



INNER WEST COUNCIL

DEVELOPMENT ASSESSMENT REPORT

Application No.	10.2016.89.3
Address	317 – 331 Liverpool Road, Ashfield
Proposal	Modification of Development consent 10.2016.89.1 including amendments to approved elevations and condition C (11).
Date of Lodgement	26 September 2019
Applicant	Enhance Group Project Pty Ltd
Owner	Ganghui Pty Ltd
Number of Submissions	Nil
Value of works	\$8,827,218.00
Reason for determination at Planning Panel	Proposal involves changes to the building elevations which have the potential to materially impact upon streetscape.
Main Issues	Nil.
Recommendation	Approved with Conditions
Attachment A	Recommended conditions of consent
Attachment B	Plans of proposed development



LOCALITY MAP

Subject Site		Objectors		↑ N
Notified Area		Supporters		

1. Executive Summary

This report is an assessment of the application submitted to Council for modifications to DA consent 10.2016.89.1 including amendments to approved elevations and condition C (11) at 317 – 331 Liverpool Road, Ashfield. The application was notified to surrounding properties and no submissions received.

There are no significant issues that have arisen from the application. The application is considered to be acceptable and therefore the application is recommended for approval.

2. Proposal

An application pursuant to Section 4.55 of the *Environmental Planning and Assessment Act 1979*, as amended, seeks Council's approval for the following modifications:

Ground Floor

- Nib Wall at northern end of driveway next to Markham Place added
- South-eastern retail frontage along Markham Avenue amended to incorporate additional structural columns
- Shop 3 RL amended from the approved RL 25.74 to proposed RL 25.70. Ramp at rear of tenancy subsequently removed
- Mechanical ventilation system added to each of the five (5) retail tenancies to accommodate potential future uses which may require cooking facilities

Level 1

- Façade changes along Markham Place, Markham Avenue and Liverpool Road
- Remove glass block window for U107
- Create mechanical ventilation shaft within corridor
- Nib walls along northern elevation added

Level 2

- Façade changes along Markham Place, Markham Avenue and Liverpool Road
- Remove glass block window for U207
- Create mechanical ventilation shaft within corridor
- Nib walls along northern and western elevation added

Level 3 & 4

- Façade changes along Markham Place, Markham Avenue and Liverpool Road
- Create mechanical ventilation shaft within corridor
- Nib walls along northern and western elevation added
- Metal louvre panel added to portion of open corridors
- Glass awning added to southern elevation

Level 5 & 6

- Façade changes along Markham Place, Markham Avenue and Liverpool Road
- Create mechanical ventilation shaft within corridor

- Nib walls along northern elevation added
- Metal louvre panel added to portion of open corridors
- Glass awning added to southern elevation

Level 7

- Façade changes along Markham Place, Markham Avenue and Liverpool Road
- Create mechanical ventilation shaft within corridor
- Nib walls along northern elevation added
- Metal louvre panel added to portion of open corridors
- Amendment to bathroom layout of Unit 702
- Glass awning added to southern elevation

Roof / Plant Room

- Plant room roof height reduced from approved RL 55.24 to proposed RL 54.45
- Mechanical ventilation exhaust exit added

The applicant has provided a new photomontage in order to detail the proposed facade modifications proposed in the current modification application:



Picture 1 Photomontage submitted by Applicant

3. Site Description

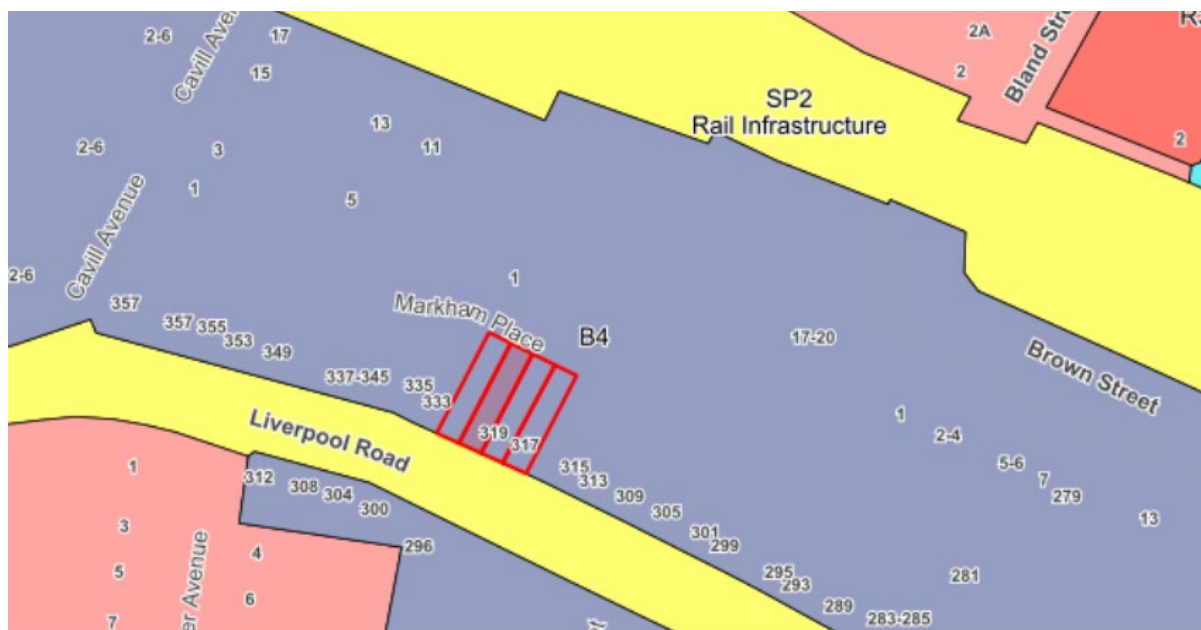
The subject site is located on the northern side of Liverpool Road in Ashfield and faces directly onto Markham Place to its rear. Markham Lane is located to the east, and Cavill Avenue to the west. The site consists of the following individual lots:-

Street Address	Lot No.	Deposited Plan	Title System	Total Site Area (by title)
317 Liverpool Road	1	10284	Torrens	199.3m2
319 Liverpool Road	2	10284	Torrens	175.1m2
319 Liverpool Road	3	10284	Torrens	176.2m2
331 Liverpool Road	4	10284	Torrens	177.4m2
TOTAL AREA				728m2

Surrounding development includes commercial and retail uses along Liverpool Road while mixed use residential and commercial developments are located along Markham Place at the rear. The site is serviced well by public transportation including the Ashfield Railway Station which is located to the rear of the site.



Picture 2 Site Photo – Ramsay Street frontage



Picture 3 Zoning Map

4. Background

4(a) Site history

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

Subject Site

Application	Proposal	Decision & Date
10.2016.89.1	Demolition of all existing structures; Construction of an 8 storey mixed use development consisting of 6 retail tenancies at ground level. Proposal also incorporated 3 basement car parking levels accommodating 43 vehicles.	Approved as Deferred Commencement on the 23 August 2016. Operational consent was granted on the 7 August 2017
10.2016.89.2	Modification application submitted to increase the number of parking spaces from 43 to 46, decrease number of approved tenancies to 5 and reduce the number of units from 28 to 26	Approved 21 September 2018

4(b) Application history

The following table outlines the relevant history of the subject application.

Date	Discussion / Letter / Additional Information
31 October 2019	<p>Council requested amended plans/ additional information. In particular the following matters were required to be addressed by the applicant:</p> <ul style="list-style-type: none"> - Submission of a photomontage - SEPP 65 Verification Statement - Garage Door Heights - Mechanical Ventilation - Façade break up along the western elevation - Display of RL's for plant room - Privacy treatment eastern elevation <p>The requested information was submitted to Council on the 14 November 2019.</p>

5. Assessment

The following is a summary of the assessment of the application in accordance with Section 4.15 and 4.55 of the Environmental Planning and Assessment Act 1979.

Section 4.55(2) of the *Environmental Planning & Assessment Act 1979* states that “a consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

S4.55(2)	Provision	Performance	Compliance
(a)	it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and	The proposed modification seeks consent for minor works to the facade of the building. The modifications are substantially the same as the original development.	Yes
(b)	it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and	The concurrence of any other public authority is not required.	N/A

(c)	<p>it has notified the application in accordance with:</p> <p>(i). the regulations, if the regulations so require, or</p> <p>(ii). development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and</p>	<p>The proposal was notified from the 30 September to the 16 October 2019, in accordance with the requirements of the DCP.</p>	<p>Yes</p>
(d)	<p>it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.</p>	<p>No submissions were received as a result of the notification.</p>	<p>Yes</p>

5(a)(i) State Environmental Planning Policy No 55—Remediation of Land

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) provides planning guidelines for remediation of contaminated land. INWDCP 2016 provides controls and guidelines for remediation works. *SEPP 55* requires the consent authority to be satisfied that “the site is, or can be made, suitable for the proposed use” prior to the granting of consent.

The site suitability of the site was assessed as part of the previous application. The proposed usages and potential contamination were considered and deemed acceptable. This proposal does not alter the previous assessment, it is therefore considered that the modification application maintains compliance with the SEPP.

5(a)(ii) State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development

The development is subject to the requirements of *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development* (SEPP 65). *SEPP 65* prescribes nine design quality principles to guide the design of residential apartment development and to assist in assessing such developments. The principles relate to key design issues including context and neighbourhood character, built form and scale, density, sustainability, landscape, amenity, safety, housing diversity and social interaction and aesthetics.

A statement from a qualified Architect was submitted with the application verifying that they designed, or directed the design of, the development.

The modification development is acceptable having regard to the nine design quality principles.

5(a)(iii) *Ashfield Local Environment Plan 2013 (ALEP 2013)*

The application was assessed against the following relevant clauses of the Ashfield Local Environmental Plan 2011:

- Clause 1.2 - Aims of Plan
- Clause 2.3 - Land Use Table and Zone Objectives
- Clause 4.3 - Height of buildings
- Clause 4.3A - Exception to maximum height of buildings in Ashfield town centre
- Clause 4.3B - Ashfield town centre – maximum height for street frontages for certain land
- Clause 4.4 - Floor space ratio
- Clause 4.5 - Calculation of floor space ratio and site area

(xii) Clause 2.3 - Land Use Table and Zone Objectives

The site is zoned B4 Mixed Use under the *ALEP 2013*. The *ALEP 2013* defines the development as:

shop top housing which means: *one or more dwellings located above ground floor retail premises or business premises.*

The development is permitted with consent within the land use table. The development is consistent with the objectives of the B4 Mixed Use zone.

The following table provides an assessment of the application against the development standards:

Standard	Proposal	non compliance	Complies
Height of Building Maximum permissible: 30m	29m	N/A	Yes – Height is reduced by 0.79m
Floor Space Ratio Maximum permissible: 3:1 or 2,184m ²	3.3:1 (2,403m ²)	88sqm or 4%	No – Existing variation which is unchanged by application

5(c) **Development Control Plans**

The application has been assessed and the following provides a summary of the relevant provisions of Inner West Comprehensive Development Control Plan (DCP) 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill.

IWCDCP2016	Compliance
Section 1 – Preliminary	
B – Notification and Advertising	Yes
Section 2 – General Guidelines	
A – Miscellaneous	
1 - Site and Context Analysis	Yes
2 - Good Design	Yes
B – Public Domain	Yes
D – Precinct Guidelines	
Ashfield Town Centre	Yes
F – Development Category Guidelines	
5 – Residential Flat Buildings	Yes

The following provides discussion of the relevant issues:

Proposed Modifications

Façade Changes

Council has undertaken an assessment of the proposed façade/ elevation changes and raises no objection to the amendments. The revised design simplifies the approved concept and corrects minor elements to provide greater amenity and privacy for future occupants. The proposed facade changes result in a built form which is still consistent with the locality/ Ashfield Town Centre and reflects the emerging streetscape. The proposal has been assessed against the good design principles of the DCP which require development to:

- *Contribute to its context*
- *Contribute to the quality and identity of the area*
- *Reinforce desirable elements of established street and neighbourhood character*
- *Suit the scale of the street and surrounding buildings*
- *Provides amenity through high quality physical, spatial and environmental design*
- *relates to the environment and context, particularly responding to desirable elements of the existing streetscape or, in areas undergoing substantial change, contributes to the desired future character of the area*

The amended proposal is considered to align with these requirements and maintains a development which contributes to its context, quality of area and provides amenity through high quality design. The amended proposal has been reviewed by Council's Urban Designer who outlined no objection to the proposal. The proposed facade amendments are considered to be supportable and are recommended for approval.

The applicant has amended the plans to provide movable privacy screening for balconies fronting Liverpool Road. This screening ensures that future occupants can maintain a reasonable degree of privacy, while not resulting in a built form that is divorced from the public domain.

Amendment to Condition C (11) - Provision of public art

Condition C (11) currently reads as follows:

A public art feature shall be designed and constructed/installed at the applicants cost in accordance with Council's Art Policy. 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. The applicant shall employed the services of an appropriately qualified artist with appropriate experience to prepare the arts plan. Details shall be approved by Inner West Council prior to issue of Construction Certificate, and the applicant is advised to liaise with Council during design stages.

The approved arts plan shall be fully implemented prior to issue of any occupation certificate.

As part of the current modification application the applicant has requested that the condition be amended as follows:

*A public art feature shall be designed and constructed/ installed at the applicants cost in accordance with Council's Art Policy. 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. The applicant shall employed the services of an appropriately qualified artist with appropriate experience to prepare the arts plan. Details shall be approved by Inner West Council prior to issue of ~~Construction Certificate~~ **Occupation Certificate**, and the applicant is advised to liaise with Council during design stages.*

The approved arts plan shall be fully implemented prior to issue of any occupation certificate.

Council raises an objection to the amendment of condition C (11) as it potentially results in a scenario where the required public art work is not integrated into the design of the building. Acceptance of this amendment results in minimal flexibility with regards to art options at the time of art approval as the building would be completed/constructed. The maintaining of the condition as currently imposed ensures that art work designs can be flexible with the building design and can be properly integrated into the building prior to construction. For this reason it is recommended that the condition not be amended and that the art work approval be required prior to CC.

5(d) The Likely Impacts

The assessment demonstrates that, subject to the recommended conditions, the modified proposal will have minimal adverse impact in the locality.

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

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

5(f) Any submissions

The application was notified in accordance with Inner West Comprehensive Development Control Plan (DCP) 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill for a period of 14 days to surrounding properties. As a result no submissions were received.

5(g) The Public Interest

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

The proposal is not contrary to the public interest.

6 Referrals

6(a) Internal

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

- Urban Design – The proposal was referred to Council’s Urban Designer who outlined no objection to the proposed amendments to the approved elevations. Council’s Urban Designer has not requested any additional or new conditions be imposed upon the existing consent.

7. Section 7.11 Contributions/7.12 Levy

Section 7.11 contributions have already been levied against the proposal. The current modification does not alter the currently conditioned levies, and no additional levies are payable for the proposal.

8. Conclusion

The modification application generally complies with the aims, objectives and design parameters contained in *Ashfield Local Environmental Plan 2013* and Inner West Comprehensive Development Control Plan (DCP) 2016.

The development will not result in any significant impacts on the amenity of the adjoining premises/properties and the streetscape and is considered to be in the public interest.

The application is considered suitable for approval subject to the imposition of appropriate conditions.

9. Recommendation

- A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, modify Development Application No. 10.2016.89.3 DA consent 10.2016.89.1 at 317 – 331 Liverpool Road, Ashfield under s4.55 of the *Environmental Planning and Assessment Act 1979* subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

CONSENT NO. 10.2016.089.2

1/27

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.	Revision	Title	Prepared by	Amendment Date
DA 1.01		Basement 2 and 3 Plans	H3 Architects	April 2016
DA 1.02	B	Basement 1 and Ground Floor Plans	H3 Architects	April 2017
DA 1.03	A	First & Second Floor Plans	H3 Architects	May 2016
DA 1.04	A	Third & Fourth Floor Plans	H3 Architects	May 2016
DA 1.05	A	Fifth & Sixth Floor Plans	H3 Architects	May 2016

No.	Revision	Title	Prepared by	Amendment Date
DA 1.01		Basement 2 and 3 Plans	H3 Architects	April 2016
DA 1.02	B	Basement 1 and Ground Floor Plans	H3 Architects	April 2017
DA 1.03	A	First & Second Floor Plans	H3 Architects	May 2016
DA 1.04	A	Third & Fourth Floor Plans	H3 Architects	May 2016
DA 1.05	A	Fifth & Sixth Floor Plans	H3 Architects	May 2016
DA 1.06		Seventh Floor & Roof Plans	H3 Architects	April 2016
DA 2.01		South Elevation	H3 Architects	April 2016
DA 2.02	A	North Elevation	H3 Architects	May 2016
DA 2.03		East Elevation	H3 Architects	April 2016
DA 2.04		West Elevation	H3 Architects	April 2016
DA 2.05		Finishes Schedule	H3 Architects	April 2016
DA 3.01	A	Section AA	H3 Architects	April 2017
DA 3.02		Section BB	H3 Architects	April 2016
DA 3.03		Section CC	H3 Architects	April 2016
DA 3.04		Section AA	H3 Architects	April 2016
H1	B	Discharge Plan	ACM Civil & Structural Engineers Pty Ltd	30.06.2017
H2	A	Stormwater Plan	ACM Civil & Structural Engineers Pty Ltd	05.04.2016
H3	A	Stormwater Plan	ACM Civil & Structural Engineers Pty Ltd	05.04.2016
H4	A	Stormwater Plan	ACM Civil & Structural Engineers Pty Ltd	05.04.2016
H5	A	Stormwater Plan	ACM Civil & Structural Engineers Pty Ltd	05.04.2016
H6	A	Stormwater Plan	ACM Civil & Structural Engineers Pty Ltd	05.04.2016

No.	Revision	Title	Prepared by	Amendment
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				Date
15014/S96 _1.01	A	Basement 3 & Basement 2 Plans	H3 Architects	April 2016
15014/S96 _1.02	C	Basement 1 & Ground Floor Plan	H3 Architects	April 2016
15014/S96 _1.03	B	First & Second Floor Plan	H3 Architects	April 2016
15014/S96 _1.04	B	Third & Fourth Plans	H3 Architects	April 2016
15014/S96 _1.05	A	Fifth & Sixth Floor Plans	H3 Architects	April 2016
15014/S96 _1.06	A	Seventh & Roof Plans	H3 Architects	April 2016
15014/S96 _2.01	B	South Elevation	H3 Architects	April 2016
15014/S96 _2.02	B	North Elevation	H3 Architects	April 2016
15014/S96 _2.03	A	East Elevation	H3 Architects	April 2016
15014/S96 _2.04	B	West Elevation	H3 Architects	April 2016
DA 2.05		Finishes Schedule	H3 Architects	April 2016
15014/S96 _3.01	B	Section A-A	H3 Architects	April 2016
15014/S96 _3.02	A	Section B-B	H3 Architects	April 2016
15014/S96 _3.03	B	Section C-C	H3 Architects	April 2016
DA-LA 0.0.01	A	Ground Level Landscape Plan	LSA Design Landscape Architecture	16/7/2018
DA-LA 0.0.02	B	Level 03 Roof Garden Landscape Concept Plan	LSA Design Landscape Architecture	16/7/2018
SW200	A	Stormwater Concept Design Basement 3 Plan	SGC Engineering Value	16/2/2018
SW201	A	Stormwater Concept Design Basement 2 Plan	SGC Engineering Value	16/2/2018
SW202	A	Stormwater Concept Design Basement 1 Plan	SGC Engineering Value	16/2/2018
SW203	A	Stormwater Concept Design Ground Floor Plan	SGC Engineering Value	16/2/2018
SW204	A	Stormwater Concept Design Level 1 Plan	SGC Engineering Value	16/2/2018
SW205	A	Stormwater Concept Design Roof Plan	SGC Engineering Value	16/2/2018
SW300	A	Stormwater Concept Design Details	SGC Engineering Value	16/2/2018
SW400	A	Erosion and Sediment control plan and details	SGC Engineering Value	16/2/2018

(Amended by DA 2016/89.2)

No.	Revision	Title	Prepared by	Amendment Date
15014/S96_1.01	A	Basement 3 & Basement 2 Plans	H3 Architects	April 2016
A910	1	S4.55 Basement 1 & Ground	Dreamscapes Architects	11/11/2019
A911	1	S4.55 Level 1 & 2 Floor Plan	Dreamscapes Architects	11/11/2019
A912	1	S4.55 Level 3 & 4 Floor Plan	Dreamscapes Architects	11/11/2019
A913	1	S4.55 Level 5 & 6 Floor Plan	Dreamscapes Architects	11/11/2019
A914	1	S4.55 Level 7 & Roof Plan	Dreamscapes Architects	11/11/2019
A921	1	S4.55 Elevation South	Dreamscapes Architects	11/11/2019
A922	1	S4.55 Elevation North	Dreamscapes Architects	11/11/2019
A923	1	S4.55 Elevation East	Dreamscapes Architects	11/11/2019
A924	1	S4.55 Elevation West	Dreamscapes Architects	11/11/2019
15014/S96_3.01	B	Section A-A	H3 Architects	April 2016
A925	1	Section B-B	Dreamscapes Architects	11/11/2019
A926	1	S4.55 Section C – C	Dreamscapes Architects	11/11/2019
DA-LA-0.0.01	A	Ground Level Landscape Plan	LSA Design Landscape Architecture	16/7/2018
DA-LA-0.0.02	B	Level 03 Roof Garden Landscape Concept Plan	LSA Design Landscape Architecture	16/7/2018
SW200	A	Stormwater Concept Design Basement 3 Plan	SGC Engineering Value	16/2/2018
SW201	A	Stormwater Concept Design Basement 2 Plan	SGC Engineering Value	16/2/2018
SW202	A	Stormwater Concept Design Basement 1 Plan	SGC Engineering Value	16/2/2018
SW203	A	Stormwater Concept Design Ground Floor Plan	SGC Engineering Value	16/2/2018
SW204	A	Stormwater Concept Design Level 1 Plan	SGC Engineering Value	16/2/2018
SW205	A	Stormwater Concept Design Roof Plan	SGC Engineering Value	16/2/2018
SW300	A	Stormwater Concept Design Details	SGC Engineering Value	16/2/2018
SW400	A	Erosion and Sediment control plan and details	SGC Engineering Value	16/2/2018

Note: The architectural plans take precedence in respect of the built form. Should there be any inconsistency between the built form shown on the architectural and the engineering or landscape plans, the architectural plans take precedence.

Payment of any Additional Fees

If the estimated cost of works for the construction certificate application exceeds the estimate supplied with the development application, an additional fee, any contributions and bonds based on the revised estimate must be paid to Council prior to release of the Construction Certificate.

(Amended by DA 2016/89.3)

(2) Public Art

A detailed design of the public on the eastern elevation is to be submitted to Council for its approval prior to the issuing of any construction certificate.

(3) Basix Certificate

A copy of the required completed BASIX certificate with respect to the proposed residential building works as per the approved drawings in Condition A1 of this consent (as amended by conditions), must be lodged with an application for a construction certificate and the items nominated as part of the subject BASIX certificate must be specified on the plans submitted with the construction certificate application. – See Note.

All commitments listed in the BASIX Certificate for the development must be fulfilled prior to an Occupation Certificate being issued.

(Added by DA 2016/89.2)

B Design Changes

(1) Design Changes

The applicant is required to make the following design changes to the approved plans:

- (i) Operable fan-lights or operable glass louvers must be detailed for all bedrooms fronting balconies.
- (ii) The doors and western walls of the proposed studies in units 3.03, 4.03, 5.03 and 6.03 are to be deleted so these spaces cannot become separate rooms.
- (iii) The deletion of the 'Aluminium Metal Louvers' (AML) on the northern elevation (as approved in the base consent) is not supported. They must be shown on all relevant amended drawings.

Amended plans detailing compliance with the above design changes are to be submitted and approved by Council, prior to the issuing of any construction certificate.

(Added by DA 2016/89.2)

C Conditions that must be satisfied prior to issuing/releasing a Construction Certificate**(1) Construction and Site Management Plan**

Prior to the issue of a Construction Certificate the applicant shall submit to Council or the accredited certifier a construction and site management plan that clearly sets out the following:

- (a) what actions and works are proposed to ensure safe access to and from the site and what protection will be provided to the road and footpath area from building activities, crossings by heavy equipment, plant and materials delivery, or static loads from cranes, concrete pumps and the like,
- (b) the proposed method of loading and unloading excavation machines, building materials, formwork and the erection of any part of the structure within the site,
- (c) the proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period,
- (d) how it is proposed to ensure that soil/excavated material is not transported on wheels or tracks of vehicles or plant and deposited on surrounding roadways,

- (e) the proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed by a chartered Civil Engineer or an accredited certifier.

Where it is proposed to:

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

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

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

(2) 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

(3) Long service levy

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

(4) 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.

(5) 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.

(6) 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>
<i>Local Roads</i>	<i>\$9,688.95</i>
<i>Local Public Transport Facilities</i>	<i>\$15,994.98</i>
<i>Local Car Parking Facilities</i>	<i>\$0.00</i>
<i>Local Open Space and Recreation Facilities</i>	<i>\$257,459.24</i>
<i>Local Community Facilities</i>	<i>\$13,556.46</i>
<i>Plan Preparation and Administration</i>	<i>\$12,780.12</i>
TOTAL	\$309,479.75

<u>Community Infrastructure Type</u>	<u>Contribution</u>
<i>Local Roads</i>	<i>-\$16,442.01</i>
<i>Local Public Transport Facilities</i>	<i>\$16,694.37</i>
<i>Local Car Parking Facilities</i>	<i>\$0.00</i>
<i>Local Open Space and Recreation Facilities</i>	<i>\$268,716.75</i>
<i>Local Community Facilities</i>	<i>\$14,149.23</i>
<i>Plan Preparation and Administration</i>	<i>\$13,338.93</i>
TOTAL	\$296,457.26

The amended section 94 contributions have been calculated as follows:

- Residential accommodation less than 60m² GFA – 8 Units
- Residential accommodation between 60m² - 84m² GFA – 17 Units
- Residential accommodation greater than 84m² GFA – 1 Units
- Proposed Retail space – 317m² GFA

And credit for 917.4m² of existing retail GFA.

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:

$$\$C_c = \frac{\$C_p \times CPI_c}{CPI_p}$$

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.

(Amended by DA 2016/89.2)

(7) 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:

- o a closed circuit television (surveillance cameras);
- o the Manager's office having the relevant control panels; and
- o 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.

(8) Entry control - safety

At the entry to the 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.

(Amended by DA 2016/89.2)

(9) Preparation of geotechnical report

To ensure that the structural integrity of the proposal 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 report.

(10) Vibration damage assessment

To minimise vibration damage and loss of support to buildings in close proximity, a report shall be prepared by a qualified Geo-technical engineer detailing the maximum size of hammer to be used where a hydraulic hammer is to be used within 30 metres of any building (other than a path or a fence). The report is to be submitted to Council prior the issue of a Construction Certificate.

(11) Provision of public art

A public art feature shall be designed and constructed/installed at the applicants cost in accordance with Council's Art Policy. 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. The applicant shall employ the services of an appropriately qualified artist with appropriate experience to prepare the arts plan. Details shall be approved by Inner West Council prior to issue of Construction Certificate, and the applicant is advised to liaise with Council during design stages.

The approved arts plan shall be fully implemented prior to issue of any occupation certificate.

(12) 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.

(13) Exhaust fumes from car park

Any exhaust ventilation from the carpark 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.

(14) 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.

(15) 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.

(16) Consolidation of allotments

The following properties are to be consolidated into one allotment:

- Lot 1, DP 10284
- Lot 2, DP 10284
- Lot 3, DP 10284
- Lot 4, DP 10284

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.

(17) 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.

(18) Floor space ratio compliance

The floor space ratio of the proposal must not exceed **3.3:1** calculated in accordance with Ashfield Local Environmental Plan 2013.

Prior to issue of any Occupation Certificate, a registered surveyor shall provide certification of the total and component floor space areas (by use) in the development, to the satisfaction of Inner West Council.

(Amended by DA 2016/89.2)

(19) Heritage conservation

Archival recording, in drawings and photographs, of all the historic parts of the building, including exterior and interior parts of the building shall be made and submitted with Council's Local History Library for the purpose of keeping records of the evolution of the building, prior to issue of construction certificate. This work is to be undertaken by a recognised heritage architect.

(20) 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 or Certifier which shall show the adequate coordination and control of waste and recycling services on the site, including details of the following:-

- (a) Waste storage rooms including a bulky waste storage that meets the requirements of Council policy;
- (b) All waste storage rooms in residential buildings and installation of any mechanical equipment associated with the waste storage rooms;
- (c) Number of persons employed to manage and transfer bins to the required locations;
- (d) Transfer routes for waste bins;
- (e) Times when bins will be stored in the garbage presentation room;
- (f) Times and location where bins will be placed for collection;
- (g) 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 if required.

(21) 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.

(22) 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.

(23) Construction Traffic Management Plan

A Construction Traffic Management Plan (CTMP) shall be submitted for Council approval detailing how truck movements and deliveries are to be managed during the development-construction process (i.e. demolition, excavation and construction), and how the interface of the site with the road network will be controlled. The CTMP must be submitted prior to any works (which includes demolition, excavation and construction) commencing on site and should ideally be provided with the development application.

In this particular situation the CTMP will also need to address the following requirement by council:

- All vehicles associated with development-construction activity (which includes demolition, excavation and construction) shall be accommodated on-site.
- No work zone shall be approved on the public street (which includes the footway).

- Single boogie trucks shall only be used in the course of demolition, excavation and construction with respect to road narrowness and constraints.
- Frequency (demolition, excavation, construction) and maximum type length construction vehicles will need to be demonstrated in the CTMP.
- The applicant will need to consider other development activity in the area.

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

A Damage Deposit of \$20,000 is to be submitted prior to any of the following:

- commencement of works or
 - demolition or
 - excavation upon the site or
 - the release of the **Construction Certificate**
- whichever may come first, 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:

It must be an **original with no end date** and issued in favour of Council, details of the proponent's address shall be included.

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.

The return of the Damage Deposit shall not be refunded until all conditions of Consent have been completed and the Occupation Certificate has been released.

(25) Footpath/laneway- photographs to be submitted

Prior to the release of the Construction Certificate, the applicant shall lodge with Council photographs of the roadway and footpath at the property indicating the state of the relevant pavements. At the completion of construction, again at the expense of the applicant, a new set of photographs is to be taken to determine the extent, if any, of any damage, which has occurred to the relevant pavements. If any damage has occurred, the applicant shall meet the full cost to repair or reconstruct these damaged areas to Council's relevant standard. Failure to do this will result in the applicant being held accountable for the cost of all repair works in the area near / at the site.

(26) Design and construction of car parking area

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.

(27) Traffic Management Plan

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 commencement of any works on site.

(28) 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

(29) 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 amount of stormwater discharged from the site as stated in other relevant conditions.

(30) 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 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 runoff from all storms up to the 100 year ARI, which cannot be conveyed within the piped drainage system (including pits and including overflows from roof gutters) is safely conveyed within formal or informal overland flow paths to the detention storage facility. Where it is not practicable to provide paths for overland flows the piped drainage system should be sized to accept runoff up to and including the 100-year ARI.

- (e) All garbage and waste areas must drain to the sewer and not the stormwater system.

(31) 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 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.

~~(32) Connection to Council's street drainage~~

~~Details of the proposed street drainage line in Markham Avenue shall be prepared by a suitably qualified professional civil engineer in accordance with Council's Stormwater Management Code, and submitted and approved by Council prior to the release of the Construction Certificate.~~

~~A long section shall be submitted of the proposed Council pipe line in Markham Avenue showing the pipe invert levels proposed pipe cover and the location of any obstacles (i.e. gas, water, sewer, electricity, Telstra, etc).~~

~~The depth and location of all services within the area affected by the new 375mm stormwater pipeline to be laid in Markham Avenue (i.e. gas, water, sewer, electricity, Telstra, etc) shall be confirmed by the applicant on site prior to the release of the Construction Certificate.~~

(Deleted by DA 2016/89.2)

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) Site Controls

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

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

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

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

(5) 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.

(6) 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 (eg Police Department, RTA) may be required for the use of a crane.

(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) 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.sydneypwater.com.au, see Your Business then Building & Developing then Building & Renovating or telephone Sydney Water 13 20 92.

(10) 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.

(11) Dilapidation Reports

A Dilapidation Report on the current structural condition of the existing buildings at 315 and 333 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.

(12) Layout of buildings

The layout of all external walls, including retaining walls and contiguous piling must be checked and verified by survey prior to the commencement of construction to ensure that building construction complies with the development consent and does not encroach beyond the boundaries of the site.

(13) 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.

(14) 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.

(15) 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.

(16) On site detention system – check survey

REQUIREMENTS DURING CONSTRUCTION:

Prior to the construction of an on-site detention system and above the underground garage 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.

(17) 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. Plans showing such measures shall be submitted to Council 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 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 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 (eg; 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) BASIX Requirements

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

(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) Materials and colour schemes

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

- The north east and west facades at ground floor level shall be clad with a natural stone cladding at least 20mm in thickness as a substitute for the painted render shown on the approved plans.

(8) 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.

(9) Ausgrid Requirements

Ausgrid shall be consulted and its requirements be met in the construction of the development. Details to be provided.

(10) Building location - check survey certificate

To ensure that the height of the building complies with ALEP 2013 and satisfies the provision of the approval, a check survey certificate shall be submitted to Council prior to the pouring of the ground floor slab including:-

- (i) The RL and height of the top most level ensuring that no GFA is located above Xm at any point; and
- (ii) The overall height of the building does not exceed Xm at any point

(11) Noise transmission - stair shaft - BCA

The walls of the stair shaft to have a Sound Transmission Class of not less than 45 and to be constructed in accordance with the relevant provisions of Part F5 of the *Building Code of Australia*.

(12) Noise transmission - dividing walls - BCA

The walls dividing bathrooms, laundries and kitchens in one flat from habitable rooms in an adjoining flat having a Sound Transmission Class of not less than 50 and being constructed in accordance with the provisions of Part F5 of the *Building Code of Australia*.

(13) Noise transmission - soil/waste pipes - BCA

Soil and waste pipes, including those that pass through a floor shall be separated from the rooms of any flat immediately adjacent thereto by construction having a Sound Transmission Class in accordance with Part F5 of the *Building Code of Australia*.

(14) Acoustic report recommendations

Construction shall be undertaken in accordance with the recommendations of the Noise Impact Assessment prepared by SLR Global Environmental Solutions, No. 610.14041-R1, dated 4 April 2016:

- a) Roof/Ceiling Construction
Minimum RW 45
- b) 6.1.2 External Wall Construction
Minimum RW 50
- c) 6.1.3 Glazing
The acoustical rating and performance for a sheet of glass within a window system can vary. Laboratory tested acoustical certification for rated glazing systems must accompany the commissioned glazing systems. The design examples provided below are only indicative.
 - i. South Facade and East Facade (adjacent Liverpool Road) – Sleeping Areas – Minimum Rw 36
An in-principle design example includes:
 12.76 mm laminated glass in aluminium frame with Q-Lon compressible rubber acoustic seals.
 - ii. South Facade and East Facade (adjacent Liverpool Road) – Other Habitable Areas – Minimum Rw 34
An in-principle design example includes:
 10.38 mm laminated glass in aluminium frame with Q-Lon compressible rubber acoustic seals.
Ganghui Pty Ltd c/o H3 Architects
 - iii. East Facade (adjacent Markham Road) – Sleeping Areas – Minimum Rw 31
An in-principle design example includes:

- 10.38 mm laminated glass in aluminium frame with Q-Lon compressible rubber acoustic seals.
 - iv. East Facade (adjacent Liverpool Road) – Other Habitable Areas– Minimum Rw 29
An in-principle design example includes:
 - 6.38 mm laminated glass in aluminium frame with Q-Lon compressible rubber acoustic seals.
 - v. All Other Facades – Sleeping and Other Habitable Areas – Minimum RW 24
An in-principle design example includes:
 - Standard size windows – 4 mm float glass in aluminium frame with weather seals.
 - Glazed Doors – 4 mm toughened glass in aluminium frame with weather seals.
 - vi. Commercial Facades – Minimum RW 28
An in-principle design example includes:
 - Floor-to-soffit shopfront glazing – 6 mm toughened glass fixed in aluminium frame with weather seals.
- d) Alternative Ventilation
A “comfort” ventilation system is recommended to rooms adjoining the south facade to enable windows and external doors to be closed during noisier periods. Specific advice from a mechanical engineer should be sought, however examples typically may include room air conditioning systems or acoustically treated room ventilator systems such as the Acoustica “Aeropac” or CSR Bradford “SONAIR”.

(15) Finished ground surface levels at property boundary

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

(16) Footpath, kerb and gutter reconstruction

The public footpath and kerb and gutter outside the 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. All kerb works shall be to the satisfaction of both Council and the RMS.
4. The redundant vehicular crossings shall be removed and replaced with concrete kerb and concrete gutter.
5. A minimum of three trees consistent with the requirements/specifications of the street tree strategy and the Ashfield Town Centre Study shall be planted in front of the site. Each tree shall have a minimum 45 litre root ball and have a tree guard placed around it and porous paving located at the base. Council shall approve all the above items mentioned above prior to installation.
6. All kerb works shall be to the satisfaction of both Council and the RMS.
7. 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.

The detailed plans and specifications of this work are to be approved by Inner West Council prior to execution.

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

(17) 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

(18) Vehicle access driveways

A vehicular access driveway shall be constructed in accordance with Council's standard drawing and specifications. The 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.

(19) 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.

(20) 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.

(21) 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 pipes have been laid and prior to backfilling.
- (v) 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.

(22) Spoil and building materials on road and footpath

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

(23) 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 pit or drainage line at a maximum Permissible Site Discharge (PSD) where the Pre-development discharge equals the Post-development discharge for a 1:100 ARI event.

(24) Stormwater runoff

Allowance shall be made for surface runoff from adjacent properties, and to retain existing surface flow path systems through the site. Any redirection or treatment of these flows shall not adversely affect any other properties

(25) Connection to Council's street drainage

~~The connection to Council's street drainage system shall be constructed at the applicant's expense. It shall consist of a pipeline across to the Right of way in Markham Avenue with the pipeline then continuing under the roadway to connect to the existing drainage line in front of 5 Markham Avenue at~~

~~the kerb and gutter.~~

~~The pipes shall be 375 mm diameter reinforced concrete spigot and socket with rubber ring joints. A pit shall be constructed at the property boundary and at the kerb line as well as at the connection to Council's pipe.~~

~~Any adjustment required will be at the applicant's expense. The relevant authority's written consent for any adjustments or works affecting their services shall be obtained prior to works commencing.~~

~~Prior to works commencing a Council "Road Opening Permit" must be obtained.~~

(Deleted by DA 2016/89.2)

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) 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 Number

A street number appropriately designed to complement the character of the must be displayed in a position clearly visible from the street, in numbers having a height of not less than 200 mm. The number must be in place before the premises can be occupied.

(3) Residential car park

All residents shall be provided with minimum of one (1) car parking space and be indicated on the plans with the construction certificate.

(4) 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.

(5) 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:

From the date of the issue of the occupation certificate:

- (i) Two units of a combined internal area of at least 92m² must be used for the purposes of affordable housing in perpetuity, and
- (ii) those units are to be managed by a registered community housing provider.

(6) Public Art Completion

The approved public art shall be completed prior to the issue of any occupation certificate.

(7) Public pedestrian right of way: footpath along Markham Place Street frontage

A 3.0 metre wide public pedestrian footpath shall be provided along the entire Markham Place property frontage and shall include the following works:

- (a) The footpath pavement shall be constructed on a minimum 2.5% crossfall away from the building 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 150mm edge strip shall be constructed adjacent to footpath pavement. All architectural plans shall reflect that the building entrances and driveway have been raised to suit this adjustment. There shall be no kerb between the pedestrian right of way and Markham Place.
- (d) Bollards at a minimum of 1.8m spacing shall be placed adjacent to 150mm edge strip on the footpath pavement. The type of bollard shall be determined by Council.
- (e) The electrical power pole located at the corner of Markham Lane & Markham Avenue shall be removed. All power lines and any other utility authorities cable network attached to this pole must be placed underground. Documentary evidence confirming that all the public utility authorities associated with the removal of this power pole shall be submitted to Council for approval.
- (f) A minimum of three trees consistent with the requirements/specifications of the street tree strategy and the Ashfield Town Centre Study shall be planted in front of the site. Each tree shall have a minimum 45 litre root ball and have a tree guard placed around it and porous paving located at the base. Council shall approve all the above items mentioned above prior to installation.

The detailed plans and specifications of this work are to be approved by Inner West Council prior to execution.

(8) Rights of Public Access

The Applicant shall at its cost prepare the terms of an easement for public pedestrian right of way over the 3.0m wide area of the site immediately inside the Markham Place boundary (an area 3m x 25.275m ie the full length of the Markham Place frontage) and submit the documentation creating the easement to Council for its approval prior to lodgement with the Land Titles Office. Proof of lodgement of the documents, creating the easement for public pedestrian right of way with the Land Titles Office, shall be provided to Council prior to release of any occupation certificate.

The terms of the easement to be created for the public pedestrian right of way shall include, but not necessarily be limited to, the following matters:

- A lighting system to be incorporated along the public pedestrian right of way at the Applicant's cost.
- The maintenance of, and public liability insurance for users of, the public pedestrian right of way to be the responsibility of the Applicant, with Certificates of Currency to be provided to Council annually.
- Opening hours of the public pedestrian right of way to be twenty four (24) hours a day seven (7) days per week.
- Pavers shall be provided along the 3.0m pathway similar to those laid on Liverpool Road. (reconstituted granite 400x400x60 honed, acid etched PPX540:400D and PPX49:400D or of similar type to Council's satisfaction)

(9) Provision of wash bays in basement

A minimum of one (1) car wash bay shall be provided in the basement level.

It 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.

(10) Clothes Drying Areas

External clothes drying areas shall be provided on the balcony areas of the apartments. These areas shall be located on balconies so that they are not directly visible from public places or the internal courtyard area of the proposed development. Details shall be submitted with the Construction Certificate.

(11) Bicycle parking

A bicycle parking area shall be incorporated into the public carparking area without the loss of any public carparking spaces.

(12) 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.

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

- (a) Organising, maintaining and cleaning the general and recycled waste holding areas on a regular basis;
- (b) Organising both garbage and recycled waste pick-ups;
- (c) Cleaning and exchanging all bins;
- (d) The waste caretaker shall store the bins once emptied back in the waste room.

Details shall be provided prior to release of any occupation certificate.

(13) Universal accessible design

Eighty (80) percent of apartments are to comply with Universal Accessible Design requirements of the Ashfield DCP 2007, by having the necessary minimum wall width. Prior to the release of any occupation certificate a compliance certificate prepared by a qualified access consultant shall be submitted to Council or Certifier.

(14) 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
- 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.
- *

(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.

(15) 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.

(16) Underground Power

The electrical power pole located at the corner of Markham Lane & Markham Avenue shall be removed. All power lines and any other utility authorities cable network attached to this pole must be placed underground prior to the issue of any Occupation Certificate.

(17) Under Awning Lighting

All awnings over public footpaths shall be provided with under awning lighting to a standard acceptable to Council.

H Conditions that are ongoing requirements of development consents**(1) Approved use**

The premises shall not be used for any purpose other than that stated in the Development Application, i.e.

- Residential flat building (with 2 dwellings used for affordable housing); and
- Retail

without the prior consent of the Council.

(2) Trading hours (retail)

The hours of operation of the retail premises are limited to the following:

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

Any change to these hours will require a further application to Council.

(3) 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.

(4) Shop-front appearance

To preserve the streetscape, roller shutters are not to be placed over the entrance or the windows of the retail premises

(5) Air conditioners

To preserve the streetscape, air conditioners or any plant equipment shall not be placed along the street façade or any place/part of the building that is visible from the public domain.

(6) Lodgement of separate Development application

A separate development application is to be submitted to Inner West Council for the use and fit-out of the proposed retail tenancies.

(7) Under Awning Lighting

All under awning lighting is to be supplied with a continuous supply of electricity and be maintained to provide a suitable level of lighting to Council's satisfaction at night.

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 Approval under Section 68 of the *Local Government Act 1993* for a Place of Public Entertainment if proposed. Further building work may also be required for this use in order to comply with the *Building Code of Australia*. If there is any doubt as to what constitutes "Public Entertainment" do not hesitate to contact Council's Fire Officer.

- 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 a Subdivision Certificate under Section 109(C)(1)(d) of the *Environmental Planning and Assessment Act 1979* if land (including stratum) subdivision of the development site is proposed.
- 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.

Reason for the imposition of conditions

Unrestricted consent would be likely to cause injury:

- a) to the amenity of the neighbourhood
- b) to the heritage significance of the area

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

and further, would not be in the public interest.

Compliance with Building Code of Australia

- (1) All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate or complying development certificate was made).
- (2) This clause does not apply to the extent to which an exemption is in force under clause 187 or 188 of the Environmental Planning and Assessment Regulation 2000, subject to the terms of any condition or requirement referred to in clause 187 or 188.

NOTES

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

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

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

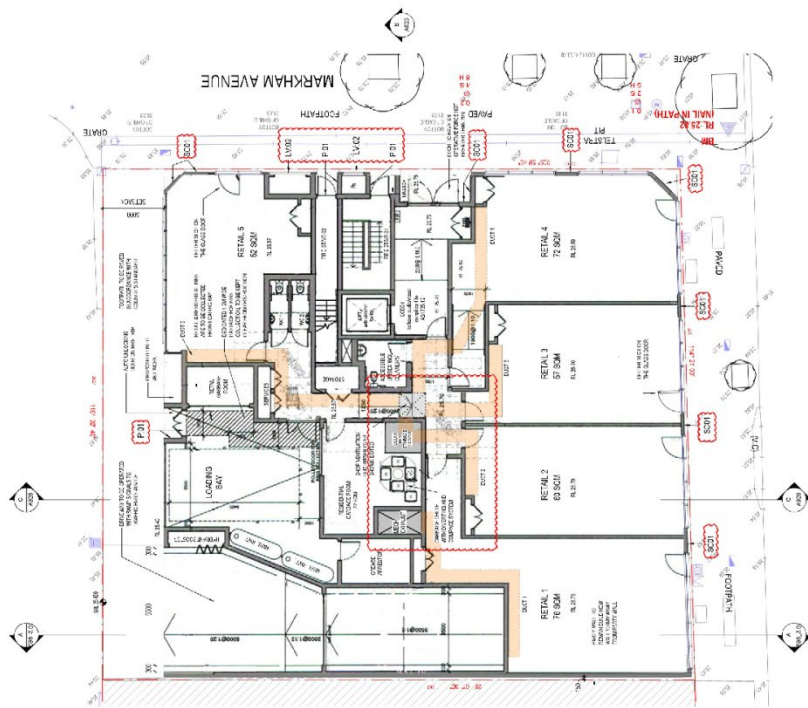
You are advised that:

- Under the provisions of Section 8.2 of the Environmental Planning and Assessment Act, 1979, an applicant may request Council to review a determination of the applicant's development application, other than an application for designated development. Any request for a review must be made within six (6) months of the date on which the applicant received notice, given in accordance with the regulations, of the determination of the application and be accompanied by the fee prescribed in Section 257 of the Regulations.
- If you are dissatisfied with this decision, Section 8.7 of the Environmental Planning and Assessment Act, 1979, gives you the right to appeal to the Land and Environment Court within six (6) months after the date on which you receive this notice.
- Under the provisions of Section 4.53 of the Environmental Planning and Assessment Act, 1979, unless the development, which is the subject of this consent, is commenced within five (5) years from the date of determination, the consent will lapse.

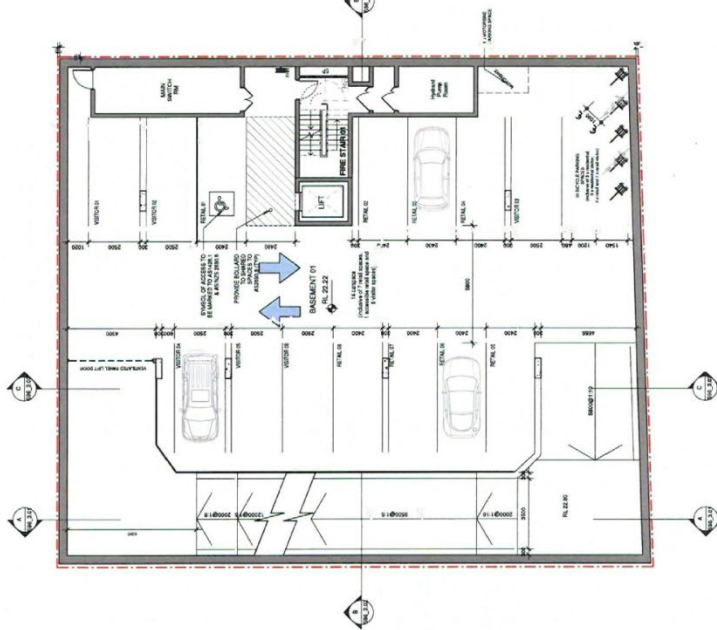
Attachment B – Plans of proposed development



FOR APPROVAL



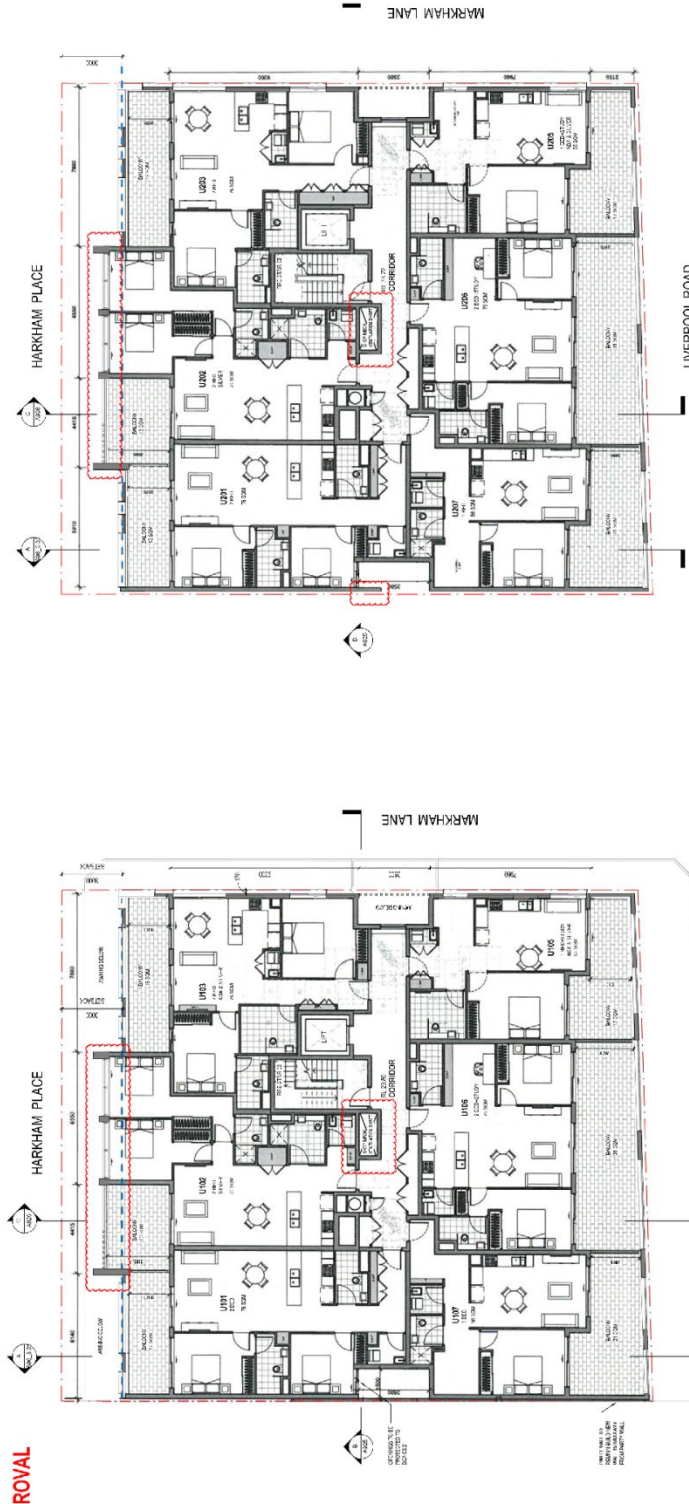
Ground Floor S4.05
1:100



Basement 14.05
1:100

<p>DATE: 11/11/2019</p> <p>PROJECT NUMBER: 3123456789</p> <p>SCALE: 1:100</p> <p>STAGE: FOR APPROVAL</p> <p>REVISION: 1</p> <p>DATE: 11/11/2019</p> <p>SHEET NO: A310</p> <p>PROJECT NAME: 3123456789</p> <p>OWNER: [Name]</p> <p>DESIGNER: [Name]</p> <p>CHECKED: [Name]</p>	<p>PROJECT: 3123456789</p> <p>CLIENT: [Name]</p> <p>ADDRESS: [Address]</p> <p>DATE: [Date]</p>	<p>ARCHITECT: [Name]</p> <p>ADDRESS: [Address]</p> <p>PHONE: [Phone]</p> <p>EMAIL: [Email]</p>	<p>DATE: [Date]</p> <p>TIME: [Time]</p> <p>SCALE: [Scale]</p> <p>STAGE: [Stage]</p> <p>REVISION: [Revision]</p> <p>DATE: [Date]</p> <p>SHEET NO: [Sheet No]</p> <p>PROJECT NAME: [Project Name]</p> <p>OWNER: [Owner]</p> <p>DESIGNER: [Designer]</p> <p>CHECKED: [Checked]</p>
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FOR APPROVAL



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1:100

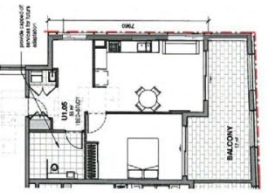


PRE-ADAPTATION LAYOUT U103
1:100



POST-ADAPTATION LAYOUT U103
1:100

LEVEL 2, 84.55
1:100



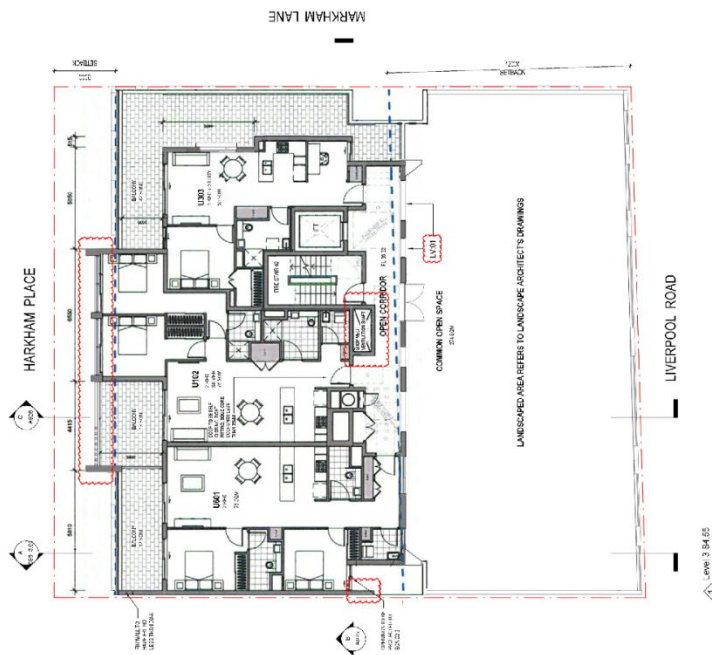
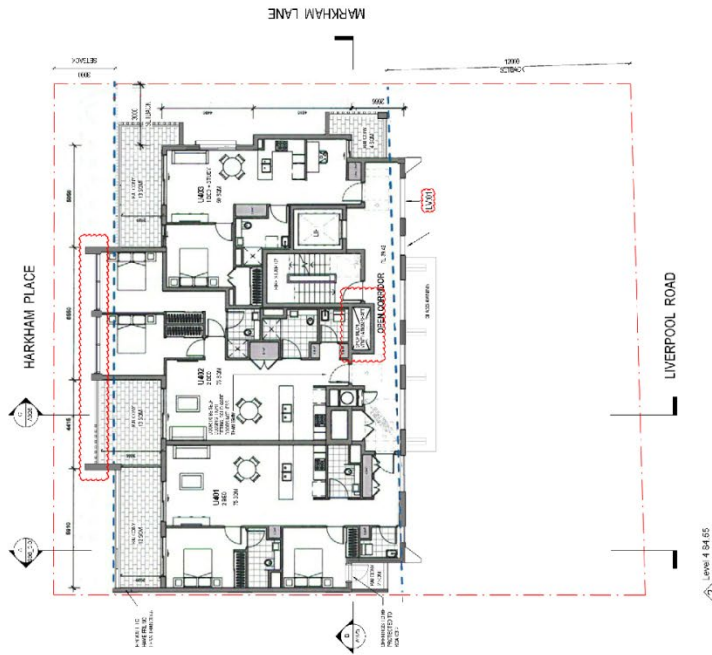
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1:100



POST-ADAPTATION LAYOUT U105
1:100

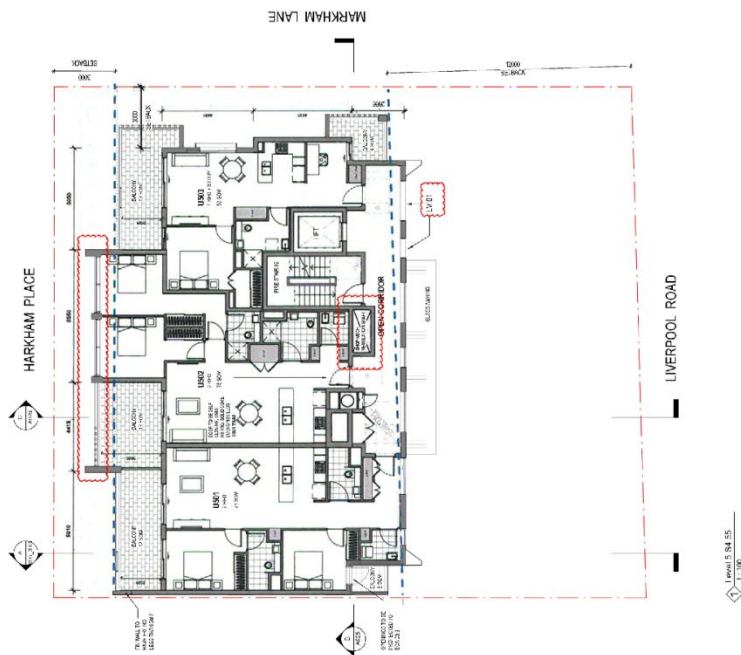
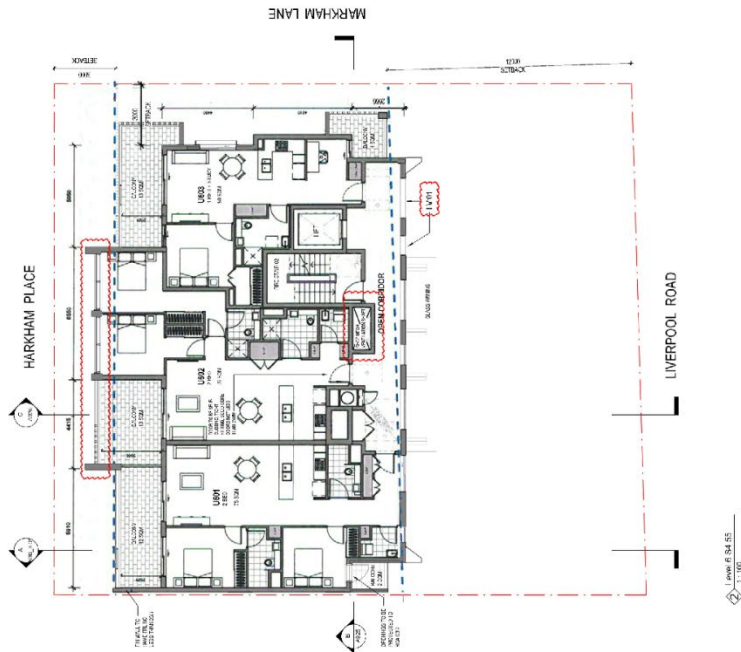
<p>PRELIMINARY</p> <p>THIS DRAWING IS THE PROPERTY OF DREAMSIDES ARCHITECTS. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, WITHOUT THE WRITTEN PERMISSION OF DREAMSIDES ARCHITECTS. ANY UNAUTHORIZED USE OF THIS DRAWING IS STRICTLY PROHIBITED.</p>		<p>DATE: 11/10/2019</p>	
<p>STATE: FOR APPROVAL</p> <p>PROJECT NUMBER: 317-301 Liverpool Road Adelaide</p> <p>SCALE: 1:100 (SI)</p>		<p>REVISION: 1</p> <p>DATE: 11/10/2019</p>	
<p>TITLE: SUBSISTE 13.2F-COS PLAN</p>		<p>PROJECT: 317-301 Liverpool Road Adelaide</p>	
<p>CLIENTS: DreamSides Architects Pty Ltd 100/1000, Level 15, Tower B, Chadstone, VIC 3168 7/6 Pacific Highway, Chesham, NSW 2089 Phone: (02) 9393 3115 Email: info@dreamsides.com.au Website: www.dreamsides.com.au</p>		<p>DESIGNER: DREAMSIDES ARCHITECTS</p> <p>CHECKER: DREAMSIDES ARCHITECTS</p>	
<p>ARCHITECTS: DREAMSIDES ARCHITECTS</p> <p>Architects of Inner West Planning, Inner City, Greater</p>		<p>DATE: 11/10/2019</p>	

FOR APPROVAL



<p>PROJEC URBED USE DEVELOPMENT 377-331 Liverpool Road/Adelaide</p>		<p>CLIENTS Developer Architects Pty Ltd 1/111 Markham Lane, Level 15, Tower B, Central Business District, Sydney, New South Wales, Australia, NSW 2000 Phone: (02) 9233 3333 Email: info@markhamarchitects.com.au Website: www.markhamarchitects.com.au</p>		<p>DATE 11/11/2019</p>	
<p>PROJECT URBED USE DEVELOPMENT 377-331 Liverpool Road/Adelaide</p>		<p>ARCHITECTS MARKHAM ARCHITECTS Architects & Interior Planning, Interior Graphic</p>		<p>REVISION 1 DATE 11/11/2019</p>	
<p>STATE FOR APPROVAL</p>		<p>PROJECT NUMBER 1907</p>		<p>SHEET NO AS12</p>	
<p>SCALE 1:100</p>		<p>DESIGNER MARKHAM</p>		<p>CHECKER CHAMBERLAIN</p>	
<p>DESCRIPTION SUBSISTENCE & E-COS PLAN</p>					

FOR APPROVAL



Scale 1:100

Scale 1:100

<p>PROJECT: 2/17/2017 Liverpool Road Addition</p> <p>CLIENT: 2/17/2017 Liverpool Road Addition</p> <p>DATE: 11/11/2019</p>	
<p>STAGE: FOR APPROVAL</p> <p>PROJECT NUMBER: 1907</p> <p>SCALE: 1:100</p>	<p>REVISION: 1</p> <p>SHEET NO: A013</p> <p>CHECKED: [Signature]</p>
<p>PROJECT: 2/17/2017 Liverpool Road Addition</p> <p>CLIENT: 2/17/2017 Liverpool Road Addition</p> <p>DATE: 11/11/2019</p>	
<p>DESIGNER: [Signature]</p> <p>ARCHITECT: DREAMSCAPES ARCHITECTS</p> <p>ADDRESS: 10/11/12/13/14/15/16/17/18/19/20/21/22/23/24/25/26/27/28/29/30/31/32/33/34/35/36/37/38/39/40/41/42/43/44/45/46/47/48/49/50/51/52/53/54/55/56/57/58/59/60/61/62/63/64/65/66/67/68/69/70/71/72/73/74/75/76/77/78/79/80/81/82/83/84/85/86/87/88/89/90/91/92/93/94/95/96/97/98/99/100/101/102/103/104/105/106/107/108/109/110/111/112/113/114/115/116/117/118/119/120/121/122/123/124/125/126/127/128/129/130/131/132/133/134/135/136/137/138/139/140/141/142/143/144/145/146/147/148/149/150/151/152/153/154/155/156/157/158/159/160/161/162/163/164/165/166/167/168/169/170/171/172/173/174/175/176/177/178/179/180/181/182/183/184/185/186/187/188/189/190/191/192/193/194/195/196/197/198/199/200/201/202/203/204/205/206/207/208/209/210/211/212/213/214/215/216/217/218/219/220/221/222/223/224/225/226/227/228/229/230/231/232/233/234/235/236/237/238/239/240/241/242/243/244/245/246/247/248/249/250/251/252/253/254/255/256/257/258/259/260/261/262/263/264/265/266/267/268/269/270/271/272/273/274/275/276/277/278/279/280/281/282/283/284/285/286/287/288/289/290/291/292/293/294/295/296/297/298/299/300/301/302/303/304/305/306/307/308/309/310/311/312/313/314/315/316/317/318/319/320/321/322/323/324/325/326/327/328/329/330/331/332/333/334/335/336/337/338/339/340/341/342/343/344/345/346/347/348/349/350/351/352/353/354/355/356/357/358/359/360/361/362/363/364/365/366/367/368/369/370/371/372/373/374/375/376/377/378/379/380/381/382/383/384/385/386/387/388/389/390/391/392/393/394/395/396/397/398/399/400/401/402/403/404/405/406/407/408/409/410/411/412/413/414/415/416/417/418/419/420/421/422/423/424/425/426/427/428/429/430/431/432/433/434/435/436/437/438/439/440/441/442/443/444/445/446/447/448/449/450/451/452/453/454/455/456/457/458/459/460/461/462/463/464/465/466/467/468/469/470/471/472/473/474/475/476/477/478/479/480/481/482/483/484/485/486/487/488/489/490/491/492/493/494/495/496/497/498/499/500/501/502/503/504/505/506/507/508/509/510/511/512/513/514/515/516/517/518/519/520/521/522/523/524/525/526/527/528/529/530/531/532/533/534/535/536/537/538/539/540/541/542/543/544/545/546/547/548/549/550/551/552/553/554/555/556/557/558/559/560/561/562/563/564/565/566/567/568/569/570/571/572/573/574/575/576/577/578/579/580/581/582/583/584/585/586/587/588/589/590/591/592/593/594/595/596/597/598/599/600/601/602/603/604/605/606/607/608/609/610/611/612/613/614/615/616/617/618/619/620/621/622/623/624/625/626/627/628/629/630/631/632/633/634/635/636/637/638/639/640/641/642/643/644/645/646/647/648/649/650/651/652/653/654/655/656/657/658/659/660/661/662/663/664/665/666/667/668/669/670/671/672/673/674/675/676/677/678/679/680/681/682/683/684/685/686/687/688/689/690/691/692/693/694/695/696/697/698/699/700/701/702/703/704/705/706/707/708/709/710/711/712/713/714/715/716/717/718/719/720/721/722/723/724/725/726/727/728/729/730/731/732/733/734/735/736/737/738/739/740/741/742/743/744/745/746/747/748/749/750/751/752/753/754/755/756/757/758/759/760/761/762/763/764/765/766/767/768/769/770/771/772/773/774/775/776/777/778/779/780/781/782/783/784/785/786/787/788/789/790/791/792/793/794/795/796/797/798/799/800/801/802/803/804/805/806/807/808/809/810/811/812/813/814/815/816/817/818/819/820/821/822/823/824/825/826/827/828/829/830/831/832/833/834/835/836/837/838/839/840/841/842/843/844/845/846/847/848/849/850/851/852/853/854/855/856/857/858/859/860/861/862/863/864/865/866/867/868/869/870/871/872/873/874/875/876/877/878/879/880/881/882/883/884/885/886/887/888/889/890/891/892/893/894/895/896/897/898/899/900/901/902/903/904/905/906/907/908/909/910/911/912/913/914/915/916/917/918/919/920/921/922/923/924/925/926/927/928/929/930/931/932/933/934/935/936/937/938/939/940/941/942/943/944/945/946/947/948/949/950/951/952/953/954/955/956/957/958/959/960/961/962/963/964/965/966/967/968/969/970/971/972/973/974/975/976/977/978/979/980/981/982/983/984/985/986/987/988/989/990/991/992/993/994/995/996/997/998/999/1000</p>	



FOR APPROVAL

<p>REVISIONS</p> <table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> <tr> <td>1</td> <td>11/11/2019</td> <td>FOR APPROVAL</td> </tr> </table>		NO.	DATE	DESCRIPTION	1	11/11/2019	FOR APPROVAL	<p>PROJECT NUMBER: 19007</p> <p>SHEET NO: A914</p> <p>SCALE: 1:100</p> <p>DATE: 11/11/2019</p>
NO.	DATE	DESCRIPTION						
1	11/11/2019	FOR APPROVAL						
<p>CLIENTS</p> <p>Dreamscapes Architects Pty Ltd Address: 51/52, Level 15, Tower B, Central Square, 789 Pacific Highway, Chippendale, NSW 2007 Phone: (02) 95583518 Email: info@dreamscapes.com.au Website: www.dreamscapes.com.au</p>	<p>PROJECT</p> <p>MIXED USE DEVELOPMENT 317-33 Liverpool Road, Ashfield</p>	<p>STAGE</p> <p>FOR APPROVAL</p>						
<p>DREAMSCAPES ARCHITECTS</p> <p>Architectural, Master Planning, Interior, Graphics</p>	<p>Title</p> <p>S4.55 LEVEL 7 & ROOF PLAN</p>	<p>PROJECT NUMBER</p> <p>19007</p> <p>SCALE</p> <p>1:100</p> <p>DATE</p> <p>11/11/2019</p>						

FOR APPROVAL

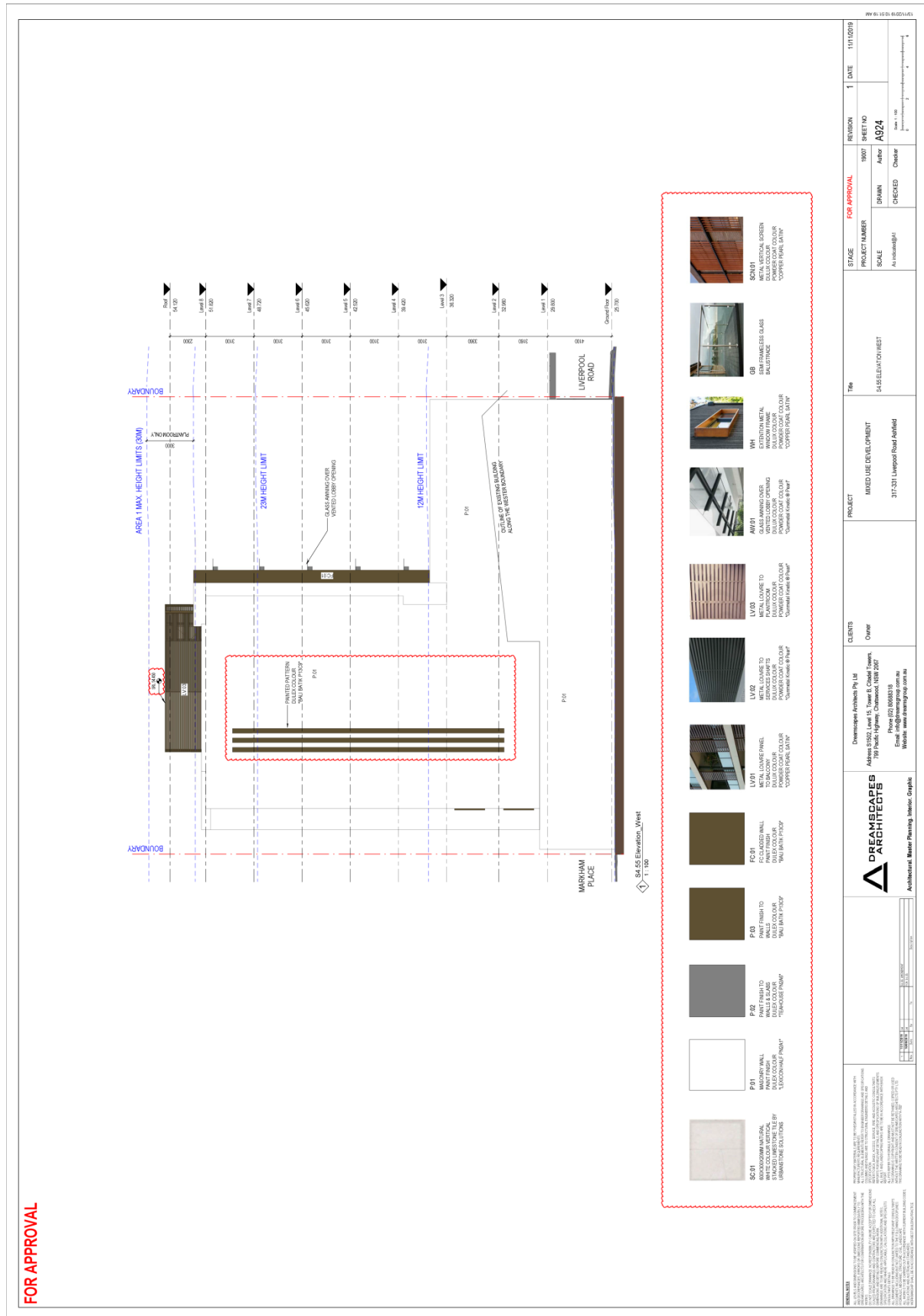
REVISION	DATE
1	11/11/2019

FOR APPROVAL	STAGE	PROJECT NUMBER	REVISION
1	FOR APPROVAL	19007	1

PROJECT	TITLE
317-23 Liverpool Road (refined)	348 ELEVATION EAST

CLIENTS	OWNER
Dreamscape Architects Pty Ltd Address: 51/55 Lord St, Surry Hills, NSW 2010 Phone: 02 9558 5118 Email: info@dreamscape.com.au Website: www.dreamscape.com.au	Owner

ITEM	DESCRIPTION	REVISION
SC-01	BRICK CLADDING MATERIAL, EXTERIOR MORTAR FINISH BY SUPPLIER'S SPECIFICATIONS	
P1-01	INDOOR WALL, PAINT FINISH TO DULU COLOUR, CUSTOM FACT FINISH	
P1-02	PAINT FINISH TO DULU COLOUR, CUSTOM FACT FINISH	
P1-03	PAINT FINISH TO DULU COLOUR, CUSTOM FACT FINISH	
FC-01	FLAZED WALL, DULU COLOUR, CUSTOM FACT FINISH	
LV-01	METAL LOUVER PANEL, DULU COLOUR, CUSTOM FACT FINISH	
LV-02	METAL LOUVER TO DULU COLOUR, CUSTOM FACT FINISH	
LV-03	METAL LOUVER TO DULU COLOUR, CUSTOM FACT FINISH	
AW-01	ALUMINIUM WINDOW FRAMING, DULU COLOUR, CUSTOM FACT FINISH	
WH	WOODEN METAL BALCONY RAILING, DULU COLOUR, CUSTOM FACT FINISH	
GB	SHIFTS FRAMELESS GLASS BALCONY	
SC-02	METAL VERTICAL SCREEN, POWER DOWN COLOUR, CUSTOM FACT FINISH	



FOR APPROVAL

<p>REVISIONS</p> <table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> <tr> <td>1</td> <td>11/11/2019</td> <td>FOR APPROVAL</td> </tr> </table>		NO.	DATE	DESCRIPTION	1	11/11/2019	FOR APPROVAL	<p>PROJECT NUMBER: 19007</p> <p>SHEET NO: A024</p> <p>SCALE: As indicated</p> <p>DRAWN: [Name]</p> <p>CHECKED: [Name]</p>
NO.	DATE	DESCRIPTION						
1	11/11/2019	FOR APPROVAL						
<p>CLIENTS</p> <p>Developer: Archibex Pty Ltd Address: 51/55 Lord St, Suite B, Chippendale, NSW 2007 Phone: 02 95585318 Email: info@archibex.com.au Website: www.archibex.com.au</p> <p>Owner: [Name]</p>		<p>PROJECT</p> <p>317-321 Liverpool Road (partial)</p>						
<p>ARCHITECTS</p> <p>Architectural Master Planning Interior Graphics</p>		<p>TITLE</p> <p>317-321 LIVERPOOL ROAD</p>						
<p>STAGE</p> <p>FOR APPROVAL</p>		<p>DATE</p> <p>11/11/2019</p>						

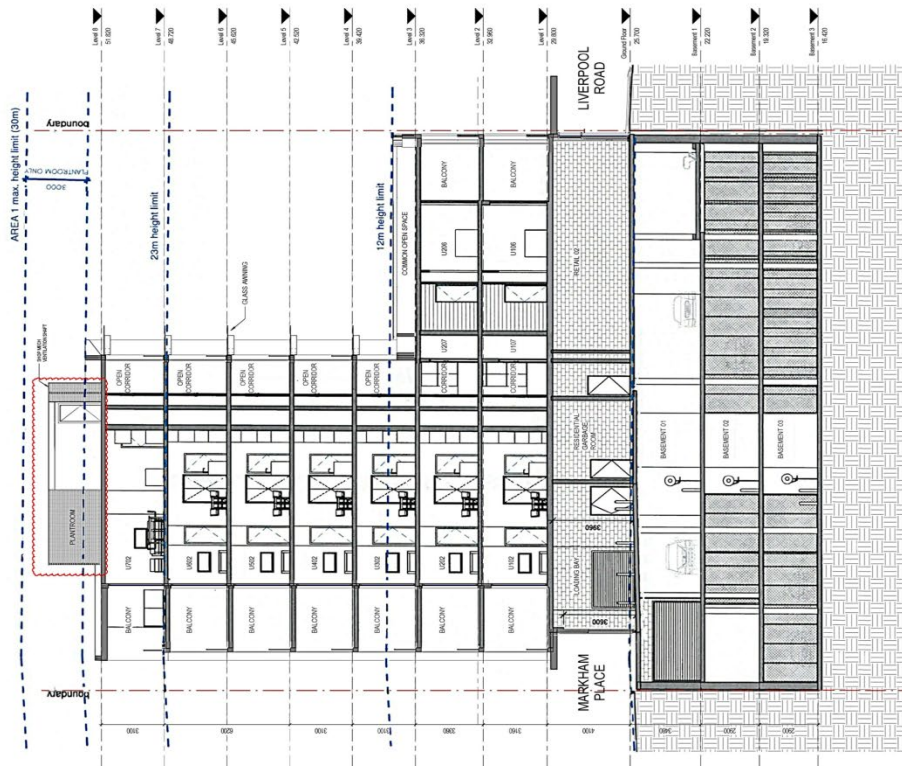
FOR APPROVAL



S4.45 SECTION B-B
1:100

<p>REVISIONS</p> <p>1. APPROVED FOR APPROVAL</p> <p>2. APPROVED FOR APPROVAL</p> <p>3. APPROVED FOR APPROVAL</p> <p>4. APPROVED FOR APPROVAL</p>		<p>REVISION: 1</p> <p>DATE: 11/11/2019</p>
<p>PROJECT INFORMATION</p> <p>PROJECT NUMBER: 19007</p> <p>SCALE: 1:100 (A)</p>		<p>SHEET NO: A925</p> <p>Autor: [Name]</p> <p>Checked: [Name]</p>
<p>CLIENTS</p> <p>Downscape Architects Pty Ltd</p> <p>Address: 19/200 Lane 15, Zone 6, Chadstone, VIC 3168</p> <p>Phone: (03) 80603319</p> <p>Email: info@downscape.com.au</p> <p>Website: www.downscape.com.au</p>		<p>PROJECT</p> <p>Mixed Use Development</p> <p>371-331 Liverpool Road Ashfield</p>
<p>ARCHITECTS</p> <p>PREMISES ARCHITECTS</p> <p>Architects of Master Planning, Interior, Details</p>		<p>THE</p> <p>S4.45 SECTION B-B</p>

FOR APPROVAL



S4.55 SECTION C-C
1:100

<p>REVISIONS</p> <p>NO. DATE BY DESCRIPTION</p>			
1	11/11/2019		
<p>FOR APPROVAL</p> <p>REVISION 1 SHEET NO. 1007 AUTHOR A226</p>			
<p>PROJECT NUMBER 1418 SECTION C-C</p>			
<p>SCALE 1:100 (A)</p>			
<p>STAGE 1007 DRAWN A226 CHECKED []</p>			
<p>DATE 11/11/2019</p>			
<p>PROJECT MIXED USE DEVELOPMENT</p>			
<p>317-331 Liverpool Street, Ashfield</p>			
<p>CLIENTS Downes Architects Pty Ltd</p>			
<p>Owner</p>			
<p>Address 1402, Lindis, Tower, Chester, Sydney</p>			
<p>199 Park Street, Chalmers, NSW 2007</p>			
<p>Phone (02) 9338 9119</p>			
<p>Email info@downes.com.au</p>			
<p>Website www.downes.com.au</p>			
<p>AREAS ARCHITECTS</p>			
<p>Architectural Master Planning, Interior, Graphic</p>			
<p>1:100</p>			
<p>DATE 11/11/2019</p>			
<p>BY A226</p>			
<p>CHECKED []</p>			
<p>SCALE 1:100 (A)</p>			
<p>PROJECT NUMBER 1418 SECTION C-C</p>			
<p>REVISION 1 SHEET NO. 1007 AUTHOR A226</p>			
<p>STAGE 1007 DRAWN A226 CHECKED []</p>			
<p>DATE 11/11/2019</p>			
<p>PROJECT MIXED USE DEVELOPMENT</p>			
<p>317-331 Liverpool Street, Ashfield</p>			
<p>CLIENTS Downes Architects Pty Ltd</p>			
<p>Owner</p>			
<p>Address 1402, Lindis, Tower, Chester, Sydney</p>			
<p>199 Park Street, Chalmers, NSW 2007</p>			
<p>Phone (02) 9338 9119</p>			
<p>Email info@downes.com.au</p>			
<p>Website www.downes.com.au</p>			
<p>AREAS ARCHITECTS</p>			
<p>Architectural Master Planning, Interior, Graphic</p>			
<p>1:100</p>			