

CONDITIONS

DA 2014.9.1

270 Liverpool Road ASHFIELD 2131

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

Demolition of existing structures and the construction of an 8 storey mixed use building above a 5 level basement car park comprising a ground floor retail tenancy and bank, and dwellings above (incl. 4 in-fill affordable housing dwellings & 6 adaptable dwellings) and associated works.

(Note that the description of work may change as a result of compliance with the deferred commencement conditions of this consent).

PART A

Deferred Commencement conditions to be satisfied prior to activation of consent:

This consent shall not operate until such time as the following additional/revised information is provided to the satisfaction of Council:

1. Storm Water:
 - 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".
 - c) A plan and long section of the proposed Council pipe to be laid in Knox Street so as to join the site's stormwater into Council's existing pipe network in Norton Street. This section shall show pipe grade, pipe depth, pipe chainages (10m intervals).

2. Waste Management:

The proposal must be modified in accordance with either of the following options:

Option A (Council waste collection)

- a) The garbage rooms are to provide:
 - Commercial: 14 x 240 litre garbage bins & 14 x 240 litre recycling bins (or equivalent capacity);
 - Residential: 31 x 240 litre garbage bins & 31 x 240 litre recycling bins.
- b) The residential bins must be provided with a presentation area for the total of 62 bins arranged in a linear formation of single depth and collectable from, but not within, the right of way;
- c) A Council garbage truck must be able to collect the residential bins via the right of way and must be provided with suitable manoeuvring area to enter and exit the site via the right of way in a forward direction and without passing over the boundary of any other property, or

Option B (Private waste collection)

- a) The proposed development shall be serviced by a private waste collection service for both residential and commercial uses.
- b) Details of the private waste contract must be noted in the Strata Title By-laws for site.
- c) All waste collection shall be carried out in the basement loading/unloading area. No bins are to be located in the right of way at any time.
- d) Documentation detailing compliance with a) to c) shall be submitted to the Council.

3. Car Parking: The proposal shall provide the following:
 - a) A minimum of 59 resident only car parking spaces, of which, 6 shall be accessible parking spaces;
 - b) 14 visitor spaces;
 - c) 1 car wash bay;
 - d) A minimum of 24 commercial spaces;
 - e) All parking spaces shall comply with AS 2890.1:2004 Parking Facilities Part 1: Off-street car parking;
 - f) All accessible parking spaces shall be compliant with AS 2890.6:2009 Parking Facilities Part 6: Off-street parking for people with disabilities;
 - g) The gradient of the main driveway ramp shall be modified to comply with AS 2890.2:2002, section 3.33.
 - h) The sight distances/angles at the main vehicular access to the basement shall be modified to comply with AS2890.1:2004, section 3.24.
4. Bus Stop Seats: The three bus stop seats in front of the site shall be relocated in the vicinity of the existing bus stop to a new location as close as possible to the existing bus stop as agreed with Council.
5. Floor Plan Amendments: Revised floor plans shall be submitted to achieve a target of 60% of apartments being cross ventilated and no more than 15% of apartments shall have living areas solely orientated to the south.
6. Amendments to Elevations:

A revised set of Building Elevations shall be submitted to Council's satisfaction showing the following:

- a) The side elevations, being the South Elevation DA 305 (facing toward the driveway at the Ashfield Mall site), East Elevation DA 306 shall have a architectural compositional standard equal to that shown on the Revision C of those drawings, including that of contrasting vertical strips, glass blocks above contrasting rectangular painted rendered surfaces, and grooved horizontal recessed lines in the rendered surface.
 - b) Level 7 shall be setback from the side boundary, as stated on the East Elevation-Revision C and West Elevation-Revision C, and such a setback shall be a minimum of 500mm, with the Level 7 floor plan amended to reflect this. This is in order to differentiate the top of the building.
7. Materials, Colours and Finishes: Details of the proposed colours and materials (including colour/material names and/or code numbers) are to be submitted, preferably as a colour A3 sheet of paper (also submitted electronically), dated and numbered as part of the drawing set.
 - a) These should show at a minimum:
 - Paint colours for rendered surfaces.
 - Surfaces containing face brickwork, and specifying the type of brickwork.
 - Colours and materials of all other externally visible elements.
 - Dimensions required to identify the specific parts of the side walls which are to be painted with patterns of contrasting colours.
 - b) Specifically, a finish of dark coloured dry pressed face bricks (similar to or the same as that proposed on the street elevation) with recessed horizontal banding in vertical intervals of at least every metre:
 - The street elevation below the parapet should be finished The eastern elevation: to the rear 15m of the building and below RL 31.6AHD;
 - The western elevation: to the rear 16m of the building and below RL 31.6AHD;
 - The southern elevation: to the rear 16m of the building and below RL 31.6AHD.

This information is required to be provided and approved by Council within 12 months of the date of the approval. Failure to satisfy the above requirements by the specified date will result in lapse of consent.

The correspondence issued by Council, once the above conditions are satisfied, and any associated documents submitted to satisfy the deferred commencement condition are to form part of this consent.

Providing the above matters are satisfied by Council by the specified date, general conditions of consent are:

PART B

A General Conditions

(1) Approved plans stamped by Council

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

No.	Title	Prepared by	Amendment Date
DA-2.01-1/A	Basement Four Plan	Marchese Partners	20.11.2013
DA-2.01/C	Basement Three Plan	Marchese Partners	14.04.2014
DA-2.02/C	Basement Two Plan	Marchese Partners	14.04.2014
DA-2.03/C	Basement One Plan	Marchese Partners	15.04.2014
DA-2.04/A	Ground Level Plan	Marchese Partners	10.04.2014
DA-2.05/B	Level One Plan	Marchese Partners	10.04.2014
DA-2.06/A	Level Two Plan	Marchese Partners	20.11.2013
DA-2.07/A	Level Three Plan	Marchese Partners	20.11.2013
DA-2.08/A	Levels Four, Five & Six Plan	Marchese Partners	20.11.2013
DA-2.09/B	Level Seven Plan	Marchese Partners	21.01.2014
DA-2.10/B	Roof Plan	Marchese Partners	21.01.2014
DA-3.04/A	North Elevation	Marchese Partners	20.11.2013
DA-3.05/B	South Elevation	Marchese Partners	30.04.2014
DA-3.06/C	East Elevation	Marchese Partners	30.04.2014
DA-3.07/C	West Elevation	Marchese Partners	30.04.2014
DA-3.08/A	North Elevation Facade Details	Marchese Partners	08.04.2014
DA-4.01/B	Section A	Marchese Partners	14.04.2014
DA-4.02/B	Section B (Detail)	Marchese Partners	14.04.2014
DA-4.03/B	Section C	Marchese Partners	14.04.2014
DA-4.04/B	Section C (Detail)	Marchese Partners	14.04.2014
DA-6.01/A	Landscape Plan Level One	Marchese Partners	20.11.2013
DA-6.02/A	Landscape Plan Level Three	Marchese Partners	20.11.2013
DA-8.02/A	Adaptable Unit Plans	Marchese Partners	20.11.2013
TBA	Schedule of Colours & Finishes	Marchese Partners	TBA
DA00/2	Hydraulic Services Cover Sheet	Northrop	28.03.2014
DA01/2	Hydraulic Services Existing Drainage & Catchment Plan	Northrop	28.03.2014
DA02/2	Hydraulic Services Sediment and Erosion Control	Northrop	28.03.2014
DA03/2	Hydraulic Services Site Plan	Northrop	28.03.2014
DA04/2	Hydraulic Services Ground Floor	Northrop	28.03.2014
DA05/2	Hydraulic Services Roof Plan	Northrop	28.03.2014
DA06/2	Hydraulic Services Sections	Northrop	28.03.2014
No. 13184	Road Traffic Noise Assessment	Rodney Stevens Acoustics	No. 2013

(Note that the schedule of plans above may change as a result of compliance with the deferred commencement conditions of this consent).

B Design Changes

nil

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

(1) Consolidation of allotments

The following properties are to be consolidated into one allotment:

- Lot 1, 983976
- Lot 2, DP 983976
- Lot 1, DP 167680
- Lot B, DP 309173

A plan of consolidation 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 (Department of Information and Land Management). The consolidation must retain the existing dimensions and rights of the right of way affecting the site. Evidence of consolidation from the Land Titles Office shall be submitted to Council or the Principal Certifying Authority prior to the release of a Construction Certificate.

(2) Landscaping plan

- (a) Submission of a *Detailed Landscape Plan* at scale 1:100 or 1:200 (prepared by a landscape architect, landscape designer or other suitably qualified person who is eligible for membership of the Australian Institute of Landscape Architecture or the Australian Institute of Landscape Designers and Managers) to the Principal Certifying Authority. The plan should be consistent with the approved development plans including any approved *Landscape Concept Plan* and include -
- (b) **Site information** – show existing structures, fencing, neighbouring buildings, existing trees and rock outcrops, man-made structures.
- (c) **Landscape Design** - proposed landscaping, surface levels, external/internal dimensions, retaining walls, driveways/pathways, screen planting, pools and features, lawn areas, soil depth on suspended concrete slabs etc.
- (d) **Planting Schedules** - detail common/ botanic names and quantities.

Note: Ashfield Council encourages the use of indigenous native plants where appropriate.

- (e) **Maintenance/Embellishment Strategy** - to ensure plants are successfully established and maintained- show construction work exclusion areas, irrigation details, staking, topsoil, mulch etc.
- (f) Landscaping details are to be provided for approval with the Construction Certificate. All site works and landscaping is to be carried out in accordance with the approved plans prior to completion of work and/or occupation of the premises.

(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) 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.

(6) 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.

(7) 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 Council Prior to issue of a Construction Certificate to cater for the increased demand for community infrastructure resulting from the development:

<u>Community Infrastructure Type</u>	<u>Contribution</u>
Local Roads	\$5,303.50
Local Public Transport Facilities	\$33,784.08
Local Car Parking Facilities	\$98,691.59
Local Open Space and Recreation Facilities	\$594,112.11

Local Community Facilities	\$36,699.31
Plan Preparation and Administration	\$26,993.75
TOTAL	<u>\$784,977.34</u>

If the contributions are not paid within the financial quarter that this consent is granted, the contributions payable will be adjusted in accordance with the provisions of the Ashfield 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:

$$\text{\$C}_c = \frac{\text{\$C}_p \times \text{CPI}_c}{\text{CPI}_p}$$

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.

Note: Compliance with deferred commencement conditions of consent may require recalculation of the above contributions.

(8) 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 with the Construction Certificate.

(9) Home Building Act 1989 Insurance

Compliance with Part 6 of *Home Building Act 1989* is required. A copy of either the Builder's Indemnity Insurance OR a copy of the Owner-Builder's Permit shall be submitted to Council.

(10) 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 AS 1428 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 as follows.

(11) Design for Traffic Noise (RMS Requirement)

The proposed residential component of the development should be designed such that road traffic noise from Liverpool Road is mitigated by durable materials to satisfy requirements under Clause 102(3) of State Environmental Planning Policy (Infrastructure) 2007. The Roads and Maritime's Environmental Noise Management Manual provides practical advice in selecting noise mitigation treatments.

(12) Layout of Parking Areas (RMS Requirement)

The layout of the proposed car parking areas, loading docks and access driveway 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 2890.2 – 2002 for heavy vehicle usage.

(13) Traffic Management Plan (RMS Requirement)

A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of the Construction Certificate.

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

A Damage Deposit of **\$50,000** is to be submitted 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.

(15) Services adjustment or relocation

The applicant shall meet the full cost for Telstra, Sydney Electricity, Sydney Water or Natural Gas Company to adjust/relocate their services as required. The applicant shall make the necessary arrangements with the service authority. (For information on the location of these services contact the “Dial before you Dig” service on 1100.)

Documentary evidence from the public utility authorities confirming that all of their requirements have been satisfied shall be submitted to Council with the Construction Certificate under Section 68 of the Local Government Act, 1993, for construction of the development.

(16) 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:

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 pipd 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 Knox Street.
- (f) All garbage and waste areas must drain to the sewer and not the stormwater system.

(17) 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. Some of the issues that will need to be addressed are:

- 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

The abovementioned maintenance schedule is to be submitted to and approved by Ashfield Municipal Council prior to the release of the Occupation Certificate.

(18) Pumpout system specifications

A pumpout system may be permitted to discharge small volumes of stormwater from the basement car parking area. Full details of the pump size, capacity, performance curves, friction losses etc from the manufacturer's specifications must be submitted with the stormwater drainage calculations demonstrating that the pump will function in accordance with the manufacturer's specifications for the required volume of stormwater at the subject total head. Minimum pump capacity allowable is for a 5 minute 1 in 20 ARI storm.

The drainage sump storage area for the pump shall be a bunded area able to cater for a 1 hour 1 in 20 ARI storm to minimise flooding in the event of a power blackout during a storm.

A dual pumpout arrangement will be necessary, these pumps will be required to be connected in parallel and alternate automatically, with each pump being capable of emptying the holding tank or holding area at the permissible site discharge rate. (All pumps must be Class 1 Zone 2, if the pumps are located within a building (i.e. in the basement).

The stormwater volumes discharged from the pumpouts are to be included in the permissible limited amount of stormwater discharged from the site.

(19) 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.

(20) 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.

(21) Traffic management plan

A detailed Construction Traffic Management Plan (CTMP) prepared by an RMS accredited traffic controller for the construction of the proposed development shall be submitted to Council and the RMS for review and approval. The CTMP must be expressly approved by Council and by the RMS 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.

(22) 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 proposed lighting shall be at the highest energy efficient rating. Details to be shown on the construction certificate.

(23) Surveillance

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

- a closed circuit television (surveillance cameras);
- A room having the relevant control panels; and
- Digital data 'on disc' or similar 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.

(24) Entry control - safety

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

- a security gate or shutter; and
- an intercom system between visitors and residents to enter 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.

(25) 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. Details demonstrating compliance are to be provided with the Construction Certificate.

(26) 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 street. Details demonstrating compliance are to be provided in the Construction Certificate.

(27) SEPP 65 – Design Verification

Prior to release of the Construction Certificate design verification is required to be submitted from the original designer to confirm 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.

(28) 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, rights of way 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 and Knox Street and the pedestrian access and the various rights of way to the rear of 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 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.

- (h) How it is proposed to ensure that continued reasonable access via Rights of Way for all beneficiaries will remain available at all times.
- (i) 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 RMS traffic control guidelines, to ensure the construction process does not interfere with the capacity and functioning of Liverpool Road, Knox 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).

D Conditions that must be complied with before work commences

(1) 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.

(2) 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.

(3) 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.

(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 either prior to the pouring of the ground floor slab or at dampcourse level, whichever is applicable or occurs first, 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) Dilapidation Reports

A Dilapidation Report on the current structural condition of the existing buildings at 266 & 272 Liverpool Road and 2 Knox Street and within 3.0 metres of the shared boundary with 260A Liverpool Road 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.

(6) 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.

(7) 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.

(8) Structural engineer's certificate - superimposed loads

A practicing structural engineer's certificate to be submitted to the Principal Certifying Authority with the Construction Certificate application certifying that the existing dwelling is structurally capable of supporting the superimposed loads of the addition prior to commencement of any building work.

(9) 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.

(10) Stormwater Details (RMS Requirement)

Stormwater discharge into the Roads and Maritime drainage system must not exceed the pre-development discharge.

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

The Sydney Asset Management
Roads and Maritime Services
PO Box 973, Parramatta CBD 2124

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

(11) Geotechnical Details (RMS Requirement)

The developer is to comply with the requirements of Technical Direction (GDT 2012/001). This will require the developer to submit detailed design drawings and geotechnical reports relating to the excavation of the site and support structures to the Roads and Maritime for assessment. The developer is to meet the full cost of the assessment by the Roads and Maritime.

This report will need to address the following key issues:

- a) The impact of excavation work/rock anchors on the stability of the Liverpool Road and detailing how the carriageway would be monitored for settlement.
- b) The impact of the excavation on the structural stability of Liverpool Road.
- c) Any other issues that may need to be addressed. (Contact: Roads and Maritime's Project Engineer, External Works Ph: 8849 2114 or Fax 8849 2766 for details).

(12) 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.

(13) On site detention system – check survey

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.

(14) Erosion, dust, topsoil and sediment control

Temporary measures shall be provided during 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.

All construction access will be limited to the right of way sediment fencing and entry/exit treatment shall be placed within the right of way and not beyond the boundary of the site.

Plans showing such measures shall be submitted to Council or private certifier and approved prior to the release of the Construction Certificate.

E 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, right of way 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

- (1) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - (a) stating that unauthorised entry to the work site is prohibited; and
 - (b) showing the name and address of the contractor for the building work and the person in charge of the work site and a telephone number at which the person may be contacted outside working hours; and
 - (c) showing the name, address and telephone number of the Principal Certifying Authority appointed for the building works.
- (2) 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

Demolition of is to be carried out in accordance with the following:

- (a) Australian Standard 2601 and any requirements of the Workcover Authority.
- (b) The Waste Management Plan submitted with the Development Application.
- (c) The property is to be secured to prohibit unauthorised entry.
- (d) All precautions are to be exercised in the handling, removal and disposal of all asbestos materials. Licensed contractors and the disposal of asbestos is to be carried out in accordance with the requirements of the Work Cover Authority.
- (e) All other materials and debris is to be removed from the site and disposed of to approved outlets.
- (f) Any demolition on the site is to be conducted in strict accordance with, but not limited to, sections 1.5, 1.6, 1.7, 3.1 and 3.9 of the AS 2601 - 1991, demolition of structures. The following measures must be undertaken for hazardous dust control:
- (g) Prior to demolition, the applicant shall submit a Work Plan prepared in accordance with AS 2601 by a person with suitable expertise and experience to the Principal Certifying

Authority. The Work Plan shall identify any hazardous materials, the method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.

- (h) Hazardous dust must not be allowed to escape from the site or contaminate the immediate environment. The use of fine mesh dust proof screens, wet-lead safe work practices, or other measures is required.
- (i) All contractors and employees directly involved in the removal of hazardous dusts and substances shall wear protective equipment conforming to AS 1716 Respiratory Protective Devices and shall adopt work practices in accordance with WorkSafe Requirements (in particular the WorkSafe standard for the *Control of Inorganic Lead At Work* (NOHSC: 1012, 1994) and AS 2641, 1998).
- (j) Any existing accumulations of dust (e.g.; ceiling voids and wall cavities must be removed by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter and disposed of appropriately.
- (k) All dusty surfaces and dust created from work is to be suppressed by a fine water spray. Unclean water from the suppressant spray is not be allowed to enter the street gutter and stormwater systems.
- (l) Demolition is not to be performed during high winds that may cause dust to spread beyond the site boundaries without adequate containment.
- (m) All lead contaminated material is to be disposed of in accordance with the NSW Environment Protection Authorities requirements.
- (n) Construction and demolition waste, particularly timber, bricks and tiles, concrete and other materials need not be disposed of- they can be recycled and resold if segregated properly from any hazardous waste contamination.
- (o) Following demolition activities, soil must be tested by a person with suitable expertise to ensure the soil lead levels are below acceptable health criteria for residential areas. Full certification is to be provided for approval by the Principal Certifying Authority.

(5) Waterproofing materials/installation – BCA/Australian Standards

Approved products that are impervious to water shall only be used as a substrate or as a lining and as a finish to floors and walls of wet areas (i.e. bathroom/shower room, WC compartment and laundry). Floors and cubicles shall be properly graded and drained to approved outlets.

The wet areas in the building shall be impervious to water as required by Part 3.8.1 of the Building Code of Australia (BCA). The junction between the floor and wall and the construction of the bath shower recess, basin, sink or the like shall be in accordance with the BCA & AS 3740:2004 'Waterproofing of wet areas within residential buildings'.

On completion of the waterproofing of the wet areas, the Principal Certifying Authority shall be furnished with a certificate from the person responsible. This is to state that the materials are suitable for the situation and that the application and/or installation has been carried out in accordance with the manufacturer's instructions, the BCA and AS 3740.

(6) Safety Glazing - BCA

Safety glazing complying with B1 of the Building Code of Australia (BCA) is to be used in every glazed door or panel that is capable of being mistaken for a doorway or unimpeded path of travel. The glazing must comply with AS 1288:2006 'Glass in Buildings – Selection and Installation'.

Framed panels or doors enclosing or partially enclosing a shower or bath shall be glazed with "A" or "B" grade safety glazing material in accordance with AS 1288 and Part 3.6.4 of the BCA.

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

Design and construction of car parking bays and ramp-driveways including shall be in accordance with Australian Standards AS 2890.1 1993 "Off Street Car Parking".

(8) Visitor car parking identification

Visitor car parking shall be clearly identified by signposting and/or line marking and must be accessible by the general public.

(9) Driveway design - vehicle direction

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

(10) Spoil and building materials on road and footpath

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

(11) Liverpool Road Shopfront Facade

The Liverpool Road facade below the level of the awning shall be finished in face brick and shall not be rendered or painted.

(12) BASIX Requirements

The new works shall be constructed in accordance with, and comply with the undertakings given on the BASIX (Building Sustainability Index) Certificate from the Department of Infrastructure, Planning and Natural Resources. For more information visit www.basix.nsw.gov.au.

(13) Construction Vehicles (RMS Requirement)

All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.

(14) Costs to RMS (RMS Requirement)

All works associated with the development shall be at no cost to the Roads and Maritime.

(15) Right of way to remain accessible

The right of way must remain accessible to the parties benefiting from the right of way at all times during the construction period.

(16) Footpath, kerb and gutter reconstruction

The public footpath and verge outside the site on 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:

1. 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.)
2. All pavers shall be laid on a 100mm concrete sub base.
 3. 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.
 4. The applicant will be responsible for the replacement of any Council street sign or trees removed or damage during the construction phase of this development.

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

(17) Existing Bus Stop

The existing Bus Stop and three bus seats located in front of the site on Liverpool Road must remain in its current location, accessible and fully operational during the redevelopment phase for this site.

(18) Footpath, kerb and gutter protection

The applicant is to take all precautions to ensure footpaths and roads (including the right of way) 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

(19) Entry via the Right of way

All vehicles associated with the excavation and construction for this development must enter and exit the site via the right of way off Knox Street. Failure to comply with this condition will result in the applicant being held accountable for the cost of all applicable fines.

(20) Asphalt works to be carried out on the Right of way

The full length of the right of way shall be is to be resheeted with 30mm of Asphaltic Concrete (AC 10) each edge adjacent to the boundary shall be milled to provide a satisfactory matching edge.

This work shall be carried out at the applicant's expense, prior to the release of the Occupation Certificate.

(21) Finished ground surface levels at property boundary

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

(22) Vehicle access driveways

The existing vehicular access driveway adjoining the right of way to Knox Street shall be reconstructed in accordance with Council's standard drawing and specifications. This driveway 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 driveway 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.

This driveway shall also be line marked to the requirements of Council at the applicant's expense. Council will require zebra style markings (in yellow) on this 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.

(23) 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.

(24) 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.

(25) 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.

(26) Spoil and building materials on road and footpath

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

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

The car park layout is to be designed and constructed in accordance with Australian Standards AS 2890.1 2004 “Off Street Car Parking” as well as AS2890.6 -2009 Parking Facilities - Off-street parking for people with disabilities.

(28) Construction zone

All construction vehicle activity shall be accommodated on site exclusive of the right of way. Please note Council will not permit any construction zone on Liverpool Road or Knox Street.

(29) Excavations and backfilling - safety/standards

- (1) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
- (2) 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.
- (3) A Demolition and Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hour of operation, access

arrangements and traffic control will be submitted to Council, for approval, prior to the issue of a construction certificate.

(30) Stormwater runoff-collection/discharge

Stormwater runoff from all roof and paved surfaces shall be collected and discharged by means of a gravity pipe system to the nearest appropriate Council stormwater drainage line in Norton Street.

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

nil

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

(1) 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; and
- * 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.

(2) 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. **(1)**

(3) Landscaping completion

All site works and landscaping is to be carried out in accordance with the approved landscaping plans prior to completion and/or occupation of the premises.

(4) Garbage collection on-site – council to be indemnified

Garbage collection areas shall be designed to provide adequate turning areas for Council garbage vehicles to manoeuvre on site. In the event the body corporate requires council's garbage vehicle to enter the site to collect garbage, a formal binding indemnity shall be signed to protect Council's contractor from any claims for damage that may occur on the site prior to occupation of the building.

(5) 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.

(6) Affordable housing restriction

Before the date of the issue of the occupation certificate, a restriction is to be registered against the title of the property on which development is to be carried out, in accordance with section 88E of the [Conveyancing Act 1919](#), that will ensure that:

For 10 years from the date of the issue of the occupation certificate:

- (i) Four units (Units 208, 308, 408 & 508) must be used for the purposes of affordable housing, and
- (ii) those units are to be managed by a registered community housing provider.

(7) Provision of public art

A public art feature shall be designed and constructed/installed at the applicants 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 Occupation Certificate, and the applicant is advised to liaise with Council during design stages.

H Conditions that are ongoing requirements of development consents

(1) Hours of operation of Bank

The hours of operation are limited to the following:

Monday to Friday	7:00am – 10:00pm
Saturday	7:00am – 10:00pm
Sunday	7:00am – 8:00pm

(2) Garbage bin storage/placement for collection - strata title plan

All garbage/recycling bins are to be kept in the garbage bin storage area in the main block. Bins are only to be placed in the designated pick up area on the day of garbage collection and are to be returned to the storage area immediately after collection. This requirement is to be incorporated into the Strata Title of the property.

(3) Right of way to remain accessible

The right of way at the rear of the site must remain accessible and unobstructed at all times.

(4) 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.

I Advisory Notes

(1) Other approvals

This development consent does not remove the need to obtain any other statutory consent or approval necessary under any other Act, including:

- an Application for Approval under Section 68 of the *Local Government Act 1993* for any proposed activity under that Act, including any erection of a hoarding. All such applications must comply with the *Building Code of Australia*.

- an application for an Occupation Certificate under Section 109(C) (2) of the *Environmental Planning and Assessment Act 1979*.
Note: An application for an Occupation Certificate may be lodged with Council if the applicant has nominated Council as the Principal Certifying Authority.
- an Application for Strata Title Subdivision under the *Strata Schemes (Freehold Development) Act 1973*, if strata title subdivision of the development is proposed.
- a development application for demolition approval under the *Environmental Planning and Assessment Act 1979* if consent for demolition is not granted by this consent.

(2) Works and requirements of other authorities

- Sydney Water may require the construction of additional works and/or the payment of additional fees. Other Sydney Water approvals may also be necessary prior to the commencement of construction work. You should therefore confer with Sydney Water concerning all plumbing works, including connections to mains, installation or alteration of systems, and construction over or near existing water and sewerage services.
- Contact Sydney Water, Rockdale (Urban Development Section) regarding the water and sewerage services to this development.
- Australia Post has requirements for the positioning and dimensions of mail boxes in new commercial and residential developments. A brochure is available from your nearest Australia Post Office.
- Energy Australia/AGL Electricity/AGL Retail Energy or other alternative service/energy providers have requirements for the provision of connections.
- Energy Australia has a requirement for the approval of any encroachments including awnings, signs, etc over a public roadway or footway. The Engineer Mains Overhead Eastern Area should be contacted on 9663 9408 to ascertain what action, if any, is necessary.
- Telstra has requirements concerning access to services that it provides.

(3) Application for a Construction Certificate

The required application for a Construction Certificate may be lodged with Council. Alternatively, you may apply to an accredited private certifier for a Construction Certificate.

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 also a criminal offence which attracts substantial penalties and may also result action in the Land and Environment Court and orders for demolition.

(4) Modifications to your consent - prior approval required

Works or activities other than those authorised by the approval including changes to building configuration or use will require the submission and approval of an application to modify the consent under Section 96 of the *Environmental Planning & Assessment Act 1979*. You are advised to contact Council immediately if you wish to alter your approved plans or if you cannot comply with other requirements of your consent to confirm whether a Section 96 modification is required.

Warning: There are substantial penalties prescribed under the *Environmental Planning and Assessment Act 1979* for breaches involving unauthorised works or activities.