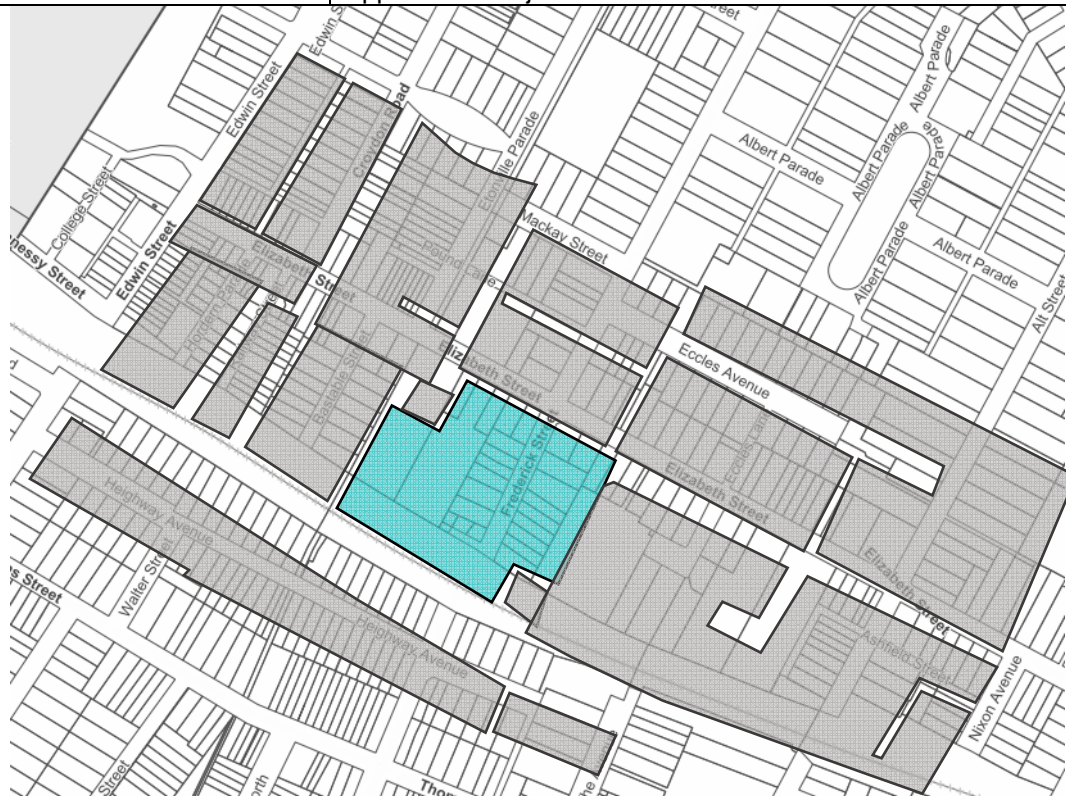




INNER WEST COUNCIL

DEVELOPMENT ASSESSMENT REPORT

Application No.	DD010.2017.249.002
Address	160 Elizabeth Street, Ashfield
Proposal	Amendment to approved alterations and additions to the Ashfield Aquatic Centre to change the height of the approved front fence, modify timing of the installation of parking control devices in the car park adjacent to an existing residential flat buildings, remove requirement for a public domain plan and amend the timeframe for preparation of Elizabeth Street raised pedestrian crossing details.
Date of Lodgement	23 November 2018
Applicant	Inner West Council
Owner	Inner West Council
Number of Submissions	Nil
Value of works	\$27,030,130.00
Reason for determination at Planning Panel	The proposed modification relates to a development application site that is owned by Inner West Council as such Council Officers do not have the delegations to approve the application.
Main Issues	Request for fence height along Elizabeth Street to increase from the conditioned 2.4m to 2.8m – 2.9m, Amendment to the timing of instillation for the conditioned car parking barriers, Remove the requirement for the preparation of a public domain plan.
Recommendation	Approval – Subject to conditions of consent



LOCALITY MAP






Subject Site		Objectors		N 
Notified Area		Supporters		



Figure 1 Aerial site photo



Figure 2 – Site Photo

1. Executive Summary

This report is an assessment of the application submitted to Council for amendments to the consent 10.2017.249.2 for alterations and additions to the Ashfield Aquatic Centre at 160 Elizabeth Street, Ashfield. The application was notified to surrounding properties and no submissions received.

The main issues that have arisen from the application include:

- Request for fence height along Elizabeth Street to increase from the conditioned 2.4m to 2.8m – 2.9m.
- Amendment to the timing of installation for the conditioned car parking barriers
- Remove the requirement for the preparation of a public domain plan
- Amendments to the general landscaping requirements conditioned
- Amendment to the conditioned timing of the proposed raised pedestrian crossing on Elizabeth Street.

The proposed amendments are considered to be minor and do not change the nature of the original approval. The proposal is therefore supported.

2. Proposal

Pursuant to Clause 4.12 of the Environmental Planning and Assessment (EP&A) Act 1979 (as amended) this application seeks Council's consent for the following modifications to DA 10.2017.249.1:

- Amendments to Condition 1 to include new architectural drawings which detail new fencing particulars.
- Amend Condition 2(a) to remove the requirement for fencing facing Elizabeth Street to be a maximum height of 2.4m.
- Amended Condition 2(b) to propose the installation barriers to the car parking adjacent to the residential flat building at 182 Elizabeth Street, prior to occupation certificate (OC), rather than prior to issue of construction certificate.
- Delete Condition 20 – Public Domain Plan. The applicant requests that the condition requiring the preparation of a public domain plan be deleted as footpath works are no longer proposed.
- Amended Condition 26 – General Landscaping Requirements. The applicant requests that the requirement for new plantings to reach a mature height of 20m be removed and the requirement for garden beds located within the parking row adjacent the canal be increased in size to accommodate additional tree planting also be removed.
- Amended Condition 37 – Remedial Action Plan. The applicant requests to amend a date error with the remedial action plan. Currently this condition outlines that the remedial action plan was prepared on 9 September 2016, which is incorrect. The plan was actually created on 11 December 2017.

- Amend Condition 48 – Elizabeth Street Pedestrian Crossing. The applicant requests that the timeframe for the preparation of the Elizabeth Street raised crossing details be amended.
- Amended Condition 91(a) – Concurrence Conditions. The applicant requests that the reference to the basement car park area be amended to remove the word basement, as the development does not propose the construction of a basement.

3. Site Description

The subject site is located on the southern side of Elizabeth Street, and is bound by Frederick Street to the east and Bastable Street to the west. The T2 Inner West and South railway corridor forms the southern boundary of the site. The site consists of 17 allotments and is an irregular shape. The legal description of each lot is:

- Lot 51A in DP 319123;
- Lot A and Lot B in DP 340358;
- Lot 1 in DP83987; and
- Lots 2, 3, 4, 5, 6 7 and 8 in DP925.
- Lot 3 in DP110544;
- Lot 1 in DP908917; and
- Lot 1, 2 4, 5, and 6 of DP 110544.

Figure 3 provides a diagram indicating land ownership and existing site improvements.

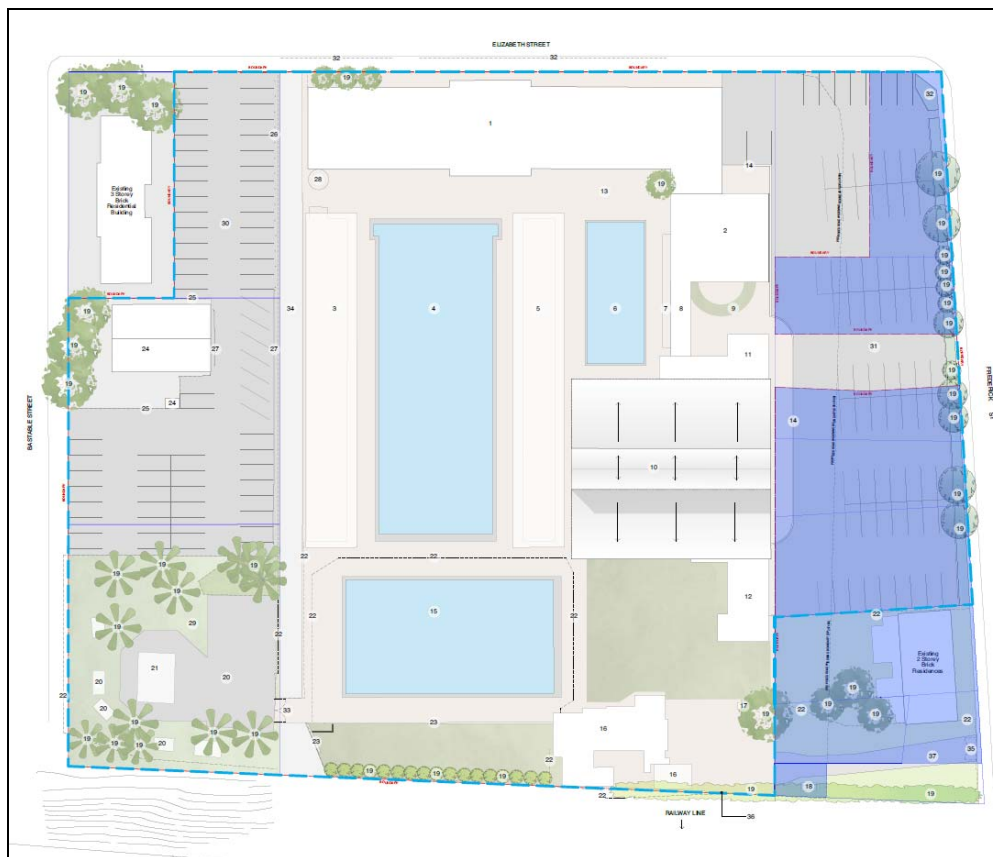


Figure 3 Existing site and location plan highlighting areas (blue) owned by RMS and Ausgrid

The AAC facility currently comprises:

- 3 outdoor pools, one indoor pool on the eastern side of the site and associated facilities. The site currently operates from 6am to 7.45pm on weekdays and 6am to 5.45pm on weekends.
- A single storey brick visitors entrance and amenities building situated along the site's northern frontage to Elizabeth Street.
- Minimal landscaping as the facility is mostly paved.
- A raised grassed area in the south-eastern corner of the site, approximately 0.5m higher than the remainder of the site which is relatively level.
- A two-storey brick building utilised for mechanical plant equipment, storage and the like, south of the grassed area.
- The existing Frederick Street carpark contains parking for 74 cars and the existing Bastable Street car park contains parking for 60 cars. Both are available to patrons of the AAC.
- Service access to the site is from Frederick Street over land owned by Ausgrid, RMS and an unformed road.

To the west of the AAC facility, on land that forms part of the DA is:

- A concrete lined stormwater channel, approximately 4m wide and 3.5m deep that extends along the western boundary of the AAC.
- Further west of the channel is a paved car park which accommodates 60 car parking spaces.
- A small park situated at the southern end of the car park.
- A single storey building used as Council community hall.
- A concrete bridge that provides access over the channel from the park to the aquatic centre but there is currently a chain wire fence which restricts public access from the park to the AAC.

To the east of the AAC facility on land that forms part of the DA are:

- The existing car park that is predominantly on land owned by the RMS. This land currently accommodates 74 car parking spaces, accessed off Elizabeth Street.
- A fenced courtyard area off the indoor pool building extends approximately 2.8m into the RMS / Council land.

The AAC currently has over 350,000 customers a year and provides a swim school that averages 15,000 visits a month. The AAC hosts regular school swimming carnivals and a range of water sports, including water polo.

Existing development within proximity of the site includes a mixture of low to medium density housing and sites owned by Transport for NSW. Within the development block is a group of two storey terrace style dwelling houses (2-8 Frederick Street) on land owned by RMS to the east off Frederick Street. A residential flat building in private ownership is located on the corner of Bastable Street and Elizabeth Street (182 Elizabeth Street) adjacent to the car park to the west of the aquatic centre (Figure 4). The balconies of each unit are oriented to Bastable Street however several window openings, likely to include bedroom windows, are contained within the western elevation facing the car park (Figure 5).



Figure 4 Residential flat building at No. 182 Elizabeth Street



Figure 5 Bastable Street frontage of No. 182 Elizabeth Street

A railway corridor for the main western rail line is located along the site's southern boundary above a vegetated embankment of approximately 4m to 4.5m high. Ashfield railway station is located approximately 750m to the east of the site and Croydon railway station is located approximately 420m to the west of the site.

The site is not a heritage item and is not located within a conservation area. The site is in proximity to a number of heritage items at 173 Elizabeth Street, 177 Elizabeth Street and in proximity to the Eccles Estate Conservation Area.

The site is identified as being subject to mainstream/overland flow and mainstream flooding.

4. Background

4(a) Site history

The following section outlines the relevant development history of the subject site and any relevant applications on surrounding properties.

Subject Site

Application	Proposal	Decision & Date
DA2004/29.1	Food Shop - Refurbishment of the existing kiosk at Ashfield Swimming Centre and undercover outdoor dining area facing Elizabeth Street	Approved under delegation 08/03/2004
DA2002/400.2	Other Special Uses Project Section 96 Amendment	Approved under delegation 23/10/2003
DA2002/400.1	Establishment of indoor swimming complex at Ashfield Swimming Pool Complex	Deferred Commencement approval 18/02/2003
DA2002/19.2	Amendment to original approval alteration to hours of operation	Approved under delegation 11/10/2002
DA2002/19.1	New (Building Work) Special Uses Project Installation of windows & doors to existing club rooms (Elizabeth Street) and change of use from a club room to a community room	Approved under delegation 03/06/2002
DA2001/246.1	Conversion of the change shed at Ashfield Pool to provide club rooms.	Approved 08/08/2001
DA2000/54.1	Construction of Backwash Storage Tanks for Ashfield Swimming Pool	Approved 04/04/2000
DA10.2016.86.1	Alterations and additions to the existing Ashfield Aquatic Centre comprising demolition and construction of new pools and ancillary buildings	Deferred Commencement approval by Sydney Central Planning Panel 3 March 2017

Original Development Application

The original development application 10.2017.249.1, was approved by the Sydney Eastern City Planning Panel on 24 May 2018.

5. Assessment

The following is a summary of the assessment of the application in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979.

5(a) Environmental Planning Instruments

The application has been assessed against the relevant Environmental Planning Instruments listed below:

- State Environmental Planning Policy No 55—Remediation of Land
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (State and Regional Development) 2011
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

5(a)(i) Section 4.55 Assessment

Section 4.55(1a) of the *Environmental Planning & Assessment Act 1979* states that “a consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:”

S4.55(1a)	Provision	Performance	Compliance
(a)	it is satisfied that the proposed modification is of minimal environmental impact	<p>The proposed amendments would not alter the substance of the approved development in that:</p> <ul style="list-style-type: none"> • The use would be unchanged. • The intensity of use would be unchanged. • The building footprint would be unchanged; • The general external massing would be unchanged; and <p>It is considered that the proposed amendments are suitable in the context of the site and the locality. The proposed scheme as modified will not have any material impacts on the development approved by Council previously.</p>	Yes
(b)	it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and	The development to which the consent relates is substantially the same development as the development for which consent was granted. The current modification seeks to amended conditions of consent.	N/A
(c)	it has notified the application in accordance with: (i) the regulations, if the regulations so require, or	The proposal was notified between 6 December 2018 and 24 January 2019.	Yes

	(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent,		
(d)	it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.	No submissions have been received as a result.	Yes

5(a)(ii) Ashfield Local Environment Plan 2013 (ALEP 2013)

The application does not alter the previous assessment against the provisions of the Ashfield Local Environmental Plan.

The current modification application seeks consent to alter conditions of consent and the fence height of fencing facing Elizabeth Street, none of the proposed modifications impact the developments compliance with the ALEP.

5(b) Section 4.15 (1) Considerations

Fence Height to Elizabeth Street

Under the current modification application the applicant has requested that condition 2(a) which limits the height of fencing facing Elizabeth Street to a maximum of 2.4m be removed.

In this instance the applicant has outlined to Council that compliance with condition 2(a) results in the development unable to comply with the Australian Standard AS 1926.1 2007 – Swimming Pool Part 1: Safety Barriers for swimming pools and Section 2.3.2 perforated material or mesh, which outlines the following:

Fencing using perforated material or mesh with apertures greater than 13 mm but not greater than 100 mm shall have an effective fencing height of not less than 1800 mm.

Analysis of height levels upon the subject site has highlighted that the land is roughly 700mm higher than the Elizabeth Street footpath. This means that a fence with a maximum height of 2.4m when measured from Elizabeth Street will not achieve the minimum required 1800mm effective fencing height.

Amended plans provided as part of the current modification application seek consent for a new fence height of 2.8- 2.9m to Elizabeth Street. This 2.8m fence height to Elizabeth Street ensures that the fencing maintains a minimum 1800mm internal dimension and ensures compliance with the Australian Standard.

The proposed fence height of 2.8m – 2.9m results in a variation to clause DS1.3 of Part 11 – Fencing in Chapter A – Miscellaneous within the Inner West Comprehensive Development Control Plan 2016, which limits fencing to 1.2m or 1.8m. This control was established to ensure that fencing is consistent with the prevailing desirable fencing patterns in established neighbourhoods and achieves a balance between providing privacy and security and facilitating casual surveillance of the public domain.

In order to ensure that the proposed fence does not have an adverse impact to the public domain and provide visual amenity to the streetscape the applicant has designed the fence as a green wall and sought to incorporate material changes and setbacks. As part of the assessment of the current modification the applicant has provided photomontages of the new fence (as seen below). Council has undertaken an assessment of the proposed fence height change in conjunction with a site inspection and determined that the new height will not disrupt desired patterns, while the mesh nature ensures balance between privacy and security facilitating casual surveillance of the public domain. In this instance the proposed variation to fence height is found to be justified and recommended for support.



Figure 6 – Photomontage of fencing



Figure 7 – Photomontage of fencing

Car Parking Barriers

As part of the current modification the applicant requests that the requirement for instillation of a physical barrier blocking people from parking at spaces adjoining the eastern boundary of the existing private residential flat building at 182 Elizabeth Street, Ashfield be changed from a requirement to be satisfied prior to construction certificate to a requirement to be satisfied prior to occupation certificate.

The applicant has stated these spaces will not be in operation during the construction stage, which includes upgrades to the carpark. The applicant has requested that condition 2(b) be updated to read as follows:

The nine car parking spaces adjoining the eastern boundary of the existing private residential flat building at 182 Elizabeth Street Ashfield are to be closed to the public between 10.00pm and 7.00am daily. A physical barrier as identified in the drawings by Mott Macdonald by 'Pavement Plan' drawing number 387086-MMD-00-CC-DR-C-5001; and 'Siteworks and Grading Plan' drawing number 387086-MMD-00-CC-DR-C-4001 is to be installed prior to issue of the occupation certificate.

Council's planners have reviewed this request change to the timing of parking barriers and has determined that a modification to the condition is appropriate. The proposed works means that the carpark will not be available for vehicular parking and as such noise impacts from vehicles parking in the locality will not be felt until such a time that the centre is operational again, once an occupation certificate has been issued.

However Council's Planners does raise an objection to the wording proposed by the applicant which amends this condition. A review of the documents 'Pavement Plan' drawing number 387086-MMD-00-CC-DR-C-5001; and 'Site works and Grading Plan' drawing number 387086-MMD-00-CC-DR-C-4001, submitted by the applicant as part of this modification has highlighted that there is insufficient information on the physical barriers to be installed. In order to obtain sufficient information on the proposed barriers and allow for their instillation prior to occupation certificate (once the car park upgrades have been completed) it is recommended that the condition be amended to read as follows:

- 2(b) The nine car parking spaces adjoining the eastern boundary of the existing private residential flat building at 182 Elizabeth Street Ashfield are to be closed to the public between 10.00pm and 7.00am daily. A physical barrier in the form of a chain, bollard or the like is to be installed.

Details of the physical barriers and a management plan for their operation must be provided and approved by Council's development assessment team prior to the issuing of a construction certificate.

The instillation of the physical barriers may take place after a construction certificate is issued, but the barriers must be installed and operational prior to the issue of any occupation certificate.

Public Domain Plan

As part of this application the applicant has requested that condition 20 be deleted. This condition requires the preparation of a public domain plan. The applicant has outlined to Council that no footpath works are sought by the development application and that the footpath is to remain as existing. The applicant has therefore outlined that the preparation of a public domain plan should not be required as no public domain works are sought.

The matter was referred to Council's public domain team who raised no objection to the removal of this condition on the basis that no public domain works have been proposed. The request for deletion of condition 20 is considered to be well founded and recommended for support. Condition 20 is recommended for removal.

Elizabeth Street Pedestrian Crossing

The applicant has requested that condition 48 – Elizabeth Street Pedestrian Crossing be amended. The applicant has outlined that the preparation of the technical drawings will take considerable time to produce and will delay the commencement of construction of the new centre if the drawings are required to be submitted prior to the issue of a construction certificate.

The applicant has therefore requested that the condition be amended so that the drawings may be submitted prior to the issuing of any occupation certificate. No objection to the changing of timing is raised.

Concurrence Conditions

The applicant has identified an error within condition 91(a), the concurrence conditions provided by the RMS. As outlined by the applicant this condition specifies that the layout of the proposed **basement car park area** must be constructed in accordance with AS 2890.1 - 2004 and AS2890.6 2009.

The proposal does not include a basement or basement like structure. The application was referred to RMS who have corrected the error in revised conditions. RMS have also provided a further concurrence condition requiring:

Roads and Maritime has previously acquired land for road along Frederick Street frontage of the subject property, as shown by blue colour on the attached Aerial "X".

The subject property is also affected by a road proposal as shown by pink colour on the attached Aerial – "X". The subject property is also under a permissive occupancy license agreement with Roads and Maritime.

Any new buildings or structures, together with any improvements integral to the future use of the site are erected clear of the land required for road (unlimited in height or depth) and wholly within the freehold property (unlimited in height or depth), along the Frederick Street boundary, subject to RMS approval.



The applicant raises no objection to the new concurrence condition.

General Landscaping Requirements

The applicant has requested that condition 26 – General Landscape Requirements – be amended as follows:

Prior to the issue of the construction certificate the Landscape Concept Plan by Taylor Brammer, Revision A, dated 7 December 2017 is to be amended to;

- (a) Provision of 3-4 trees (~~capable of a mature height of 20 metres~~) in the lawn and garden area adjacent to the railway easement and water polo pool.
- (b) Provide increased garden area to end of the car parking rows and 4-6 additional trees in the Frederick Street car park ~~at 10 metre centres, capable of a minimum mature height of 20 Metres.~~
- (c) Provide 6-8 trees and suitable soil volumes in the Bastable Street car park ~~at 10 metre centres, capable of a minimum mature height of 20 Metres.~~ In this regard consideration. It needs to be demonstrated that adequate soil volume can be provided for all trees in the car park. Detained design must include dimensions for tree pits ~~and details of a vault style structural soil~~ with a minimum of 20-30m³ available soil volume for each tree.
- (d) Provide 2 trees in the Bastable Street Carpark entrance (from Elizabeth Street), capable of a potential minimum mature height of 20 metres. Garden beds should be increased to accommodate these trees.
- ~~(e) Garden beds located within the parking row adjacent to the canal shall be increased in size to accommodate additional tree planting.~~
- (f) Provide detailed information regarding tree species (including use of locally indigenous species), numbers, soil type and volumes and the design of the tree pits.
- (g) All trees shall be provided in advanced container sizes (minimum 200 litre).

Council has reviewed these amendments and considers them to be minor. The proposed removal of mature tree heights is unlikely to impact upon the locality and does not remove the requirement for trees to be planted upon the site.

In this instance the applicant has outlined that condition 26(e) is unachievable as the site is unable to increase tree plantings within that locality, due to the highly flood prone nature of the site. Council raises no objection to the deletion of condition 26(e) given the highly flood prone nature of the site.

Remedial Action Plan

The applicant requests to amended a date error with the remedial action plan. Currently this condition outlines that the remedial action plan was prepared on 9 September 2016, which is incorrect. The plan was actually created on 11 December 2017. The applicant wishes to update this condition to reflect this. Council has no objection to this date amendment as it corrects an error with the consent.

5(d) The Likely Impacts

The assessment of the Development Application demonstrates that, subject to the recommended conditions, the proposal will have minimal impact in the locality.

5(e) The suitability of the site for the development

Provided that any adverse effects on adjoining properties are minimised, this site is considered suitable to accommodate the proposed development, and this has been demonstrated in the assessment of the application.

5(f) Any submissions

The application was notified in accordance with the Inner West Comprehensive Development Control Plan for a period of 49 days to surrounding properties, no submissions were received as a result.

5(g) The Public Interest

The public interest is best served by the consistent application of the requirements of the relevant Environmental Planning Instruments, and by Council ensuring that any adverse effects on the surrounding area and the environment are appropriately managed.

The proposal is not contrary to the public interest.

6 Referrals

6(a) Internal

The application was referred to the following internal sections/officers and issues raised in those referrals have been discussed in section 5 above.

- Public Domain – The proposal was referred to Council's public domain team, who outlined no objection to the proposed modifications.

6(b) External

The application was referred to the following external bodies and issues raised in those referrals have been discussed in section 5 above.

- Roads and Maritime Services – The proposal was referred to the RMS who outlined no objection to the proposal subject to compliance with concurrence conditions.

7. Section 7.11 Contributions

Section 7.11 contributions are not applicable to the current development application, as they have been already levied (where appropriate) as part of original development approval. The current development application does warrant an increase to the current section 7.11 contributions.

8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in Ashfield Local Environmental Plan 2013 and Inner West Comprehensive Development Control Plan. The development will not result in any significant impacts on the amenity of adjoining premises and the streetscape. The application is considered suitable for approval subject to the imposition of appropriate conditions.

9. Recommendation

That Council, as the consent authority pursuant to s4.16 of the Environmental Planning and Assessment Act 1979, grant consent to Development Application No: 10.2017.249.1 for amendments to the approved alterations and additions at the Ashfield Aquatic Centre at 160 Elizabeth Street, Ashfield subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

CONDITIONS

DA 2017.249.2
160 Elizabeth Street ASHFIELD 2131

Description of Work as it is to appear on the determination:

Alterations and additions to the Ashfield Aquatic Centre including demolition of existing pools and construction of new facilities

A General Conditions

1. Stamped Plans

The development must be carried out only in accordance with the plans and specifications set out in the table below and stamped as approved by Council, and in any supporting documentation received with the application, except as amended by the conditions specified hereunder.

Document Title	Consultant	Document No	Revision
SURVEY PLANS			
B2045-DETAIL-K-Overall	Project Surveyors	K-Overall	K
B2045-DETAIL-K-1	Project Surveyors	K-1	K
B2045-DETAIL-K-2	Project Surveyors	K-2	K
B2045-DETAIL-K-3	Project Surveyors	K-3	K
B2045-DETAIL-K-4	Project Surveyors	K-4	K
B2045-DETAIL-K-5	Project Surveyors	K-5	K
B2045-DETAIL-K-6	Project Surveyors	K-6	K
ARCHITECTURAL			
COVER SHEET	Brewster Hjorth Architects	DA00	D
EXISTING SITE PLAN	Brewster Hjorth Architects	DA01	B
PROPOSED SITE PLAN	Brewster Hjorth Architects	DA01.1	B
SITE ANALYSIS	Brewster Hjorth Architects	DA02	A
DEMOLITION PLAN	Brewster Hjorth Architects	DA03	B
LEVEL 1 PLAN	Brewster Hjorth Architects	DA08	C
LEVEL 2 PLAN	Brewster Hjorth Architects	DA09	C
ROOF PLAN	Brewster Hjorth Architects	DA10	C
LEVELS 1 + 2 NEW BUILDING	Brewster Hjorth Architects	DA11	B
ELEVATIONS	Brewster Hjorth Architects	DA15	B
SECTIONS	Brewster Hjorth Architects	DA16	B
SECTIONS	Brewster Hjorth Architects	DA17	B
LEVEL 1 PLAN - BUS DROP OFF	Brewster Hjorth	DA22	B

(DELETED)	Architects		
SHADOW DIAGRAMS -EXISTING	Brewster Hjorth Architects	DA23	A
SHADOW DIAGRAMS - EXISTING	Brewster Hjorth Architects	DA24	A
SHADOW DIAGRAMS 1 - 21 JUNE 9AM	Brewster Hjorth Architects	DA25	B
SHADOW DIAGRAMS 2 - 21 JUNE 12AM	Brewster Hjorth Architects	DA26	B
SHADOW DIAGRAMS 3 - 21 JUNE 3PM	Brewster Hjorth Architects	DA27	B
EXTERNAL FINISHES	Brewster Hjorth Architects	DA28	B
AERIAL PERSPECTIVE VIEW	Brewster Hjorth Architects	DA30	B
POOL HALL INTERNAL	Brewster Hjorth Architects	DA32	B
EXTERNAL POOLS	Brewster Hjorth Architects	DA34	B
ENTRY FOYER VIEW	Brewster Hjorth Architects	DA35	A
GYM INTERNAL VIEW	Brewster Hjorth Architects	DA36	A
EXTTERNAL DETAIL SHEET 4 - FLOOD GATE	Brewster Hjorth Architects	A904	D
LANDSCAPE			
COVER SHEET	Taylor Brammer	01	C
CONCEPT PLAN	Taylor Brammer	02	C
CROSS SECTION	Taylor Brammer	03	C
FENCING DETAILS			
<i>External Details Sheet 2</i>	<i>Brewster hjorth architects</i>	<i>A902</i>	<i>T1</i>
<i>External Details Sheet 4</i>	<i>Brewster hjorth architects</i>	<i>A904</i>	<i>T2</i>
<i>External Details Sheet 7</i>	<i>Brewster hjorth architects</i>	<i>A907</i>	<i>T1</i>

The following are information documents which have informed the above mentioned plans and details:

EXTERNAL PUBLIC DOMAIN			
PUBLIC DOMAIN LIGHTINFG PLAN	JHA Consulting Engineers	E002	P4
EXTERNAL LIGHTING DESIGN COMPLIANCE STATEMENT	JHA Consulting Engineers		24.04.18
BUS MOVEMENT AND FLOOD GATE OPERATION			
Bus Movements and Flood Gate Operation	Inner West Council		09.05.17
REMEDIAATION ACTION PLAN			
Ashfield Aquatic Centre RAP (Prepared by ESG)	ESG Environmental	ESG2016-017	V8

ENVIRONMENTAL ASSESSMENT REPORTS			
EIS Report 01	EIS	E29047KBrpt	12.02.16
EIS Report 02	EIS	E29047KHrpt2-rev1	26.05.17
EIS Report 03	EIS		20.07.17
HAZARDOUS MATERIALS REPORT			
AAC Getex HazMat Register-Mgt Plan	Getex	9206.09.HMSR	Rev0
ELECTROLYSIS REPORT			
Electrolysis Study Report 5.12.2017 (30.11.17) (NPC)	NPC Engineering	NPC-REP-NERS-R-0010	B
FLOOD IMPACT REPORT			
Flood Impact Assessment + Flood Gate Report	Mott MacDonald		24.04.18
STORMWATER CONCEPT DRAWINGS AND REPORT			
Stormwater Plan		DR-DA-1002	P3
Stormwater Management Report	Mott MacDonald		05.12.17
ARBORIST REPORT			
Arboricultural Impact Assessment	Tree IQ		Rev A
BCA REPORT			
BCA Report	Blackett Maguire + Goldsmith		Rev 4
ESD REPORT			
ESD Report prepared by	JHA Consulting Engineers		Rev C
ACCESSIBILITY REPORT			
DA Access Report prepared by	iAccess		Rev B
DA Design Statement prepared by	iAccess		Rev B
TRAFFIC AND PARKING ASSESMENT REPORT			
Traffic Assessment Report 141117	TEF Consulting	17105	14.11.17

Responses To RMS Letter 01a 180319	TEF Consulting		19.03.18
Traffic Management Plan Report 02 Addendum 01	TEF Consulting	17105/02	26.04.18
GREEN TRAVEL PLAN			
Green Travel Management Rep 01	TEF Consulting		1
NOISE ASESMENT REPORT			
Acoustics Report	JHA Consulting Engineers		G
Acoustic Report- Sleep Disturbance Assessment	JHA Consulting Engineers		30.04.18
GEOTECH REPORT			
Geotech Report (0)	JK Geotechnics	29047SBrpt	09.02.16
Geotech Report(1)	JK Geotechnics	29047SB2rpt	08.05.17
Geotech Report (2)	JK Geotechnics	29047SB3rp	20.07.17
WASTE MANAGEMENT PLAN			
Waste Management Plan	Inner West Council		07.12.17
SEPP 33 RISK SCREENING			
JEBCS SEPP 33 Report	JEB Creative Solutions Pty Ltd		4
Flood Gates Details + Operation Manual			
Flood Gates Details	Flood Control International	FC-LHG-FB01	0
Gate O&M LHG-Rev02	Flood Control International		2

(Amended by DA 10.2017.249.10)

Schedule B: Conditions to be satisfied prior to the issue of a Construction Certificate

2. Design Changes

- (a) ~~The exterior fence on Elizabeth Street is to be reduced to a maximum height of 2.4m. Details of the proposed fence including the proposed landscape planting and materials are to be submitted to and approved by Council prior to the issue of construction certificate.~~
- (b) The nine car parking spaces adjoining the eastern boundary of the existing private residential flat building at 182 Elizabeth Street Ashfield are to be closed to the public between 10.00pm and 7.00am daily. A physical barrier in the form of a chain, bollard or the like is to be installed.

Details of the physical barriers and a management plan for their operation must be provided and approved by Council's development assessment teams prior to the issuing of a construction certificate.

The instillation of the physical barriers may take place after a construction certificate is issued, but the barriers must be installed and operational prior to the issue of any occupation certificate.

(Amended by DA 10.2017.249.002)

3. Service Design

The location of any services, eg. A/C units, solar power arrays, fire hydrant/sprinkler systems, plumbing, etc. is to be submitted to and approved by Council prior to the issue of a construction certificate. This is important from amenity, compliance, and buildability perspectives (eg. fire egress exit routes free of mechanical services, achieving appropriate room/exit route head heights).

4. Fire Safety

The applicant is required to provide Council with either:

- (a) A list of current essential fire safety measures installed throughout the building, or;
- (b) A current Annual Fire Safety Statement for the building.

In order to identify general areas of non-compliance and address the performance requirements of the Building Code of Australia, engage the services of an A1 Accredited Certifier to provide a Building Code of Australia compliance and fire safety audit, covering sections C, D and E of the Building Code of Australia to identify general areas of non-compliance and address the performance requirements of the BCA.

5. Building Code of Australia Report

Pursuant to Clause 94 of the Environmental Planning & Assessment Regulation 2000, the consent authority has undertaken an assessment of the development proposal and requires the building to be upgraded as the measures within the building are inadequate for:

- (a) Protecting users of the building in the event of fire.
- (b) Facilitating egress from the building in the event of fire
- (c) Restricting the spread of fire from the building to other buildings nearby.

In such circumstances, the consent authority is to take into consideration whether it would be appropriate to require the existing building to be brought into total or partial conformity with the BCA Vol 1.

Due to the extent of proposed works it is appropriate to ensure the development be brought into partial conformity with the BCA.

6. Excavation and Demolition

If any excavation extends below the level of the base of the footings of a building on an adjoining property, the person causing the excavation:

- (a) Must preserve and protect the adjoining building from damage.
- (b) Must, at least seven (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.
- (c) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this condition, the allotment of land includes public property.

7. Structural Certification

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

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Certifying Authority.

8. Geotechnical / Civil Engineering report

Prior to issue of the Construction Certificate the applicant shall have a Geotechnical / Civil Engineering report prepared which addresses (but is not limited to) the following:

- (a) The type and extent of substrata formations by the provision of a minimum of four (4) representative bore hole logs which are to provide a full description of all material from ground surface to 1.0m below the finished basement floor level and include the location and description of any anomalies encountered in the profile. The surface and depth of the bore hole logs shall be related to Australian Height Datum.
- (b) The appropriate means of excavation/shoring in light of point (i) above and proximity to adjacent property and structures. Potential vibration caused by method of excavation and potential settlements affecting nearby footings/foundations/buildings shall be discussed and ameliorated.
- (c) Recommendations to allow the satisfactory implementation of the works. An implementation program is to be prepared along with a suitable monitoring program (as required) including control levels for vibration, shoring support, ground level and groundwater level movements during construction. The implementation program is to nominate suitable hold points at the various stages of the works for verification of the design intent before sign-off and before proceeding with subsequent stages.

The geotechnical report must be prepared by a suitably qualified consulting Geotechnical / Hydrogeological Engineer with previous experience in such investigations and reporting.

The report, satisfying the requirements of this condition, must be provided as part of the supporting documentation lodged with the Principal Certifying Authority for approval of the Construction Certificate application. The professional recommendations of the report shall be implemented in full during the relevant stages of excavation and construction.

9. Access Report

An Access Management Plan is to be provided by an Accredited Access Consultant. Details of the Access Management Plan must address:

- (a) Confirmation whether the Disability (Access to Premises – Buildings) Standards 2010 is applicable to the development, in particular whether the Standards apply to the affected part.
- (b) Proposed requirements for access to the building or part of building for people with a disability in accordance with Part D3 of Building Code of Australia.
- (c) Assessment and identification of non-compliances with the Disability Standards 2010 and/or the BCA where applicable and provide recommendations to achieve compliance with the relevant performance requirements.
- (d) Accessible car parking spaces should be provided, where applicable, in accordance with Part D3.5 of BCA Vol 1.

The recommendations of the Access Management Plan are to be complied with.

10. Permits – General

Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent shall 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 and guttering, footpath, stormwater, etc.
- (g) Awning or street verandah over footpath
- (h) Partial or full road closure
- (i) Installation or replacement of private stormwater drain, utility service or water supply

Applications for such Permits shall be submitted and approved by Council prior to the commencement of the works associated with such activity or issue of the Construction Certificate (whichever occurs first). Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

11. First Dilapidation Report

A dilapidation report on the visible and structural condition of the following public infrastructure must be provided to the Principal Certifying Authority prior to the commencement of demolition or issue of a Construction Certificate (whichever occurs first).

- (a) Full width of Elizabeth Street (Frederick Street to Bastable Street) and Frederick Street (Elizabeth Street south to the railway bridge), including road pavement, stormwater drainage infrastructure, kerb & gutter, and footpath.
- (b) The dilapidation report is to be prepared by a practicing Structural/Civil Engineer agreed to by both the applicant and Council. All costs incurred in achieving compliance with this condition shall be borne by the applicant.

The liability of any damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded by the requirements of this condition will be borne by the applicant.

12. Security Deposit

Prior to the commencement of demolition works or a Construction Certificate being issued for works approved by this development consent (whichever occurs first), a security deposit and inspection fee must be 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 (FOOT)	\$34,200.00
Inspection fee (FOOT)	\$225.00

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 Council to determine the condition of the adjacent road reserve and footpath prior to and on completion of the works being carried out.

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

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

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

Requirements of this condition are to be met prior to works commencing or prior to release of a Construction Certificate (whichever occurs first). Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

13. Public Liability Insurance

Any person acting on this consent or any contractors carrying out works on public roads or Council controlled lands shall 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.

14. Bus drop off/pick up

Bus access (12.5m standard STA buses) for the drop off/pick up of school or group arrivals and departures shall be via the Frederick Street carpark and shall be managed in accordance with the Ashfield Aquatic Centre Operations Manual 2019-2020. Smaller buses up to 21 seats may be managed

via the Bastable Street carpark as set out in the addendum to the Traffic Report by TEF Consulting dated 26/04/2018.

15. Site Stormwater Management - quality and quantity

- (a) Where the stormwater discharges to the existing stormwater canal, the site stormwater management shall be to the requirements of Sydney Water.
- (b) Any stormwater discharging to public roads shall be managed in accordance with Council's Stormwater Management Code, but with no OSD.

16. Flood Compatibility

- (a) Any proposed building works involved with the proposed development and which are flood affected up to and including the 1% AEP storm event, shall be constructed of flood compatible materials in accordance with the Interim Development Assessment Policy 2015.
- (b) A structural engineer's certificate shall be submitted stating that the proposed buildings have been designed to withstand the forces of flood water, debris and buoyancy up to the PMF flood.
- (c) A flood gate as detailed on Plan A904 (Rev D) must be installed and shall as a default operate in the closed position in accordance with the recommendations of the Flood Impact Assessment by Mott Macdonald dated 24 April 2018. In addition the flood gate shall be operated and maintained in accordance with the Operation and Maintenance Instruction documentation provided by the manufacturer of the flood gate.

17. Alignment Levels

Alignment levels for the site at all pedestrian and vehicular access locations shall match the existing back of footpath levels at the boundary. For vehicular access off Bastable Street the level at the boundary shall match the invert level of the adjacent gutter plus 200mm at both sides of the vehicle entry.

Note: This may require the internal site levels to be adjusted locally at the boundary to ensure that they match the above alignment levels. Failure to comply with this condition will result in vehicular access being denied.

18. Car Parking – Layout and Lighting

- (a) The layout of both the Bastable Street and Frederick Street carparks shall be in accordance with AS AS2890.1:2004, including line marking, signposting, and direction arrows.
- (b) Sight lines to pedestrians at all vehicle access locations must be provided in accordance with Figure 3.3 of AS2890.1:2004; and
- (c) Both the Bastable Street and Frederick Street carparks shall be lit to a minimum P11/P12 standard (AS1158.3.1).
- (d) Carspaces 34, 35 and 36 in the high hazard flood zone (1% AEP event) shall be designated as staff parking only.

19. Car Parking Areas and Plant Room Driveway Road Pavements

- (a) The Bastable Street and Frederick Street Carparking areas are to be repaired and resurfaced (with AC10).
- (b) Pavement areas within the Bastable Carpark are to be constructed with 200mm DGB (non-recycled) plus 50mm AC10.
- (c) The driveway to the Plant room is to be repaired and resurfaced with AC10.
- (d) Pavement levels at the south east corner of the Bastable carpark in the vicinity of carparking spaces 34, 35 and 36 shall be raised to 13.0m AHD (with a crest in the aisle of 13.05m AHD) so as to reduce the high hazard area affecting the carpark.
- (e) The pavement in the Frederick Street car park along the bus route must be reconstructed to allow for the increased wheel loading of buses.

~~20. Public Domain Plan~~

~~Prior to the issue of a Construction Certificate, the applicant shall prepare and submit a Public Domain Plan to the satisfaction of Council. The plan shall detail the following as a minimum:~~

- ~~• New pavements;~~
- ~~• Tree planting;~~
- ~~• Night time lighting;~~
- ~~• Awnings; and~~

~~● Seating.~~

(Deleted by DA 10.2017.248.002)

21. Travel Management Plan

A Travel Management Plan is to be prepared for the Aquatic Centre proposing measures to:

- Reduce the level of private motor vehicle travel to the centre;
- Reduce single occupant motor vehicle travel to the centre;
- Increase the mode share of travel to the centre by walking, cycling and public transport;
- Propose measures to manage parking demand particularly for special events at the pool such as school swimming carnivals;
- Outlining additional measures which could be considered to manage parking demand should the RMS carpark no longer be available for use by pool patrons;

The Travel Management Plan is to set travel mode share targets which are to be monitored on an annual basis.

22. Waste Management Plan

A Waste Management Plan is to be prepared, 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.

23. Construction and Site Management Plan

A construction and site management plan is to be prepared 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.

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 construction zone, 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.

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

24. Erosion and Sedimentation Control-Management Plan

The applicant 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 Environmental 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 Environmental Protection Authority.

25. 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 Acts 1986 – is required. All building of \$25,000.00 and over are subject to the payment of a Long Service Levy fee. A copy of the receipt for the payment of the Long Service Levy shall be provided to the Principal Certifying Authority (PCA) prior to the issue of a Construction Certificate. Payments can be made at Long Service Payments Corporation offices or most Councils.

26. General Landscape Requirements

Prior to the issue of the construction certificate the Landscape Concept Plan by Taylor Brammer, Revision A, dated 7 December 2017 is to be amended to;

- (a) Provision of 3-4 trees (~~capable of a mature height of 20 metres~~) in the lawn and garden area adjacent to the railway easement and water polo pool.
- (b) Provide increased garden area to end of the car parking rows and 4-6 additional trees in the Frederick Street car park ~~at 10 metre centres, capable of a minimum mature height of 20 Metres.~~
- (c) Provide 6-8 trees and suitable soil volumes in the Bastable Street car park ~~at 10 metre centres, capable of a minimum mature height of 20 Metres.~~ In this regard consideration. It needs to be demonstrated that adequate soil volume can be provided for all trees in the car park. Detained design must include dimensions for tree pits ~~and details of a vault style structural soil~~ with a minimum of 20-30m³ available soil volume for each tree.
- (d) Provide 2 trees in the Bastable Street Carpark entrance (from Elizabeth Street), capable of a potential minimum mature height of 20 metres. Garden beds should be increased to accommodate these trees.
- ~~(e) Garden beds located within the parking row adjacent to the canal shall be increased in size to accommodate additional tree planting.~~
- (f) Provide detailed information regarding tree species (including use of locally indigenous species), numbers, soil type and volumes and the design of the tree pits.
- (g) All trees shall be provided in advanced container sizes (minimum 200 litre).

(Amended by 10.2017.249.002)

27. Food Premises – Separate Consent

Separate development consent is to be sought for the fitout of any food premises associated with the Aquatic Centre.

28. Mechanical Ventilation

Adequate provision is made for ventilation of the building including plant and any future food premises. The ventilation systems are to be designed, constructed and operated in accordance with the:

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

Details demonstrating compliance with the requirements of this condition are to be submitted to the Principal Certifying Authority prior to the release of a Construction Certificate. The system must be located in accordance with the approved plans and/or within the building envelope, design and form of the approved building. Any modifications to the approved plans required to house the system must be the subject of further approval from Council.

29. Odour Control

There are to be no emissions or discharges from the premises which will give rise to an offence under the Protection of the Environment Operations Act 1997 and Regulations.

Emission control equipment shall be provided in the mechanical exhaust system serving the appliances, to effectively minimise the emission of odours, vapours and oils. Details of the proposed emission control equipment must be provided in the relevant plans and specifications for the Construction Certificate for the subject works.

Schedule C: Conditions that must be complied with before work commences

30. 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.

31. 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.

32. 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 Principal Certifying Authority either prior to the pouring of the ground floor slab or at dampcourse level, whichever is applicable or occurs first, indicating the: -

- (a) The location of the building with respect to the boundaries of the site;
- (b) The level of the floor in relation to the levels on the site (all levels are to be shown relative to Australian Height Datum);
- (c) Site coverage of the buildings on the site.

33. 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.

34. Works on Public Land

Where works are carried out on Council or public lands (i.e. roads, parks etc.) by or on behalf of the applicant the following conditions shall be satisfied the person or company carrying out the works will be required to carry public liability insurance to a value of ten million dollars. Proof of the policy is to be provided to Council prior to work commencing.

Schedule D: Conditions that must be complied with during construction or demolition**35. Plans to be Available on Site**

The Council 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.

36. New Contamination Evidence

Any new information revealed during development works that has the potential to alter previous conclusions about site contamination or hazardous materials shall be immediately notified to the Council and the Principal Certifying Authority.

37. Remedial Action Plan

All construction and demolition works shall be carried out in accordance with the requirements of the Remedial Action Plan prepared by ESG Environmental dated ~~9 September 2016~~ **11 December 2017**.

(Amended by 10.2017.249.002)

38. Vibration Criteria – Excavation or construction

Vibration caused by excavation and construction at any residence or structure outside the site must be limited to:

- (a) For structural damage vibration, German Standard DIN 4150 Part 3 Structural Vibration in Buildings Effects on Structures; and
- (b) For human exposure to vibration, the evaluation criteria set out in the Environmental Noise Management Assessing Vibration: a Technical Guideline (Department of Environment and Conservation, 2006).

Vibratory compactors must not be used in the vicinity of residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above.

39. Signs to be erected on Building and Demolition Sites

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.

Any-sign shall be maintained and not removed until work has been finished.

40. Demolition/Excavation/Construction - Hours of Work

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

- (a) 7:00 am to 6:00 pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm);
- (b) 8:00 am to 1:00 pm on Saturdays with no demolition works occurring during this time; and
- (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 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 shall be limited to:

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

The Proponent shall not undertake such activities for more than three continuous hours and shall 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.

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.

41. Demolition Requirements/Standards

Demolition of 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 (e.g.; 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.

42. Materials and Colour Schemes

Materials of construction are to be as specified in the schedule of finishes submitted with the development application and on the approved plans, except where amended by the conditions hereunder.

43. Vehicle Crossing - Council Approval

An appropriate application is to be made to Council for the reconstruction of redundant driveway crossing on Elizabeth Street. The crossing must be reinstated as upright kerb, gutter and concrete footpath in accordance with Council's standard drawing and specifications.

44. Road and Footpath – Safety and Access Requirements

The contractor is to take all precautions to ensure footpaths and roads are kept in a safe condition and to prevent damage to Council's property.

Heavy vehicles entering and leaving the site must only cross the footpath and kerb and gutter where a temporary driveway is approved by Council. Pedestrian access across this footpath must be maintained in good order at all times during the work. Any damage caused must be made good by Council at Council's restoration rates, at the applicant's or builder's expense.

45. Engineering Staff to Inspect Roadworks/Drainage

An inspection by Council's staff will be required for kerb, gutter, crossing details at the following stages:

- (a) After excavation;
- (b) After the erection of formwork and placement of reinforcement and prior to pouring of concrete;
- (c) After placement of road base course;
- (d) On completion of the works.

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

46. Road Opening Permit – Council Controlled Lands

A road opening permit shall be obtained for all works carried out in public or Council controlled lands. Contact Council's Engineering Services for details.

This road opening permit covers the direct costs involved in the repair/replacement of works where the public or Council controlled lands are specifically damaged/saw cut etc. for the construction of services, stormwater pipes, kerb works, bitumen works, footpath works etc. It is *separate* from a Damage Deposit as listed elsewhere in these Conditions of Consent.

47. Driveway Design - Vehicle Direction

The driveway system to the property is to be designed such that all vehicles shall enter and leave the premises in a forward direction and in accordance with the latest AS 2890.1.

Schedule D: Conditions that must be complied with before the building is occupied

48. Elizabeth Street Pedestrian Crossing

Construct a raised pedestrian crossing at the existing marked pedestrian crossing in Elizabeth Street, in accordance with Council Standard Plan T1, suitably modified to suit this site. Full detailed construction plans and specifications shall be submitted to Council for approval before the issue of an ~~Construction Certificate~~ **Occupation Certificate**.

(Amended by DA 10.2017.249.002)

49. Acoustic Report – Demonstrating Compliance

A report prepared by a suitably qualified and experienced acoustic consultant shall be submitted to Council prior to an Occupation Certificate being issued for the development which demonstrates and certifies that noise and vibration emissions from the development comply with the relevant provisions of the Protection of the Environment Operations Act 1997, NSW Environment Protection Authority's Industrial Noise Policy and Noise Control Manual and conditions of Council's approval, including any recommendations of the acoustic report referenced in the conditions of the approval.

50. Contaminated Management Plan

Prior to the issue of any interim / final Occupation Certificate, certification from an appropriately qualified environmental consultant is to be provided stipulating that the requirements of the following contamination reports have been complied with throughout excavation, demolition & development work stages.

Title	Prepared by	Date
STAGE2 ENVIRONMENTAL SITE ASSESSMENT	Environmental Investigations Services	26 May 2017

The certification shall also include:

- (a) A validation and site monitoring report prepared in accordance with relevant guidelines issued under the Contaminated Land Management Act 1997 must be submitted to the Council within one month from completion of the remediation work.

- (b) A detailed survey of all sites used for landfill disposal must be prepared within one month from completion of the remediation work, and submitted to Council.
- (c) Identification of the extent and depth of all fill material in relation to existing roadways and buildings. The survey must also include a detailed survey of all site used as landfill disposal pits, identifying boundaries and depth of disposal pits in relation to existing roadways and buildings.

Details demonstrating compliance with the requirements of this condition is to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any interim / final occupation certificate.

51. Disposal of Soil

Any soil proposed to be disposed off site must be classified, removed and disposed of in accordance with the EPA Environmental Guidelines; Assessment, Classification and Management of Liquid and Non-Liquid Wastes 1999 and the Protection of the Environmental Operations Act 1997.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Occupation Certificate.

52. Environmental Management Plan

An Environmental Management Plan (EMP) shall be prepared for the approved development.

The plan shall be prepared by a suitably qualified person and shall be to the satisfaction of Council and shall address risk assessment of all Environmental Aspects and impacts to site and other potentially impacted properties.

The impacts must at minimum consider the following areas:

- (a) Hazardous Substances;
- (b) Water;
- (c) Air;
- (d) Noise;
- (e) Vibration;
- (f) Waste & Litter;
- (g) Land;
- (h) Community;
- (i) Environmental Protection objectives and control strategies;
- (j) Environmental conditions using measurable indicators and standards;
- (k) Emergency Response Plan; and
- (l) Environmental monitoring and reporting plan.

The plan must be submitted to Council and correspondence obtained stating that the plan satisfies the condition obtained by Council, prior to the release of an Occupation Certificate.

53. Mechanical Ventilation

At the completion of the installation of the mechanical exhaust system, a certificate from the installer shall be submitted to Council or the Principal Certifying Authority indicating the following:

- (a) Inspection, testing and commissioning details,
- (b) Date of inspection testing and commissioning,
- (c) The name and address of the individual who carried out the test, and
- (d) A statement that the service has been designed, installed and is capable of operating to their accordance with AS 1668.2-1991/2012 – Mechanical ventilation for acceptable indoor-air quality above standard.

Any discharge to the atmosphere from the subject development shall not result in any odour or other air impurity being detected outside the boundaries of the property. The system must be in accordance with the approved plans. Any requirement for the system to be visible from the public domain or adjoining properties and is not consistent with the approved plans will require further consent from Council.

Noise and vibration from the use of the mechanical exhaust and/or ventilation system shall not exceed the background noise level by more than 5dB(A) and shall not be audible in any premises of a neighbouring occupancy.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issuing of any Occupation Certificate.

54. Remediation – Validation

A validation report shall be prepared by a suitably qualified Environmental Consultant and be submitted to Council upon completion of remediation works and prior to the site being occupied. The validation report shall be prepared in accordance with relevant NSW Environment Protection Authority guidelines, including the guidelines 'Consultants Reporting on Contaminated Sites' and shall include :

- (a) Description and documentation of all works performed;
- (b) Results of validation testing and monitoring;
- (c) Validation results if any imported fill was transferred to site;
- (d) Demonstrate how all agreed clean-up criteria and relevant regulations have been satisfied.
Confirmation and justification as to the suitability of the site for the proposed use and the potential for off site migration of any residual contaminates.

55. Trade Waste Grease Traps

To ensure that adequate provision is made for the treatment of waste water from the premises, floor plans accompanying the Occupation Certificate application shall include provision for a Sydney Water approved grease trap.

The grease trap installation shall service all commercial sections of the development and be designed, constructed and operated in accordance with:

- (a) Standard AS 3500; and
- (b) National Plumbing & Drainage Code.

Details demonstrating compliance with the requirements of this condition are to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

56. Second Dilapidation Report

A second Dilapidation Report addressing the public infrastructure identified in the first Dilapidation Report condition, including a photographic survey and structural condition, must be submitted after the completion of works. A copy of this Dilapidation Report must be lodged with Council and the Principal Certifying Authority before to the issue of an Occupation Certificate.

Any damage identified in the Dilapidation Report must be fully rectified by the applicant or owner at no cost to Council before to the issue of an Occupation Certificate.

57. Public Domain works

All works required to be carried out in connection with drainage, crossings, alterations to kerb and guttering, footpaths and roads resulting from the development shall be completed before the issue of an Occupation Certificate. Works shall be in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications".

58. Vehicle Crossings

Industrial duty concrete vehicle crossings, in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications"/Council Standard Plan R2, shall be constructed/reconstructed at the following vehicular access locations before the issue of the Occupation Certificate and at no cost to Council:-

- (a) Existing at the Frederick Street Carpark and at the entry to the Bastable Street Carpark, both from Elizabeth Street.
- (b) Existing to the Plant Room driveway off Frederick Street;
- (c) New to the proposed exit from the Bastable Street Carpark, off Bastable Street;
- (d) Replace the redundant vehicle crossing off Elizabeth Street, adjoining the existing kiosk, with standard kerb & gutter, and footpath, to match existing

59. Certification of Site Stormwater Works

Before the issue of the Occupation Certificate written verification from a suitably qualified competent person, stating that all stormwater drainage re-use and quality measures has been constructed in accordance with the approved plans shall be submitted to and accepted by Council. In addition, full works-as-executed plans, prepared and signed by a registered surveyor, shall be submitted to Council. These plans must include levels for all drainage structures, buildings (including floor levels), finished ground levels and pavement surface levels.

60. Flood Emergency Response Plan

A Flood Emergency Response Plan shall be prepared for those parts of the site affected by flood events up to and including a PMF, and submitted to Council for review and ultimate approval. The approved Plan shall be finalised before the issue of the Occupation Certificate.

60A. Separate Management Plans

Separate Management Plans be prepared, submitted and approved by Council, prior to the issue of any Occupation Certificate in the respect of flood management, evacuation procedures, and traffic and parking management (including buses).

The Plans of Management shall identify the specific managerial positions and personnel responsible for implementing the measures required under each plan.

61. Public domain – Council Signoff

Prior to issue of the Occupation Certificate the person acting on this consent shall obtain from Council a compliance Certificate(s) stating that all Road, Footpath and Public Domain Works on Council property required to be undertaken as a result of this development have been completed satisfactorily and in accordance with Council approved plans and specifications.

62. Lot Consolidation

All Council owned land with the site shall be consolidated into one allotment. A plan of consolidation prepared by a registered surveyor shall be submitted to Land and Property Information (LPI) for registration. Evidence of lodgement of the plan for consideration with LPI shall be submitted to Council or the Principal Certifying Authority prior to the issue of an Occupation Certificate.

63. Certification of Completed Landscape Works

Prior to the issue of any Occupation Certificate, the Principal Certifying Authority is to be satisfied that all landscape works, including tree planting, have been undertaken in accordance with the approved plan(s) and conditions of consent prior to the issue of the Occupation Certificate.

64. Service Adjustments

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

Schedule F: Conditions that are ongoing requirements of the development consent**65. Hours of Operation**

The hours of operation are limited to Monday to Sunday between 5:00am and 10:00pm.

66. Bastable Street Car Park

Car parking spaces adjoining the eastern boundary of the existing private residential flat building at 182 Elizabeth Street Ashfield are to be closed to the public between 10.00pm and 7.00am daily. A physical barrier in the form of a chain, bollard or the like is to be installed.

67. Acoustic Operation

- (a) The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations.
- (b) In this regard, the operation of the premises and plant and equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background LA90, 15min noise level, measured in the absence of the noise source/s under consideration by 5dB(A). The source noise level shall be assessed as an LAeq, 15min and adjusted in accordance with the NSW Environment Protection Authority's Industrial Noise Policy and Environmental Noise Control Manual (sleep disturbance).
- (c) An acoustic report prepared by a suitably qualified and experienced acoustic consultant shall be provided to the satisfaction of the Principal Certifying Authority demonstrating that noise and vibration from the operation of the premises including the use, plant and equipment will satisfy the stipulated criteria above and relevant provisions of the Protection of the Environment Operations Act 1997 and Regulations and relevant state and local policies and guidelines. Recommendations must be consistent with the approved plans.

Details demonstrating compliance with the requirements of this condition are to be submitted to the Principal Certifying Authority for approval prior to the issue of any Construction Certificate.

68. Operation

Operation is to satisfy the requirements of the Public Health Act 2010 and Public Health Regulation 2012 regarding control of public swimming pools & spa pools.

69. Health Impacts

The use of the premises shall 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 shall not give rise to the transmission of a vibration nuisance or damage other premises.

70. Storage and / or Transport of Dangerous and Hazardous Goods

Dangerous and hazardous goods shall be stored in accordance with NSW WorkCover requirements and AS1940-2004, The Storage and Handling of Flammable and Combustible Liquids. Hazardous and/or industrial waste arising from the use must be removed and / or transported in accordance with the requirements of the NSW Environment Protection Authority (EPA) and the New South Wales WorkCover Authority.

71. Waste – Commercial Collection Time and Location

To ensure minimal impacts on surrounding properties commercial waste and recyclable material generated by the premises must not be collected between the hours 10.00pm and 7.00am. All waste is to be collected within the site.

72. Tree Establishment Maintenance

The canopy replenishment trees required by this consent are to be maintained in a healthy and vigorous condition until they attain a height of 6 metres whereby they will be protected by Council's

Tree Management Controls. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species.

73. Vehicular Crossing

The vehicular crossing, kerb & gutter, bus bay, raised pedestrian crossing, and footpath works are required to be constructed by your own contractor. You or your contractor must complete an application for 'Construction of Vehicle Crossing and Public Domain Works' form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, before commencement of works.

Schedule F: External Authority Conditions**Sydney Water Conditions****74. Building Over or Adjacent to Stormwater Assets**

- (a) No building or permanent structure is to be constructed over the stormwater channel or within 1m from the outside wall of the stormwater asset. Permanent structures include (but are not limited to) basement car park, hanging balcony, roof eaves, hanging stairs, stormwater pits, stormwater pipes etc. This clearance requirement would apply for unlimited depth and height.
- (b) The applicant is required to submit the elevation drawings with the stormwater channel, to ensure that the proposed buildings and permanent structures are 1m away from the outside face of the stormwater channel.

75. Fence along the Sydney Water's Stormwater Channel

As agreed, Sydney Water has no objection to replace the existing fence with new fence up to 2.1m in height without 1m offset along the Sydney Water's stormwater channel.

76. Dilapidation Survey Report

- (a) The proponent is required to undertake a dilapidation survey report / CCTV report of the Sydney Water's stormwater channel prior to the commencement of any work on the site. This report should include the extent at least 10m upstream and downstream from the property boundary. A copy of this dilapidation report is to be provided to Sydney Water.
- (b) This dilapidation survey report/ CCTV Report is to be carried out again upon completion of the all construction work.

77. Bond Money

Bond money of \$30,000 is to be lodged with Sydney Water for the proposed work adjacent to the Sydney Water's stormwater channel.

- (a) Refund of the bond money is subject to the followings:
- (b) Review of the final dilapidation survey report/ CCTV Report of Sydney Water's stormwater channel which is required to be undertaken upon completion of the construction work.
- (c) Submission of the Project Completion Package as per building plan approval process
- (d) Acceptance of the Work As Constructed drawings of the stormwater connection (if any).

78. Proposed pedestrian bridge over stormwater channel

The proposed pedestrian bridge is to be designed according to Sydney Water's bridging guidelines. Details of this bridge are to be submitted to Sydney Water and need to obtain approval prior to the commencement of any work.

79. Stormwater connections to Sydney Water's Stormwater Channel

- (a) The proponent is required to make every attempt to use existing connections without making any new connections.
- (b) In the event, new stormwater connections are unavoidable then following requirements would apply:
 - For pipes with a diameter 300mm or more, the connection angle is to be no greater than 30 degrees in the direction of the channel flow.
 - Proposed connections that are 300mm or more in diameter require a qualified structural engineer to design the connection. A structural engineer's certificate is to be attached with the design drawings.
 - Proposed connections that are less than 300mm in diameter can use Sydney Water's standard drawings to design the connection drawings.
 - All drawings are to be submitted in AutoCAD to the Water Servicing Coordinator. Water Servicing Coordinator is required to transfer these drawings on to the Sydney Water's template prior to submitting the design drawing.

80. Down pipes from Grand Stand

- (a) Our recent site inspection revealed that the down pipes from existing grand stand are not directed to proper drainage system within the site and discharging into Sydney Water's stormwater system in an unauthorised way.
- (b) All down pipes from the grand stand are to be designed such a way that the stormwater connections to Sydney Water system complied with its connection requirements.

81. Existing Private Service Conduits

- (a) Our recent site inspection revealed that there are private service conduits resting on Sydney Water's stormwater channel. Even though such an arrangement was acceptable in the past, this will not meet the current Sydney Water's standard.
- (b) As part of this development, all private service conduits which are resting on the Sydney Water's stormwater channel are to be relocated at least 1m away from the outside face of the stormwater channel.

82. Service Crossing across the Sydney Water's stormwater channel

No service crossing is to be proposed over the Sydney Water's stormwater channel. If service crossings are required across the stormwater channel, then these services are to be laid below the Sydney Water's stormwater channel with the vertical clearance of 500mm.

83. Proposed Flood Gate

Proposed floodgate at the pedestrian crossing is to be located at least 1m away from the outside face of the Sydney Water's stormwater channel. Details of this floodgate are to be submitted to Sydney Water. The design of the floodgate is to be such a way that this should not impose any load onto Sydney Water's stormwater channel and Sydney Water can remove and replace the stormwater channel without causing any structural impact to this proposed floodgate.

84. New Flood Protection Wall

- (a) Details of the new flood protection wall which is proposed adjacent to the Sydney Water's stormwater channel at the southern site of the development site is to be submitted to Sydney Water.
- (b) If this flood protection wall is a masonry wall or similar, then this wall is to be located minimum 1m away from the stormwater channel. Requirements for the piling for this wall is subject to review of the details of this Flood Protection Wall and its height.

85. Building Plan Approval

The approved plans must be submitted to the Sydney Water [Tap in™](#) online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

The Sydney Water [Tap in™](#) online self-service replaces our Quick Check Agents as of 30 November 2015.

The [Tap in™](#) service provides 24/7 access to a range of services, including:

- building plan approvals
- connection and disconnection approvals
- diagrams
- trade waste approvals
- pressure information
- water meter installations
- pressure boosting and pump approvals
- changes to an existing service or asset, e.g. relocating or moving an asset.

Sydney Water's [Tap in™](#) online service is available at:

<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

86. Section 73 Certificate

- (a) A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water.
- (b) It is recommended that applicants apply early for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

Application must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

If you require any further information, please contact Lulu Huang of Growth Planning and Development on urbangrowth@sydneywater.com.au.

Ausgrid Conditions

87. Proximity to Existing Network Assets - Overhead Powerlines

- (a) There are existing overhead electricity network assets in Elizabeth and Frederick St. Safework NSW Document – Work Near Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements between these mains/poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given to the positioning and operating of cranes and the location of any scaffolding.
- (b) The "as constructed" minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid's website, www.ausgrid.com.au
- (c) Based on the design of the development provided, it is expected that the "as constructed" minimum clearances will not be encroached by the building development. However it remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite.
- (d) Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost.
- (e) It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site.

88. Underground Cables

- (a) There are existing underground electricity network assets in Frederick St and Elizabeth St, and also within the existing carpark of the aquatic centre.
- (b) Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area.
- (c) Safework Australia – Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables.

89. Substation

- (a) There are existing electricity substation assets adjacent to the South East corner of the site (S3259). This substation is located on property owned by Ausgrid.
- (b) Continuous metallic pipes and continuous metallic fencing associated with any pool are not to be installed within 10m of the substation.

90. Property

The access way affecting 2A Frederick Street Ashfield (Lot 3/DP1201579) is to be modified so that it does not use any portion of Ausgrid property except in the event that written evidence is provided confirming suitable arrangements have been made with Ausgrid's property group to allow the use of the property as an access way between Frederick St and the Aquatic Centre.

Roads and Maritime Service (RMS) Conditions

91. Concurrence Conditions

- (a) The layout of the proposed **basement** car park area associated with the subject development should be in accordance with AS 2890.1 -2004 and AS2890.6 2009.
- (b) Sight distances from the proposed vehicular crossings to vehicles on Frederick Street are to be in accordance with Austroads 'Guide to Traffic Engineering Practice, Part 5 Intersections at Grade, Section 6.2 – Sight Distance and AS 2890. Vegetation and proposed landscaping must not hinder sight lines to and from the vehicular crossings to pedestrians, cyclists, and general traffic.

- (c) All vehicles are to enter and exit the site in a forward direction and are to be wholly contained on site before being required to stop.
- (d) Bicycle parking associated with the subject development should be in accordance with AS2890.3 (Bicycle Parking Facilities). Consideration should also be given to providing end-of-trip facilities within the commercial development to support and encourage active transport to the subject development.

- (e) ~~Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works.~~

~~Details should be forwarded to:
The Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124.~~

~~A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 8849 2144 or Email Suppiah.Thillai@rms.nsw.gov.au.~~

~~Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works.~~

~~Please send all documentation to development.sydney@rms.nsw.gov.au.~~

~~A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued.~~

- (f) A Construction Pedestrian Traffic Management Plan (CPTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.
- (g) Construction works zone will not be permitted on Frederick Street.
- (h) A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Frederick Street during construction activities.
- (i) **Roads and Maritime has previously acquired land for road along Frederick Street frontage of the subject property, as shown by blue colour on the attached Aerial "X".**

The subject property is also affected by a road proposal as shown by pink colour on the attached Aerial – "X". The subject property is also under a permissive occupancy license agreement with Roads and Maritime.

Any new buildings or structures, together with any improvements integral to the future use of the site are erected clear of the land required for road (unlimited in height or depth) and wholly within the freehold property (unlimited in height or depth), along the Frederick Street boundary, subject to Roads and Maritime approval.



(Amended by DA 10.2017.249.002)

Sydney Trains Conditions

92. Concurrence Conditions

- (a) The Applicant shall prepare and provide to Sydney Trains for approval/certification the following final version items in compliance with relevant ASA Standards (<https://www.transport.nsw.gov.au/industry/standards-and-accreditation/standards>):

- (i) Geotechnical and Structural report/drawings that meet Sydney Trains requirements. The Geotechnical Report must be based on actual borehole testing conducted on the site closest to the rail corridor.
- (ii) Construction methodology with construction details pertaining to structural support during excavation. The Applicant is to be aware that Sydney Trains will not permit any rock anchors/bolts (whether temporary or permanent) within its land or easements.
- (iii) Cross sectional drawings showing the rail corridor, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the rail corridor. All measurements are to be verified by a Registered Surveyor.
- (iv) Detailed Survey Plan showing the relationship of the proposed developed with respect to Sydney Trains easement and rail corridor land.
- (v) If required by Sydney Trains, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.

The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

- (b) If required by Sydney Trains, prior to the commencement of works, prior to the issue of the Occupation Certificate, or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.
- (c) Unless advised by Sydney Trains in writing, all excavation, shoring and piling works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects.
- (d) The following items are to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate:
 - (i) Machinery to be used during excavation/construction.

The Principal Certifying Authority is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that this condition has been complied with.

- (e) The proposed development is to comply with the deemed-to-satisfy provisions in the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines".
- (f) Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.
- (g) The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of Sydney Trains. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- (h) If required by Sydney Trains, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

- (i) If required by Sydney Trains, a track monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases) is to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate. The Principal Certifying Authority is not to issue a Construction Certificate until written confirmation has been received from Sydney Trains advising of the need to undertake the track monitoring plan, and if required, that it has been endorsed.
- (j) No rock anchors/bolts are to be installed into Sydney Trains property or easements.
- (k) If required, prior to issuing the Applicant is to submit as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into Sydney Trains property or easements, unless agreed to be these authorities. The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- (l) If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Engineering Management Interfaces to determine the need for public liability insurance cover. If insurance cover is deemed necessary this insurance be for sum as determined by Sydney Trains and shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The Applicant is to contact Sydney Trains Engineering Management Interfaces to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.
- (m) If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Engineering Management Interfaces to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.
- (n) Sydney Trains or Transport for NSW (TfNSW), and persons authorised by those entities for the purpose of this condition, are entitled to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and these conditions of consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.
- (o) Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
- (p) Copies of any certificates, drawings, approvals/certification or documents endorsed by, given to or issued by Sydney Trains must be submitted to Council for its records prior to the issuing of a Construction Certificate.
- (q) Any conditions issued as part of Sydney Trains approval/certification of any documentation for compliance with the Sydney Trains conditions of consent, those approval/certification conditions will also form part of the consent conditions that the Applicant is required to comply with.
- (r) Prior to the commencement of works appropriate fencing is to be in place along the rail corridor to prevent unauthorised access to the rail corridor during construction. Details of the type of fencing and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.
- (s) The development shall have appropriate fencing fit for the future usage of the development site to prevent unauthorised access to the rail corridor by future occupants of the development. Prior to the issuing of an Occupation Certificate the Applicant shall liaise with Sydney Trains regarding the adequacy of any existing fencing along the rail corridor boundary. Details of the type of new fencing to be installed and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.

- (t) To ensure that graffiti can be easily removed, the Applicant is to ensure that fencing along the rail corridor is coated with anti-graffiti paint or other coating.
- (u) Prior to the issue of a Construction Certificate, the Applicant shall undertake a services search to establish the existence and location of any rail services. Persons performing the service search shall use equipment that will not have any impact on rail services and signalling. Should rail services be identified within the subject development site, the Applicant must discuss with Sydney Trains as to whether these services are to be relocated or incorporated within the development site.
- (v) Given the development site's location next to the rail corridor, drainage from the development must be adequately disposed of/managed and not allowed to be discharged into the corridor unless prior approval has been obtained from Sydney Trains.
- (w) No work is permitted within the rail corridor, or its easements, at any time unless prior approval or an Agreement has been entered into with Sydney Trains. Where the Applicant proposes to enter the rail corridor, the Principal Certifying Authority shall not issue a Construction Certificate until written confirmation has been received from Sydney Trains confirming that its approval has been granted.
- (x) No scaffolding is to be used within 6 horizontal metres of the rail corridor unless prior written approval has been obtained from Sydney Trains. To obtain approval the applicant will be required to submit details of the scaffolding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor.
- (y) Prior to the issue of a Construction Certificate, the Applicant shall provide an accurate survey locating the development with respect to the rail boundary and rail infrastructure. This work is to be undertaken by a registered surveyor, to the satisfaction of Sydney Trains representative.
- (z) During all stages of the development, environmental legislation and regulations will be complied with.
- (aa) During all stages of the development extreme care shall be taken to prevent environmental harm within the railway corridor. Any form of environmental harm to areas within the railway corridor or legislative non-compliance that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.
- (bb) During all stages of the development, extreme care shall be taken to prevent any form of pollution entering the railway corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.
- (cc) The applicant shall not at any stage block the corridor access gate on Bastable Street, and should make provision for easy and ongoing 24/7 access by rail vehicles, plant and equipment to support maintenance and emergency activities.

Reason for the imposition of conditions

Unrestricted consent would be likely to cause injury:

- a) to the amenity of the neighbourhood
- b) to the heritage significance of the area
- c) to the heritage significance of the property
- d) to the amenity of the neighbourhood due to the emission of noise
- e) to the amenity of the neighbourhood due to the creation of a traffic hazard

and further, would not be in the public interest.

Compliance with Building Code of Australia

- (1) All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate or complying development certificate was made).

- (2) This clause does not apply to the extent to which an exemption is in force under clause 187 or 188 of the Environmental Planning and Assessment Regulation 2000, subject to the terms of any condition or requirement referred to in clause 187 or 188.

NOTES

- (i) This approval does not relieve an applicant of the obligation to obtain any other approval required under Section 68 of the Local Government Act, 1993 and Ordinances or Section 4.12 of the Environmental Planning & Assessment Act, 1979 or any other Act or Regulation.
- (ii) Further approval(s) – see above, may be required in addition to this development consent. Plans and specifications submitted for building works must comply with the Building Code of Australia, any relevant condition of development consent and/or other code or requirement of Council at the time of approval.

Ask Council if you are unsure of what procedures you need to follow.

SECTIONS 8.2, 8.7 AND 4.53 OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

You are advised that:

- Under the provisions of Section 8.2 of the Environmental Planning and Assessment Act, 1979, an applicant may request Council to review a determination of the applicant's development application, other than an application for designated development. Any request for a review must be made within six (6) months of the date on which the applicant received notice, given in accordance with the regulations, of the determination of the application and be accompanied by the fee prescribed in Section 257 of the Regulations.
- 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 within six (6) months after the date on which you receive this notice.
- Under the provisions of Section 4.53 of the Environmental Planning and Assessment Act, 1979, unless the development, which is the subject of this consent, is commenced within five (5) years from the date of determination, the consent will lapse.

