

CONDITIONS

DA 2013.114.1

260A Liverpool Road ASHFIELD 2131

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

Demolition of existing structures on 244-256 Liverpool Road and demolition of parts of existing Ashfield Mall shopping centre.

Additional 6,783.9m² of retail gross floor area (as defined in Ashfield LEP 1985). The additional retail floorspace includes new retail premises on the forecourt area and on the Liverpool Road frontage of 244-256 Liverpool Road.

101 new residential dwelling units and 67 serviced apartments in three new buildings (described as Buildings A, C & D) with:-

- Building A comprising 67 serviced apartments over 6 storeys (Level 5 – Level 10) with dining and lounge areas at Levels 3 and 4 respectively.
- Building C comprising 70 dwellings within Levels 6-12 with 2 levels of car parking elevated above loading/manoeuvring area below the residential apartments.
- Building D comprising 2 storeys of car parking (at Level 3 (which is roughly equivalent to ground level at the Liverpool Road frontage of the site) and Level 3.5) and 31 dwellings (split over 2 and 6 level components).

100 place child care centre (at car parking level 6 – roof top)

Parking for 1,159 vehicles:

- 653 retail spaces.
- 101 residential spaces + 7 residential visitor spaces.
- 24 spaces for serviced apartments.
- 24 spaces for the child care centre (accessible for use as retail car parking on weekends).
- 330 public car parking spaces (provided in accordance with a deed between Ashfield Council and the owners of Ashfield Mall).
- 20 Council staff car parking spaces.

Improvements to the entry mall area from Liverpool Road

Associated works along the Norton Street elevation.

A General Conditions

(1) Approved plans stamped by Council

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

Job No	DWG No	Issue	Title
Architectural Plans			
12059	DA1004	B	Site Plan
12059	DA1101	B	Access Diagrams
12059	DA1102	B	Through Site Link
12059	DA1103	B	Building C & D Pedestrian Access
12059	DA1301	A	Demolition Plan – Level 1
12059	DA1302	A	Demolition Plan – Level 2
12059	DA1303	A	Demolition Plan – Level 3

12059	DA1304	A	Demolition Plan – Level 4
12059	DA1351	A	Demolition Plan – Level 5
12059	DA2001	B	Level 1 Floor Plan
12059	DA2002	B	Level 2 Floor Plan
12059	DA2003	B	Level 3 Floor Plan (as amended in red)
12059	DA2004	B	Level 4 Floor Plan
12059	DA2005	B	Level 5 Floor Plan
12059	DA2006	B	Level 6 Floor Plan
12059	DA2007	B	Level 7 Floor Plan
12059	DA2008	B	Level 8 Floor Plan
12059	DA2009	B	Level 9 Floor Plan
12059	DA2010	B	Level 10 Floor Plan
12059	DA2011	B	Level 11 Floor Plan
12059	DA2012	B	Level 12 Floor Plan
12059	DA2013	B	Level 13 Roof Floor Plan
12059	DA2101	B	Sections 1
12059	DA2102	B	Sections 2 & 3
12059	DA2201	B	North and South Elevations
12059	DA2202	B	East and West Elevations
12059	DA2300	B	Building A Child Care
12059	DA2301	B	Building A
12059	DA2302	B	Building A Elevations
12059	DA2303	B	Building C
12059	DA2304	B	Building C (North & South Elevation)
12059	DA2305	B	Building D
12059	DA2306	B	Building D (North Elevation – 1 & 2)
12059	DA2307	B	Forecourt (as amended in red)
12059	DA2401	B	Building A Unit Plans
12059	DA2402	B	Building C Unit Plans (as amended in red)
12059	DA2403	B	Building D Unit Plans (as amended in red)
12059	DA4002	B	Landscape and Communal Space Areas
12059	DA4401	B	External Finishes
12059	DA8102	A	Building A – Detailed South Elevation
12059	DA8103	A	Building A – Detailed North Elevation
12059	DA8104	A	Building C – Detailed South Elevation
12059	DA8105	A	Building C – Detailed North Elevation
12059	DA8106	A	Building D – Detailed South Elevation
12059	DA8107	A	Building D – Detailed North Elevation
12059	DA8108	A	Building D – Detailed West Elevation
12059	DA8203	A	Apartment Type H1 Detail Plan
Landscape Plans			
SS13-2625	108	B	Landscape Plan Holden Street
SS13-2625	109	A	Landscape Plan Knox Street
SS13-2625	110	B	Landscape Plan Link Laneway to Knox Street
SS13-2625	501	A	Landscape Details Communal Garden
SS13-2625	502	A	Landscape Details Communal Garden

Document	Prepared by	Date
Statement of Environmental Effects Pty Ltd	Urbis	May 2013, as amended by letter from Urbis dated 30 October 2013 and letter from Urbis dated 20 December 2013
Waste Management Plan	Leigh Design for JD McDonald	30 October 2013
Traffic Impact Assessment as amended by Memorandum to Ian Cady (Urbis) 30 October 2013	GTA consultants	29 May 2013 & 30 October 2013
Acoustic Assessment & letter dated 8/10/2013 in relation to the child care centre	Acoustic Logic	29/05/2013 & 8/10/2013
Landscape Design Report & Landscape Design Statement	Site Image Pty Ltd	29/05/2013 & 16 October 2013
Social Impact Assessment	Urbis	May 2013
Wind Impact Assessment	Windtech	29 May 2013

Document	Prepared by	Date
BASIX Certificate	SLR Consulting	29 May 2013
BCA Section J Energy Efficiency	SLR Consulting	28 May 2013

(2) Child Care Centre

The Child Care Centre kitchen will be required to comply with Ashfield Council's "Guidelines for Food Premises" and Australian Standard 4674-2004 "Design, Construction and Fit out of food premises". Details are to be provided with the development application for the fit out and operation of the Child Care Centre.

(3) Acoustic

The development shall comply with the report prepared by Acoustic Logic consultant for noise impact assessment dated 29 May 2013. All the necessary recommended acoustic work and treatments will be required meet the requirements of relevant statutory/regulatory authorities including Ashfield Council and the Environmental Protection Authority.

(4) Public Car Park

330 public car parking spaces, subject to the public car parking easement, for use as a public car park are to be provided and accessible at all times.

(5) Materials and colour schemes

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

(6) Buildings C and D

All development within Buildings C and D will be required to be included within the same stratum to address issues of permissibility.

(7) Mechanical Plant

Any mechanical plant associated with the proposed development will be required to satisfy the relevant noise and vibration criteria.

B Conditions that must be satisfied prior to issuing/releasing a Construction Certificate

(1) Section 94 Development Contributions

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

Community Infrastructure Type	Contribution
Local Roads	\$143,994.37
Local Public Transport Facilities	\$120,054.54
Local Car Parking Facilities	\$7,359,813.08
Local Open Space and Recreation Facilities	\$2,215,564.97
Local Community Facilities	\$67,960.51

Plan Preparation and Administration	\$123,646.88
TOTAL	\$10,031,034.35

If the contributions are not paid within the financial quarter that this modification is granted, the contributions payable will be adjusted in accordance with the provisions of the Ashfield Section 94 Development Contributions Plan and the amount payable will be calculated on the basis of the contribution rates applicable at the time of payment in the following manner:

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

Where:

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

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

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

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

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

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

(2) Construction and Site Management Plan

A Construction Management Plan, which takes into account all areas including the mall, car parks, leased areas, shops, footpaths, and pedestrian ways, and areas adjacent to the site shall be submitted to Council. A Construction Management Plan must be expressly approved by Council in writing prior to the issue of any construction certificate. The Construction Management Plan must be prepared in consultation with Council and address the following matters to Council's satisfaction:-

- (a) Actions and works that ensure safe access to and from the site and what protection will be provided to the road and footpath area from building activities, crossings by heavy equipment, plant and materials delivery, or static loads from cranes, concrete pumps and the like,
- (b) Actions and works that ensure safe pedestrian access along Liverpool Road, Holden Street, Knox Street and Norton Street and accessing the site during building activities,
- (c) Noise control for civic buildings;
- (d) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed by a chartered Civil Engineer or an accredited certifier,
- (e) Actions and works that to ensure continued benefit of ROW's by beneficiary parties,
- (f) The location of the construction sheds, proposed methods and times and location for wide loads after hours.
- (g) How it is proposed to ensure that 330 public car parking spaces, subject to the public car parking easement, will remain accessible and available to the public at all times. If

the construction measures to be undertaken will result in some or all of the public car parking spaces required by the public car parking easement being unavailable, the applicant is to specify the alternative location of these spaces.

- (h) How it is proposed to ensure that fire egress across Right of Way to Civic Centre buildings will be available and complying, including details of alternate arrangements should the existing egress need to be blocked, and procedures for notifying Council in that circumstance.
- (i) How it is proposed to ensure that continued reasonable access via Rights of Way for all beneficiaries will remain available at all times.
- (j) Identify all the routes and standing areas used for all construction related vehicles and how it is proposed to ensure that these routes and standing areas will be managed in accordance with RTA traffic control guidelines, to ensure the construction process does not interfere with the capacity and functioning of Liverpool Road, Knox Street, Holden Street or Norton Street.
- (k) How it is proposed to make safe any damage to local streets infrastructure from construction works until such times a permanent repairs are done for the provision of an occupancy certificate.
- (l) How it is proposed to ameliorate the impacts of noise and dust generated during construction upon existing tenants, patrons of the shopping centre, residents and users of the public car park and how it is proposed to achieve compliance with DECC Draft Guidelines for construction Noise and Australian Standard 2436:1981 "Guide to Noise Control on Construction Maintenance and Demolition Sites."
- (m) How it is proposed to ensure the safety of existing tenants, patrons of the shopping centre, residents and users of the public car park during the construction phase.
- (n) How continued operation of the Ashfield Mall shopping centre will be managed during the construction phase.
- (o) How it is proposed to load and unload excavation machines, building materials, formwork and erect any part of the structure within the site, including details of the proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period. The location of these materials, containers and machinery shall be depicted in a diagram or plan.
- (p) Full details of proposed haulage routes, estimated number of vehicle movements and trip locations related to demolition/construction activities.
- (q) Details showing the locations of any cranes required for demolition or construction and requisite approvals for the placing of those cranes, including a Crane Permit from Council and RMS or Police approvals as necessary.

Where it is proposed to:

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

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

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

In addition a separate application must be made to Council for the enclosure of any public places (hoarding).

(3) Traffic Management Plan

A detailed Construction Traffic Management Plan (CTMP) prepared by an RTA accredited traffic controller for the construction of the proposed development shall be submitted to Council and the RTA for review and approval. The CTMP must be expressly approved by Council and by the RTA in writing prior to the issue of any construction certificate. The CTMP must be prepared in consultation with Council and is to be accompanied by a study to assess the impact of the proposed arrangements and management measures in terms of:-

- traffic movements for all the parking on site,
- traffic patterns on surrounding streets and intersection function, traffic and pedestrian safety and amenity,
- impacts of parking in surrounding streets,
- impact of extended area of shopping trolley leaving and subsequent collection activity,
- construction related vehicles including contractor staff parking and unloading,
- the routes and manoeuvring of construction and delivery vehicles,
- ameliorating any impacts, including changes to traffic and parking restrictions,
- the impact and management of construction activities and materials storage e.g. craning, concrete pumping, waste bins, temporary fencing.

The applicant is to obtain Local or Regional Traffic Committee approval for any changes to parking and traffic controls.

(4) Erosion & sedimentation control-management plan

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

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

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

Applicants are further advised to refer to the following publications for additional information:

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

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

Further information may be obtained from:

Environment Protection Officer
Environment Protection Authority
Inner Sydney Region
Locked Bag 1502
BANKSTOWN NSW 2200

(5) Traffic & Parking Study

Prior to the release of the construction certificate the applicant shall submit a micro-simulation modelling of the road network around the proposed site to Council for approval. This model shall take into account as a minimum an area incorporating the road intersections of Holden/Norton Street, Holden/Brown Street/Liverpool Road, Liverpool Road/Knox Street, and Knox Street/ Norton Street. These intersections shall be analysed pre and post development, to ascertain any reduction in the operation/service level.

Any reduction in the operation/service level indicated by the micro-modelling carried out by the applicant, shall be addressed by the applicant, by design and construction of suitable improvements at the intersections, at the applicant's full cost.

The improvement works shall be completed to Council's satisfaction prior to the issue of the Occupation Certificate.

Design plans shall be submitted to Council for consideration and approval, prior to commencement of any related construction works.

(6) Traffic and Parking Implication

The applicant is to address the Independent Transport Review Report as issued by ARUP dated 4 September 2013. The applicant shall provide information and measures as outlined in the summary and conclusions of the report.

This work shall be submitted and approved by Council prior to the release of the Construction Certificate.

(7) Provision of taxi rank

A suitable and accessible taxi rank shall be designed and provided at the applicant's cost. The taxi rank shall be provided proximate to the main entrance of the mall that it can be easily accessed by all users. The taxi rank should be located so that it is convenient to both the users and also the service provider.

Details shall be approved by Ashfield Council prior to issue of Construction Certificate, and the applicant is advised to liaise with Council during the design stage.

(8) Design of right turn bay at the Holden & Liverpool Road intersection (Non Standard Condition)

A right turn bay is required to be provided at the intersection of Holden Street and Liverpool Road.

Plans and details of a proposed right turn bay at the intersection of Holden Street and Liverpool Road shall be prepared by a suitably qualified professional civil engineer.

These plans shall generally indicate the following:-

- (a) A right turn bay on Holden Street approximately 2.8 metres wide.
- (b) Narrowing Holden Street road pavement south bound to approximately 4.5 metres.
- (c) Widening the road pavement on the North bound to provide two three metre wide lanes (one through lane and one left turn lane).
- (d) Adjust the width of the Western footpath to accommodate these works.

Plans showing these details shall be submitted for Council's approval prior to the release of the Construction Certificate.

The works to the intersection of Holden Street and Liverpool Road shall be undertaken in accordance with the Council approved plans, at no cost to Council. This work shall be carried out prior to the release of the Occupation Certificate.

(9) Asphalt works to be carried out on Public land

The full length of the site frontage in Norton Street shall be is to be re-sheeted with 30mm of Asphaltic Concrete (AC 10) each edge adjacent to the kerb shall be milled to provide a satisfactory matching edge.

This work shall be carried out by the applicant to the requirements of Council's Works & Infrastructure Department. This work shall be carried out prior to the release of the Occupation Certificate.

(10) Long service levy

Compliance with Section 109F of the Environmental Planning and Assessment Act 1979 – payment of the long service levy under Section 34 of the Building and Construction Industry Long Service Payments Acts 1986 – is required. All building works in excess of \$25,000.00 are subject to the payment of a Long Service Levy fee. A copy of the receipt for the payment of the Long Service Levy shall be provided to the Principal Certifying Authority (PCA) prior to the issue of a Construction Certificate. Payments can be made at Long Service Payments Corporation offices or most Councils.

(11) Access and services for people with a disability – flats/mixed development

Detailed plans drawn to the scale of 1:50 shall be submitted detailing compliance with the requirements of AS4299 and AS1428 Part 1 and the provisions of Ashfield Development Control Plan for Access and Mobility (tel. 9716 1800 for a free copy) prior to the issue of a Construction Certificate, showing a minimum of adaptable and accessible units within the development and details of complying levels, ramp slopes, door widths, circulation spaces within the development.

(12) Access management plan for people with a disability

An Access Management Plan shall be submitted to Council or the accredited certifier before the issue of a Construction Certificate. Details for the Access Management Plan shall include:

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

(13) Preparation of geotechnical/dilapidation report

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

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

(14) Sydney Water - Section 73 Compliance Certificate

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

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

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

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

(15) Amended plan fee

Payment of amended plan fee of \$21,619.75 shall be made to Ashfield Council in full prior to release of the Construction Certificate.

(16) Services and infrastructure adjustment/relocation

The applicant shall meet the full cost for Telstra, Sydney Water, Energy Australia, AGL Electricity/AGL Retail Energy or alternative service/energy providers to adjust/relocate their services/infrastructure as required. The applicant shall make the necessary arrangements with the relevant service authority or relevant retail energy company.

(For information on the location of services contact the "Dial before you Dig" service on 1100.)

Documentary evidence from the utility authorities/retail energy company confirming that all of their requirements have been satisfied shall be submitted to Council prior to issue of the Construction Certificate.

(17) Lighting to basement/pedestrian routes-safety

Lighting which meets the relevant Australian Standard of 40 lux., spaced at appropriate intervals to provide the required surveillance shall be provided to the vehicular basement parking area and along pedestrian access routes for safety and security purposes during the evenings.

The basement car park shall be painted white.

Details to be shown on the construction certificate.

(18) Surveillance

A surveillance system, for the building, open space and basement car park is to be designed by a professionally recognised security firm, which include the following:

- (a) a closed circuit television (surveillance cameras);
- (b) the Manager's office having the relevant control panels; and
- (c) Tapes/digital data 'on disc' to be properly stored and retained on site for a minimum of twenty-one (21) days for the availability of Council or NSW Police.

Details to be shown on the construction certificate and provided to Ashfield Police prior to occupation.

(19) Communal composting facility

Council requires an area to be nominated onsite for communal composting. While the operation of such a facility will depend upon the attitudes of unit holders and their management, the potential should exist. It is appropriate for this area to be incorporated in the landscaping plans for the development. The operation of the facility should be the responsibility of the Body Corporate (or managing agent). The siting of communal composting facilities should consider: -

- location and proximity to units (including adjoining development), odour and location of the drainage system
- the design of the facility. It should be purpose-built. There are a variety of techniques available and advice on this and public health considerations can be obtained from Council
- careful signposting (to ensure inappropriate waste is not added).

Details to be provided with the application for a construction certificate.

(20) Water efficient irrigation system

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

(21) Advertising signs strategy

The applicant is to submit to Council an overall strategy to control advertising for the development. This strategy is to be submitted to Council for approval prior the issue of a Construction Certificate.

(22) Street numbering

An application for street numbering shall be lodged with Council for approval, prior to the release of a Construction Certificate, or Subdivision Certificate, which ever occurs first.

(23) Damage deposit/footpath, road, kerb and gutter

A Damage Deposit of **\$50,000** is to be paid prior to the release of the Construction Certificate covering repair and/or replacement of adjoining footpath, road shoulder, road pavement, kerbing and guttering both outside the subject site and the surrounding area. This is to be paid to Council and may be refunded subject to satisfactory completion of construction or demolition.

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

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

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

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

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

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

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

(24) Easements

- (a) The applicant shall negotiate with the Council the appropriate variation of Restriction as to User A created by the registration of Deposited Plan 736779 and burdening the forecourt area prior to the issue of a Construction Certificate.
- (b) The applicant shall negotiate with the Council the appropriate variation or release of right of way F, right of way CC and right of way H prior to the issue of a Construction Certificate.

(25) Provision of Public Art

A public art feature shall be designed and constructed/installed at the applicant's cost. This feature shall provide visual interest for pedestrians and interpret or reflect the local setting and/or landscape character and/or the cultural setting of the area. The feature shall be designed to ensure long-term durability and be resistant to vandalism.

Details shall be approved by Ashfield Council prior to issue of construction Certificate, and the applicant is advised to liaise with Council during design stages.

(26) Stormwater

Prior to the release of the construction certificate the following details shall be provided and approved by Ashfield Council:-

- (A) A Stormwater Drainage Concept Plan demonstrating the proposed stormwater drainage system that complies with Council's "Stormwater Management Code".
- (B) A stormwater Drainage plan including relevant calculations to prove the site's discharge which complies with Council's "Stormwater Management Code" & The NSW "Floodplain Development Manual".

(27) Stormwater disposal-calculations

- (a) Calculations and details of the proposed method of stormwater disposal shall be prepared by a suitably qualified professional civil engineer in accordance with **Council's Stormwater Management Code** and submitted to, and approved by, Council or private certifier prior to the release of the Construction Certificate.

The Construction Certificate plan to be submitted to Council must consist of the following items:

- (a) Separate catchment areas within the site draining to each collection point or surface pit classified into the following categories:
 - (i) Roof areas.
 - (ii) Paved areas.
 - (iii) Grassed areas.

- (iv) Garden areas.
 - (v) The percentages of Pre-development and Post-development impervious areas
- (b) At each pit and or bend, a level of pipe is to be shown (the minimum grade for pipes is 1%).
- (c) All flowpaths both internal and external, which pass through or around the proposed development site, are to be shown on the Construction Certificate plan
- (d) Calculations and details are to be provided to Council showing that provisions have been made to ensure that the piped drainage system including pits have been sized to accept runoff from all storms up to the 100 year ARI, (including overflows from roof gutters).
- (e) The depth and location of all services within the area affected by the development (i.e. gas, water, sewer, electricity, Telstra, etc) shall be confirmed by the applicant on site prior to the release of the Construction Certificate, this shall include the proposed pipe network to be constructed in Bland Street.
- (f) All garbage and waste areas must drain to the sewer and not the stormwater system.

(27) Stormwater detention storage facility

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

(28) Exhaust fumes from car park

Any exhaust ventilation from the car park is to be ventilated away from the property boundaries of the adjoining dwellings, and in accordance with the provisions of AS1668.1 and the Building Code of Australia, and is to have particular regard to the child care centre, high volume pedestrian movements and residential blocks. Details demonstrating compliance are to be provided with the Construction Certificate.

(29) No external service ducts

Service ducts shall be provided within the building to keep external walls free of plumbing or any other utility installations. Such service ducts are to be concealed from view from the public domain areas. Details demonstrating compliance are to be provided in the Construction Certificate.

(30) SEPP 65 – Design Verification

Prior to release of the Construction Certificate, the original designer is required to confirm that the development is in accordance with the approved plans and details and continues to satisfy the design quality principles in State Environmental Planning Policy No – 65 Design Quality of Residential Flat Building Development.

(31) Plan of Management for Waste Storage and Collection

Prior to the issue of any construction certificate a Plan of Management for Waste Storage and Collection shall be submitted to the satisfaction of Council which shall show the adequate coordination and control of waste and recycling services on the site, including details of the following:-

- A waste storage room that meets the requirements of the Applicant's garbage contractor
- Waste storage rooms in residential buildings,
- Number of persons employed to manage and transfer bins to the required locations,
- Transfer routes for waste bins,
- Times when bins will be stored in the garbage presentation room,
- Times and location where bins will be placed for collection,
- Waste generation rates for all new uses on the site including retail, commercial and residential,
- Access pathways, including width of pathways for transfer of bins and installation of any mechanical equipment associated with the waste collection rooms,
- The provision of hot and cold water for washing purposes and drained to a floor connected to a Sydney Water sewer system and mechanical ventilation to all garbage rooms,
- Compliance with the Waste Avoidance and Resource Recovery Act 2001,
- Compliance with the Department of Environment and Climate Change's ('DECC') Better Practice Guide for Waste Management in Multi-Unit Dwellings; and
- Compliance with DECC's requirements to enable obtaining the Waste Service Improvement Payment under the City and Country Environment Restoration Program.

(32) Waste caretaker

The applicant/building management shall appoint a waste caretaker (assisted by maintenance personnel/cleaners) who will carry the overall responsibility for managing all waste generated by the building. All equipment movement in the waste room shall be managed by the building manager / cleaners at all times. No tenants should be allowed to transport waste or recyclables from the waste room; tenants should be educated to only transport their waste to the allocated room on each floor.

The applicant shall incorporate the building manager / cleaner duties in the bylaws and title which include:-

- General maintenance and cleaning of the chute doors on each level on a regular basis;
- Organising, maintaining and cleaning the general and recycled waste holding areas on a regular basis;
- Organising both garbage and recycled waste pick-ups;
- Cleaning and exchanging all bins;
- Be available on site when the garbage truck arrives to collect waste and recycling. The waste caretaker shall take all bins to be emptied to the truck and store the bins once emptied back in the waste room.

Details shall be provided prior to release of construction certificate.

(33) Waste compactor system

A waste compactor system shall be provided and designed so that the total combined weight of the mobile garbage bin (MGB) and compacted waste shall not exceed 70 kilograms. Details shall be provided prior to release of construction certificate.

(34) Recycling mobile garbage bins

Adequate storage for the required number of 240L MGB shall be provided in the waste room to be used for recycling purposes in accordance with Council's requirements. Details of the size and capacity of the rooms is to be provided prior to issue of the Construction Certificate.

(35) Lighting to pedestrian routes, outdoor areas and car parking

The Applicant shall demonstrate that lighting which meets the Australian Standard 1158 level P3, and complies with "safer by design" lighting, including consultation with specialist branch of NSW police and spaced at appropriate intervals to provide the required surveillance will be provided to all new and reconfigured pedestrian routes, outdoor areas and car parking areas, including mall entry areas and the plaza forecourt area

This lighting is not to be directed into adjoining properties. No up- lighting is permitted.

Details to be provided prior to issue of the construction certificate.

(36) Car parking provision/layout

Each residential apartment is to be provided with a minimum of 1 car parking space per apartment. Details of the allocation of spaces are to be provided with the Construction Certificate.

Off-street parking and service vehicle areas including spaces for the accessible/adaptable units shall be provided and allocated for the new and reconfigured parts of the site in accordance with the provisions of AS2890 and enable ready and safe compliance with the Australian Road Rules.

Details to be shown on the application with the Construction Certificate, including details showing that minimum ceiling heights for cars, service vehicles and people with disabilities will be achieved.

Note: Minimum basement ceiling height above any parking spaces provided for people with disabilities is to be 2.6 metres.

Design of car parking shall be in accordance with Australian Standards AS 2890.1 2004 "Off Street Car Parking"

(37) Car Park Management Plan

A car park management plan shall be submitted for Council's approval prior to issue of the Construction Certificate. This plan shall provide details of any method of parking control, including any paid parking schemes for the retail spaces, ways of controlling access to external residential parking and parking for the serviced apartments and child care centre and car parking management during construction. As stratum subdivision of the various components that comprise the development is proposed, the management plan shall also address operational issues in regard to managing a parking scheme which provides for shared car parking between various uses within different strata.

The Plan shall also demonstrate how access to all land uses will be obtained and in particular how 24/7 access will be maintained for the public car park component.

(38) Parking and internal movement Signage Plan

A parking and internal movement Signage Plan shall be submitted prior to issue of the Construction Certificate for Council's approval. This Plan is to clearly identify access arrangements for individual user groups, including entry, exit and internal circulation patterns. This should include all pavement arrows, line marking, regulatory and advisory signage for both vehicles and pedestrians.

There is to be clear signage to direct vehicles and pedestrians to and from the car parking for the serviced apartments. Details to be provide prior to the issue of a construction certificate.

(39) Design and construction of car parking bays and ramps

Details of the design of car parking bays and ramp-driveways shall be submitted prior to issue of the Construction Certificate. All parking bays and ramps/driveways must be designed in accordance with Australian Standards AS 2890.1 2004 "Off Street Car Parking".

(40) Australia Post Concurrence

Prior to the issue of a construction certificate Australia Post is to confirm its concurrence with the location of the letterboxes for the residential units. This location is to be designed for vehicular access for a rigid vehicle that satisfies the Australian Road Rules.

(41) Ventilation of Apartments

Details regarding an alternative solution to provide natural air to single aspect apartments are to be provided prior to issue of the Construction Certificate for the residential apartments.

(42) Loading Dock Management Plan

A loading dock management plan, including hours of operation of the loading docks is to be submitted with the Construction Certificate for the alterations and additions to the existing Ashfield Mall. Details to ensure impacts on existing and potential residents will need to be provided to ensure amenity impacts have been considered and addressed. This plan is to be to the satisfaction of Council.

(43) Work Place Travel Plan

A work place travel plan prepared in accordance with the DCP is to be submitted for approval by Council prior to issue of a CC for the development.

(44) Acoustic Treatments

Details demonstrating compliance with the recommendations of the Acoustic Logic Noise Impact Assessment dated 29/5/2013 are to be submitted for Council approval with the Construction Certificate.

(45) Wind Treatments

Details demonstrating compliance with the recommendations of the Windtech Pedestrian Wind Environment Statement dated 29 May 2013 are to be submitted for approval with the Construction Certificate.

(46) Child Care Centre

A Construction Certificate for Buildings C and D will not be issued until an Occupation Certificate for the child care centre has been issued and the centre is operational.

(47) Building A Treatments

Prior to issue of a Construction Certificate for Building A, details regarding the proposed method of addressing the reduced building separation and potential privacy impacts on future adjoining development where a setback to an adjoining boundary is less than 9m are to be provided.

(48) Motor Cycle Parking

The development shall make provision for a minimum of 46 motor cycle parking spaces. Details of the locations of these spaces are to be provided prior to issue of Construction Certificate.

(49) Compliance with the requirements of Roads and Maritime Authority

Details addressing the requirements of the Roads and Maritime Authority as detailed in their letter dated 16 July 2013 are to be submitted for RMS approval prior to issue of a Construction Certificate.

- (a) All buildings and structures (other than pedestrian footpath awning) shall be clear of the Liverpool Road reserve unlimited in height or depth. Details shall be provided to the satisfaction of Roads & Maritime Services prior to issue of construction certificate.
- (b) Off street parking associated with the proposed development (including grades, aisle widths, aisle lengths, turning paths, sight distance requirements, and parking bay dimensions) should be designed in accordance with AS2890.1-2009 and AS2890.2-2002. Details shall be provided to issue of construction certificate.
- (c) The post development storm water discharge from the subject site into the RMS drainage system shall not exceed the pre-development discharge. Details shall be provided to the satisfaction of Ashfield Council prior to issue of construction certificate.

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

Details should be forwarded:-
The Sydney Asset Management
Roads and maritime Services
P.O Box 973 Parramatta CBD 2124

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

- (d) The proposed development shall be designed such that the road traffic noise from Liverpool Road is mitigated by durable materials to satisfy requirements under Clause 102(3) of the State Environmental Planning Policy (Infrastructure) 2007. The RMS's Environmental Noise Management Manual provides practical advice in selecting noise mitigation treatment. Details shall be provided to issue of construction certificate.
- (e) The swept path of the longest vehicle (including fuel tankers) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which illustrates that the proposed development complies with the requirement prior to issue of construction certificate.
- (f) A construction traffic management plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to the satisfaction of Ashfield Council prior to issue of construction certificate.

- (g) All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.
- (h) All works associated with the proposed development shall be at no cost to the RMS.

(50) NSW Police – Ashfield Local Area Command requirements

All conditions and requirements imposed by Ashfield Local Area Command shall be complied with to the satisfaction of Ashfield Local Area Command prior to issue of construction certificate.

(51) Bicycle parking

Bicycle parking racks for a minimum of 183 bicycles are to be provided. Details to be shown on plans submitted with the Construction Certificate. Bicycle parking areas incorporated into the public car parking area shall be provided without the loss of any public car parking spaces.

(52) Universal Housing Design

Details demonstrating compliance with the performance criteria of the Australian Network for Universal Housing Design and Design Checklist 2 of the Ashfield Development Control Plan 2007 Part C1 are to be submitted for Council's approval prior to issue of the Construction Certificate for the residential apartments.

C Conditions that must be complied with before work commences

(1) Requirement for a Construction Certificate

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

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

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

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

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

(2) Inspections required by Principal Certifying Authority

Inspections shall be carried out at different stages of construction by Council or an accredited certifier. If Council is selected as the Principal Certifying Authority (PCA) the inspection fees must be paid for in advance which will be calculated at the rate applicable at the time of payment.

(3) Site Controls

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

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

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

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

(4) Building location - check survey certificate

To ensure that the location of the building satisfies the provision of the approval, a check survey certificate shall be submitted to the Principal Certifying Authority at the following times:-

- (a) prior to the pouring of the residential tower columns;
- (b) ground floor slabs;
- (c) any floor level which overhangs lower levels where adjacent to property boundaries indicating the:-
 - (i) location of the building with respect to the boundaries of the site;
 - (ii) level of the floor in relation to the levels on the site (all levels are to be shown relative to Australian Height Datum);
 - (iii) site coverage of the buildings on the site.

(5) Crane permit

Should the applicant need to use a crane during the course of building, it will be necessary to first obtain a "Crane Permit" from Council's One Stop Shop. A fee of is payable for the permit. The approval of other authorities (e.g. Police Department, RTA) may be required for the use of a crane.

(6) Protection of public places - erection or demolition of building

- If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient or involves the enclosure of a public place; a hoarding or fence must be erected between the work site and the public place.
- If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

- The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- Any such hoarding, fence or awning is to be erected prior to works commencing and only with Council approval in accordance with Workcover requirements. The temporary structures are to be removed when the work has been completed.

(7) Site fencing/security

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

(8) Support for neighbouring buildings and notice to adjoining owners

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

Notes:

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

(9) Asbestos sheeting removal - EPA/Workcover Authority

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

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

(10) Asbestos and/or lead removal certification

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

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

(11) Sydney Water approval

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met. Plans will be appropriately stamped. For Quick Check agent details please refer to the web site: www.sydneywater.com.au, see Your Business then Building & Developing then Building & Renovating or telephone Sydney Water 13 20 92.

(12) Structural Engineering Details

Structural engineer's details prepared and certified by a practising structural engineer for all reinforced concrete and structural members is to be submitted to the Principal Certifying Authority for approval.

(13) Notice of Commencement – Notification of Works

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

(14) Waste Management Plan approval

A Waste Management Plan shall be submitted to Ashfield Council's Environmental Health Unit prior to demolition or construction commencing in accordance with the provisions of Ashfield Development control Plan 13 - Planning For Less Waste and the Waste Planning Guide for Development Applications (Planning for Less Waste, prepared by the Regional Waste Boards), including:

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

(16) Sanitary facilities - demolition/construction sites

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

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

(17) Tree preservation order - approvals required

A Tree Preservation Order applies to the whole of the Ashfield Council area. In this regard it will be necessary to make a separate application to Council prior to the removal or lopping of

any trees. Contact Council's One Stop Shop, telephone 9716 1800 to apply for a "Tree Preservation Order Permit" for Pruning or Removal of protected trees.

(18) Dilapidation Reports

- A. A Dilapidation Report on the Rights of Way, and all surrounding streets for the block encompassing the site covering the road pavements, footpaths, kerbing and drainage shall be prepared by a practicing civil engineer. The Dilapidation Report must be completed and submitted to the beneficiaries of the Right of Way and to Council prior to the commencement of any demolition, excavation or construction works. At the completion of the works, a second Dilapidation Report recording the structural condition shall be prepared and submitted to the beneficiaries and to Council. The reports are to include a photographic record at sufficient resolution and coverage to show pavement defects such as cracking.
- B. A Dilapidation Report on the current structural condition of the existing buildings immediately adjoining the subject site along Liverpool Road, Ashfield, must be prepared by a practicing structural engineer. The Dilapidation Report must be completed and submitted to the owner of the subject property and to Council prior to the commencement of any demolition, excavation or construction works. At the completion of the works, a second Dilapidation Report recording the structural condition must be prepared. That Report must be submitted to the owner of the subject property and to Council.

(19) Demolition work plan

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

(20) Garbage skips on Council land - Council approval

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

(21) Haulage route information

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

(22) Works zone application to Council - construction vehicles

The applicant is to apply to Council for a "works zone" along the site frontages for construction vehicles prior to work commencing. Contact Council's Customer Service on 9716 1800 for details and the necessary fees you need to pay.

Note: A minimum of 2 months notice to Council is required.

(23) Public liability insurance – Works on Council/public lands

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

(24) On site detention system – check survey (requirements during construction)

Prior to the construction of an on-site detention system involving permanent construction work (e.g. construction of concrete slabs, walls, pipe-systems or pits etc, and prior to the placement of any concrete for ground floor, car park or garages) a “check survey from a registered surveyor” must be forwarded to the Council indicating compliance with the approved plans before any concrete pour is approved by the relevant Council building surveyor or Authorised Certifier.

(25) New Deed and Easement – Car Parking Spaces

A new deed and easement shall be entered into between the property owner of the subject site and the Council which addresses the following matters:

- a) Ongoing public access to not less than 330 car parking spaces and 20 Council staff car parking spaces within the subject site.
- b) The location of the 330 publically available car parking spaces and 20 Council staff car parking spaces within the subject site.
- c) Access arrangements to and from the subject site to the 330 publically available car parking spaces and 20 Council staff car parking spaces within the subject site.

The general terms of the deed and easement shall be agreed and finalised between the General Manager and the property owner prior to works commencing.

The new deed and easement shall be registered on the property title of the subject site within two months of the completion of any works which establish the 330 publically available car parking spaces and 20 Council staff car parking spaces within the subject site.

All costs incurred in the preparation and registration of the new deed and easement shall be at the cost of the property owner of the subject site.

D Conditions that must be complied with during construction or demolition

(1) Building materials and equipment - storage/placement on footpath/roadway - Council approval

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

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

(2) Signs to be erected on building and demolition sites

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

(3) Demolition/excavation/construction - hours of work

Demolition, excavation and construction work, including loading and unloading of materials and machinery, shall be restricted to between the hours of 7.00 am to 6.00 pm, Monday to Friday and from 7:00 am to 1.00 pm on Saturday. Work is prohibited on Sundays, and on public holidays.

(4) Demolition requirements/standards

Any demolition is to be carried out in accordance with the following:

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

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

(5) Fire resistance – BCA upgrade

Under the provisions of Clause 93 and 94 of the Environmental and assessment Regulations 2000, the existing commercial building shall be fully upgraded so that all category 1 fire safety measures are brought into compliance so to satisfy the matters identified in the BCA audit report prepared by Steven Watson & Partners dated the 29 May 2013.

(6) Plans to be available on site

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

(7) Advertisements on hoardings prohibited

No advertisements of any kind shall be affixed to the hoarding except a board which may show the builder's or architect's name or any particulars regarding the subject building.

(8) Billposters - sign on hoarding

A sign "Billposters Will Be Prosecuted" shall be attached to or printed upon the front of the hoarding.

(9) Encroachment on Council property prohibited

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

(10) Easements to be clear of encroachments

The proposed structures (including overhangs and footings) shall not encroach on to any easements located within this property.

(11) Storage of building materials

Building materials and spoil are to be located wholly on site and not placed in a position that may result in materials being washed onto the roadway or into the stormwater system.

(12) Dust control

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

(13) Site vehicles - mud/debris

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

(14) Footpath, kerb and gutter protection

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

Pedestrian access across this footpath must be maintained in good order at all times during work. Any damage caused will be made good by Council at Council's restoration rates, at the applicant's expense

(15) Finished ground surface levels at property boundary

Finished ground surface levels shall match existing levels at the property boundary.

(16) Road opening permit- Council controlled lands

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

(17) Traffic control on public roads

Where works are undertaken on public roads, adequate traffic control in accordance with AS 1742.3 1996 "Traffic Control Devices for work on Roads", particularly regarding traffic movement controllers, advance warning signs and directions to motorists, shall be provided. Where such measures are not satisfactorily provided to this Australian Standard, Council may provide such and recover the costs from any bonds held.

(18) Engineering staff to inspect roadworks/drainage

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

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

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

(19) Spoil and building materials on road and footpath

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

(20) Construction zone

All construction vehicle activity shall be accommodated on site. A construction zone would only be considered pending Traffic Committee approval, and that construction vehicles could only use the kerb immediately outside the site without interfering with traffic movement through the area. A plan showing details of the length required and reasons to why construction vehicles could not be accommodated on site shall be submitted to Council in a minimum period of three month before commencement of construction for referral to the Traffic Committee. Relevant fees will apply as set out in Council's Fees and Charges.

(21) Excavations and backfilling - safety/standards

- a. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

- b. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

(22) Compliance with Construction Management

Any mitigation measures recommended to be undertaken as part of the Construction Management Plan shall be implemented during demolition and construction e.g. bunding, shade cloth to prevent dust leaving the site, sandbags around Council/private stormwater pits etc. in order to prevent sediment, dust, topsoil and polluted waters discharging from the site.

E Conditions that must be complied with prior to installation of services

nil

F Conditions that must be complied with before the building is occupied

(1) Approval to use/occupy building

The building or any part thereof must not be used or occupied until an Occupation Certificate has been obtained from the Principal Certifying Authority.

Note: If Council is chosen as the Principal Certifying Authority a fee is applicable prior to the release of the Construction Certificate.

(2) Street Numbering

Prior to the issue of an occupation certificate the developer shall furnish the Council with a schedule of individual unit/street numbers allocated to the units within each block of units, that is otherwise to be in accordance with the street numbering approval letter issued by Council.

(3) Final Site Inspection

Prior the issue of the Occupation Certificate, a final site inspection relating to the public area shall be arranged by the applicant, and shall be undertaken by the applicant's supervising engineer and Council's authorised officer. The purpose of the inspection is to ensure that notwithstanding the submission of any certifications required by an approval that all impacts within the public area from the development have been satisfactorily addressed. A fee is payable for this inspection.

(4) Engineering conditions to be satisfied prior to the issue of occupation certificate

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

They are:

(a). Work-As-Executed Plans

A "Work-as-Executed" plan prepared and signed by a registered surveyor is to be submitted to Council's Engineering Department at the completion of the works showing the location of the detention basin with finished surface levels, contours at 0.2 metre intervals and volume of storage available. Also the outlet pipe from the detention basin to its connection to Council's drainage system, is to be shown together with the following information:

- location
- pipe diameter
- gradient
- pipe material i.e. PVC or EW etc
- orifice size (if used)

- trash screen at orifice
- all buildings (including floor levels) and finished ground and pavement surface levels

(b) Engineer's Certificate

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

- * the soundness of the storage structure;
- * the capacity of the detention storage;
- * the emergency overflow system being in place;
- * the works being constructed in accordance with the Council approved plans;
- * the freeboard from maximum water surface level to the finished floor and garage levels are at or above the minimum required in Council's Stormwater Code.
- * basement car park pumps are class one zone two (if used).

(c) Restriction-As-To-User

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

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

(5) Positive Covenant-stormwater detention/surface flow paths-occupation certificate

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

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

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

(6) Footpath, kerb and gutter reconstruction

The public footpath and verge outside the site on Liverpool Road including the frontage in front of 244-256 Liverpool Road shall be completely reconstructed to the requirements of Council's Works & Infrastructure Department at the applicant's expense.

This shall necessitate the following works being carried out by the applicant:

- (a) All new footpath works on Council land shall be reconstructed using the type of pavers and pattern that have already been used in the surrounding area on Liverpool Road. (Pebblecrete pavers 400 x 400 x 60 honed, acid etched PPX540:400D and PPX49:400D or of similar type.)
- (b) All pavers shall be laid on a 100mm concrete sub base.
- (c) A permit to carry out these works on Public land will be required to be obtained. In order for Council to grant approval for these works plans and details shall be submitted to Council for approval.

- (d) The applicant will be responsible for the replacement of any Council street sign removed or damage during the construction phase of this development.

This work shall be carried out prior to the release of the Occupation Certificate.

(7) Redundant vehicular crossings-removal and replacements

The redundant vehicular crossing in Norton Street shall be removed and replaced with concrete footpath, concrete kerb and concrete gutter at no cost to Council at the applicant's expense. This work shall be carried out prior to the release of the Occupation Certificate.

(8) Vehicle access driveways

All existing vehicular access driveways shall be reconstructed in accordance with Council's standard drawing and specifications. These driveways shall be located a minimum of 1.0m clear of any existing stormwater pits, lintels or poles and 2m clear of any trees within the road reserve. The driveways shall also be located a minimum of 0.5m clear of any utility service opening such as Telstra, Sydney Electricity, Sydney Water or Natural Gas Company.

This work shall be carried out prior to the release of the Occupation Certificate.

All driveways outside the site shall be line marked to the requirements of Council at the applicant's expense. Council will require zebra style markings (in yellow) on each driveway in an effort to enhance pedestrian safety on the footpath due to the amount of vehicular activity entering and exiting the site.

This work shall be carried out prior to the release of the Occupation Certificate.

(9) Receipts for tipping of waste

Receipts for the tipping of any waste or recyclable material at a waste management centre shall be submitted to Council prior to issue of an Occupation Certificate.

(10) Subdivision - strata - lot consolidation

The subject properties are to be consolidated into one allotment before strata subdivision or the issue of an Occupation Certificate.

(11) Management of shopping trolleys

Prior to issue of a Construction Certificate the applicant is to provide full details to Council's General Manager of an electronic immobiliser shopping trolley management system to prevent the removal of shopping trolleys from all entry/exit points to the premises.

The electronic immobiliser shopping trolley management system shall be installed prior to the issue of an Occupation Certificate.

In addition to providing a shopping trolley containment system, as required by this condition, the Ashfield Mall operator shall also provide a shopping trolley collection service to collect and return any abandoned trolleys that are removed from the premises. The shopping trolley collection service shall make daily trips of surrounding streets within one kilometre of the premises to pick up and return any abandoned trolleys.

At no time shall shopping trolleys obstruct pedestrian egress and/or ingress to the Ashfield Mall building.

(12) Residential car parks

Convex mirrors and/or a simple stop-go signal system are to be installed in the residential car parks to the satisfaction of Council's traffic engineer to facilitate safe vehicular movements within the residential car park.

(13) Site Management Plan

A Site Management Plan and a Plan of Management detailing the methodology for the implementation of the mitigation measures detailed in the Urbis Social Impact Assessment dated May 2013 is to be submitted to Council for approval prior to issue of the first Occupation Certificate.

(14) Confirmation of Gross Floor Areas

Prior to issue of an Occupation Certificate for the development a plan of survey confirming the gross floor area(s) of that part of the development for which an Occupation Certificate is being sought shall be submitted to Council. The gross floor area shall be calculated in accordance with the definition of gross floor area as it appears in Ashfield Local Environmental Plan 1985 (now repealed).

G Conditions that are ongoing requirements of development consents

(1) Outdoor area – acceptable use requirement

The use of the area shall not give rise to any public nuisance, or any offensive noise as defined in the *Protection of the Environment Operations Act 1997*, to adjoining properties or the public.

(2) Child care centre – maximum number of children

The maximum number of children attending the child care centre shall not exceed the maximum number of approved childcare places advised by the New South Wales Department of Community Services. The maximum number of children permitted in accordance with this consent is 100 children.

(3) Communal open space area - access

Area(s) allocated as communal open space shall be accessible for use by all residents of the development

(4) Discharge of condensate from air conditioning units

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

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

(5) Protection of the Environment Operations Act 1997 - offensive noise prohibited

The premises shall operate so as not to give rise to 'Offensive Noise' nuisance as defined by the *Protection of the Environment Operations Act 1997*.

(6) Public address systems - prior consent required

A public address system or sound amplifying equipment shall not be installed in or upon the premises so as to cause or permit the emission of sound onto any public place unless the prior consent of Council has been obtained.

(7) Security gates - noise attenuation

The security gate operation shall not emit any offensive noise as defined in the *Protection of the Environment Operations Act 1997*.

(8) Stormwater drainage system - clean discharges

Only clean and unpolluted water shall be permitted to discharge to Council's stormwater drainage system.

(9) Loading/unloading on site

All loading and unloading are to be conducted within the site at all times. Any designated loading bay/dock area is to remain available for loading/unloading purposes at all times. No storage of goods or parking of cars is to be carried out in these areas.

(10) Clothes Drying Areas

High energy efficient internal clothes dryers shall be provided to each apartment.

(12) Vehicle wash bays

All vehicle wash bays shall be provided with a tap connected to a continuous supply of water and the wash bays shall be bunded and graded to a floor waste connected to the sewer.

(13) Entry control - safety

Entry to the resident basement car park, the following shall be provided:

- a boom gate;
- an intercom system between visitors and residents to entry and exit from the car park.

Each ground level entry area to the building shall have an intercom system whose purpose is to contact residents or the manager/caretaker to allow entry to visitors. Details to be shown on the application with the construction certificate stage 2.

(14) External balconies, blinds and fabric

No enclosures, fixed blinds or other non-approved external treatments are to be erected without the consent of council. To ensure a consistent exterior treatment is maintained the body corporate must create bylaws to control and regulate these issues in the building and to ensure that unauthorised enclosures / work does not occur without consent.

(15) Shop fronts

- (a) The owner/manager of the building shall ensure that the entire building facade shall be kept in a clean, tidy and well maintained condition free of signage/advertisement and utilities such as air-conditioning at all times.
- (b) Shop front glazing must be clear and untinted and must not contain any form of signage including advertisements, posters and the like with the exception of approved signage.
- (c) Security roller shutters must not be installed on the outside of the shop front. Any security grill to be located on the inside of the shop front must be an open grille and see through and not a solid metal type. Details are to be submitted to Council or the Certifying Authority prior to a Construction Certificate being issued.

(16) Removal of graffiti

All external paint finishes shall have anti-graffiti coatings. The owner/manager of the site is responsible for the removal of all graffiti from the building within 48 hours of its application.

(17) Health requirement

Food Premises are required to comply with the *Food Act 2003*, *Food Regulations 2004* and the associated *Food Standards Code* of 3.2.2 and 3.2.3.

(18) Plant equipment

All existing plant equipments and air conditioning units situated adjacent to the Child Care Centre car parking spaces shall have proper waste water collection and discharge system installed to prevent any runoff or discharge of any water, condensate, moisture, etc onto the ground surface of the parking area.

(19) Waste management

The garbage truck shall enter the site and all MGB shall be emptied within the premises and not from the street. No MGB or the like shall be stored or placed on public street at any time.

H Conditions relating to Strata Subdivision

(1) Strata subdivision certificate to be obtained from Council

Prior to the issue of a strata certificate under Section 37 of the *Strata Titles Act 1973*, the applicant is to submit an application for a Section 37 certificate together with a survey plan prepared by a registered surveyor, and at least six copies for certification by an accredited certifier, the General Manager of Council or authorised person of Council.

(2) Subdivision certificate to be obtained from Council

A subdivision certificate, being a certificate that authorises the registration of a plan of subdivision under Division 3 of Part 23 of the *Conveyancing Act 1919* is to be obtained from Council in accordance with Section 109C(1)D of the *Environmental Planning and Assessment Act 1979*.

(3) Plan of subdivision - Council signature

A final plan of subdivision, prepared by a registered surveyor, and six (6) paper copies, are to be submitted to Council for signature, prior to registration at the Land Titles Office.

(4) Subdivision Certificate issue requirements

A subdivision certificate will not be issued until:

- The Section 94 contributions and relevant fees and bonds are paid.
- A Compliance/Occupation Certificate is issued.
- The property has been developed in accordance with plans approved by Development Application No.10.2013.114.1 and documentary evidence of compliance (or a compliance certificate) with conditions of consent has been submitted to Council.

(5) Documentary evidence - compliance with consent– strata plan

The Strata Plan of subdivision will not be issued until documentary evidence of compliance with conditions of this Development Consent has been submitted to Council.

(6) Easements

Any subdivision of the site will need to demonstrate that all existing easements for access and services have been provided and/or modified as appropriate. All restrictions are to include a requirement that these cannot be altered or removed without the approval of Council.

(6) No Strata Subdivision of Serviced Apartments

Strata subdivision of the serviced apartments will not be permitted.

/ Advisory Notes

nil