

# Modification of Minister's Approval

## Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning under delegation executed on 4 April 2014, I approve the modification of the project approval referred to in Schedule 1, subject to the conditions in Schedule 2.

Chris Wilson  
**Executive Director**  
**Development Assessment Systems and Approvals**

Sydney

2014

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### SCHEDULE 1

**Project Approval:**

MP08\_0260 granted by the Planning Assessment Commission on 20 January 2011

**For the following:**

Cardinal Freeman Village, including:

- Stage 1 - Village Green Precinct
  - Demolition of existing ILU buildings and community buildings to allow for the Construction of 3 x 5 storey buildings (Q1, Q2 & Q3) consisting of 54 independent living units (ILU's), community facilities and basement car parking
  - New village green
  - Upgrade and realignment of the existing east-west roadway
- Stage 2 - Care Precinct
  - Demolition of existing nursing home, ILU building, dwelling houses and associated structures
  - Construction of a 4 storey, 160 bed Residential Aged Care Facility
  - Construction of 2 x 5 storey buildings consisting of 46 ILU's
  - Construction of a new north-south laneway
  - Associated infrastructure works

**Modification:**

MP08\_0245 MOD2 including:

- internal and external changes to the design of ILU Buildings 2, 3, 4 and the Chapel undercroft;
- amendment of the order and scheduling of construction of Buildings and the RACF;
- alteration of the location of temporary services during construction;

- amendment to the timing of the removal and the storage of the entry gates from Victoria Street; and
- associated changes to conditions.

The Project Application for MP08\_0260 is modified as follows:

## SCHEDULE 2

### PART B – PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

- (a) Schedule 2 Part B, A2 is amended by the insertion of the **bold and underlined** words/ numbers and deletion of the **~~bold struck out~~** words / numbers as follows:

#### **A2      Approved plans stamped by the Department**

The development will be undertaken generally in accordance with:

- the Environmental Assessment for MP08\_0260 dated 10 March 2010, except where amended by the Response to Submissions Report dated August 2010, prepared by BBC Consulting Planners;
- the Environmental Assessment for MP08\_0260 MOD 1 dated 18 October 2012, except where amended by the Response to Submissions Report dated January 2013 and addendums dated 18 January 2013, 1 February 2013 and 29 February 2013; ~~and~~
- **the Environmental Assessment for MP08\_0260 MOD 2 dated September 2013, except where amended by the Response to Submissions Report dated January 2014 and addendums dated 18 March 2014 and 1 April 2014; and**
- the following drawings:

<b>Architectural Plans</b>				
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Drawn By</b>	<b>Date</b>
DA1002	<del>G</del> <u>J</u>	Stage 1 <del>&amp;2</del> Site Plan	Allen Jack + Cottier	<del>18.10.12</del> <u>10/12/13</u>
DA2101	<del>H</del> <u>J</u>	Precinct NW_ B2	Allen Jack + Cottier	<del>25.10.12</del> <u>26/07/13</u>
DA2102	<del>F</del> <u>H</u>	Precinct NW_ B1	Allen Jack + Cottier	<del>18.10.12</del> <u>10/12/13</u>
DA2103	<del>G</del> <u>H</u>	Precinct NW_ <del>GND</del> <u>Ground</u>	Allen Jack + Cottier	<del>25.10.12</del> <u>26/07/13</u>
DA2104	<del>G</del> <u>H</u>	Precinct NW_ L1	Allen Jack + Cottier	<del>25.10.12</del> <u>26/07/13</u>
DA2105	<del>G</del> <u>H</u>	Precinct NW_ L2	Allen Jack + Cottier	<del>25.10.12</del> <u>26/07/13</u>
DA2106	<del>E</del> <u>F</u>	Precinct NW_ L3	Allen Jack + Cottier	<del>18.10.12</del> <u>26/07/13</u>
DA2107	<del>F</del> <u>G</u>	Precinct NW_ L4	Allen Jack + Cottier	<del>26.02.13</del> <u>26/07/13</u>
DA2108	<del>E</del> <u>F</u>	Precinct NW_ L5	Allen Jack + Cottier	<del>26.02.13</del> <u>26/07/13</u>
DA2121	<del>F</del> <u>G</u>	Precinct SW_ B1	Allen Jack + Cottier	<del>18.10.12</del> <u>26/07/13</u>
DA2122	<del>F</del> <u>G</u>	Precinct SW_ <del>GND</del> <u>Ground</u>	Allen Jack + Cottier	<del>18.10.12</del> <u>26/07/13</u>

DA2123	<b>F <u>G</u></b>	Precinct SW_ L1	Allen Jack + Cottier	<b><u>18.10.12</u></b> <b><u>26/07/13</u></b>
DA2124	<b>F <u>G</u></b>	Precinct SW_ L2	Allen Jack + Cottier	<b><u>18.10.12</u></b> <b><u>26/07/13</u></b>
DA2125	<b>F <u>G</u></b>	Precinct SW_ L3	Allen Jack + Cottier	<b><u>18.10.12</u></b> <b><u>26/07/13</u></b>
DA2126	<b>F <u>H</u></b>	Precinct SW_ L4	Allen Jack + Cottier	<b><u>26.02.13</u></b> <b><u>01/04/14</u></b>
DA2127	<b>E <u>G</u></b>	Precinct SW_ L5	Allen Jack + Cottier	<b><u>26.02.13</u></b> <b><u>01/04/14</u></b>
DA3101	<b>C</b>	Site Elevations	Allen Jack + Cottier	18.10.12
DA3102	<b>F <u>J</u></b>	Building 1 Elevations	Allen Jack + Cottier	<b><u>26.02.13</u></b> <b><u>11/12/13</u></b>
DA3103	<b>E <u>H</u></b>	Building 2, 3 Elevations	Allen Jack + Cottier	<b><u>19.10.12</u></b> <b><u>11/12/13</u></b>
DA3104	<b>F <u>H</u></b>	Building 4 Elevations	Allen Jack + Cottier	<b><u>26.02.13</u></b> <b><u>11/12/13</u></b>
DA3105	<b>A</b>	RACF Elevations	Allen Jack + Cottier	18.10.12
DA3110	<b>A <u>B</u></b>	Chapel Elevations	Allen Jack + Cottier	<b><u>18.10.12</u></b> <b><u>26/07/13</u></b>
DA3201	<b>D <u>E</u></b>	Site Sections	Allen Jack + Cottier	<b><u>18.10.12</u></b> <b><u>26/07/13</u></b>
DA3202	<b>D <u>E</u></b>	Site Sections	Allen Jack + Cottier	<b><u>18.10.12</u></b> <b><u>26/07/13</u></b>
DA5101	<b>A <u>B</u></b>	Typical Apartment Plans – Sheet 1	Allen Jack + Cottier	<b><u>18.10.12</u></b> <b><u>26/07/13</u></b>
DA5102	<b>A</b>	Typical Apartment Plans – Sheet 2	Allen Jack + Cottier	18.10.12
DA9710	<b>B</b>	External Finishes and Colours Schedule	Allen Jack + Cottier	18.10.12
<b><u>SK006</u></b>	<b><u>A</u></b>	<b><u>TEMPORARY SALON AND DOCTOR</u></b>	<b><u>Allen Jack + Cottier</u></b>	<b><u>12/09/13</u></b>
<b>Landscape Plans</b>				
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Drawn By</b>	<b>Date</b>
L-100	<b>B <u>D</u></b>	Stage 01 – Landscape Plan	Oculus	<b><u>October 2012</u></b> <b><u>August 2013</u></b>
L-101	<b>B <u>D</u></b>	Stage 01 – Landscape Plan	Oculus	<b><u>October 2012</u></b> <b><u>August 2013</u></b>
L-102	<b>B <u>D</u></b>	Stage 01 – Landscape Sections	Oculus	<b><u>October 2012</u></b>

				<u>August 2013</u>
L-103	<b>B D</b>	Stage 01 – Planting & Materials	Oculus	<del>October 2012</del> <u>August 2013</u>
<b>Stormwater Plans</b>				
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Drawn By</b>	<b>Date</b>
C01	P1	Cover Sheet	Taylor Thomson Whitting	16.10.12
C02	<b>P4 P5</b>	Concept Masterplan	Taylor Thomson Whitting	<del>17.10.12</del> <u>27/08/13</u>
C03	<b>P4 P5</b>	Stage 1 Siteworks Plan Sheet 1 of 2	Taylor Thomson Whitting	<del>17.10.12</del> <u>27/08/13</u>
C04	<b>P4 P5</b>	Stage 1 Siteworks Plan Sheet 2 of 2	Taylor Thomson Whitting	<del>17.10.12</del> <u>27/08/13</u>
C05	<b>P5 P6</b>	Staging Plan Stage 1A	Taylor Thomson Whitting	<del>17.10.12</del> <u>28/08/13</u>
C06	<b>P5 P6</b>	Staging Plan Stage 1B	Taylor Thomson Whitting	<del>17.10.12</del> <u>28/08/13</u>
C07	<b>P3 P4</b>	Staging Plan Stage 2	Taylor Thomson Whitting	<del>17.10.12</del> <u>28/08/13</u>

except for:

- any modifications which are 'Exempt and Complying Development' as identified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA; and
- otherwise provided by the conditions of this approval.

(b) Schedule 2 Part B, A8 is added by the insertion of the **bold and underlined** words as follows:

**A8 Staged Construction Certificates and Occupation Certificates**

**Conditions in Part B, C, D and E are to be satisfied to the extent relevant to works which are subject of the construction certificate or occupation certificate.**

(c) Schedule 2 Part B, B3 is amended by the insertion of the **bold and underlined** words/ numbers and deletion of the **~~bold struck-out~~** words / numbers as follows:

**B3 Construction and Site Management Plan**

Prior to issuing of a Construction Certificate the Proponent 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; and
- (f) what actions are proposed to ensure Bandicoots and other native animals on the site are adequately protected throughout the construction process.

Where it is proposed to:

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

An Activity Application for a pumping permit, an approval to stand a mobile crane or an application to pump water into a public road, together with the necessary fee shall be submitted to Council and approval obtained before a Construction Certificate is issued. An application for a construction zone is subject to Local Traffic Committee approval and therefore sufficient time should be allowed for the process. Applicable costs for the zone shall apply at the ~~applicant's~~ **proponent's** expense.

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

- (d) Schedule 2 Part B, B6 is amended by the insertion of the **bold and underlined** words/ numbers and deletion of the **~~bold struck-out~~** words / numbers as follows:

## **B6 Provision for Energy Supplies**

The Proponent must provide the *Certifying Authority* a letter from ~~Energy Australia~~ **the Supply Authority** setting out ~~Energy Australia~~ **the Supply Authority**'s requirements relating to the provision of electricity/gas supply to the development.

Any required substation must be located within the boundaries of the site. The *Construction Certificate* plans and specifications, required to be submitted pursuant to clause 139 of the *Regulation*, must detail provisions to meet the requirements of ~~Energy Australia~~ **the Supply Authority**.

Where the substation is required the *Construction Certificate* plans and specifications must provide:

- a) A set back not less than 3m from the road boundary and dense landscaping of *local native plants* to screen the substation from view within the streetscape,
- b) A set back not less than 3m from any other site boundary (fire source feature) and not within the areas required to be kept clear of obstructions to vehicle visibility pursuant to clause 3.2.4 of AS2890.1-1993(See: Figures 3.2 and 3.3),
- c) A set back to and not within the drip line of any existing tree required to be retained,
- d) A setback not less than the 10m from any NSW Fire Brigade booster connection as prescribed by clause 5.6.3(d)(iii) of AS 2419.1-1994 or be separated from any booster connections by a construction with a fire resistance rating of not less than FRL 90/90/90

for a distance of not less than 2 m each side of and 3 m above the upper hose connections in the booster assembly pursuant to clause 5.6.3(c)(ii) of AS 2419.1-1994, and

- e) The owner shall dedicate to the appropriate ~~Energy Australia~~ **Supply Authority**, free of cost, an area of land adjoining the street alignment to enable an electricity substation to be established, if required. The size and location of the electricity substation is to be in accordance with the requirements of the appropriate **Supply Authority** and Council. The opening of any access doors are not to intrude onto the public road reserve.

- (e) Schedule 2 Part B, B9 is amended by the insertion of the **bold and underlined** words/ numbers and deletion of the **~~bold struck-out~~** words / numbers as follows:

#### **B9 Privacy Screens**

Details of privacy screens located on the eastern side of the Residential Aged Care Facility and western elevations of the balconies and windows to the independent living units proposed within ~~Stage 2 (the Care Precinct~~ **and Village Green**) must be submitted to the PCA prior to the issue of ~~any a~~ Construction Certificate (~~for Stage 2~~). The privacy screens must achieve adequate privacy between the independent living units and eastern façade of the residential aged care facility.

- (f) Schedule 2 Part B, B11 is amended by the insertion of the **bold and underlined** words/ numbers and deletion of the **~~bold struck-out~~** words / numbers as follows:

#### **B11 Access management plan for people with a disability**

An Access Management Plan for the buildings subject to this consent shall be submitted to the accredited certifier before the issue of a Construction Certificate. Details for the Access Management Plan shall include:

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

- (g) Schedule 2 Part B, B13 is amended by the insertion of the **bold and underlined** words/ numbers and deletion of the **~~bold struck-out~~** words / numbers as follows:

#### **B13 Waste Management Plan**

Prior to the issue of a Construction Certificate, the ~~applicant~~ **proponent** shall prepare and submit a Waste Management Plan in accordance with the provisions of Ashfield Development Control Plan – Planning for Less Waste and the Waste Planning Guide for Development Applications (Planning for Less Waste prepared by the Regional Waste Boards), including:

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

disposal will take place.

- (f) All requirements of the approved Waste Management Plan must be implemented during the demolition and/or excavation and construction period of the development. Adequate measures need to be in place to ensure the ongoing waste management of the site.

Keep receipts of where waste will be taken to be treated or disposed. The receipts must be presented to the PCA prior to issue of the occupation certificate.

- (h) Schedule 2 Part B, B22 is amended by the insertion of the **bold and underlined** words/ numbers and deletion of the **~~bold struck-out~~** words / numbers as follows:

#### **B22 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 the PCA prior to the release of the Construction Certificate.

The Construction Certificate plan to be submitted 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) Each drainage leg leading to the detention tank shall have a silt arrestor pit installed immediately upstream from the detention tank.
- (f) The depth and location of all services within the area affected by the development (i.e. gas, water, sewer, electricity, Telstra, etc) shall be confirmed by the **applicant proponent** on site prior to the release of the Construction Certificate).

- (i) Schedule 2 Part B, B24 is amended by the insertion of the **bold and underlined** words/ numbers and deletion of the **~~bold struck-out~~** words / numbers as follows:

#### **B24 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 the PCA 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:~~

- ~~(b) where the storage and silt arrester pits are located~~
- ~~(c) which parts of the system need to be accessed for cleaning and how access is obtained~~
- ~~(d) description of any equipment needed (such as keys and lifting devices) and where they can be obtained~~
- ~~(e) the location of screens and how they can be removed for cleaning~~
- ~~(f) who should do the maintenance (i.e. commercial cleaning company)~~
- ~~(g) 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.~~

- (j) Schedule 2 Part B, B27 is amended by the insertion of the **bold and underlined** words/ numbers and deletion of the **~~bold struck out~~** words / numbers as follows:

**B27 Footpath/laneway- photographs to be submitted**

Prior to the release of the Construction Certificate, the Proponent shall lodge with Council photographs of the roadway and footpath in Clissold Street, Queen Street and Victoria Street at the property indicating the state of the relevant pavements. At the completion of construction, again at the expense of the Proponent, 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 proponent** 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 Proponent being held accountable for the cost of all repair works in the area near / at the site.

**SCHEDULE 2  
PART C – PRIOR TO CONSTRUCTION**

- (k) Schedule 2 Part C, C6 is amended by the insertion of the **bold and underlined** words/ numbers and deletion of the **~~bold struck out~~** words / numbers as follows:

**C6 Relics**

Should any relics as defined within The Heritage Act 1977 be uncovered during excavation on site, the **applicant proponent** must ensure that work ceases in that area and the Heritage Office is immediately notified in accordance with Section 146 of the NSW Heritage Act 1977.

Work must not recommence in that area until any necessary Excavation Permit has been obtained from the Heritage Council under Section 140 of the NSW Heritage Act, 1977.

- (l) Schedule 2 Part C, C13 is amended by the insertion of the **bold and underlined** words/ numbers and deletion of the **~~bold struck out~~** words / numbers as follows:

**C13 Demolition work plan**

Prior to demolition the **applicant proponent** 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.

- (m) Schedule 2 Part C, C18 is amended by the insertion of the **bold and underlined** words/ numbers and deletion of the **~~bold struck-out~~** words / numbers as follows:

**C18                    Public liability insurance – Works on Council/public lands**

The **~~applicant~~ proponent** 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.

**SCHEDULE 2  
PART D - DURING CONSTRUCTION**

- (n) Schedule 2 Part D, D1 is amended by the insertion of the **bold and underlined** words/ numbers and deletion of the **~~bold struck-out~~** words / numbers as follows:

**D1                    Plans to be available on site**

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

- (o) Schedule 2 Part D, D14 is amended by the insertion of the **bold and underlined** words/ numbers and deletion of the **~~bold struck-out~~** words / numbers as follows:

**D14                  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~~ proponent** 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.

- (p) Schedule 2 Part D, D18 is amended by the insertion of the **bold and underlined** words/ numbers and deletion of the **~~bold struck-out~~** words / numbers as follows:

#### **D18 Footpath, kerb and gutter protection**

The **applicant proponent** is to take all precautions to ensure footpaths and roads are kept in a safe condition and to prevent damage to Council's property, and maintain or repair any damage that occurs.

The **applicant proponent** shall use existing vehicular crossings for construction vehicles entering and leaving the site across Council's footpath. Any damage caused will be made good by Council at Council's restoration rates at the **applicant's proponent's** expense.

- (q) Schedule 2 Part D, D19 is amended by the insertion of the **bold and underlined** words/ numbers and deletion of the **~~bold struck-out~~** words / numbers as follows:

#### **D19 Redundant vehicular crossings-removal and replacements**

All redundant vehicular crossings shall be removed and replaced with concrete footpath, concrete kerb and concrete gutter at no cost to Council at the **applicant's proponent's** expense.

- (r) Schedule 2 Part D, D21 is amended by the insertion of the **bold and underlined** words/ numbers and deletion of the **~~bold struck-out~~** words / numbers as follows:

#### **D21 Vehicle access driveways**

All vehicular access driveways shall be constructed in accordance with Council's standard drawing and specifications. Driveways shall be located a minimum of 1.0m clear of any existing stormwater pits, lintels or poles and 2m clear of any trees within the road reserve,

Driveways shall also be located a minimum of 0.5m clear of any utility service opening such as Telstra, Sydney Electricity, Sydney Water or Natural Gas Company.

This work shall be carried out prior to the release of any Occupation Certificate for each relevant stage (1 or 2) to the extent relevant to works to which the Construction Certificate applies.

- (s) Schedule 2 Part D, D32 is amended by the insertion of the **bold and underlined** words/ numbers and deletion of the **~~bold struck-out~~** words / numbers as follows:

#### **D32 Protection of existing boundary walls/fences**

The ~~applicant~~ **proponent** is to take all precautions to ensure that existing boundary fencing is protected during construction so to prevent damage, and repair any damage that occurs.

- (t) Schedule 2 Part D, D33 is added by the insertion of the **bold and underlined** words / numbers as follows:

**D33 Removal, Storage and Reinstatement of Victoria Street Gates and Piers**

**The dismantling, removal, storage, protection and reinstatement of the Victoria Street gates and piers shall be carried out in accordance with the methodology recommended within the Jasper Swann Heritage Report 'Report Regarding Removal & Reinstatement of Standstone Gate Piers and Wrought Iron Gates' dated August 2013.**

**SCHEDULE 2  
PART E – PRIOR TO OCCUPATION CERTIFICATE**

- (u) Schedule 2 Part E, E5 is added by the insertion of the **bold and underlined** words / numbers as follows:

**E5 On-site stormwater detention system maintenance**

**Prior to the release of the Occupation Certificate, a maintenance schedule is to be prepared which clearly outlines the routine maintenance necessary to keep the on-site stormwater detention 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:**

- (a) where the storage and silt arrestor pits are located;**
- (b) which parts of the system need to be accessed for cleaning and how access is obtained;**
- (c) description of any equipment needed (such as keys and lifting devices) and where they can be obtained;**
- (d) the location of screens and how they can be removed for cleaning;**
- (e) who should do the maintenance (i.e. commercial cleaning company); and**
- (f) 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.**

**SCHEDULE 2  
PART H – ADVISORY NOTES**

**AN5 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 proponent** 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.
- Application for road use (opening) permit under s.138 of the Roads Act 1993 for works in or on a public road, or the temporary exclusive use of part of a roadway.

**End of Modification to MP08\_0260**