting of Street Trees

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

- a) The street trees have been planted in accordance with the Landscape Plan, or Public Domain Plan or Street Tree Planting Plan and comply with the following requirements.
- b) The cell vault system must be certified by a suitably qualified person confirming that installation has been undertaken in accordance with the manufactures specifications.
- c) A copy of a maintenance agreement with a practicing Horticulturist or Arborist for a minimum period of twenty four (24) 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.
- d) At the end of the twenty four (24) month maintenance period, written approval must be obtained from Council before hand-over of any street tree to Council.
- e) If a street tree has been replaced due to maintenance deficiencies during the maintenance period, the twenty four (24) month maintenance period will start again from the date that the street tree is replaced.

86. Project Arborist Certification

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

87. Bin requirements

Council should be notified of bin requirements three months prior to the occupation of the residential component of a development to ensure timely delivery.

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

[On-going](#)

88. Flood Risk Management Plan

The Flood Risk Management Plan approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times.

89. Operation and Management Plan

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

90. Vehicles Leaving the Site

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

91. Loading/unloading on-site

All loading and unloading are to be conducted within the site at all times. Any designated loading bay/dock area is to remain available for loading/unloading purposes at all times. No storage of goods or parking of cars is to be carried out in these areas.

92. Noise General

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

93. Commercial Waste/Recycling Collection

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

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

94. Tree Establishment

The canopy tree/s required by this consent is/are to be maintained in a healthy and vigorous condition until it/they attain a height of 5 metres whereby it/they will be protected by Council's

Tree Management Controls. If the tree is found/Any of the trees found faulty, damaged, dying or dead it/they shall be replaced with the same species within 1 month (up to 3 occurrences).

95. Waste Management (Residential)

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

96. Documentation of Business Waste Services

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

97. Private Waste Collectors

All commercial waste, recyclable and other material collected by a private waste collector must have minimal impact on the surrounding properties.

The collection point must allow collection vehicles to stand safely, at a level gradient and not to obstruct or endanger the passage of pedestrians and other vehicles.

98. Residential – Onsite Collection for recycling, garbage and organic waste

Bins collected on-site are to be collected either directly from the bin storage area, or from on-site temporary bin storage areas. If bins are collected from a temporary storage area, this area is to be within 10m of the standing point of the collection vehicle. The vehicle has to be able to stand safely and legally, within the property frontage, and allow for pedestrian and vehicle passageway while it is servicing the property.

Residential developments are to be designed so that it is possible for Council to collect residential waste and recycling.

99. Cleaning Program

There must be a regular cleaning/ collection program in place to address any litter, trolley or other waste problems that may arise from the businesses on site.

Advisory notes

Prescribed Conditions

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

Notification of commencement of works

At least 7 days before any demolition work commences:

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

Storage of Materials on public property

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

Toilet Facilities

The following facilities must be provided on the site:

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

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

Infrastructure

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

Other Approvals may be needed

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

Failure to comply with conditions

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

Other works

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

Obtaining Relevant Certification

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

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

Subsurface drainage pump-out systems

Dry weather flows of any seepage water will not be permitted through kerb outlets and must be connected directly to a Council or Sydney Water Stormwater system in accordance with Council or Sydney Water requirements.

Electrical Substations

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

Permits from Council under Other Acts

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

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

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

Rock Anchors

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

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

The report must be supported by suitable geotechnical investigations to the efficacy of all design assumptions.

Public Domain and Vehicular Crossings

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

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

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

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

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

Insurances

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

works. The Policy must be valid for the entire period that the works are being undertaken on public property.

Easement and Covenant Process

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

a) Work-As-Executed Plans

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

b) Engineer's Certificate

- i. A qualified practising Civil Engineer must certify on the completion of drainage works in respect of:
- ii. the soundness of the storage structure;
- iii. the capacity of the detention storage;
- iv. the emergency overflow system being in place;
- v. the works being constructed in accordance with the Development Application Consent and Council's Stormwater Management DCP/Code;
- vi. 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;
- vii. basement car park pumps are class one zone two;
- viii. OSR pumps and SQIDS have been installed and commissioned.

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

- d) Maintenance Schedules.

Disability Discrimination Access to Premises Code

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

National Construction Code (Building Code of Australia)

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

Notification of commencement of works

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

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

- ii.if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

Dividing Fences Act

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

Mechanical Ventilation System Certification

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

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

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

Noise

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

Amenity Impacts General

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

Contamination – New Evidence

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

Asbestos Removal

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

Removal of friable asbestos material must only be undertaken by a contractor that holds a current AS1 Friable Asbestos Removal Licence.

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

All asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations (Waste) Regulation 2005. All receipts detailing method and location of disposal must be submitted to Council as evidence of correct disposal.

Construction of Vehicular Crossing

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

Consent of adjoining property owners

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

Arborists standards

All tree work must be undertaken by a practicing Arborist. The work must be undertaken in accordance with AS4373—*Pruning of amenity trees* and the Safe Work Australia Code of Practice—*Guide to Managing Risks of Tree Trimming and Removal Work*. Any works in the vicinity of the Low Voltage Overhead Network (including service lines—pole to house connections) must be undertaken by an approved Network Service Provider contractor for the management of vegetation conflicting with such services. Contact the relevant Network Service Provider for further advice in this regard.

Tree Protection Works

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

Tree Pruning or Removal (including root pruning/mapping)

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

Dial before you dig

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

Useful Contacts

BASIX Information 1300 650 908 weekdays 2:00pm - 5:00pm

www.basix.nsw.gov.au

Department of Fair Trading 13 32 20

www.fairtrading.nsw.gov.au

Enquiries relating to Owner Builder Permits and Home Warranty Insurance.

Dial Prior to You Dig	1100	
		www.dialprior toyoudig.com.au
Landcom	9841 8660	
		To purchase copies of Volume One of "Soils and Construction"
Long Service Payments Corporation	131441	
		www.lspc.nsw.gov.au
NSW Food Authority	1300 552 406	
		www.foodnotify.nsw.gov.au
NSW Government		
		www.nsw.gov.au/fibro
		www.diySAFE.nsw.gov.au
		Information on asbestos and safe work practices.
NSW Office of Environment and Heritage	131 555	
		www.environment.nsw.gov.au
Sydney Water	13 20 92	
		www.sydneywater.com.au

Waste Service - SITA 1300 651 116
Environmental Solutions

www.wasteservice.nsw.gov.au

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

WorkCover Authority of NSW 13 10 50

www.workcover.nsw.gov.au

Enquiries relating to work safety and asbestos removal and disposal.