

Project Approval

Section 75J of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning under delegation executed on 18 November 2008, we approve the project application referred to in schedule 1, subject to the conditions in schedules 2

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the project.


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Sydney



2010

SCHEDULE 1

Application No.:	MP 08_0260
Proponent:	Aevum Limited
Approval Authority:	Minister for Planning
Land:	137 Victoria Street, lot 101 DP702245, Lot 4 DP 717062, Lot 6 & 7 DP 717644 and Lot 1 DP 1126717
Project:	Cardinal Freeman Village, including: <ul style="list-style-type: none">• Stage 1 - Village Green Precinct<ul style="list-style-type: none">• Demolition of existing ILU buildings and community buildings to allow for the Construction of 3 x 5 storey buildings (Q1, Q2 & Q3) consisting of 54 independent living units (ILU's), community facilities and basement car parking• New village green• Upgrade and realignment of the existing east-west roadway• Stage 2 - Care Precinct<ul style="list-style-type: none">• Demolition of existing nursing home, ILU building, dwelling houses and associated structures• Construction of a 4 storey, 160 bed Residential Aged Care Facility• Construction of 2 x 5 storey buildings consisting of 46 ILU's• Construction of a new north-south laneway• Associated infrastructure works

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DEFINITIONS

In this approval,

Act means the Environmental Planning and Assessment Act, 1979 (as amended).

Advisory Notes means advisory information relating to the approved development but do not form a part of this approval.

BCA means the Building Code of Australia.

Certifying Authority has the same meaning as Part 4A of the Act.

Council means Ashfield Council.

Department means the Department of Planning or its successors.

Director-General means the Director-General of the Department or his nominee.

Environmental Assessment (EA) means the Environmental Assessment prepared by BBC Consulting Planners and dated March 2010.

Minister means the Minister for Planning.

MP No. 08_0245 means the Concept Plan described in the Proponent's Environmental Assessment/ Response to Submissions Report.

MP No. 08_0260 means the Major Project described in the Proponent's Environmental Assessment/ Response to Submissions Report.

PCA means a Principal Certifying Authority and has the same meaning as Part 4A of the Act.

Response to Submissions (RTS) means the Response to Submissions Report prepared by BBC Consulting Planners and dated August 2010.

Proponent means Aevum Limited or any party acting upon this approval.

Regulation means the Environmental Planning and Assessment Regulation, 2000 (as amended).

Subject Site has the same meaning as the land identified in Part A of this schedule.

End of Section

SCHEDULE 2

PART A - ADMINISTRATIVE CONDITIONS

A1. Development Description

Development approval is granted only to carrying out the development described in detail below:

- Stage 1 - Village Green Precinct
 - Demolition of existing ILU buildings and community buildings to allow for the Construction of 3 x 5 storey buildings (Q1, Q2 & Q3) consisting of 54 independent living units (ILU's), community facilities and basement car parking
 - New village green
 - Upgrade and realignment of the existing east-west roadway
- Stage 2 - Care Precinct
 - Demolition of existing nursing home, ILU building, dwelling houses and associated structures
 - Construction of a 4 storey, 160 bed Residential Aged Care Facility
 - Construction of 2 x 5 storey buildings consisting of 46 ILU's
 - Construction of a new north-south laneway

A2. Approved plans stamped by the Department

The development will be undertaken generally in accordance with MP No. 08_0260 and the Environmental Assessment except where amended by the Response to Submissions Report dated August 2010, prepared by BBC Consulting Planners, and the following drawings:

Drawing Reference for Village Green Precinct

Architectural Drawings for the Village Green Precinct				
Drawing No.	Revision	Name of Plan	Drawn By	Date
DA100	B	Site Plan	Suters	10/12/10
DA200	G	Basement Floor Plan	Suters	10/12/10
DA201	E	Ground Floor Plan -	Suters	10/12/10
DA202	E	Level 1 and 2 Floor Plan	Suters	10/12/10
DA203	E	Level 3 and 4 Floor Plan	Suters	10/12/10
DA204	E	Roof Plan	Suters	10/12/10
DA210	C	Elevations East & West, Section	Suters	10/12/10
DA211	C	Elevations North & South	Suters	10/12/10
DA300	A	Materials Board	Suters	10/12/10
Landscape Plan				
Drawing No.	Revision	Name of Plan	Drawn By	Date
L01	B	Tree Schedule	jila	05/03/10
L02	-	Levels and Finishes	jila	08/10/09
L03	B	Landscape Plan	jila	05/03/10
L04	-	Image Sheet and Schedule	jila	08/10/09
Other				

Drawing No.	Revision	Name of Plan	Drawn By	Date
C2-0-05	2	Stormwater Drainage Concept Plan – Village Green Precinct	Robert Bird Group	14/10/09
C2-0-10	-	Civil Works Details	Robert Bird Group	05/08/09
C2-1-01	2	Erosion and Sediment Control Plan and Details	Robert Bird Group	11/09/09
C2-5-10	2	Stormwater Works Details	Robert Bird Group	14/10/09
C2-5-15	2	On Site Detention Tank Details	Robert Bird Group	14/10/09

Drawing Reference for Care Precinct

Architectural Drawings for the Care Precinct				
Drawing No.	Revision	Name of Plan	Drawn By	Date
CS	02	Cover Sheet	Suters	28/08/09
DA00	02	Site Location & Analysis	Suters	28/08/09
DA01	03	Site Plan	Suters	05/03/10
DA02	04	Basement Floorplan	Suters	21/09/09
DA03	05	Ground Floorplan	Suters	05/03/10
DA04	05	Level 1 Floorplan	Suters	05/03/10
DA05	05	Level 2 Floorplan	Suters	05/03/10
DA06	05	Level 3 Floorplan	Suters	05/03/10
DA07	05	Level 4 Floorplan	Suters	05/03/10
DA08	03	Roof Plan	Suters	05/03/10
DA09	02	Elevations	Suters	28/08/09
DA10	02	Elevations	Suters	28/08/09
DA11	02	Sections	Suters	28/08/09
DA12	02	Sections	Suters	28/08/09
DA13	02	Sections	Suters	28/08/09
DA14	02	Sections	Suters	28/08/09
DA19	02	Materials Board	Suters	28/08/09
Landscape Plan				
Drawing No.	Revision	Name of Plan	Drawn By	Date
L01	g	Key diagram/tree removal/soil zone	terras	March 10
L02	g	Structural plantings	terras	March 10
L03	i	Main entry	terras	July 10

L04	g	Main courtyard	terras	March 10
L05	g	Dementia courtyard	terras	March 10
L06	g	Southern courtyard	terras	March 10
L07	g	Master plan	terras	March 10
L08	g	Sections a & b	terras	March 10
L09	e	Section c and plant schedule	terras	March 10
Other				
Drawing No.	Revision	Name of Plan	Drawn By	Date
C1-0-05	4	Stormwater Drainage Concept Plan – Care Precinct	Robert Bird Group	14/10/09
C1-0-10	3	Civil Works Details	Robert Bird Group	14/10/09
C1-1-01	3	Erosion and Sediment Control Plan and Details	Robert Bird Group	14/10/09
C1-5-10	4	Stormwater Works Details	Robert Bird Group	14/10/09
C1-5-15	2	On Site Detention Tank Details	Robert Bird Group	14/10/09

except for:

- any modifications which are 'Exempt and Complying Development' as identified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA; and
- otherwise provided by the conditions of this approval.

A3. Inconsistency between documents

In the event of any inconsistency between conditions of this approval and the drawings / documents referred to above, including the Proponent's Statement of Commitments, the conditions of this approval prevail.

A4. Prescribed Conditions

The Proponent shall comply with the prescribed conditions of approval under Clause 98 of the Environmental Planning and Assessment Regulation 2000 in relation to the requirements of the Building Code of Australia (BCA).

A5. Clissold Street

- No additional driveway crossings (apart from those shown on the approved drawings) shall be provided from Clissold Street into the site.
- No median island along Clissold Street shall be provided.

A6. Internal Driveways/ Parking Layout

- Any proposed crossing points into the internal driveway or car parks should be of a vehicular crossing style driveway rather than a full road pavement intersection.
- All internal driveways and car park layout are to comply with the latest Australian Standard, AS2890.

A7. Stormwater Management Code

Design of basement car park drainage is to be in accordance with Council's Stormwater Management Code.

End of Section

PART B – PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

B1. Modification of details of the development

The *approved plans* and the *Construction Certificate* plans and specification, required to be submitted to the *Certifying Authority* pursuant to clause 139 of the *Regulation*, must detail the following amendments:

- a) The proposal shall satisfy the Waste Avoidance Act 2001. Additional bins are to be provided for separate recovery of food and organics wastes equal to 1 x 240 litres per 2 units.
The plans must illustrate the location of the enclosed bin areas. The bins must be located so as not to result in any negative impacts on pedestrian or traffic movements and parking.
- b) A car wash bay is to be provided and illustrated on the plans. The bay must be designated to drain to the sewer system.
- c) Wall mounted or retractable clothes drying facilities shall be included within the private courtyard/ areas of private open space of each of the ground floor Independent Living Units.

B2. Construction Traffic Management Plan

A Construction Traffic Management Plan prepared by a qualified traffic consultant shall be submitted to the Department and Council for each stage of the development. This plan should also take into consideration the impact on Council's local road network.

B3. Construction and Site Management Plan

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

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

Where it is proposed to:

- Pump concrete from within a public road reserve or laneway, or
- Stand a mobile crane within the public road reserve or laneway, or
- Use part of Council's road/footpath area,
- Pump stormwater from the site to Council's stormwater drains, or
- Store waste and recycling containers, skip, bins, and/or building materials on part of Council's footpath or roadway.

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

application for a construction zone is subject to Local Traffic Committee approval and therefore sufficient time should be allowed for the process. Applicable costs for the zone shall apply at the applicant's expense.

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

B4. Soil and Water Management Plan (for major works or in sensitive areas)

Prior to the issue of a Construction Certificate, the Proponent shall submit to and obtain approval from Council or the accredited certifier for a Soil and Water Management Plan and Statement which clearly identifies site features, constraints and soil types together with the nature of proposed land disturbing activities and also specifies the type and location of erosion and sediment control measures and also rehabilitation techniques necessary to deal with such activities.

The Plan shall be compatible with any Construction and Site Management Plan and shall ensure the following objectives are achieved:

- a. to minimise the area of soils exposed at any one time;
- b. to conserve top soil;
- c. to identify and protect proposed stockpile locations;
- d. to preserve existing vegetation and identify revegetation techniques and materials;
- e. to prevent soil, sand, gravel, and any other sediment or spoil from leaving the site in an uncontrolled manner;
- f. to control surface water flows through the development construction site in a manner that:-
 - diverts clean run-off around disturbed areas;
 - minimises slope gradient and flow distance within disturbed areas;
 - ensures surface run-off occurs at non-erodible velocities; and
 - ensures disturbed areas are promptly rehabilitated; and
- g. to ensure regular monitoring and maintenance of erosion and sediment control measures and rehabilitation works

The plan is to be prepared in accordance with *"Managing Urban Stormwater: Soils and Construction Manual"* prepared by NSW Department of Housing (1998).

B5. Erosion & Sedimentation Control-Management Plan

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

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

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

The Proponent is further advised to refer to the following publications for additional information:

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

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

Further information may be obtained from:
Environment Protection Officer
Environment Protection Authority
Inner Sydney Region
Locked Bag 1502
BANKSTOWN NSW 2200

B6. Provision for Energy Supplies

The Proponent must provide the *Certifying Authority* a letter from Energy Australia setting out Energy Australia's requirements relating to the provision of electricity/gas supply to the development.

Any required substation must be located within the boundaries of the site. The *Construction Certificate* plans and specifications, required to be submitted pursuant to clause 139 of the *Regulation*, must detail provisions to meet the requirements of Energy Australia.

Where the substation is required the *Construction Certificate* plans and specifications must provide:

- a) A set back not less than 3m from the road boundary and dense landscaping of *local native plants* to screen the substation from view within the streetscape,
- b) A set back not less than 3m from any other site boundary (fire source feature) and not within the areas required to be kept clear of obstructions to vehicle visibility pursuant to clause 3.2.4 of AS2890.1-1993(See: Figures 3.2 and 3.3),
- c) A set back to and not within the drip line of any existing tree required to be retained,
- d) A setback not less than the 10m from any NSW Fire Brigade booster connection as prescribed by clause 5.6.3(d)(iii) of AS 2419.1-1994 or be separated from any booster connections by a construction with a fire resistance rating of not less than FRL 90/90/90 for a distance of not less than 2 m each side of and 3 m above the upper hose connections in the booster assembly pursuant to clause 5.6.3(c)(ii) of AS 2419.1-1994, and
- e) The owner shall dedicate to the appropriate energy authority, free of cost, an area of land adjoining the street alignment to enable an electricity substation to be established, if required. The size and location of the electricity substation is to be in accordance with the requirements of the appropriate energy authority and Council. The opening of any access doors are not to intrude onto the public road reserve.

B7. Emergency Access

To demonstrate that suitable emergency access and fire fighting facilities are provided within the first two stages, the Proponent must provide the certifier with written evidence from the NSW Fire Service that they are satisfied with emergency access to and from the site.

B8. Sight Lines

Clear sight lines shall be provided at the property boundary line to ensure adequate visibility between vehicles leaving the car park and pedestrians along the frontage road footpath in accordance with Figure 3.3 of AS 2890.1 – 2004 for light vehicles and AS 2890.2 – 2002 for heavy vehicles.

B9. Privacy Screens

Details of privacy screens located on the eastern side of the Residential Aged Care Facility and western elevations of the balconies and windows to the independent living units proposed within Stage 2 (Care Precinct) must be submitted to the PCA prior to the issue of any Construction Certificate (for Stage 2). The privacy screens must achieve adequate privacy between the independent living units and eastern façade of the residential aged care facility.

B10. Lighting to basement/pedestrian routes-safety

Lighting which meets the Australian Standard 1158, spaced at appropriate intervals to provide the required surveillance shall be provided to the vehicular basement parking area and along pedestrian access routes for safety and security purposes during the evenings. This lighting is not to be directed into adjoining properties. No uplighting is permitted. Details to be shown on the construction certificate.

B11. Access management plan for people with a disability

An Access Management Plan for the buildings subject to this consent shall be submitted to the accredited certifier before the issue of a Construction Certificate. Details for the Access Management Plan shall include:

- (a) Access to the building for people with disabilities in accordance with the provisions of AS4299 and AS 1428 Part 1 and the Ashfield Development Control Plan for Access and Mobility (tel. 9716 1800 for a free copy)
- (b) Sanitary facilities accessible to people with disabilities. Such facilities shall be accessible to all persons working in or using the building.

B12. Vibration Damage Assessment/Geotechnical report

To minimise vibration damage and loss of support to buildings in close proximity, a report shall be prepared by a qualified Geo-technical engineer detailing the maximum size of hammer to be used where a hydraulic hammer is to be used within 30 metres of any building (other than a path or a fence). The report is to be submitted to and approved by the accredited certifier prior the issue of a Construction Certificate.

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

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

B13. Waste Management Plan

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

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

period of the development. Adequate measures need to be in place to ensure the ongoing waste management of the site.

Keep receipts of where waste will be taken to be treated or disposed. The receipts must be presented to the PCA prior to issue of the occupation certificate.

B14. Damage deposit/footpath, road, kerb and gutter

A Damage Deposit of **\$20,000** is to be submitted prior to the release of the Construction Certificate covering repair and/or replacement of adjoining footpath, road shoulder, road pavement, kerbing and guttering both outside the subject site and the surrounding area. This is to be paid to Council and may be refunded subject to satisfactory completion of construction or demolition.

This Damage Deposit covers unforeseen damage to the above property by construction vehicles, skip bins, construction methods etc. Note: Should repair works or maintenance be required on Council land, a Road Opening Permit must be obtained before those works take place.

Bank Guarantees are accepted in lieu of any Council security deposit/bond subject to the following:

A charge equal to the value multiplied by the current "overdue rates interest charge" be levied, per month or part thereof, with a minimum charge of three months is to be paid upon lodgement.

Any remaining charge is to be calculated at the prevailing "overdue rates interest rate" for each month or part thereof beyond the original three months that the Bank Guarantee was held, and paid prior to its release.

Any costs incurred in the acceptance, administration or release of such Bank Guarantees be on-charged to the entity claiming the release of such Bank Guarantee, and that these amounts be paid prior to its release.

At the time of lodgement, Council will seek verification of the Bank Guarantee. Please provide contact details for the branch (phone number and officer) to assist with verification of the bona fides of the Bank Guarantee.

Until all items above are completed, no documents or usage sought from Council by the party lodging the Bank Guarantee can be issued. Please allow a minimum of 2 business days for this process.

B15. Arborist's Report

An independent qualified arborist's report shall be submitted with the construction certificate detailing how the trees are retained and protected during construction. A qualified tree surgeon is also to be engaged to regularly report on the trees' condition and undertake necessary actions to ensure the trees' preservation.

B16. Long Service Levy

Compliance with Section 109F of the *Environmental Planning and Assessment Act 1979* - payment of the long service levy under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 (or, where such a levy is payable by instalments, the first instalment of the levy) - is required. All building works in excess of \$25,000.00 are subject to the payment of a Long Service Levy.

B17. Section 94 Contributions for Stage 1 (Village Green Precinct)

In accordance with Section 80A(1) of the *Environmental Planning and Assessment Act 1979* and the Ashfield Council Development Contributions Plan, the following monetary contributions shall be paid to Council Prior to issue of a Construction Certificate for Stage 1 to cater for the increased demand for community infrastructure resulting from the development:

	Seniors Housing (self-care – ILU's)
Number of additional Dwellings / Beds or GFA	42 ILU's
Local Roads	\$1,551.63
Local Public Transport Facilities	\$17,732.28
Local Car Parking Facilities	\$0.00
Local Open Space and Recreation Facilities	\$311,832.17
Local Community Facilities	\$19,262.40
Plan Preparation and Administration	\$14,168.23
TOTAL	\$364,546.71

If the contributions are not paid within the financial quarter that this consent is granted, the contributions payable will be adjusted in accordance with the provisions of the Ashfield Development Contributions Plan and the amount payable will be calculated on the basis of the contribution rates applicable at the time of payment in the following manner:

$$\text{\$C}_c = \frac{\text{\$C}_p \times \text{CPI}_c}{\text{CPI}_p}$$

Where:

$\text{\$C}_c$ is the amount of the contribution for the current financial quarter

$\text{\$C}_p$ is the amount of the original contribution as set out in this development consent

CPI_c is the Consumer Price Index (Sydney – All Groups) for the current financial quarter as published by the ABS.

CPI_p is the Consumer Price Index for the financial quarter at the time of the original consent.

Prior to payment of the above contributions, the applicant is advised to contact Council's Planning Division on 9716 1800. Payment may be made by cash, money order or bank cheque.

Council's Development Contributions Plan may be viewed at www.ashfield.nsw.gov.au or a copy may be inspected at Council's Administration Centre.

B18. Section 94 Contributions for Stage 2 (Care Precinct)

In accordance with Section 80A(1) of the *Environmental Planning and Assessment Act 1979* and the Ashfield Council Development Contributions Plan, the following monetary contributions shall be paid to Council Prior to issue of a Construction Certificate for Stage 2 to cater for the increased demand for community infrastructure resulting from the development:

	CONTRIBUTIONS (NEW DEVELOPMENT)		TOTAL
	Seniors Housing (self-care)	Residential Care Facility	
Number of Dwellings / Beds or GFA	34 ILU's	41	N/A
Local Roads	\$1,256.08	\$1,829.26	\$3,085.34
Local Public Transport Facilities	\$14,354.71	\$0.00	\$14,354.71
Local Car Parking Facilities	\$0.00	\$0.00	\$0.00
Local Open Space and Recreation Facilities	\$252,435.57	\$0.00	\$252,435.57
Local Community Facilities	\$15,593.38	\$0.00	\$15,593.38
Plan Preparation and Administration	\$11,469.53	\$10,707.34	\$22,176.87
TOTAL	\$295,109.25	\$12,536.60	\$307,645.85

If the contributions are not paid within the financial quarter that this consent is granted, the contributions payable will be adjusted in accordance with the provisions of the Ashfield Development Contributions Plan and the amount payable will be calculated on the basis of the contribution rates applicable at the time of payment in the following manner:

$$\$C_C = \frac{\$C_P \times CPI_C}{CPI_P}$$

Where:

$\$C_C$ is the amount of the contribution for the current financial quarter

$\$C_P$ is the amount of the original contribution as set out in this development consent

CPI_C is the Consumer Price Index (Sydney – All Groups) for the current financial quarter as published by the ABS.

CPI_P is the Consumer Price Index for the financial quarter at the time of the original consent.

Prior to payment of the above contributions, the applicant is advised to contact Council's Planning Division on 9716 1800. Payment may be made by cash, money order or bank cheque.

Council's Development Contributions Plan may be viewed at www.ashfield.nsw.gov.au or a copy may be inspected at Council's Administration Centre.

B19. Services adjustment or relocation

The Proponent shall meet the full cost for Telstra, Sydney Electricity, Sydney Water or Natural Gas Company to adjust/relocate their services as required. The Proponent shall make the necessary arrangements with the service authority. (For information on the location of these services contact the "Dial before you Dig" service on 1100.)

Documentary evidence from the public utility authorities confirming that all of their requirements have been satisfied shall be submitted to Council with the Construction Certificate under Section 68 of the Local Government Act, 1993, for construction of the development

B20. Water conservation

Water saving devices must be fitted to all showers and dual flush cisterns installed within all WC/ sanitary facilities provided throughout the development to reduce ongoing water

consumption. Documentation to be shown on the plans to be provided with the Construction Certificate

B21. Sydney Water – Section 73 Compliance Certificate

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

Application must be made through an authorised Water Servicing Coordinator. Please refer to the “Your Business” section of the web site www.sydneywater.com.au then follow the “e-Developer” icon or telephone Sydney Water 13 20 92 for assistance.

Following application, a “Notice of Requirements” will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the PCA prior to the release of an occupation or subdivision certificate.

B22. Stormwater disposal-calculations

- (a) Calculations and details of the proposed method of stormwater disposal shall be prepared by a suitably qualified professional civil engineer in accordance with **Council’s Stormwater Management Code** and submitted to, and approved by the PCA prior to the release of the Construction Certificate.
The Construction Certificate plan to be submitted must consist of the following items:
Separate catchment areas within the site draining to each collection point or surface pit classified into the following categories:
 - (i) Roof areas.
 - (ii) Paved areas.
 - (iii) Grassed areas.
 - (iv) Garden areas.
 - (v) The percentages of Pre-development and Post-development impervious areas
- (b) At each pit and or bend, a level of pipe is to be shown (the minimum grade for pipes is 1%).
- (c) All flowpaths both internal and external, which pass through or around the proposed development site, are to be shown on the Construction Certificate plan
- (d) Calculations and details are to be provided to Council showing that provisions have been made to ensure runoff from all storms up to the 100 year ARI, which cannot be conveyed within the piped drainage system (including pits and including overflows from roof gutters) is safely conveyed within formal or informal overland flow paths to the detention storage facility. Where it is not practicable to provide paths for overland flows the piped drainage system should be sized to accept runoff up to and including the 100-year ARI.
- (e) Each drainage leg leading to the detention tank shall have a silt arrestor pit installed immediately upstream from the detention tank.
- (f) The depth and location of all services within the area affected by the development (i.e. gas, water, sewer, electricity, Telstra, etc) shall be confirmed by the applicant on site prior to the release of the Construction Certificate).

All garbage and waste areas must drain to the sewer and not the stormwater system.

B23. Pumpout system specifications

A pumpout system is permitted to discharge small volumes of stormwater from the basement car parking area such as runoff from access ramps. Full details of the pump size, capacity, performance curves, friction losses etc from the manufacturer’s specifications must be submitted with the stormwater drainage calculations demonstrating that the pump will function in accordance with the manufacturer’s specifications for the required volume of stormwater at the subject total head. The storage and pump capacity is to cater for a 12

hour 1 in 100 year ARI storm as a minimum to avoid flooding hazard in the event of a power blackout during a storm.

The stormwater volumes discharged from the pumpouts are to be included in the permissible limited amount of stormwater discharged from the site as stated in other relevant conditions

B24. Stormwater detention storage facility

- (a) On-site Stormwater Detention storage shall be provided in conjunction with the stormwater disposal. This storage shall be designed in accordance with Council's Stormwater Management Code. Details of the storage shall be submitted to and approved by the PCA prior to the release of the Construction Certificate.
- (b) Prior to the release of the Construction Certificate, a maintenance schedule is to be prepared which clearly outlines the routine maintenance necessary to keep the OSD system working, this information is to be included in the Positive Covenant required for this development. Some of the issues that will need to be addressed are:
- where the storage and silt arrestor pits are located
 - which parts of the system need to be accessed for cleaning and how access is obtained
 - description of any equipment needed (such as keys and lifting devices) and where they can be obtained
 - the location of screens and how they can be removed for cleaning
 - who should do the maintenance (i.e. commercial cleaning company)
 - how often should it be done
- The abovementioned maintenance schedule is to be submitted to and approved by Ashfield Municipal Council prior to the release of the Occupation Certificate.

B25. Plantation or recycled timbers

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

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

B26. Water efficient irrigation system

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

B27. Footpath/laneway- photographs to be submitted

Prior to the release of the Construction Certificate, the Proponent shall lodge with Council photographs of the roadway and footpath in Clissold Street, Queen Street and Victoria Street at the property indicating the state of the relevant pavements. At the completion of construction, again at the expense of the Proponent, a new set of photographs is to be taken to determine the extent, if any, of any damage, which has occurred to the relevant pavements. If any damage has occurred, the applicant shall meet the full cost to repair or reconstruct these damaged areas to Council's relevant standard. Failure to do this will result in the Proponent being held accountable for the cost of all repair works in the area near / at the site.

End of Section

PART C – PRIOR TO CONSTRUCTION

C1. Notice of Commencement- Notification of Works

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

C2. Requirement for a Construction Certificate

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

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

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

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

WARNING: Failure to obtain a Construction Certificate prior to the commencement of any building work is a serious breach of Section 81A(2) of the *Environmental Planning & Assessment Act 1979*. It is a criminal offence that attracts substantial penalties and may also result in action in the Land and Environment Court and orders for demolition.

C3. Workplace Travel Plan (WTP) and Transport Access Guide (TAG)

The Proponent must prepare a Workplace Travel Plan (WTP) and Transport Access Guide (TAG) for workers, visitors and residents of the site. The WTP and TAG must be completed and reviewed by Transport NSW prior to any construction taking place. The WTP should be produced in accordance with the Workplace Travel Plan resource on the NSW Government Premier's Council for Active Living website: www.pcal.nsw.gov.au. Information regarding TAGs is available on the NSW Roads and Traffic Authority's website: www.rta.nsw.gov.au.

C4. Survey of Long-nosed Bandicoot

Submission of a final survey report for the Long-nosed Bandicoot is to be prepared and submitted to the Department and Council. This report should provide evidence that the habitat requirements of the Long-nosed Bandicoot have been provided.

C5. Aboriginal Objects/ Artefacts

Should any Aboriginal object as defined in S 5(1) of the National Parks and Wildlife Act 1974 be uncovered during works on the site, all works shall cease. The Department of Environment, Climate Change and Water shall be contacted immediately and any directions or requirements complied with.

C6. Relics

Should any relics as defined within The Heritage Act 1977 be uncovered during excavation on site, the applicant must ensure that work ceases in that area and the Heritage Office is immediately notified in accordance with Section 146 of the NSW Heritage Act 1977.

Work must not recommence in that area until any necessary Excavation Permit has been obtained from the Heritage Council under Section 140 of the NSW Heritage Act, 1977.

C7. Residential Relocation Plan

A Resident Relocation Plan must be implemented prior to construction of any relevant stage. The implemented Residential Relocation Plan must be prepared by an appropriately qualified professional and submitted to the Department and Council. The Plan must provide full details of the impacts on affected residents and shall include, but not limited to the following:-

- Impact of change – leading to loss of identify, loss of familiar environment, loss of routine (there are health and safety issues arising including risk of depression and risk of falls related injury);
- Increased noise;
- Increased dust and air pollution; and
- Loss of financial investment if property/accommodation has been recently purchased.

C8. Communications Strategy

A communication strategy for the Village shall be prepared. This strategy shall include but not limited to the following:

- Voice announcing systems for information distribution
- Audio loop in communal areas (linked to AV system)
- Tactile indicators especially where residents' come into contact with onsite traffic including delivery areas
- Large print used on signage

C9. Sanitary facilities· demolition/construction sites

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

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

C10. Building location – check survey certificate

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

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

C11. Site Controls

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

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

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

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

C12. Site fencing/security

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

C13. Demolition work plan

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

C14. Asbestos sheeting removal - EPA/Workcover Authority

Asbestos removal is to be carried prior to principal works commencing in accordance with Environmental Protection Authority and Workcover Authority requirements. Proper procedures shall be employed in the handling and removal of asbestos and products containing asbestos so as to minimise the risk to personnel and the escape of asbestos particles in the atmosphere. Work is only to be carried out with the prior consent of the Work Cover Authority.

Note: There are substantial penalties for non-compliance with the above requirements.

C15. Asbestos and/or lead removal certification

The existing structures/land on the site potentially contain asbestos and/or lead. Following removal of any asbestos/lead located on site a clearance must be provided to PCA certifying that no such asbestos/lead remains on site from a suitably qualified person.

A copy of the clearance Certificate must be forwarded to Council before any other demolition work is commenced.

C16. Garbage skips on Council land - Council approval

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

C17. Haulage route information

Full details of proposed haulage routes, estimated number of vehicle movements and trip locations related to demolition/construction activities are to be submitted to and approved by Ashfield Council prior to work commencing for each stage of construction.

Note: All Victoria Street routes are to exit to the north. All Prospect Road routes are to exit to the south onto Old Canterbury Road.

C18. Public liability insurance – Works on Council/public lands

The applicant or any contractors carrying out works on public or Council controlled lands shall have public liability insurance cover to the value of \$10 million and shall provide proof of such cover prior to carrying out the works.

C19. Dilapidation Reports

A Dilapidation Report on the current structural condition of the surrounding streets, footpaths and haulage routes must be prepared by a practicing structural engineer. The Dilapidation Report must be completed and submitted the owner of the subject property and to the Department and Council prior to the commencement of any demolition, excavation or construction works. At the completion of the works, a second Dilapidation Report recording the structural condition must be prepared. That Report must be submitted to the owner of the subject property and to the Department and Council.

C20. Site fencing/security

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

C21. Support for neighbouring buildings and notice to adjoining owners

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

Notes:

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

C22. Sydney Water approval

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre 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. Plans will be appropriately stamped. For Quick Check agent details please refer to the web site: www.sydneywater.com.au. See 'Your Business then Building & Developing then Building & Renovating or telephone Sydney Water 132092'.

C23. Protection of public places· erection or demolition of building

- If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient or involves the enclosure of a public place; a hoarding or fence must be erected between the work site and the public place.
- If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- Any such hoarding, fence or awning is to be erected prior to works commencing and only with Council approval in accordance with Workcover requirements. The temporary structures are to be removed when the work has been completed. Fees shall apply for any hoarding.

C24. On site detention system – check survey

Prior to the construction of an on-site detention system involving permanent construction work (eg construction of concrete slabs, walls, pipe-systems or pits etc, and prior to the placement of any concrete for ground floor, car park or garages) a "check survey from a

registered surveyor" must be forwarded to the Council indicating compliance with the approved plans before any concrete pour is approved by the relevant Council building surveyor or Authorised Certifier.

C25. Fire Hydrants

Prior to the issuing of any construction certificate, details of the reticulated waters mains that incorporate the installation of fire hydrants and Fire Brigade boosting provisions must be submitted to and approved by the certifier.

End of Section

PART D – DURING CONSTRUCTION

D1. Plans to be available on site

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

D2. Footpath, kerb and gutter protection

In order to keep the area safe for pedestrians, the vehicular access across the kerb, gutter and footpath is to have timber protection so that heavy vehicles driving over this timber crossover protection do not damage the footpath and kerb and gutter.

D3. Spoil and building materials on road and footpath

Spoil and building materials shall not be placed or stored within any public roadway or footpath.

D4. Encroachment on Council property prohibited

No portion of the development, including gates and doors during opening and closing operations, shall encroach upon Council's footpath area.

D5. Building materials- storage/placement on footpath/roadway - Council approval

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

D6. Signs to be erected on building and demolition sites

- (1) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - (a) stating that unauthorised entry to the work site is prohibited; and
 - (b) showing the name and address of the contractor for the building work and the person in charge of the work site and a telephone number at which the person may be contacted outside working hours; and
 - (c) showing the name, address and telephone number of the Principal Certifying Authority appointed for the building works.
- (2) Any sign shall be maintained and not removed until work has finished.

D7. Demolition/excavation/construction – hours of work

Demolition, excavation and construction work, including loading and unloading of materials and machinery, shall be restricted to between the hours of 8:00 am to 5:00 pm Monday to Friday.

Excavation and construction works may only occur every second Saturday (50% of Saturdays) and only between the hours of 8:00 am and 1:00 pm. On these days, only passive construction activities may occur, such as painting, landscaping and plastering. No demolition, hammering, or use of motorised or electric power tools or equipment shall occur during this period.

All work is prohibited on Sundays, and on public holidays. A plan is to be submitted to and approved by the Department of Planning outlining the type of passive excavation and construction activities to occur on every second Saturday.

D8. Demolition and Construction Vehicles

All demolition and construction vehicles and activities are to be contained wholly within the site.

D9. Internal Traffic Aisles

The internal aisle ways are to be marked with pavement arrows to direct traffic movements in/out of the site and guide traffic circulation through the car park.

D10. Trees to be protected - Ashfield Tree Preservation and Landscape Policy

Trees to be preserved are to be protected in accordance with Part 5 of Ashfield Council's Tree Preservation and Landscape Policy.

D11. Matching materials· repairs to fabric

Matching materials are to be used in repairing the fabric of external surfaces.

D12. Dust control

Adequate measures are to be implemented, including, for example, water spraying/mesh barriers, to prevent dust from causing any nuisance.

D13. Site vehicles - mud/debris

You are to ensure that ALL vehicles leaving the site are free of mud and debris. Loads are to be fully covered and vehicles/wheels washed down to ensure that no nuisance occurs.

D14. Demolition requirements/standards

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

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

concrete and other materials need not be disposed of – they can be recycled and resold if segregated properly from any hazardous waste contamination.

- (o) Following demolition activities, soil must be tested by a person with suitable expertise to ensure the soil lead levels are below acceptable health criteria for residential areas. Full certification is to be provided for approval by the Principal Certifying Authority.

D15. Mechanical ventilation installation Australian Standards

Ventilation is to be provided to the premises in accordance with the Building Code of Australia. All below ground rooms & accessible voids are to be certified as not confined spaces.

D16. Visitor car parking identification

Visitor car parking shall be clearly identified by signposting and/or when marking and must be accessible by visitors to the village.

D17. Design and construction of car parking bays and ramps

Design of car parking bays and ramp-driveways shall be in accordance with latest Australian Standards AS 2890.1 "Off Street Car Parking"

D18. Footpath, kerb and gutter protection

The applicant is to take all precautions to ensure footpaths and roads are kept in a safe condition and to prevent damage to Council's property, and maintain or repair any damage that occurs.

The applicant shall use existing vehicular crossings for construction vehicles entering and leaving the site across Council's footpath. Any damage caused will be made good by Council at Council's restoration rates at the applicant's expense.

D19. Redundant vehicular crossings-removal and replacements

All redundant vehicular crossings shall be removed and replaced with concrete footpath, concrete kerb and concrete gutter at no cost to Council at the applicant's expense.

D20. Road opening permit- Council controlled lands

A "road use-opening permit" shall be obtained for all works carried out in public or Council controlled lands. Contact Council's Works and Infrastructure Department for details.

D21. Vehicle access driveways

All vehicular access driveways shall be constructed in accordance with Council's standard drawing and specifications. Driveways shall be located a minimum of 1.0m clear of any existing stormwater pits, lintels or poles and 2m clear of any trees within the road reserve,

Driveways shall also be located a minimum of 0.5m clear of any utility service opening such as Telstra, Sydney Electricity, Sydney Water or Natural Gas Company.

This work shall be carried out prior to the release of any Occupation Certificate for each relevant stage (1 or 2)

D22. Finished ground surface levels at property boundary

Finished ground surface levels at the property boundary after works shall match the ground surface levels at that location along the property boundary prior to the carrying out of works pursuant to this consent.

D23. Road use (opening) permit- Council controlled lands

A road use (opening) permit shall be obtained for all works carried out in public or Council controlled lands. Contact Council's Works & Infrastructure Services Department for details.

D24. Traffic control on public roads

Where works are undertaken on public roads, adequate traffic control in accordance with AS 1742.3 1996 "Traffic Control Devices for work on Roads" particularly regarding traffic

movement controllers, advance warning signs and directions to motorists, shall be provided. Where such measures are not satisfactorily provided to this Australian Standard, Council may provide such and recover the costs from any bonds held.

D25. Engineering staff to inspect roadworks/drainage

An inspection by Council's staff will be required for (kerb/gutter/crossing etc) at the following stages:

- (i) After excavation.
- (ii) After the erection of formwork and the placement of reinforcement and prior to pouring of concrete.
- (iii) After placement of road base course.
- (iv) After completion of any pits.
- (v) After pipes have been laid and prior to backfilling.
- (vi) On completion of works.

A minimum of 24 hours notice is required to be given to Council to obtain an inspection. Work is not to proceed until the works or activity covered by the inspection is approved.

D26. Stormwater runoff-collection/dischARGE

Stormwater runoff from all roof and paved surfaces shall be collected and discharged via detention storage and gravity means to Council's stormwater pipe system.

D27. Stormwater runoff

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

D28. Surface overflow paths – storm recurrence event

Surface overflow paths shall be provided to allow for the 1-hour 1 in 100 year storm recurrence event, and any more intense events.

Should it not be possible to provide an overland escape route for excessive stormwater an increase of 50 % in the required volume of stormwater storage will be required.

D29. BASIX Requirements

Prior to the issue of the relevant Construction Certificate, details of all amendments and treatments outlined in the BASIX Certificates submitted, to achieve satisfactory levels of thermal comfort, and satisfactory water and energy ratings, shall be incorporated into the proposed development and provided to the PCA. Should design changes require amended BASIX Certificates, a copy is to be provided to the Department, along with stamped plans, for information.

D30. Erosion, dust, topsoil and sediment control

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

End of Section

PART E – PRIOR TO ISSUE OF OCCUPATION CERTIFICATE / PRIOR TO OPERATIONS

E1. Letter Box

letter boxes are to be provided and are to be fully accessible and within close proximity to relevant independent Living Units.

E2. Signposting

All internal roadways are to be prominently signposted and all buildings clearly titled and identified onsite block plans that are to be located at each vehicle access point.

E3. Engineering conditions to be satisfied prior to the issue of occupation certificate

Prior to the release of the Occupation Certificate of each relevant stage when the on-site building works are completed there are three (3) conditions that must be satisfied.

They are:

(a). Work-As-Executed Plans

A "Work-as-Executed" plan prepared and signed by a registered surveyor is to be submitted to Council's Engineering Department at the completion of the works showing the location of the detention basin 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 Council's drainage system, is to be shown together with the following information:

- location
- pipe diameter
- gradient
- pipe material i.e. PVC or EW etc
- orifice size (if used)
- trash screen at orifice
- all buildings (including floor levels) and finished ground and pavement surface levels

(b) Engineer's Certificate

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

- * the soundness of the storage structure;
- * the capacity of the detention storage;
- * the emergency overflow system being in place;
- * the works being constructed in accordance with the Department approved plans; and
- * 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 Code.
- * basement car park pumps are class one zone two (if used).

(c) Restriction-As-To-User

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

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

E4. Positive Covenant-stormwater detention/surface flow paths-occupation certificate

A Positive Covenant under Section 88E of the Conveyancing Act shall be created on the title of the property detailing the

- (a) surface flow path
- (b) finished pavement and ground levels
- (c) prevent the erection of any structures or fencing
- (d) on-site stormwater detention system

The wording in the Instrument shall be submitted to and approved by Ashfield Municipal Council prior to lodgement at the Land Titles Office and prior to the release of the Occupation Certificate for each relevant stage. The Instrument shall be registered prior to the completion of development.

In order to ensure that the on-site detention system is properly maintained the owner of the site shall each year provide Council with a Certificate from a practicing civil engineer stating that the on-site detention system is functioning correctly and has not been compromised in any manner.

End of Section

PART F – DURING OPERATIONS

F1. Waste Collection

Small rigid garbage trucks shall service the site. The driveway crossing point and internal driveway layout and facilities shall comply with the latest AS2890.2.

F2. Courtesy Bus

Any internal and external courtesy bus shall be fully funded by the operator/ management of the village and at no cost to Council.

F3. Discharge of condensate from air conditioning units

Any condensate, moisture, etc shall not be permitted to be discharged onto the ground surface of the premises or into stormwater drainage systems in contravention of the requirements of the Protection of the Environment Operations Act 1997.

All such wastes must be discharged to sewers of Sydney Water.

F4. Lighting overspill - amenity

No security or other lighting shall cause light overspill to adjoining property owner's/ occupiers or residents.

F5. Deliveries/Service contractors

All deliveries/service contractors (excluding essential medical deliveries) are to occur between the hours of 7:00am to 6:00pm Monday to Saturday. No deliveries are to occur on Sunday or Public Holidays. The deliveries and service contractors and the like are to be advised of the hours. This is to protect the amenity of the area.

F6. Vehicle Turning Areas

The proposed turning areas within the car park are to be kept clear of any obstacles, including parked cars, at all times.

F7. Sight Lines

The required sight lines to pedestrians and or other vehicles in or around the entrances are not to be compromised by landscaping, signage, fencing or other materials.

F8. Noise conditions

The noise from the proposed mechanical plant and equipment noise shall not exceed 42 dB(A)Leq between 7.00am and 10.00pm, or 37 dB(A)Leq between 10.00pm and 7.00am, when measured at any residential facade at 1.5m above ground level on the residential property. Where the measurement is conducted with microphone adjacent to a residential facade a 6dB correction shall be applied to the measured noise level to take into account the increase in sound pressure level attributable to the sound reflection from the facade.

F9. Additional structures

No additional structures, including mechanical plant (air conditioning units), shall be erected without the prior approval of Council unless otherwise permitted under the Ashfield Local Environmental Plan 1985, as amended, or other environmental planning instrument, or approval or development consent granted pursuant to the EP&A Act.

F10. Implementation of Workplace Travel Plan (WTP) and Transport Access Guide (TAG)

The Workplace Travel Plan (WTP) and Transport Access Guide (TAG) must be maintained and updated when necessary. The WTP and TAG must be made available for workers, visitors and residents of the site throughout the life of the development.

F11. Speed Limit

The internal roads within the development are subject to a maximum speed limit of 10km/hour. The change in speed limits must be clearly signposted when entering and

moving through the site. The speed limit signposts must be maintained for the life of the development.

End of Section

PART H – ADVISORY NOTES

AN1. Compliance with the Disability Discrimination Act - liability

This decision does not ensure compliance with the Disability Discrimination Act. The owner, lessee, operator and/or manager of the premises is advised that under the Disability Discrimination Act 1992, it is illegal to discriminate against a person with a disability by means of restricting access to or within the building. If access is restricted the owner, lessee, operator and/or manager of the premises may be liable for prosecution and/or a successful appeal to the Human Rights and Equal Opportunities Commission. You should therefore investigate your liability under that Act. Australian Standard 1428 – Design for Access and Mobility, Parts 2, 3 and 4 may assist in determining compliance with the Disability Discrimination Act 1992.

AN2. Compliance with the Building Code of Australia

Preliminary assessment of the development application drawings indicates that the proposal may not comply with the following parts of the Building Code of Australia: Parts – C, D, E, F, H and J.

AN3. Trade waste agreement

A Trade Waste Agreement must be obtained from Sydney Water prior to the discharge of trade waste water to the sewer system. Trade wastewater is defined as 'discharge water containing any substance produced through industrial or commercial activities or operation on the premises'.

AN4. Storage of dangerous goods

Details of the exact nature, quantity, location, method of storage and packing of any material covered by the Dangerous Goods Act 1975, must be submitted to the Work Cover Authority in accordance with its requirements.

AN5. Other approvals

This development consent does not remove the need to obtain any other statutory consent or approval necessary under any other Act, including:

- an Application for Approval under Section 68 of the Local Government Act 1993 for any proposed activity under that Act, including any erection of a hoarding. All such applications must comply with the Building Code of Australia.
- an Application for Approval under Section 68 of the Local Government Act 1993 for a Place of Public Entertainment if proposed. Further building work may also be required for this use in order to comply with the Building Code of Australia. If there is any doubt as to what constitutes "Public Entertainment" do not hesitate to contact Council's Fire Officer.
- an application for an Occupation Certificate under Section 109(C)(2) of the Environmental Planning and Assessment Act 1979.

Note: An application for an Occupation Certificate may be lodged with Council if the applicant has nominated Council as the Principal Certifying Authority.

- an Application for a Subdivision Certificate under Section 109(C)(1)(d) of the Environmental Planning and Assessment Act 1979 if land (including stratum) subdivision of the development site is proposed.
- an Application for Strata Title Subdivision under the Strata Schemes (Freehold Development) Act 1973, if strata title subdivision of the development is proposed.
- a development application for demolition approval under the Environmental Planning and Assessment Act 1979 if consent for demolition is not granted by this consent.
- Application for road use (opening) permit under s.138 of the Roads Act 1993 for works in or on a public road, or the temporary exclusive use of part of a roadway.

APPENDIX

STATEMENT OF COMMITMENTS

Statement of Commitments

A. General

A1. The development will be undertaken generally in accordance with the Environmental Assessment report prepared by BBC Consulting Planners, including accompanying volumes & appendices **and the Response to Submissions Report prepared by BBC Consulting Planners.**

A2. The development will be undertaken generally in accordance with the architectural, landscape, and civil services drawings and design principles, strategies and guidelines submitted with the Environmental Assessment report, while allowing for reasonable design development to occur.

A3. The Proponent is committed to the principles of sustainability as defined in the Environmental Planning and Assessment Act, 1979.

B. Further Approvals

B1. The Proponent will obtain all necessary approvals and licences required by State and Commonwealth legislation in implementing and operating the project.

B2. The Proponent will obtain Project Approvals prior to undertaking any development approved under the Concept Plan approval.

C. Commitment to Residents

C1. The proponent will implement the measures for managing mitigation, communication and management issues during construction as described in Section 5 of the Consultation Outcomes Report contained in Appendix C of Volume 5

D. Demolition, Excavation and Construction Management

D1. The Construction Management Plan in Appendix J of Volume 5 will be updated through consultation with the building contractor in order to comprehensively address the issues raised in Sections 3.4.2 and 5.10 of the Environmental Assessment report and the following.

D2. The Proponent will put in place environmental controls to mitigate the effects of noise, dust, vibration and erosion during demolition, excavation and construction, including the implementation of:

- Demolition and excavation in a manner that meets acoustic criteria for construction as identified in the Acoustic Impact Assessment;
- Construction zones are to be enclosed and contained with semi-permanent solid hoarding to avoid prolonged direct exposure construction works by residents;
- All building materials are to be stored within restricted, designated and properly secured areas;
- Strict noise mitigation of construction activity and construction equipment;
- Strict management of dust by use of screens and/or hose down having particular regard on the impacts on nearby residences; and
- Implementation of erosion and sediment control devices as shown in the set of civil services plans submitted with the Environmental Assessment report.

D3. The building contractor will establish a Safety Plan before work commences on-site detailing safe work methods and procedures to be followed on-site and to ensure compliance with OH&S and statutory requirements, such plan to address safety risks during demolition, excavation and construction activity, including:-

- stability of adjacent structures;
- excavation support;
- falls from heights;
- protection of pedestrians and the provision of safe paths of travel in the vicinity of construction zones;
- provision of alternative access for pedestrians to community facilities and services on the site including external bus stops, letterboxes, garbage collection areas and temporary and permanent administration offices and community facilities,

- traffic controls around the perimeter of the site and within the site.

D4. Construction activities (including demolition and excavation) will only occur between 7.00am and 5.00pm, Monday to Friday. **Construction on Saturdays will be limited to 50% of the Saturdays during the construction period, will be between the hours of 8.00am and 1.00pm and will involve activities that will not generate noise.** and between 8.00am and 1.00pm Saturdays, unless further acoustic analysis of specific noise-producing works has been carried out and endorsed by a qualified acoustic engineer.

D5. The Proponent and contractor are to jointly prepare a consultation plan to be implemented on a regular basis during construction to include effective communication with the residents of the village on construction program and construction activities.

D6. The building contractor will be required to arrange sorting and recycling of waste materials to ensure maximum recycling is achieved, in accordance with the Construction Management Plan.

D7. The Proponent will ensure construction traffic and parking requirements during construction activities are as per the adopted Construction Management Plan:

D8. The Proponent will carry out all construction activities in accordance with relevant environmental protection legislation.

D9. The Proponent will instigate environmental management and mitigation measures during construction activities as per the CMP.

D10. Prior to construction commencing, the Proponent is to implement the Relocation Strategy contained in the Environmental Assessment.

D11. Pedestrian and vehicular access is to be maintained during construction to ensure that access is maintained to and within the site at all times.

E. Tree Protection

E1. Specific tree protection measure and general tree protection measures (as appropriate) will be implemented for the trees identified as being retained in the Aborigicultural Assessment Reports appended to the Environmental Assessment.

F. Biodiversity/Tree Loss

F1. The proponent will implement the Landscape Plan forming part of the project application.

G. Acoustic considerations

G1. Noise and vibration during demolition, excavation and construction will be mitigated in accordance with the recommendations and guidelines in the acoustic report submitted with the Environmental Assessment report.

G2. Once plant and equipment has been selected for the new buildings, a separate acoustic assessment will be carried out to ensure that noise emissions are controlled, and compliance achieved with the criteria specified in the DECC Industrial Noise Policy guidelines.

H. ESD

H1. The Proponent will implement the measures proposed in the Environmental Sustainable Development Assessment, Civil Works reports submitted within the Environmental Assessment.