

ANNEX A - MARRICKVILLE METRO MOD7 REVISED CONDITIONS

Condition B6

Payment to Council of **\$86,700.00** prior to the issue of the Construction Certificate for Stage 1A as a Building Security Deposit (B.S.D.) to provide security against damage to Council's infrastructure. The B.S.D. may be held by Council until all construction **of Stage 1A** under this approval has been completed and Council may utilise part or all of the B.S.D. to restore any damages, and Council may recover, in any court of competent jurisdiction, any costs to Council for such restorations. **The Council shall refund the B.S.D. payment to the applicant following completion of Stage 1A. Payment shall be made again to Council prior to issue of a Construction Certificate for the road works for Stage 1B and prior to issue of a Construction Certificate for Stage 2. The B.S.D payment shall be refunded following completion of each of these individual stages. Works shall not commence if a B.S.D has not been paid.**

Prior to the refund of the B.S.D, the Council shall confirm that there is no damage to existing Council's infrastructure. In circumstances where there is damage to Council infrastructure, Council shall have the ability to draw on the B.S.D. to rectify any damage, if it is not rectified by the applicant in a reasonable timeframe to be agreed between the parties.

Condition B7

Payment of a Bond, in the sum of **\$ 380,000.00** for the proper performance of road, drainage, traffic management and public utility adjustment works (public domain works) prior to the issue of the Construction Certificate for Stage 1B **and refunded following completion of Stage 1B. Payment of the same sum is required prior to issue of a Construction Certificate for Stage 2 and refunded following completion of those works. Stage 2 works shall not commence if a Bond has not been paid.**

- a) The security may be provided in one of the following methods:
 - I. in full in the form of a cash bond supported by a legal agreement prepared by Council's Solicitors at the proponent's expense; or by provision of a Bank Guarantee by an Australian Bank in the following terms:
 - II. the bank must unconditionally pay the guaranteed sum to the Council if the Council so demands in writing.
 - III. the bank must pay the guaranteed sum within seven (7) days of demand without reference to the proponent or landowner or other person who provided the guarantee, and without regard to any dispute, controversy, issue or other matter relating to consent or the carrying out of development in accordance with the consent;
 - IV. the bank's obligations are discharged when payment to the Council is made in accordance with this guarantee or when the Council notifies the bank in writing that the guarantee is no longer required.

Prior to the Bond being refunded at the end of Stage 1B and Stage 2, Council shall confirm that there is no damage to existing Council infrastructure. In circumstances where there is damage to existing public infrastructure, Council shall have the ability to draw on the Bond to rectify any damage, if it is not rectified by the applicant in a reasonable timeframe to be agreed between the parties.



Condition D1

All demolition, construction and associated work necessary for the carrying out of the development is restricted to:

- i. between the hours of 7.00 am to 5.30 pm Mondays to Fridays and 8:00am to 1:00pm, Saturdays for works on the Victoria Road site; and
- ii. between the hours of 7.00 am to 5.30 pm Mondays to Saturdays, for works on the Edinburgh Road site.

Notwithstanding the above, no work is to be carried out on any Sunday, Public Holiday or any Saturday that falls adjacent to a Public Holiday

All trucks and vehicles associated with the construction, including those delivering to or removing material from the site, only having access to the site during the hours referred to in this condition. No waste collection skips, spoil, excavation or demolition material from the site or building materials associated with the construction of the development being deposited on the public road, footpath, public place or Council owned property without Council's approval, having first been obtained. The developer being responsible to ensure that all contractors associated with the development are fully aware of these requirements.

An application to vary the abovementioned hours of construction, may be submitted to Inner West Council for consideration and grant of approval. Any applications are to be made on the standard application form and include payment of the relevant fees and supporting information. Applications must be made at least 72 hours prior to the date of the proposed work and the prior written approval of Council must be obtained to vary the standard permitted working hours.