

SUMMARY

PROPERTY:	473 & 483 Liverpool Road, Strathfield South
LOT & DP:	473 Liverpool Road - Lot 1 DP444757, Lot 2 DP537025 and Lot 1 DP653875 483 Liverpool Road - Lot 102 DP1134585
DA NO.:	2011/032
APPLICATION TYPE:	Mixed Use Development
REPORT BY:	Penny Anson
JRRP RECOMMENDATION:	JRRP recommended approval subject to modifications
APPLICANT:	Prestige Constructions Ltd
OWNERS:	Eddy & Anne Bechara

UPDATE

Reference is made to the Panel's decision on 11 August 2011 to approve the proposed development subject to conditions.

The Panel requested the following modifications to the proposed development:

- Delete Units 62 and 66 without replacing them;
- Delete Unit 13 and replaces it on top of Unit 16, therefore making that part of the building eight (8) storeys high;
- Relocate the fire stairs to Homebush Road so that it accesses the driveway and allows the activation of the frontage.

The applicant submitted amended plans to Council on 27 September 2011 to address the above modifications. An assessment of the proposed modifications is outlined below:

1. The total proposed units have been reduced from 71 to 69 by the removal of the two (2) units on Level 6. This has increased the setback of the proposal from the west boundary.
2. The applicant has liaised with Council concerning the interpretation of the request to relocate Unit 13 on Level 5 and replace it on top of Unit 16, located at Level 6. It is noted that this part of the development is seven (7) storeys high with Unit 20 being located on the seventh floor. Accordingly the applicant has relocated Unit 13 above Unit 20, thereby making that part of the building eight (8) storeys high which is consistent with the Panel's recommendation.

3. The proposed fire stairs which previously accessed Homebush Road on Level 1 have been relocated, with access to the internal driveway. This has allowed the activation of the Homebush Road frontage with a 15.19m² shop located adjacent to the pedestrian entry to the serviced apartments.

The proposed modifications are shown on the plans referenced within condition (1) of the recommended conditions below and are considered to satisfy the Panel's requested changes.

PENNY ANSON
PLANNING OFFICER

RECOMMENDED CONDITIONS OF CONSENT

PART A - PRESCRIBED CONDITIONS

Building Code of Australia and Home Building Act 1989

- A The applicant shall comply with the prescribed conditions of development consent under clauses 98, 98A and 98B of the Environmental Planning and Assessment Regulation 2000.

Long Service Levy

- B Payment of the Long Service Levy as required by section 109F(1) of the Environmental Planning & Assessment Act 1979 for all building work over \$25,000. (Note: The cost of the building work must be rounded to the nearest \$100.)
- C The Long Service Levy shall be paid at Council's Customer Service Centre or evidence of direct payment to the Long Service Payments Corporation shall be provided to Council **prior to issue of Construction Certificate.**

Shoring and Adequacy of Adjoining Property

- D Pursuant to Clause 98E and Clause 136H of the Environmental Planning and Assessment Regulation 2000, if a development (subject of a Development Consent or Complying Development Certificate) involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- ☐ protect and support the adjoining premises from possible damage from the excavation
 - ☐ where necessary, underpin the adjoining premises to prevent any such damage.

If the person with the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to the condition not applying, this condition does not apply.

Section 73 Compliance Certificate

- E A Section 73 Certificate under the Sydney Water Act 1994 must be obtained. The Section 73 Certificate must be submitted to the PCA prior to the issue of a Construction Certificate.

Sydney Water

- F The proponent must fund any adjustments needed to Sydney Water Infrastructure as a result of the development. The proponent should engage a Water Servicing Coordinator

to get a Section 73 Certificate and manage the servicing aspects of the development. Details are available from any Sydney Water Customer Centre on 13092 or Sydney Water's website at www.sydneywater.com.au

PART B - OTHER CONDITIONS

1. The development shall be completed in accordance with the approved plans and documents listed below, prior to the building being used or occupied, and subject to any amendments “in red” and any variation as required by conditions of this consent:

Drawing No: DA-00 Sheet No 05 Site Plan drawn by BHI Architecture date received by Council 26 August 2011;

Drawing No: DA-00 Sheet No 07 Waste Management and Demolition Plan drawn by BHI Architecture date received by Council 26 August 2011;

Drawing No: DA-00 Sheet No 08 Sediment and Erosion Control Plan drawn by BHI Architecture date received by Council 26 August 2011;

Drawing No: DA-00 Sheet No 09 Colour Sample Board drawn by BHI Architecture date received by Council 26 August 2011;

Drawing No: DA-00 Sheet No 10 Shadow Diagram drawn by BHI Architecture date received by Council 26 August 2011;

Drawing No: DA-00 Sheet No 11 Streetscape Elevation drawn by BHI Architecture date received by Council 26 August 2011;

Drawing No: DA-10 Sheet No 12 GFA Calculations drawn by BHI Architecture date received by Council 26 August 2011;

Drawing No: DA-20 Sheet No 20 Basement 3 Floor Plan drawn by BHI Architecture date received by Council 26 August 2011;

Drawing No: DA-20 Sheet No 21 Basement 2 Floor Plan drawn by BHI Architecture date received by Council 26 August 2011;

Drawing No: DA-20 Sheet No 22 Basement 1 Floor Plan drawn by BHI Architecture date received by Council 26 August 2011;

Drawing No: DA-20 Sheet No 23 Level 1 Floor Plan drawn by BHI Architecture date received by Council 7 September 2011;

Drawing No: DA-20 Sheet No 24 Level 2 Floor Plan drawn by BHI Architecture date received by Council 7 September 2011;

Drawing No: DA-20 Sheet No 25 Level 3 Floor Plan drawn by BHI Architecture date received by Council 26 August 2011;

Drawing No: DA-20 Sheet No 26 Level 4 Floor Plan drawn by BHI Architecture date received by Council 26 August 2011;

Drawing No: DA-20 Sheet No 27 Level 5 Floor Plan drawn by BHI Architecture date received by Council 26 August 2011;

Drawing No: DA-20 Sheet No 28 Level 6 Floor Plan drawn by BHI Architecture date received by Council 26 August 2011;

Drawing No: DA-20 Sheet No 29 Level 7 Floor Plan drawn by BHI Architecture date received by Council 26 August 2011;

Drawing No: DA-20 Sheet No 30 Level 8 Floor Plan drawn by BHI Architecture date received by Council 26 August 2011;

Drawing No: DA-30 Sheet No 30 Level 8 Floor Plan + Roof Plan drawn by BHI Architecture date received by Council 7 September 2011;

Drawing No: DA-30 Sheet No 31 Roof Plan drawn by BHI Architecture date received by Council 26 August 2011;

Drawing No: DA-40 Sheet No 40 South Elevation drawn by BHI Architecture date received by Council 7 September 2011;

Drawing No: DA-40 Sheet No 41 North Elevation drawn by BHI Architecture date received by Council 26 August 2011;

Drawing No: DA-40 Sheet No 42 West Elevation drawn by BHI Architecture date received by Council 26 August 2011;

Drawing No: DA-40 Sheet No 43 East Elevation drawn by BHI Architecture date received by Council 26 August 2011;

Drawing No: DA-40 Sheet No 44 West Elevation Block 1 drawn by BHI Architecture date received by Council 26 August 2011;

Drawing No: DA-40 Sheet No 45 East Elevation 2 drawn by BHI Architecture date received by Council 26 August 2011;

Drawing No: DA-50 Sheet No 50 Section 1 drawn by BHI Architecture date received by Council 26 August 2011;

Drawing No: DA-50 Sheet No 51 Section 2 drawn by BHI Architecture date received by Council 26 August 2011;

Drawing No: DA-50 Sheet No 52 Section 3 drawn by BHI Architecture date received by Council 26 August 2011;

Drawing No: DA-50 Sheet No 53 Section 4 drawn by BHI Architecture date received by Council 26 August 2011;

Drawing No: DA-50 Sheet No 54 Section 5 drawn by BHI Architecture date received by Council 26 August 2011;

Drawing No: DA-50 Sheet No 55 Car parking Details drawn by BHI Architecture date received by Council 26 August 2011;

Drawing No: DA-50 Sheet No 56 Car parking Details drawn by BHI Architecture date received by Council 26 August 2011;

Drawing No: DA-50 Sheet No 57 Car parking Details drawn by BHI Architecture date received by Council 26 August 2011;

Drawing No: DA-50 Sheet No 58 Car parking Details drawn by BHI Architecture date received by Council 26 August 2011;

Drawing No: DA-60 Sheet No 60 Perspective Drawing 1 drawn by BHI Architecture date received by Council 26 August 2011;

Drawing No: DA-60 Sheet No 61 Perspective Drawing 2 drawn by BHI Architecture date received by Council 26 August 2011;

Drawing No: DA-60 Sheet No 62 Perspective Drawing 3 drawn by BHI Architecture date received by Council 26 August 2011;

Drawing No: DA-60 Sheet No 63 Perspective Drawing 4 drawn by BHI Architecture date received by Council 26 August 2011;

Drawing No: DA-60 Sheet No 64 Perspective Drawing 5 drawn by BHI Architecture date received by Council 26 August 2011;

Drawing No: MIE000 Cover Sheet and Legend drawn by Meinhardt Infrastructure and Environment Pty Ltd date received from Council 5 August 2011;

Drawing No: MIE010 General Notes drawn by Meinhardt Infrastructure and Environment Pty Ltd date received from Council 5 August 2011

Drawing No: MIE100 Detail Civil Plan Level 1 drawn by Meinhardt Infrastructure and Environment Pty Ltd date received from Council 5 August 2011

Drawing No: MIE101 Detail Civil Level B3 – Subsoil Drainage Plan drawn by Meinhardt Infrastructure and Environment Pty Ltd date received from Council 5 August 2011

Drawing No: MIE200 Standard Details Sheet 1 drawn by Meinhardt Infrastructure and Environment Pty Ltd date received from Council 5 August 2011

Drawing No: MIE201 Standard Details Sheet 2 drawn by Meinhardt Infrastructure and Environment Pty Ltd date received from Council 5 August 2011

Drawing No: MIE202 Standard Details Sheet 2 drawn by Meinhardt Infrastructure and Environment Pty Ltd date received from Council 5 August 2011;

Statement of Environmental Effects February 2011 prepared by City Plan Services date received by Council 8 March 2011;

Storm water Design Report, 473-481 Liverpool Road, Strathfield, Spanish Inn Development prepared by Meinhardt Infrastructure and Environment Pty Ltd date received by Council 8 March 2011;

Additional Correspondence from Meinhardt Infrastructure and Environment Pty Ltd dated 27 May 2011, date received from Council 27 May 2011;

Acoustic Report 'Redevelopment of the Spanish Motor Inn 473-481 Liverpool Road – Acoustical Assessment' prepared by SLR Global Environmental Solutions date received by Council 6 June 2011;

BCA Capability Report for BHI Architects for 'Bechara Mixed Use Development, 473-483 Liverpool Road, Strathfield prepared by Vic Lilli and Partners date received by Council 8 March 2011;

Assessment of Traffic and Parking Impacts for redevelopment of Spanish Inn at 473-481 Liverpool Road, prepared by Transport and Urban Planning date received by Council 8 March 2011;

Additional Correspondence from Transport and Urban Planning (6 pages) dated 2 June 2011 and date received from Council 27 May 2011;

Preliminary Environmental Site Assessment 473-479 Liverpool Road Strathfield prepared for Prestige Construction Pty Lt by Aargus Australia date received by Council 8 March 2011;

Construction Certificate must be obtained either from Council or a privately accredited person before commencement of any construction/demolition associated with this consent.

The Principal Certifying Authority must be appointed prior to work commencing to supervise the work and authorise occupation/use of the building when completed.

- 2 Development Consent, Construction Certificate and any approved Traffic Management Plan are to be retained on site at all times.

Special Conditions

3. A separate development application shall be lodged with and approved by the Council for the use of the three (3) commercial tenancies fronting Liverpool Road and the single commercial tenancy fronting Homebush Road or any part thereof prior to any occupation thereof.

- 5 The 69 units (including 44 x one (1) bedroom units and 25 x two (2) bedroom units) shall be used for the purpose of hotel/motel accommodation only in association with the motel development on the site and must not be used permanent separate domiciles.
6. No obscured or tinted glass to commercial tenancies is permitted along Level 1 (ground) fronting Liverpool Road and Homebush Road. Glazing shall be transparent to enable active treatment along both frontages.

General

7. The building shall not be occupied or used until the development has been completed in accordance with the conditions of this consent, construction has been completed in accordance with the Construction Certificate and an Occupation Certificate has been issued by the Principal Certifying Authority.
8. The applicant or any contractors carrying out works in public or Council controlled lands shall have public liability insurance cover to the value of \$10 million, and shall provide proof of such cover prior to carrying out the works.
 - (1) A Works Permit shall be obtained from Council's Customer Service Centre at least 48 hours prior to undertaking any works on public/Council controlled areas. This includes any work on the nature strip, footpaths, driveways, storm water outlets, Council's drainage, kerb & guttering and roadways.
 - (2) The permit must be retained on site at all times and produced on request from any Council Officer.
- 9 **Prior to the issue of a Construction Certificate**, photographs documenting any existing damage to the kerb and gutter and footpaths adjacent to the property shall be submitted to the consent authority. In the absence of this documentation, the applicant is liable for all damage that occurs to Councils' assets.

Financial Matters

- 10 In accordance with the provisions of Section 94(1)(b) of the Environmental Planning and Assessment Act 1979 and Strathfield Section 94 Contributions Plan 2001, a contribution in the form of cash, cheque or credit card (financial transaction fee applies) shall be paid to Council for the following purposes:

Provision of Community Facilities	\$ 54598.40
Provision of Major Open Space	\$262777.60
Provision of Local Open Space	\$ 46816.00
Provision Roads and traffic Management	\$ 9660.00
Administration	\$ 11187.20
TOTAL	\$385839.20

The total amount of the contribution is valid as at the date of determination and is subject to annual indexation. If the contribution is paid after 1st July in any year, the

amount of the contribution under this condition, shall be indexed in accordance with clause 4 Part E of the Strathfield Section 94 Contributions Plan 2001 (or relevant Section 94 Contributions Plan at the time of payment).

The required contribution shall be paid **prior to the issue of a Construction Certificate or as otherwise specified in writing by Council.**

- 11 A security payment of \$12 372.00 in the form of cash, bank guarantee, cheque or credit card (financial transactions fees apply) shall be paid to Council **prior to issue of Construction Certificate.** The security payment is GST inclusive and comprises the following:

Refundable landscape bond	\$ 1000.00
Refundable tree protection bond	\$ 1000.00
Refundable drainage bond	\$10 000.00
Non-refundable administration fee (\$124/bd)	\$ 372.00
TOTAL	\$12 372.00

The security payment covers the following matters and will be released upon satisfactory completion of these items:

- (a) creation of the Positive Covenant on the property title;
- (b) connection to Council's storm water drainage system; Council's existing drainage pit may need to be reconstructed/restored to Council's satisfaction;
- (c) construction of the on-site detention storage system;
- (d) tree final inspection to ensure that trees have been retained, protected or replanted in accordance with conditions of consent and/or Arborists' report for the post final inspection twelve (12) month period; and
- (e) landscape final inspection to ensure that landscaping is implemented in accordance with the approved plan and conditions of consent and satisfactorily maintained for the post final inspection twelve (12) month period;

Fees are payable where Council is appointed as principal certifying authority to carry out the post-approval inspections. A quotation for the fees can be obtained by contacting Council and the fees shall be paid **prior to the carrying out of any of the inspections.**

12. Any re-inspection which is necessary due to site access not being available, defective work, or the matter not being ready for inspection will be charged in accordance with Council's Fees and Charges Policy. Council will advise in writing if an additional re-inspection is required and the re-inspection fee shall be paid **prior to release of the damage deposit.** If the additional fee is not paid it will be deducted from the damage deposit.

Parking/Traffic Matters

13. Strathfield Council Traffic Committee shall approve all work requirements regarding signposting and associated linemarking with the proposed development prior to occupation and to be at the applicant's cost.
14. Clear sight lines shall be provided at the property line to ensure adequate visibility between vehicles leaving the car park and pedestrians on the frontage road footpath as shown in Figure 3.3 of AS2890.1.2004 for light vehicles and 2890.2.2002 for heavy vehicles.
15. The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1 – 2004 and AS 2890 – 2002 for service areas.
16. A minimum 176 off-street parking spaces, hard paved, line marked, labelled and drained, shall be provided in accordance with the approved plans. The spaces shall only be used for the parking of motorcycles, sedans, utilities, vans and similar vehicles up to two (2) tonne capacity.
17. A minimum of nine (9) bicycles stands are to be provided on Basement Level 1 and in accordance with AS2890.3 (1993).
18. All vehicles associated with the approved use shall be parked within the parking spaces on the site and not on adjacent footpath, access driveways or landscaped areas.
18. All vehicles are to enter and leave the site in a forward direction.
19. All vehicles should be wholly contained on site before being required to stop.
20. All loading and unloading shall occur on site.
21. All vehicles associated with the use shall be restricted to fixed axle vehicles only that are able to turn on-site.
22. Signs shall be erected in a suitable location on the site advising that parking is available for visitors/customers.
23. The off-street car parking spaces together with access driveways shall be available at all times to employees and customers.
24. The vehicle spaces must not be enclosed with walls or meshed security screens without the prior approval of Council.
25. Where entry points to car park areas are fitted with security gates/shutter and access to visitor parking is required to be provided a suitable communication systems shall be

provided at the entry point to allow the security gates/shutter to be opened remotely by occupants of the building.

26. The entry and exit driveways shall be suitably signposted and directional arrows shall be painted on the internal roadway.
27. All driveways shall be separated from landscaped areas by a minimum 150mm high by 150mm wide concrete kerb or similar.
28. All redundant vehicular crossings shall be removed and replaced with kerb and gutter and footpath at no cost to Council.
29. A new concrete footpath, kerb and gutter for the full frontage of the development site shall be constructed **prior to the issue of an Occupation Certificate** or use of the building to Council's specifications.

Roads and Traffic Authority

30. The proposed vehicular entry on Liverpool Road should be restricted to bus/coach and service vehicles only with clear sign posting near the entry within the subject site. Details of signs should be submitted to the RTA for review and approval **prior to the issue of Construction Certificate**.
31. The design and construction of the entry only driveway and the modification to the existing Telstra driveway on Liverpool Road shall be in accordance with RTA requirements. Details of these requirements shall be obtained from the RTA Projects Services Manager, Traffic Projects Section, Parramatta (telephone 8849 2496).
32. Detailed design plans of the proposed gutter crossing are to be submitted to the RTA for approval **prior to the construction of any road works**. A plan checking fee (an amount to be advised) and lodgement of a performance bond maybe required from the applicant prior to the release of the approved road plans by the RTA.
33. Detailed design drawings and geotechnical reports relating to the excavation of the site and support structures shall be submitted to the RTA for assessment **prior to the issue of a Construction Certificate**. The full cost of the assessment by the RTA shall be met by the developer.

This report would need to address the following key issues:

- (a) The impact of excavation/rock anchors on the stability of Liverpool Road and detailing how the carriageway would be monitored for settlement.
- (b) The impact of excavation on the structural stability of Liverpool Road.

The report and any enquires shall be forwarded to:

Project Engineer, External Works

The Sydney Asset Management
PO BOX 973
Parramatta CBD NSW 2124

34. If it is necessary to excavate below the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owners of the roadway is given at least seven (7) days of the intention to excavate below the base of the footings. The notice is to include the complete details of the work.
35. Detailed design plans and hydraulic calculations of any changes to the storm water drainage system shall be submitted to the RTA to approval, **prior to the commencement of any work** on the site.

Details shall be forwarded to:

The Sydney Asset Management
PO BOX 973
Parramatta CBD NSW 2124

A plan checking fee will be payable and a performance bond may be required before the RTA's approval is issued. With regard to the Civil Works requirement please contact the RTA's Project Engineer, External Works ph. 8849 2114 or Fax 8849 2766.

36. All works/regulatory signposting associated with the proposed development are to be at no cost to the RTA.

Drainage/Storm water

37. Storm water runoff from all the roof and paved surfaces shall be collected and discharged by means of a gravity fed system and discharged to Council's drainage system via the proposed onsite storm water detention system shown on the concept stormwater management plans prepared by Meinhardt Infrastructure and Environment Pty Ltd date received from Council 5 August 2011 (Drawing No's: MIE000, M010, M100, M101, M200, M201 & 202).
38. In this project the above engineering plans are satisfactory as Concept plans. The assessment authority, (either (a) Council, or (b) a Private Certifier), is to satisfy themselves of the adequacy of the above plans for the purposes of Construction. They are to independently determine what details, if any, are to be added to the Construction Certificate plans, in order for the issue of the Construction Certificate.

Where a Private Certifier issues the Construction Certificate a copy must be provided to Council, once the Construction Certificate is issued.

39. Allowance shall be made for surface runoff from adjacent properties, and to retain existing surface flow path system draining the site.
40. The proposed basement pump out system is to be strictly in accordance with the requirements set out in Strathfield Council's Storm water Management Code 2007. The rising main shall be connected to the OSD system. Final details of this system are to be submitted with the Construction Certificate application.

41. **The following documents shall be submitted to the principal Certifying Authority prior to the issue of Occupation Certificate.**

- a. Written verification from a suitably qualified professional civil engineer, stating that all storm water drainage and related work has been constructed in accordance with the approved plans.
- b. Full work-as-executed plans prepared and signed by a registered surveyor or engineer. Where changes have occurred the plans shall be marked-up in red ink and shall include levels and locations for all drainage structures and works, buildings, and finished ground and pavement surface levels, and the extent of pervious and impervious areas.

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

- (a) on-site stormwater detention system.

incorporated in the development. The wording of the Instrument shall be submitted to, and approved by Council prior to lodgement at Land & Property Information NSW. The Instrument shall be registered and a registered copy of the document shall be submitted to and approved by the consent authority **prior to the issue of an Occupation Certificate/use of the building.**

The positive covenant is required to prevent future modification or alteration without the written consent of the consent authority, and to ensure suitable maintenance is carried out.

Public Authority Matters

43. **Prior to the issue of an Occupation Certificate** all existing overhead electricity and telecommunication cabling adjacent to the development site shall be placed underground at the applicants' expense in accordance with the specifications of Energy Australia and the telecommunications supplier and the following requirements:

- (a) Where the property is located on the **opposite side of the street** to the main power lines and telecommunication cables, the services are to be placed underground from the development site to the nearest location on the opposite side of the street for connection to the existing mains supply as directed by Energy Australia and the telecommunications carrier. The method of construction across the road carriageway shall be by directional boring beneath the road pavement;
- (b) Where the property is located on the **same side of the street** as the main overhead power lines and telecommunication cables, all services are to be placed underground for the full length of the frontage of the site. Any overhead power lines and telecommunication cables that cross the road from the development site must also be placed underground and the cabling installed and distributed to properties in accordance with Energy Australia and the telecommunications carriers' requirements.

44. **Prior to the issue of a Construction Certificate** the applicant must contact the Engineer Planning and Supply Negotiations (West) Energy Australia on 131 535, to obtain a quotation to underground power supply lines and where appropriate a quotation to underground the main overhead power supply lines adjacent to the frontage of the subject property and the telecommunications carrier on 1100 advising that undergrounding of the telecommunication cabling is required.
45. If required, an easement shall be created in favour of electrical and telecommunications suppliers and comply with the following:
- For the provision of underground services and above ground pillar boxes for access to their equipment;
 - The easement is to be 3m wide abutting the property boundary at the point of entry and 1.5m within the property;
 - Where the easement is to be enclosed, a minimum headroom of 2m is required above the floor level; and
 - The wording of the easement shall be approved by Energy Australia and the Telecommunications Carrier where applicable, **prior to the issue of a Construction Certificate**.
 - Written evidence that the wording of the easement has been approved by the relevant service providers shall be provided to Council **prior to the issue of a Construction Certificate**.
 - The required easement shall be created and registered **prior to issue of an Occupation Certificate or use of the building**.
46. Ragbolt mounted network standard metal columns fitted with MBF 80 lamps shall be installed 1 metre behind the face of the kerb with a 2 metre outreach arm. Furthermore, street lighting shall comply with AS/NZS 1158.3.1:1999 for pedestrian area lighting or any subsequent standard and the requirements of Energy Australia.
47. Any disturbance to public land as a result of the undergrounding of services shall be restored at no cost to Council.
48. Where undergrounding services, a plan indicating the depth and location of all services (i.e., gas, water sewer, electricity, telecommunication, traffic lights, etc) within the area affected by the development shall be submitted to Council **prior to the issue of a Construction Certificate**.

Furthermore, any adjustments required shall be at no cost to Council or any public authority. The relevant authorities' written consent for any adjustments or works affecting their services shall be obtained and a copy provided to Council **prior to the issue of a Construction Certificate**.

Landscaping/Tree Matters

49. Consent is given for the removal of the existing *Tristanopsis laurina* (Watergum) street tree subject to the following:

- A minimum of one (1) replacement *Tristanopsis laurina* (Watergum) shall be provided within Council's nature strip in Homebush Rd in consultation with Council's Tree Co-Ordinator.
 - Replacement trees shall be minimum 50 litre container size. Plants shall be vigorous and well established, free from disease and pests, of good form, consistent with species or variety, hardened off, not soft or forced, with large healthy root systems with no evidence of root curl, restriction or damage. Trees are to have a single leader and clear straight trunk.
 - All trees are to be staked and tied with a minimum of three (3) hardwood stakes. Ties are to be hessian and fixed firmly to the stakes, one tie at half the height of the main stem, others as necessary to stabilise the plant.
 - Root deflection barriers having a minimum depth of 600mm are to be installed adjacent to all footpaths and driveways.
 - Minimum 75mm depth of organic mulch shall be placed within an area 0.5m radius from the base of the tree.
50. A minimum of five (5) street trees shall be provided within Council's nature strip in Liverpool Rd in consultation with Council's Tree Co-Ordinator in accordance with the following:
- Plants shall be a minimum 50 litre container size. Plants shall be vigorous and well established, free from disease and pests, of good form, consistent with species or variety, hardened off, not soft or forced, with large healthy roots systems with no evidence of root curl, restriction or damage. Trees are to have a single leader and clear straight trunk.
 - Replacement trees must be *Eucalyptus microcorys* (Tallowwood)
 - All trees are to be staked and tied with a minimum of three (3) hardwood stakes. Ties are to be hessian and fixed firmly to the stakes, one tie at half the height of the main stem, others as necessary to stabilise the plant.
 - Root deflection barriers having a minimum depth of 600mm are to be installed adjacent to all footpaths and driveways.
 - Apply soil conditioner/fertilizer/moisture retention additive/s in accordance with manufacturer's recommendations, and mix into the backfilling soil after planting tree/s.
 - Minimum 75mm depth of organic mulch shall be placed within an area 0.5m from the base of the tree.
51. General maintenance of Council's nature strip adjoining the development site, including regular lawn mowing, edging, irrigation of the lawn and street trees and restricting the

storage of materials, rubbish and parking or driving of vehicles on the nature strip, must be carried out during the full period of all approved works (including any demolition and excavation).

52. **Prior to the issue of a construction certificate** the applicant shall submit and have approved by the Principal Certifying Authority (PCA) a fully automatic irrigation system based upon a rain water farming and recycling system. The system shall:
- (a) Provide irrigation to all common and private landscape areas including all planters;
 - (b) Details of the system, including a maintenance and operation plan.
53. **Prior to the issue of a construction certificate** the applicant shall submit and have approved by the Principal Certifying Authority (PCA) a detailed landscape plan prepared generally in accordance with the landscape plan prepared by Elke Haege Landscape Architects Drawing No: L_101 to L_107 'Landscape Plan Levels 1 to 7' and L_501 to L_502 'Landscape Details and Specification Notes' date received by Council 10 June 2011. The plans shall include the following:
- (a) A detailed planting schedule for all garden areas indicating the species type, height, number and size;
 - (b) Details of all hard and soft surfaces such as turf, gravel, paving, stepping stones and the like shall be shown;
 - (c) The plan shall demonstrate compliance with any other landscape condition of consent.

Should Council not act as the Certifying Authority a copy of the plan shall be forwarded to Council as part of the Construction Certificate.

Site Operation

54. The hours of operation shall be restricted to the following:

	Hours of Operation	Days
Bar	6.00pm to midnight	Monday to Saturday
	6.00pm to 10.00pm	Sundays and Public Holidays
Restaurant and Cafe	7.00am to midnight	Monday to Saturday
	7.00am to 10.00pm	Sundays and public holidays
Conference Centre	7.00am to midnight	Monday to Saturday
	7.00am to 10.00pm	Sundays and Public Holidays

55. The seating capacity of the restaurant, café, bar and conference centre shall be limited to a maximum total of chairs in the table below or as may otherwise be restricted by the National Construction Code. Plans demonstrating compliance shall be submitted to the

Principal Certifying Authority for approval **prior to the issues of an Occupation Certificate.**

	Maximum no of chairs
Cafe	100
Restaurant / Bar	130
Conference Centre	100
TOTAL	330

56. The delivery and despatch of goods, material and the like to and from the premises shall only take place between 7.00am and 7.00pm.
57. All operations/activities shall be carried out wholly within the building.
58. The storage of goods, materials, equipment, machinery, refuse, or refuse bins (including industrial waste containers) shall be carried out in an area specifically designed for that purpose and not within the road reserve except in accordance with Council's Materials on the Footpath Policy.
59. The proprietors of the venue shall be responsible at all times for the orderly dispersal of patrons from the premises.
60. Signs shall be appropriately located within the building and in the car park advising patrons of the nearby residences and seeking quiet and orderly ingress and egress from the premises. The proprietor shall ensure that staff give appropriate directions and take reasonable steps to control noisy and disorderly patrons entering or leaving the premises. In this regard a Plan of Management is to be submitted to the Principal Certifying Authority for approval **prior to the issue of an Occupation Certificate** detailing how this will be implemented and detailing policies on dealing with non-compliant patrons.
61. The display of signage, other than signage which is approved by this consent or signage which is exempt development, is strictly prohibited.
62. No flashing signage visible from the public way shall be installed.

Noise

63. Full compliance shall be given to the recommendations on pages 14-15 of the Acoustic Report titled 'Redevelopment of the Spanish Motor Inn 473-481 Liverpool Road – Acoustical Assessment' prepared by SLR Global Environmental Solutions date received by Council 6 June 2011.

A report detailing compliance with the recommendations shall be submitted to the Principal Certifying Authority for approval **six months after the issue of a Occupation Certificate.**

64. A “Hotline” service shall be established at full cost to the applicant to allow any persons affected by site-related activities to make enquiries about such activities or register a complaint. This service shall allow affected persons to make contact via telephone, electronic mail and facsimile. The service shall be operational at all times and a logbook of complaints shall be kept and be available for review by Council upon request, with a **summary provided to Council at three (3) monthly intervals**, until such time as Council advises in writing that the service is no longer required to be maintained.
65. As required by the Protection of the Environment Operations (Noise Control) Regulation 2008, air-conditioning units or heat pump water heaters shall not be audible in the habitable rooms of any other residential premises before 8am or after 10pm on any Saturday, Sunday or public holiday, or before 7am or after 10pm on any other day.
66. All exhaust and other emissions including noise from the premises shall comply with the provisions of the Protection of the Environment Operations Act 1997 and Regulations.
67. The use of the premises shall not give rise to:
- (a) The transmission of unacceptable vibration to any surrounding occupancy; and
 - (b) A noise level exceeding the background (L_{90}) noise level by more than 5dB(A) when measured from an adjoining premises. The source noise level shall be assessed as an $LA_{eq,15min}$ reading and adjusted in accordance with current EPA Guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and intermittency or any subsequent guidelines.
68. Noise from patrons and amplified music emitted from the licensed premises shall comply with the following criteria:
- (a) The L_{10} noise level emitted from the premises shall not exceed the background noise level in any octave band centre frequency (31.5Hz to 8KHz) by more than 5dB between 7am and 12 midnight at the boundary of the nearest affected residences.
 - (b) The L_{10} noise level emitted from the premises shall not exceed the background noise level in any octave band centre frequency (31.5Hz to 8KHz) between 12 midnight and 7am at the boundary of the nearest affected residences.
 - (c) Notwithstanding compliance with the above clauses, the noise from the premises shall not be audible within any habitable room in any residential premises between the hours of 12 midnight and 7am.
69. Any noise generated on the premises from the use at any time shall not have any detrimental effect on the occupants of any adjoining residential dwellings.
70. In the event of Council receiving complaints regarding excessive noise, the person(s) in control of the premises shall at their own cost arrange for an acoustic investigation to be carried out (by a suitably qualified person) and submit a report to Council

specifying the proposed methods for the control of noise emanating from the premises. Such measures are to be installed at no cost to Council and may require further development consent from Council.

71. In the event of Council receiving complaints regarding air pollution or odour from the premises, the person(s) in control of the premises shall at their own cost arrange for an environmental investigation to be carried out (by a suitably qualified person) and submit a report to Council specifying the proposed methods for the control of odour emanating from the premises. Such measures are to be installed at no cost to Council and may require further development consent from Council.

Construction

72. **Prior to the commencement of works** a Construction Environmental Management Plan shall be submitted to and approved by the Principal Certifying Authority. The Plan shall address, but not be limited to the following matters:
- (a) Hours of work;
 - (b) Contact details of the site manager;
 - (c) Environmental health and safety matters;
 - (d) Noise and vibration matters;
 - (e) Waste Management;
 - (f) Predicted traffic volumes, types and routes;
 - (g) Ingress and egress of vehicles to the site;
 - (h) Loading and unloading, including construction zones;
 - (i) The location of site shed/s and materials to minimise disruption to surrounding land;
 - (j) Measures to ensure that public thoroughfare though the site is not impeded;
 - (k) Erosion and sediment control.
73. Temporary measures shall be provided and regularly maintained during demolition, and construction to prevent sediment and polluted waters discharging from site. Plans showing such measures in accordance with the NSW Department of Housing, Managing Urban Stormwater, Soils and Construction Manual dated August 1998 shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
74. A Construction Traffic Management Plan detailing construction vehicle routes, numbers of trucks, hours of operation, access arrangements and traffic control shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
75. Dust emissions from the stockpiles shall be suppressed by a permanently installed irrigation system and details shall be submitted to the Principal Certifying Authority for approval **prior to the issue of a Construction Certificate.** The irrigation system shall be installed in accordance with the approved details prior to the work/use commencing and maintained at all times to Council's satisfaction.

76. The proposed development shall comply with the Building Code of Australia and details demonstrating compliance shall be submitted to the Principal Certifying Authority for approval **prior to the issue of a Construction Certificate.**
77. Footings shall be designed in accordance with the soil classification of H, or Highly Reactive (unless determined to the contrary by a suitably qualified person).
78. If the soil conditions require it retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and adequate provision must be made for drainage.
79. Certification shall be obtained from a registered surveyor at the following stage(s) of construction confirming that the building has been constructed in accordance with the approved plans including any approved amendments (S.96 approvals) and plans and details required by Council as conditions of development consent:
- (a) footings excavation prior to placement of concrete;
 - (b) car park/garage level prior to placement of concrete or pavement;
 - (c) ground floor and first floor levels;
 - (d) roof ridge height;
 - (e) all floors of the building, roof eaves and all roof ridges;
 - (f) wall setbacks from property boundaries and street alignment;
 - (g) dimensions and areas of balconies/courtyards;
 - (h) vehicular ramp gradients.

Copies of the surveyor's certificates must be submitted to and accepted by Council at the stages nominated above.

80. The existing ground levels shall not be altered except in accordance with the levels shown on the approved plans as part of this consent. Finished ground surface levels shall match the existing levels at the property boundary. Any survey plan shall also show the extension of these levels in relation to adjoining properties.

If the existing ground levels are altered during construction, Council may require a survey plan of the finished ground levels to be prepared and submitted **prior to the issue of an Occupation Certificate** to determine if there have been changes to the pre-development levels and if there are any impacts on adjoining properties as a result.

81. All construction, demolition and excavation work shall be restricted to 7am and 5pm (Eastern Standard Time) on Mondays to Saturdays (inclusive) and prohibited on Sundays and public holidays.
82. The public area adjacent to a work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
83. All excavation and backfilling associated with the approved works must be executed safely and in accordance with appropriate professional standards. All excavation must be properly guarded and protected to prevent them from being dangerous to life or property.

84. If excavation associated with the approved works extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
- Must preserve and protect the building from damage; and
 - If necessary, must underpin and support the building in an approved manner, and
 - 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.

85. There are built structures which may be in the zone of influence of the proposed works and excavations on the site. A qualified practicing geotechnical engineer must prepare a Construction Methodology Report demonstrating that the proposed construction method including any excavation and the configuration of the built structures will have no adverse impact on any surrounding property and infrastructure.

The report must be submitted with the application for a Construction Certificate and must include an investigation to determine the design parameters appropriate to the specific development and site. This would typically include;

- a) the location and level of nearby foundations and footings (site and neighbouring);
- b) proposed method of excavation;
- c) Permanent and temporary support measures for excavation;
- d) Potential settlements affecting footings and foundations;
- e) Ground water levels (if any);
- f) Batter slopes;
- g) Potential vibration cause by method of excavation; and
- h) De-watering including seepage and off site disposal rate (if any).

Excavation, retention, underpinning and construction must be undertaken onsite by an excavation contractor with specialist excavation experience. A suitably qualified geotechnical engineer, specialising in excavation must supervise the excavation procedure.

86. The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
87. Certification of the structural adequacy of the sign shall be prepared by a suitably qualified person and submitted to the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
88. All temporary buildings shall be removed from the site at the completion of the development.

89. The external glass used in the building shall have a reflectivity index of less than 20%. Details and specifications of the glass shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate**.
90. All above ground floor windows and doors shall be fitted with appropriate devices/mechanisms to allow for windows/doors to be locked in an open position (100mm opening) to provide natural ventilation of the dwelling and building safety.

Hoardings

91. **Prior to commencement of building work**, the applicant must obtain approval in accordance with the requirements of the Roads Act for the erection of "hoarding/scaffolding" should any work be carried out on Council property or required to be erected to comply with the Occupational, Health and Safety Act and associated regulations.
92. No advertisements of any kind shall be affixed to hoardings except for a board not exceeding 2.4m x 1.8m on which may be shown the architect's/builder's/demolisher's names or any particulars regarding the subject building and notices regarding the existing or future occupancies in the building.
93. Hoardings/overhead protective structures at ground level shall have mesh wire or other such material fixed to the surface to a height at least 2 metres in order to preclude the fixing of posters.
94. A sign with the words "Billposters Will Be Prosecuted" shall be attached or printed on the hoarding/overhead protective structures at regular intervals so it is visible from the street or any adjoining public place.
95. Any hoarding, fence or awning is to be removed when the work has been completed.

Lighting

96. The common access pathways and entry doorways to the building shall be provided with suitable low level artificial lighting systems to ensure safe and convenient access at night. Details shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate**.
97. Any proposed lighting of the site shall be designed, located or shielded to ensure the amenity of the surrounding area is not adversely affected by light overspill and details shall be submitted and approved by the Principal Certifying Authority **prior to the installation** thereof.
98. To maintain pedestrian safety in common areas suitable lighting is to be provided on the development site adjoining each street frontage and near pedestrian main entrances to the site. Details shall be submitted and approved by the Principal Certifying Authority **prior to the installation** thereof.

Sustainability

99. Water collected in the rainwater tank must be roof water only and not surface water. Water from the rainwater tank must only be used for following purposes and not for human consumption:
- Toilet flushing;
 - Clothes washing;
 - Garden irrigation;
 - Car washing and similar outdoor uses;
 - Filling swimming pools, spa pools and ornamental ponds; and
 - Fire fighting.

Demolition

100. Demolition shall be carried out in accordance with Australian Standard 2601 - 'The demolition of structures' or any subsequent standard and the relevant legislation.
101. The demolition of the building shall be carried out by a licensed demolition contractor. A copy of the licence shall be submitted to Council and the Principal Certifying Authority **prior to any work commencing on site.**
102. Details demonstrating that excavated and demolished materials including asbestos-based materials will be disposed of at an approved site shall be submitted to the Principal Certifying Authority **prior to any work commencing on site.**
103. The cleared ground surface of the site shall be suitably stabilised to prevent the generation of dust and the erosion of soil on the site.

Swimming Pool

104. The swimming pool shall be provided with safety fencing as required by the Swimming Pool Act, 1992, the Swimming Pools Regulation 2008 and in accordance with Australian Standard AS1926.1 – 2007 or any subsequent standard and the and comply with the following:
- Any discharge of water from the pool shall be drained to the sewer in accordance with the requirements of Sydney Water.
 - Vertical depth markers shall be permanently fitted so as to be clearly visible at the deep and shallow ends of the pool.
 - A weatherproof resuscitation poster (similar to those by the Royal Life Saving Society) shall be displayed in a prominent location adjacent to the pool prior to the pool being filled with water.

Note: Resuscitation posters can be purchased from Council's Customer Service Centre.

105. A permit shall be obtained from Sydney Water prior to the filling of the swimming pool.

Fire Safety Measures

106. Upon completion of works a final fire safety certificate is to be issued from a properly qualified person in respect of each essential fire safety measure installed within the building and specified in the fire safety schedule. The final fire safety certificate shall be provided **prior to the issue of an Occupation Certificate**.
107. As soon as practicable after a final safety certificate is issued, the owner of the building to which it relates:
- shall submit a copy of the fire safety certificate (together with a copy of any current fire safety schedule) to the Commissioner of NSW Fire Brigades;
 - shall submit a copy of the fire safety certificate (together with a copy of any current fire safety schedule) to Council for registration; and
 - shall ensure the current fire safety schedule is prominently displayed in the building.

Coolrooms

108. Any proposed cool room shall be designed and constructed in accordance with the relevant standards and details shall be submitted to the Principal Certifying Authority and approval obtained **prior to the issue of a Construction Certificate**.

Food Shop

109. The fitout, use and operation of the premises including all preparation and food storage areas shall comply with the Australian/New Zealand Food Safety Standards Code and relevant standards. Details shall be submitted to the Principal Certifying Authority and approval obtained **prior to the issue of a Construction Certificate**.

Note: Copies of the Code are available from the Food Standards Australia New Zealand website at <http://www.foodstandards.gov.au/>

110. Food premises registration (for inspection purposes) must be obtained from Council **prior to the issue of an Occupation Certificate and/or use of the premises**.
111. Plans and specifications showing details of all mechanical ventilation systems shall be submitted to the Principal Certifying Authority and approval obtained **prior to the issue of a Construction Certificate**.

Disabled Access

112. **Prior to issue of a construction certificate**, a report from an accredited access consultant must be submitted to and approved by the Principal Certifying Authority that the development has been designed with regard to the requirements of the Building Code of Australia, AS1428.1 "Design for access and mobility, ASNZ2890.6 – 2009 "Off-street parking for people with disabilities" and the Disability Discrimination Act.
113. Sanitary facilities for persons with disabilities shall be provided in the building in accordance with the Building Code of Australia and the relevant standards. Details shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate**.
114. Car parking spaces for persons with disabilities shall be provided in accordance with The Building Code of Australia and the relevant standards. Details shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate**.

Waste Management

115. Submission of a comprehensive Waste Management Plan to the Principal Certifying Authority for approval **prior to the issue of a Construction Certificate**. Such plan shall address demolition, construction and operation waste arising from the development and shall include:-
 - type and likely quantity of waste arising from the demolition and construction activities;
 - storage, disposal and recycling measures for all demolition and construction waste, including specific disposal points and arrangements;
 - type and likely quantity of trade and operational waste arising from the proposed development, including storage and collection details. Note: Strathfield Council does not provide a trade waste service;
 - provision for a suitable number of 240 litre garbage bins and 240 litre recycling bins for the residential development;
 - storage, disposal, collection and recycling arrangements for all trade and operational waste; and
 - fitout details of any garbage/waste enclosures and storage areas.

Full compliance must be given to the endorsed Waste Management Plan submitted for the proposed development. Copies of any weighbridge receipts from all approved waste disposal facilities shall be retained for presentation to the Principal Certifying Authority upon request.
116. The waste storage room shall be designed to comply with the relevant standards and details shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate**.

Land Contamination

117. Soil at the site is to be managed as per the recommendations detailed on page 25 of the Preliminary Environmental Site Assessment 473-479 Liverpool Road Strathfield prepared for Prestige Construction Pty Lt by Aargus Australia date received by Council 8 March 2011;
118. The Remediation Action Plan (RAP) shall be prepared by a suitably qualified personnel, accredited by the Contaminated Sites Section of the Department of Environment and Climate Change (DECC). The RAP shall detail the results of waste classification, the volume of soil disposed offsite and the disposal locations, descriptions, volumes and validation information for all imported fill, and the management of any unexpected findings. details shall be submitted and approved by the Principal Certifying Authority **prior to the issue of an Occupation Certificate.**

On completion of remediation, Council is to be furnished with a written statement from the author of the RAP stating that all recommendations made in the plan have been complied with and the subject site is in a suitable condition for the proposed use as per the DECC guidelines.

No authority to commence any building works on the site will be granted until after the verification has been supplied to Council and Council has advised the Principal Certifying Authority in writing that a Construction Certificate can be issued.

119. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the Principal Certifying Authority immediately.
120. All fill imported on to the site shall be validated by an appropriately qualified person/body to ensure the imported fill is suitable, from a contamination perspective, for the proposed land use. Fill imported onto the site shall also be compatible with the existing soil characteristics for site drainage purposes.

ADVISORY NOTES

- i. If an Underground Storage Tank or Underground Petroleum Storage System is decommissioned, a validation report for the storage site must be provided to Council no later than 60 days after the system is decommissioned, or if remediation of the site is required, no later than 60 days after the remediation is completed. Any validation report must be prepared in accordance with DECC guidelines.

Note: These requirements do not apply to any decommissioning of a storage system that took place before 1 June 2008. The maximum penalty for non-compliance is 100 penalty units (for an individual) or 200 penalty units (for a corporation).

- ii. Council encourages the reuse and recycling of waste materials during demolition and construction. In this regard, separation and recycling should be undertaken as follows:

- Masonry products (bricks, concrete, concrete tile roofs) should be sent for crushing/recycling;
- Timber waste to be separated and sent for recycling;
- Metals to be separated and sent for recycling;
- Clean waste plasterboard to be returned to the supplier for recycling (excluding plasterboard from demolition); and
- Mixed waste (plastic wrapping, cardboard etc.) to be sent to a licensed recycling or disposal facility.

The above can be achieved by constructing a minimum of five (5) trade waste compounds on the site. Each waste compound should be adequately sized to enclose the waste and all waste should be adequately secured and contained within the designated areas and not be permitted to leave the site. Personal waste should not litter the site. Copies of any weighbridge receipts should be kept for presentation to the Principal Certifying Authority.

- iii. All existing trees on the site and all street trees are covered by Council's Tree Preservation Order and shall not be removed, lopped or pruned unless there is express permission stipulated in a condition of this consent or there is written approval from the Council.

- iv. Prior to occupation of any multi-unit development the applicant should arrange for the supply and delivery of a suitable number of 240 litre mobile garbage receptacles and 240 litre recycling receptacles.

The waste receptacle must be to the approval of Strathfield Municipal Council to ensure that receptacles are compatible with Council's waste collection vehicles. Council does not supply waste storage bins free of charge and payment will need to be made to Council prior to delivery of the required bins. A waste service availability charge will apply to the development site from the date of issue of the occupation certificate. The charge is for the collection of domestic waste from all residential dwelling units and is payable by the owner of the development site.

- v. The applicant and Owner are advised that the Commonwealth Disability Discrimination Act 1992 may apply to this particular proposal. Approval of this application does not imply or confer compliance with this Act. Applicants and owners should satisfy themselves as to compliance and make their own enquiries to the Human Rights and Equal Opportunity Commission. Attention is also drawn to the provisions of Parts 2, 3 and 4 of Australian Standard 1428 - Design for Access and Mobility.

- vi. Information regarding the location of underground services may be obtained from Sydney One Call Service (NSW Dial Before You Dig), telephone 1100, Fax 1300 652 077. Inquirers should provide SOCS with the street/road name and number, side of street/road and the nearest cross street/road.

- vii. A Construction Certificate shall be obtained in accordance with Section 81A (2)(a) of the Act, prior to the commencement of any work on site. Council can provide this service for you and you may contact Council's Development Assessment Unit on 9748 9999 for further information.
- viii. An Occupation Certificate is to be issued by the Principal Certifying Authority prior to the occupation of the building.
- ix. Section 95A of the Environmental Planning & Assessment Act 1979 (hereafter known as "the Act") provides that the applicant or any other person entitled to act on the consent may apply to the Council, before the consent lapses, for a 1 year extension.

The consent will lapse unless the use or building, engineering or construction work related to the building is physically commenced on the land prior to the consent lapse date shown on the cover page of this consent.
- x. The use of Council's footway in accordance with this consent shall not occur until an agreement with Council is entered into for the use of the footway and the applicable fees paid.
- xi. Section 82A of the Act allows the applicant/owner to request Council to review the determination of the application. Any such request must be made within 12 months of this Notice of Determination being issued and be accompanied by the required fee.

An application under this Section of Act cannot be made for:
 - (a) a determination in respect of designated development, or
 - (b) a determination in respect of integrated development, or
 - (c) a determination made by the council under section 116E in respect of an application by the Crown.
- xii. If you are dissatisfied with this decision, Section 97 of the Act gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this Notice of Determination.
- xiii. Section 125 of the Act provides that any person who contravenes or causes or permits to be contravened the conditions of this consent or the Tree Preservation Order shall be guilty of an offence.
- xiv. Section 126 of the Act provides that a person guilty of an offence against this Act may be liable to penalties. Penalty infringement notices (on-the-spot fines) can also be issued for breaches of the conditions of development consent.
- xv. The contributions required under Section 94 of the Act are set out in the Section 94 Contributions Plan which can be viewed at Council's Customer Service Centre, 65 Homebush Road, Strathfield during normal business hours.

- xvi. Approved Insurers for Residential Building work under the Home Building Act 1989 are listed on the Department of Fair Trading's website:

www.fairtrading.nsw.gov.au

Other contact details for the Department are:

Phone: 9895 0111

E-Mail: enquiry@fairtrading.nsw.gov.au

- xvii. Applicants are advised to ensure all gutters are designed and installed in accordance with the Building Code of Australia and the relevant Australian Standards.
- xviii. In accordance with Clause 162A of the Environmental Planning and Assessment Regulation 2000, critical stage inspections are to be carried out by the Principal Certifying Authority (PCA) or by another authority if the PCA so agrees. Failure to undertake these inspections can prevent the issue of an Occupation Certificate and may result in penalties.
- xix. Where Council is appointed as the Principal Certifying Authority (PCA), a Certificate of Adequacy prepared by a suitably qualified and experienced Structural Engineer, shall be provided with the Construction Certificate application stating that the existing structure is suitable to support the additional loads proposed to be placed upon it and that it complies with the Structural Provisions of the Building Code of Australia.