

DRAFT CONDITIONS OF CONSENT

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 01 Cover Sheet Job No. 7279 Issue A drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 02 Contents Job No. 7279 Issue A drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 03 Survey Plan Job No. 7279 Issue A drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 04 Site Photos Job No. 7279 Issue A drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 05 Site Plan Job No. 7279 Issue A drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 06 Site Analysis Plan Job No. 7279 Issue A drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 07 Waste Management & Demolition Plan Job No. 7279 Issue A drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 08 Sediment & Erosion Plan Job No. 7279 Issue A drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 09 Colour Sample Sheet Job No. 7279 Issue A drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 10 Shadow Diagram Plan Job No. 7279 Issue A drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 11 Streetscape Elevation Job No. 7279 Issue A drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 12 GFA Calculations Job No. 7279 Issue A drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 13 Comparative Level 1 Floor Plan – Approved DA August 2011 Job No. 7279 Issue A drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 14 Comparative Level 3 Floor Plan – Approved DA August 2011 Job No. 7279 Issue A drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 15 Comparative South Elevation – Approved DA August 2011 Job No. 7279 Issue A drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 16 Comparative East Elevation – Approved DA August 2011 Job No. 7279 Issue A drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 17 Residential Floor Areas Job No. 7279 Issue A drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 18 Common Landscaped Area Job No. 7279 Issue A drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 20 Basement 3 Floor Plan Job No. 7279 Issue L drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 21 Basement 2 Floor Plan Job No. 7279 Issue L drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 22 Basement 1 Floor Plan Job No. 7279 Issue L drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 23 Level 1 Floor Plan – Ground Floor Job No. 7279 Issue M drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 24 Level 2 Floor Plan Job No. 7279 Issue N drawn by BHI Architecture date received by Council 6 May 2013.

Drawing No: DA-00 Sheet No 25 Level 3 Floor Plan Job No. 7279 Issue N drawn by BHI Architecture date received by Council 6 May 2013.

Drawing No: DA-00 Sheet No 26 Level 4 Floor Plan Job No. 7279 Issue N drawn by BHI Architecture date received by Council 6 May 2013.

Drawing No: DA-00 Sheet No 27 Level 5 Floor Plan Job No. 7279 Issue N drawn by BHI Architecture date received by Council 6 May 2013.

Drawing No: DA-00 Sheet No 28 Level 6 Floor Plan Job No. 7279 Issue N drawn by BHI Architecture date received by Council 6 May 2013.

Drawing No: DA-00 Sheet No 29 Level 7 Floor Plan Job No. 7279 Issue L drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 30 Level 8 Floor Plan Job No. 7279 Issue L drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 31 Roof Plan Job No. 7279 Issue L drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 40 South Elevation Job No. 7279 Issue L drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 41 North Elevation Job No. 7279 Issue M drawn by BHI Architecture date received by 6 May 2013.

Drawing No: DA-00 Sheet No 42 West Elevation Job No. 7279 Issue L drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 43 East Elevation Job No. 7279 Issue K drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 43 East Elevation Job No. 7279 Issue K drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 43 East Elevation Job No. 7279 Issue K drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 44 Coloured South Elevation Job No. 7279 Issue A drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 45 Coloured North Elevation Job No. 7279 Issue A drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 46 Coloured West Elevation Job No. 7279 Issue A drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 47 Coloured East Elevation Job No. 7279 Issue A drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 50 Section 1 Job No. 7279 Issue A drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 51 Section 2 Job No. 7279 Issue A drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 52 Section 3 Job No. 7279 Issue A drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 53 Section 4 & 5 Job No. 7279 Issue A drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 54 Job No. 7279 Issue A drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 55 Balcony Site Line Study/ Awning Details Job No. 7279 Issue A drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 56 Carparking Ramp-1 Details Job No. 7279 Issue A drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: L_101 Job No. 1209_b Landscape Ground Floor Plan Level 1 A Issue B drawn by Elke Haege Landscape Architects date received by Council 7 December 2012.

Drawing No: L_101 Job No. 1209_b Landscape Ground Floor Plan Level 1 B Issue B drawn by Elke Haege Landscape Architects date received by Council 7 December 2012.

Drawing No: L_102 Job No. 1209_b Landscape Plan Level 2 Issue B drawn by Elke Haege Landscape Architects date received by Council 7 December 2012.

Drawing No: L_103 Job No. 1209_b Landscape Plan Level 3 Issue B drawn by Elke Haege Landscape Architects date received by Council 7 December 2012.

Drawing No: L_104 Job No. 1209_b Landscape Plan Level 4 Issue B drawn by Elke Haege Landscape Architects date received by Council 7 December 2012.

Drawing No: L_105 Job No. 1209_b Landscape Plan Level 5 Issue B drawn by Elke Haege Landscape Architects date received by Council 7 December 2012.

Drawing No: L_106 Job No. 1209_b Landscape Plan Level 6 Issue B drawn by Elke Haege Landscape Architects date received by Council 7 December 2012.

Drawing No: L_107 Job No. 1209_b Landscape Plan Level 7 Issue B drawn by Elke Haege Landscape Architects date received by Council 7 December 2012.

Drawing No: L_108 Job No. 1209_b Landscape Plan Level 8 Issue B drawn by Elke Haege Landscape Architects date received by Council 7 December 2012.

Drawing No: Stormwater Design Report Revision 01 Project No. 105390 prepared Meinhardt Infrastructure & Environment Pty Ltd received by Council 7 December 2012.

Drawing No: 105390-01-MIE000 Revision A Cover Sheet & Legend prepared by Meinhardt Infrastructure & Environment Pty Ltd received by Council 7 December 2012.

Drawing No: 105390-01-MIE010 Revision A General Notes prepared by Meinhardt Infrastructure & Environment Pty Ltd received by Council 7 December 2012.

Drawing No: 105390-01-MIE100 Revision A Detail Civil Plan – L1 Level prepared by Meinhardt Infrastructure & Environment Pty Ltd received by Council 7 December 2012.

Drawing No: 105390-01-MIE101 Revision A Detail Civil Plan – B3 Level subsoil drainage plan prepared by Meinhardt Infrastructure & Environment Pty Ltd received by Council 7 December 2012.

Drawing No: 105390-01-MIE200 Revision A Standard Details Sheet 1 prepared by Meinhardt Infrastructure & Environment Pty Ltd received by Council 7 December 2012.

Drawing No: 105390-01-MIE201 Revision A Standard Details Sheet 2 prepared by Meinhardt Infrastructure & Environment Pty Ltd received by Council 7 December 2012.

Drawing No: 105390-01-MIE200 Revision A Standard Details Sheet 3 prepared by Meinhardt Infrastructure & Environment Pty Ltd received by Council 7 December 2012.

Preliminary Environmental Site Assessment Report dated July 2010 Reference No. ES3595 prepared by Aargus Australia received by Council 7 December 2012.

Waste Management Plan Job No. 7279 prepared by BHI Architects received by Council 7 December 2012.

Assessment of Traffic and Parking Impacts Report Reference No. 12124r prepared by Transport & Urban Planning received by Council 7 December 2012.

BCA Capability Report dated 3 December 2012 Reference No. J120442 prepared by Vic Lilli & Partners received by Council 7 December 2012.

BASIX Certificate, Certificate No. 357491M_03 issued on 30 November 2012 received by Council 7 December 2012.

Acoustic Assessment, Report No. 610.10548-R2 prepared by SLR Global Environmental Solutions Revision 2 received by Council 7 December 2012.

Preliminary Environmental Site Assessment 473-479 Liverpool Road Strathfield prepared for Prestige Construction Pty Lt by Aargus Australia date received by Council 7 December 2012;

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. 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

6. 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.
7. 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.
8. **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

9. 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:

Provision of Community Facilities	\$ 54,598.40
Provision of Major Open Space	\$266,784.80
Provision of Local Open Space	\$ 46,816.00
Provision Roads and traffic Management	\$ 9,660.00
Administration	\$ 11,187.20

TOTAL	\$389,046.40
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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.**

- 10 A security payment of \$10,127.00 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 Works bond	\$10,000.00
Non-refundable administration fee (\$127/bd)	\$ 127.00
TOTAL	\$10,127.00

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 stormwater drainage system; Council's existing drainage pit may need to be reconstructed/restored to Council's satisfaction;
11. 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

12. All work requirements regarding signposting and associated line marking with the proposed development shall be approved by Strathfield Council Traffic Committee prior to occupation and to be at the applicant's cost.
13. Clear sight lines shall be provided at the property line to ensure adequate visibility between vehicles leavining 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. 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.
14. A minimum 111 off-street parking spaces, hard paved, linemarked, 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. These parking spaces shall be allocated as follows:
- Thirteen (13) spaces for residential visitors
 - Seventeen (17) spaces for non-residential uses
 - Eighty One (81) spaces for the residential units

15. A minimum of nine (9) bicycles stands are to be provided on Basement Level 1 and in accordance with AS2890.3 (1993).
16. 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.
17. All vehicles are to enter and leave the site in a forward direction.
18. All vehicles should be wholly contained on site before being required to stop.
19. All loading and unloading of commercial vehicles shall occur on site.
20. All vehicles associated with the use shall be restricted to fixed axle vehicles only that are able to turn on-site.
21. Signs shall be erected in a suitable location on the site advising that parking is available for visitors/customers.
22. The off-street car parking spaces together with access driveways shall be available at all times to employees and customers.
23. The vehicle spaces must not be enclosed with walls or meshed security screens without the prior approval of Council.
24. 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.
25. The entry and exit driveways shall be suitably signposted and directional arrows shall be painted on the internal roadway.
26. All driveways shall be separated from landscaped areas by a minimum 150mm high by 150mm wide concrete kerb or similar.
27. All redundant vehicular crossings shall be removed and replaced with kerb and gutter and footpath at no cost to Council.
28. A new concrete footpath, kerb and gutter for the full frontage of the development site shall be constructed to Council's specifications prior to the issue of an occupation certificate or use of the building.

Roads and Maritime Services

29. 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 RMS 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

- 30. 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.

Drainage/Stormwater

- 31. Stormwater 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 stormwater detention system shown on the concept stormwater management plans Drawing No: Stormwater Design Report Revision 01 Project No. 105390 prepared Meinhardt Infrastructure & Environment Pty Ltd received by Council 7 December 2012.
- 32. 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.
- 33. Where a Private Certifier issues the Construction Certificate a copy must be provided to Council, once the Construction Certificate is issued.

Allowance shall be made for surface runoff from adjacent properties, and to retain existing surface flow path system draining the site.
- 34. The proposed basement pump out system is to be strictly in accordance with the requirements set out in Strathfield Council's Stormwater 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.
- 35. **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 stormwater 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.
36. 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.

Landscaping/Tree Matters

37. Consent is given for the removal of the existing *Tristaniaopsis laurina* (Watergum) street tree subject to the following:
- A minimum of one (1) replacement *Tristaniaopsis laurina* (Watergum) shall be provided within Council's nature strip in Homebush Rd.
 - 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.

38. A minimum of five (5) street trees shall be provided within Council's nature strip in Liverpool Rd 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.
39. 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).
40. **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.
41. **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.

42. The proprietors of the venue shall be responsible at all times for the orderly dispersal of patrons from the premises.
43. 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.
44. The display of signage, other than signage which is approved by this consent or signage which is exempt development, is strictly prohibited.
45. No flashing signage visible from the public way shall be installed.

Noise

46. Full compliance shall be given to the recommendations on pages 14-15 of the Acoustic Report titled 'Acoustic Assessment' Report No. 610.10548-R2 prepared by SLR Global Environmental Solutions Revision 2 received by Council 7 December 2012.

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

47. 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.
48. 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.

49. 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.
50. 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.
51. 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.
52. 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.
53. 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.
54. 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

55. **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.
56. Temporary measures shall be provided and regularly maintained during demolition, excavation 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.**
57. 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.**
58. 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.
59. The proposed development shall comply with the National Construction Code and details demonstrating compliance shall be submitted to the Principal Certifying Authority for approval **prior to the issue of a Construction Certificate.**
60. 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).
61. 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.
62. 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.

63. 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.

64. 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.

65. 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.

66. All excavations and backfilling associated with the approved works must be executed safely and in accordance with appropriate professional standards. All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.

67. If an 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.

68. 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.

- 69. 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.
- 70. 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.**
- 71. All temporary buildings shall be removed from the site at the completion of the development.
- 72. 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.**
- 73. 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

- 74. **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.

Lighting

75. The common access pathways, letterboxes 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.**
76. 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.
77. 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

78. 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

79. Demolition shall be carried out in accordance with Australian Standard 2601 - 'The demolition of structures' or any subsequent standard and the relevant legislation.
80. 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.**
81. 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.**
82. 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.

Fire Safety Measures

83. 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.**
84. 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.

Disabled Access

85. **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.
86. 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.**
87. Car parking spaces for persons with disabilities shall be provided in accordance with The Construction Code 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

88. 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.

89. 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

90. 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;
91. 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.

92. 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.
93. 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.

LIST OF ATTACHMENTS

1. **Site Plan and Elevations**