

NOTICE OF DETERMINATION - APPROVAL

Issued under Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979

Development Application No.	DA/2020/0574
Applicant	Andrew Nicolle
Land to be developed	31 Park Road MARRICKVILLE NSW 2204
Approved development	To construct a new preschool building and multipurpose courts.
Cost of development	\$2,000,000.00
Determination	The application was determined by Delegation to Staff and was granted consent subject to the conditions attached.
Other Approvals	Before commencing building work or subdivision work, a relevant Construction Certificate must be obtained from Council or an Accredited Certifier. Council must be appointed the Principal Certifier for any subdivision work under the Act.
Determination date	17 December 2020
Consent is to operate from	17 December 2020
Consent will lapse on	17 December 2025

Reasons for conditions

To protect the environmental amenity of the area and the public interest.

Right of appeal

If you are dissatisfied with this decision, Section 8.7 of the *Environmental Planning* and Assessment Act 1979 gives you the right to appeal to the Land and Environment

Court in accordance with the timeframes set out in <u>Section 8.10</u> of the *Environmental Planning and Assessment Act 1979*. In addition to the above, third party appeal rights are set out in the *Environmental Planning and Assessment Act 1979* and may be applicable.

Section 8.2 of the *Environmental Planning and Assessment Act 1979* provides that the applicant may request the Council to review the determination. Section 8.2 does not apply to complying development, designated development, a determination made by Council under Section 4.2 in respect of Crown applications, or a decision that is already subject to a Section 8.2 review.

For further information please contact **Keeley Samways** on **02 9392 5322** or **keeley.samways@innerwest.nsw.gov.au**.

Region

Ruba Osman

Team Leader Development Assessments (South)

CONDITIONS OF CONSENT

DOCUMENTS RELATED TO THE CONSENT

1. Documents related to the consent

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

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
19_059 DA-A- 010 Rev B	Site Plan	25/11/2020	Smith & Tzannes
19_059 DA-A- 011	Sediment Control & Construction Management	23/06/2020	Smith & Tzannes
19_059 DA-A- 100 Rev A	Demolition & Excavation Plan	09/11/2020	Smith & Tzannes
19_059 DA-A- 101 Rev A	Ground Floor – Parking	23/11/2020	Smith & Tzannes
19_059 DA-A- 102 Rev B	Ground Floor – Preschool	23/11/2020	Smith & Tzannes
19_059 DA-A- 103 Rev B	Ground Floor – Multipurpose Courts	23/11/2020	Smith & Tzannes
19_059 DA-A- 104	Roof	23/06/2020	Smith & Tzannes
19_059 DA-A- 106	Emergency Evacuation Plan	23/06/2020	Smith & Tzannes
19_059 DA-A- 200 Rev B	Elevations	23/11/2020	Smith & Tzannes
19_059 DA-A- 201 Rev B	Sections	23/11/2020	Smith & Tzannes
19_059 DA-A- 900	Materials & Finishes Schedule	23/06/2020	Smith & Tzannes

20_002 LC01 Rev C	Landscape Plan 01 – Preschool	24/11/2020	Stitch Landscape Architecture
20_002 LC02 Rev B	Landscape Plan 02 – Basketball Courts	24/11/2020	Stitch Landscape Architecture
Q1220 Rev 1	Arboricultural Impact Assessment	10/11/2020	Canopy Consulting
	Operational Plan of Management	December 2020	Smith & Tzannes
CSK02A	Civil Drawings	26/11/2020	Jones Nicholson Pty Ltd
19011266 Rev C	Flood Risk Management Report	26/11/2020	Jones Nicholson Pty Ltd
19010575 Rev 1	NCC 2019 Section J Assessment Report	30/05/2020	Jones Nicholson Pty Ltd
IAC-1255 Rev A	Access Report	02/06/2020	iAccess Consultants
20200103.1	Preschool Noise Impact Assessment	01/06/2020	Acoustic Logic
GDL 200036	BCA Compliance Review	29/05/2020	Group DLA
32984PNrpt	Geotechnical Investigation	11/03/2020	JK Environments
E32984PLrpt2	Detailed Site Investigation	15/05/2020	JK Environments
E32984PLrpt3- RAP	Remediation Action Plan	02/06/2020	JK Environments

As amended by the conditions of consent.

FEES

2. Security Deposit - Custom

Prior to the commencement of of the use or the issue of an Occupation Certificate, whichever occurs first, 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:	\$28,266.00
Inspection Fee:	\$236.70

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

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

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

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

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

3. Section 7.12 (formerly section 94A) Development Contribution Payments

Prior to the commencement of the use or the issue of an Occupation Certificate, whichever occurs first, written evidence must be provided to the Certifying Authority that a monetary contribution to the Inner West Council has been paid, towards the provision of infrastructure, required to address increased demand for local services generated by additional development within the Local Government Area (LGA). This condition is imposed in accordance with

Section 7.12 of the *Environmental Planning and Assessment Act 1979* and in accordance with *Marrickville Section 94/94A Contributions Plan 2014*.

Note:

Copies of these contribution plans can be inspected at any of the Inner West Council Service Centres or viewed online at https://www.innerwest.nsw.gov.au/develop/planning-controls/section-94-contributions

Payment amount*:

\$20,000

*Indexing of the Section 7.12 contribution payment:

The contribution amount to be paid to the Council is to be adjusted at the time of the actual payment in accordance with the provisions of the relevant contributions plan. In this regard, you are recommended to make contact with Inner West Council *prior to arranging your payment method* to confirm the correct current payment amount (at the expected time of payment).

Payment methods:

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

4. Long Service Levy

Prior to the issue of a Crown 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.

GENERAL CONDITIONS

5. Noise - Consultant's Recommendations

The recommendations contained in the acoustic report prepared by Acoustic Logic, reference 20200103.1/0106A/R1/EC dated 1 June 2020 must be implemented, including (but not limited to) the following:

- a. Management Controls: The number of children playing externally at any one time is to be limited as follows:
 - 1. Up to 50 children aged 3-5 years old may play in the outdoor play area at any given time.
 - 2. The children to be evenly distributed in the outdoors play area as listed below:
 - 1. Area A: up to 27 children;
 - 2. Area B: up to 18 children; and
 - 3. Area C: up to 5 children.
- b. Building and Construction Controls, including facade glazing and acoustic fencing.

6. 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 JK Environments, reference E32984PLrpt3-RAP dated 2 June 2020, the *Contaminated Land Management Act 1997* and the *State Environmental Planning Policy No 55*.

7. Boundary Alignment Levels

Alignment levels for the site at all pedestrian and vehicular access locations must match the existing back of footpath levels at the boundary.

8. 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 at any time.

The trees 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 33, 34, 35, 36, 37, 38, 40, 41, 42, 43, 44, 45 are to be retained and protected in accordance with the conditions of consent or approved Tree Protection Plan throughout the development (note: tree numbers must correspond with approved Tree Protection Plan if conditioned):

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

- a. Green for trees to be retained;
- b. Red for trees to be removed:
- c. Blue for trees to be pruned; and
- d. Yellow for trees to be transplanted.

The tree protection fencing and other tree protection methodologies must be included on the construction management plans.

NOTE: Reference should be made to the Arboricultural Impact Assessment Report prepared by Canopy Consulting dated 10th November 2020 for tree identification, numbering and locations.

9. 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.

10. Works to Trees

Approval is given for the following works to be undertaken to trees on the site after the issuing of a Crown Certificate:

Tree/location	Approved works
Tree 30 - Corymbia citriodora (Lemon Scented	Removal
Gum)	Removal
Tree 39 - Callistemon viminalis (Weeping	Removal
Bottlebrush)	

Tree 32 - Acacia decurrens (Sydney Green Wattle)	

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*.

11. Waste Management Plan

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.

12. 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.

13. 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.

14. Works Outside the Property Boundary

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

PRIOR TO ANY DEMOLITION

15. 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.

16. Construction Traffic Management Plan – Detailed

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

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

- a. Description of the demolition, excavation and construction works;
- b. Site plan/s showing the site, roads, footpaths, site access points and vehicular movements;
- c. Size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site):
- d. Proposed route(s) from the arterial (state) road network to the site and the proposed route from the site back to the arterial road network. Audley Street must be avoided;
- 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;
- I. 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.

17. 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.

18. Construction Fencing

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

PRIOR TO CROWN CERTIFICATION

19. Structural Details and Design

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

20. Acoustic Report - Aircraft Noise

Prior to the issue of a Crown Certificate, the Certifying Authority must be provided with amended plans detailing the recommendations of the Acoustic Report prepared by Acoustic Logic dated 1 June 2020 demonstrating compliance of the development with the relevant provisions of Australian Standard AS 2021:2015 Acoustics - Aircraft noise intrusion - Building siting and construction.

21. Flood Risk Management Plan

Prior to the issue of a Crown Certificate, the Certifying Authority must be provided with an amended Flood Risk Management Report which includes the following:

- a. The plan must be generally in accordance with the recommendations of the Flood Risk Management Report (Rev C) prepared by Jones Nicholson Engineers dated 26/11/2020:
- Include a structural engineer's certificate stating that the proposed building has been designed to withstand the forces of flood water, debris and buoyancy up to the the 1% AEP flood; and
- c. All fencing within the overland flow path must be of an open type so as to allow for the free flow of water throughout the site so as to maintain existing overland flows

22. Works Adjacent to Council's Stormwater Pipeline

Prior to the issue of a Crown Certificate, the Certifying Authority must be provided with plans 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 any footings or excavation to be located or undertaken adjacent to Councils stormwater pipeline address the following requirements:

a. All footings and excavation must be located outside of the easement boundaries;

- b. All footings and excavation must be located a minimum of 1000mm from the centreline of the pipeline or 500mm from the outside of the pipeline, whichever is the greater distance from the centreline:
- c. All footings adjacent to Council's stormwater pipe must be taken to a depth 500mm below a line of influence measured at 450 from a point 1m from the invert of the stormwater pipe in the direction of the footing unless the footings are to be placed on competent bedrock; and
- d. If permanent excavation is proposed beneath the obvert of the pipeline, suitable means to protect the excavation and proposed retaining structures from seepage or other water flow from the pipeline and surrounding subsoil must be provided.

23. Dilapidation Report – Pre-Development – Major

Prior to the issue of a Crown 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 the Mcrae Street road pavement from Livingstone Road to the entrance of the site:
- b. Mcrae Street, kerb and gutter and footpath adjacent to all frontages of the site;
- c. Council drainage pipe between Mcrae Street and to a point 6m past the proposed final connection point including CCTV inspection in accordance with WSA 05-2013 Conduit Inspection Reporting Code of Australia; and The dilapidation report is to be prepared by a practising Civil/Structural Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng).

24. Stormwater Drainage System – Major Developments

Prior to the issue of a Crown Certificate, the Certifying Authority must be provided with stormwater drainage design plans incorporating or on site retention and re-use facilities, 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 generally be in accordance with the Stormwater Drainage Concept plans on Drawing No. CSK01, CSK02, CSK03 dated 29/5/20 and CSK02A dated 26/11/20 prepared by Jones Nicholson P/L subject to amendments to reflect the new architectural plans and floor levels;

- b. Stormwater runoff from all surface areas within the property (area of proposed works including preschool and basketball courts) must be collected in a system of gutters, pits and pipelines and be discharged together with overflow pipelines from any rainwater tank(s) by gravity to the kerb and gutter of a public road or directly to Council's piped drainage system;
- c. Comply with Council's Stormwater Drainage Code, Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2018 'Stormwater Drainage' and Council's DCP.
- d. Charged or pump-out stormwater drainage systems are not permitted including for roof drainage;
- e. The drainage plan must detail the location of the existing Council stormwater pipeline adjacent to the preschool and the location of any proposed stormwater connection(s) to this pipeline. The size and depth of the existing Council stormwater pipeline in the vicinity of the proposed connection(s) is to be determined during construction;
- f. A minimum of 20KL of On Site Retention and re-use shall be provided;
- g. 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 OSR tanks;
- h. The proposed on-site retention (OSR) tanks must be connected to a pump system for internal reuse for laundry purposes, the flushing of all toilets and for outdoor usage such as irrigation. Surface water must not be drained to rainwater tanks where the collected water is to be used to supply water inside the building, such as for toilet flushing or laundry use;
- i. Details of the 1 in 100-year ARI overflow route in case of failure\blockage of the drainage system must be provided;
- i. No nuisance or concentration of flows to other properties;
- k. The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system;
- I. Plans must specify that any components of the existing system to be retained must be certified during construction to be in good condition and of adequate capacity to convey the additional runoff generated by the development and be replaced or upgraded if required:
- m. A WSUD Strategy Report must be provided to ensure the treatment measures proposed to meet Council's water quality targets in accordance with Part 2.17-WSUD of Marrickville DCP 2011. For sites with a GFA greater than 2000sqm a MUSIC model (including .sqz file)must be included with the report;
- n. 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; and
- o. No impact to street tree(s).

25. Parking Facilities – Major (including basement)

Prior to the issue of a Crown Certificate, the Certifying Authority must be provided with plans certified by a suitably qualified Civil Engineer 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 and AS/NZS 2890.6-2009 Parking facilities: Off-street parking for people with disabilities and the following specific requirements:

- a. The layout and minimum dimensions of any standing area comply with clause 2.4 of AS/NZS 2890.1-2004 such that:
 - i. Car spaces adjacent to walls or fences are increased in width by an additional 300mm;
 - ii. End spaces are provided with an additional 1m aisle extension; and
 - iii. The parking spaces allocated for pick-up / drop-off must be sized in accordance with the requirements of AS/NZS 2890.1-2004 for User Class 3A.

26. Paving/Decking Within the Vicinity of Trees

Prior to the issue of the Crown Certificate, the Certifying Authority must be provided with detailed plans (Certified by the Project Arborist) demonstrating that any pavement works within the TPZ of trees to be retained will be constructed in a way so as to ensure that existing moisture infiltration and gaseous exchange are maintained or improved and all woody roots required to be retained and protected by the Project Arborist, can be retained without damage. When preparing an area for paving with the specified radius, the soil surface must not be skimmed or excavated. The new surface and subgrade must be established at grade unless otherwise approved by the Project Arborist. .

27. Fibre-ready Facilities

Prior to the issue of a Crown 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.

DURING DEMOLITION AND CONSTRUCTION

28. 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.

29. 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.

30. Imported Fill Materials

All imported fill on the site shall be validated as Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM), in accordance with NSW Environment Protection Authority guidelines, 'Consultants Reporting on Contaminated Sites' (August 2011) to ensure the imported fill is suitable for the proposed land use.

All fill imported onto the site shall be validated by either one or both of the following methods:

- a. Imported fill be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
- b. Sampling and analysis of the fill material be conducted in accordance with NSW Environment Protection Authority's Sampling Design Guidelines (September 1995).

31. Tree Protection

To protect the trees to be retained ground, trunk and or branch protection must be installed prior to any works commencing in accordance with the approved *Tree Protection Plan* prepared by Canopy Consulting and dated 10/11/2020, Rev B and with Council's *Development Fact Sheet—Trees on Development Sites*. Tree protection must remain until all work is completed and is approved for removal by the Project Arborist.

32. Inspections by Project Arborist

The trees to be retained must be inspected, monitored and treated by the Project Arborist during and after completion of development works to ensure their long-term survival. Regular inspections and documentation from the Project Arborist to the Certifying Authority are required at the following times or phases of work:

Tree No.	Time of Inspection	Key stage/ Hold point
1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 33, 34, 35, 36, 37, 38, 40, 41, 42, 43, 44, 45	Prior to commencement of works	 Inspection and sign off installation of tree protection measures.
	During Works	 Supervise all site preparation and demolition works within the
		TPZ; • Supervise all works inside or above the TPZ; • Supervise all excavation, trenching works, landscapin g works
		and tree/plantin g replenishm ent within the TPZ; • Supervise all tree work.

Refer - Tree Protection Plan and Section 6 of
the Arboricultural Impact Assessment report
prepared by Canopy Consulting and dated
10/11/2020 (Rev B) and section 4 of
AS4970—Protection of trees on development
sites.

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

33. Canopy and Root Pruning

Canopy and/or root pruning of all trees to be retained, which is necessary to accommodate the approved building works, must be undertaken by, or directly supervised by, the Project Arborist. Where the Project Arborist does not approve roots for removal the design must be amended to accommodate such roots.

34. Excavation Methods to Limit Impacts to Trees

Excavation for the installation of any services within the TPZ of trees to be retained must be approved by the Project Arborist prior to being undertaken. The methodology of the excavation (i.e.by hand held tools, Airspade or Hydrovac) and route of the services must be approved in writing.

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

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

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

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

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

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

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.

36. Survey Prior to Footings

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

PRIOR TO OCCUPATION CERTIFICATE

37. Heavy Duty Vehicle Crossing

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

38. 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; and
- e. Recommendations of the acoustic report prepared by Acoustic Logic, reference 20200103.1/0106A/R1/EC, dated 1 June 2020.

39. 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 (EPA 2014), Protection of the Environment Operations (Waste) Regulation 2014 and the *Protection of the Environmental Operations Act 1997*.

40. Contamination – Validation (No Site Audit Statement Required)

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.

41. Flood Risk Management Plan - Certification

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

42. Dilapidation Report – Post-Development

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

43. Parking Signoff – Major Development

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with certification from a qualified practising Civil Engineer that the 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 parking is available within the property;

44. Works as Executed – Site Stormwater Drainage System

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

- a. The stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards; and
- b. Works-as-executed plans of the stormwater drainage system 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 Crown Certificate. All relevant levels and details indicated must be marked in red on a copy of the Principal Certifier stamped Crown Certificate plans.

45. Operation and Management Plan

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

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

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

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

- a. Restrictions on the Use of Land related to on Site Stormwater Detention System or stormwater quality improvement devices;
- b. Restrictions on the Use of Land related to Stormwater Surface Flow Paths;
- c. Positive Covenant related to on-site stormwater detention and/or retention system;
- d. Positive Covenant related to stormwater quality improvement devices; and
- e. Positive Covenant related to Stormwater Surface Flow Paths.

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

47. Certification of Tree Planting

Prior to the issue of any Occupation Certificate, the Principal Certifier is to be provided with evidence certified by a person holding a minimum qualification of AQF5 in Arboriculture that the replacement trees as detailed on the Landscape Plans prepared by Stitch Landscape Architects and dated 24/11/2020 (LC01 - LC02, Rev B) have been planted.

If the trees are found dead or dying before they reach a height where they are protected by Council's Tree Management Controls, they must be replaced with the same species at the same size as specified on the approved plans.

48. 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 and the role of the project arborist have been complied with.

49. Aircraft Noise -Alterations and Additions

Prior to the issue of an Occupation Certificate (whether an interim or final Occupation Certificate), the Principal Certifier must be provided with a report from a suitably qualified person demonstrating that each of the commitments listed in Aircraft Noise Assessment Report required by this consent has been satisfied.

Where it is found that internal noise levels are greater than the required dB(A) rating due to faulty workmanship or the like, necessary corrective measures must be carried out and a further certificate being prepared and submitted to the Principal Certifier in accordance with this condition.

50. 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*.

ON-GOING

51. Bin and Re-usable Item Storage

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

52. Documentation of Businesses Waste Services

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

53. 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.

54. Child Care Centre - Plan of Management - Operation

The operation of the premises complying at all times with the approved Plan of Management. The Plan of Management is not to be further amended without the prior written approval of the Council. If there is any inconsistency between the Plan of Management and the conditions of this consent, the conditions of consent shall prevail to the extent of that inconsistency.

55. 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.

56. Flood Risk Management Report

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

57. 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.

58. Vehicles Leaving the Site

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

59. Tree Establishment

The tree/s planted as part of this consent is/are to be maintained in a healthy and vigorous condition for 12 months from the issue of an Occupation Certificate. If any of the tree/s is/are found faulty, damaged, dying or dead within 12 months of the issue of an Occupation Certificate it/they must be replaced with the same species within one (1) month (up to 3 occurrences).

60. Hours of Operation

a. The hours of operation of the premises must not exceed the following:

Day	Hours
Monday to Friday	8.00am - 4.00pm

61. Child Care Centre - Capacity

No more than 50 children are to be enrolled at the child care centre at any one time. Any increase to the number of children will require the lodgement of a separate application under the Environmental Planning and Assessment Act 1979.

ADVISORY NOTES

Health Premises Registration – Generic

The premises are required to be registered with Council's Environment Health Team in accordance with the following relevant legislation:

a. Food Shop - Food Act 2003;

Food Premises Certification

The food premises design, construction and operation is in accordance with the following:

- a. Food Act 2003;
- b. Food Regulation 2010;
- c. Australia and New Zealand Food Standards Code;
- d. Australian Standard AS 4674 2004 (Design, construction and fit-out of food premises);
- e. Australian Standard AS 1668 Part 1 1998; and
- f. Australian Standard AS 1668 Part 2 2012.

Electrical Substations

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

Permits

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

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

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

Easement and Covenant Process

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

a. Work-As-Executed Plans

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

b. Engineer's Certificate

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

- c. The soundness of the storage structure;
- d. The capacity of the detention storage;
- e. The emergency overflow system being in place;
- f. The works being constructed in accordance with the Development Application Consent and Council's Stormwater Management DCP/Code;
- g. The freeboard from maximum water surface level to the finished floor and garage levels are at or above the minimum required in Council's Stormwater Management DCP/Code;
- h. Basement car park pumps are class one zone two; and
- i. 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. A Maintenance Schedule.

Insurances

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

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*.

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; or
- g. Development Application for subdivision if consent for subdivision is not granted by this consent.

Disability Discrimination Access to Premises Code

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

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.

Fire Safety Certificate

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

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

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

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

9841 8660 Landcom

To purchase copies of Volume One of "Soils and

Construction"

Long Service **Payments** 131441

Corporation

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 131 555

Heritage

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 www.waterrating.gov.au

Standards (WELS)

WorkCover Authority of NSW 13 10 50

www.workcover.nsw.gov.au

Enquiries relating to work safety and asbestos

removal and disposal.