

DRAFT CONDITIONS OF CONSENT
Development Application No. 11/0090

GENERAL CONDITIONS

These general conditions are imposed to ensure that the development is carried out in accordance with the development consent, having regard to the environmental circumstances of the site.

1. Approved Plans and Documents

The development shall be implemented substantially in accordance with the details and specifications set out on the Plan / Drawing Nos. 10028 - DA010 Rev.G; DA011 Rev.H; DA012 Rev.G; DA013 Rev.G; DA014 Rev.F; DA015 Rev.F; DA016 Rev.F; DA017 Rev.E; DA020 Rev.B; DA021 Rev.B; DA030 Rev.B and DA031 Rev.B prepared by Turner + Associates and any details on the application form and on any supporting information received with the application except as amended by the conditions specified and imposed hereunder.

Note 1:

Nothing in this development consent whatsoever approves or authorises the commencement, erection or construction of any building, construction or subdivision works.

Note 2:

Prior to the commencement of any building, construction, or subdivision work being carried out a 'construction certificate' shall be obtained from Council or an Accredited Certifier.

Note 3:

Should the development the subject of the consent involve the subdivision of land and the issue of a subdivision certificate as defined under section 109c(1)(9) of the Environmental Planning and Assessment Act 1979, please note that Sutherland Shire Council must be appointed as the Principal Certifying Authority for all subdivision works.

Note 4:

Prior to any work being carried out relating to the development the subject of the consent, the person implementing the consent shall provide Council with:

- a) Notification of the appointment of a Principal Certifying Authority and a letter of acceptance from the PCA.
- b) Notification of the commencement of building and/or subdivision works with a minimum of 2 days notice of such commencement.

Note 5:

Should the development have a BASIX Certificate, your attention is drawn to the commitments made in the BASIX Certificate which forms part of the development consent and the necessity to comply with these as required under the Environmental Planning and Assessment Act

1979.

2. Prescribed Conditions - General

The following are prescribed conditions of development consent pursuant to s.80A(11) of the Environmental Planning and Assessment Act 1979 and cl.98 of the Environmental Planning and Assessment Regulation 2000.

A. Compliance with the Building Code of Australia

The development must be carried out in accordance with the provisions of the Building Code of Australia.

B. Residential building work

1. Building work that involves residential building work (within the meaning of the Home Building Act 1989) must not be carried out unless the **Principal Certifying Authority (PCA)** for the development to which the work relates:

- a) in the case of work to be done by a licensee under that Act:
 - i) has been informed in writing of the licensee's name and contractor license number, and
 - ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act, or
- b) in the case of work to be done by any other person:
 - i) has been informed in writing of the person's name and owner-builder permit number, or
 - ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of "owner-builder work" in section 29 of that Act,
 - iii) and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

2. A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

C. Details to be provided to Council with the Notice of Commencement

Builders and Insurance details required under part B above shall be provided to Council with the Notice of Commencement. In relation to non-residential building work Builders details shall be provided to Council with the Notice of Commencement.

3. Requirements of IDA Approval Authorities

The development shall be conducted in accordance with all conditions of approval of the following Approval Authorities under Section 91A of the Environmental Planning and Assessment Act 1979:

- Rural Fire Service.

A copy of the requirements of the approval Authority(s) is attached to this development consent. Suitable amendments shall be made to the proposed development in accordance with these requirements and these details shall be submitted to Council along with the Construction Certificate.

4. Approvals Required under Roads Act or Local Government Act

The following works or activities shall not be carried out on public land (including a road) adjacent to the development site without approval under the Roads Act 1993 and/or the Local Government Act 1993:

- a) Placing or storing materials or equipment;
- b) Placing waste containers or skip bins;
- c) Pumping concrete from a public road;
- d) Standing a mobile crane;
- e) Pumping stormwater from the site into Council's stormwater drains;
- f) Erecting a hoarding;
- g) Establishing a construction zone;
- h) Opening the road reserve for the purpose of connections including telecommunications, water, sewer, gas, electricity and stormwater; or
- i) Constructing a vehicular crossing or footpath.

An application, together with the necessary fee, shall be submitted and approval granted by Council prior to any of the above works or activities commencing.

Note - Approval under the Roads Act or Local Government Act cannot be granted by a Principal Certifying Authority or by a Private Certifier. Failure to obtain approval may result in fines or prosecution.

Bonds and Contributions

The following security bonds and contributions have been levied in relation to the proposed development.

5. Environmental, Damage & Performance Security Bond

Before the commencement of any works (including demolition) or the issue of a Construction Certificate, the applicant shall provide security to Council against damage caused to any Council property and / or the environment as a consequence of the implementation of this consent. The security may be provided by way of a deposit with the Council or a

satisfactory guarantee. A non refundable inspection / administration fee is included in the bond value.

It is the applicant's responsibility to notify Council of any existing damage to public areas in the vicinity of the development site through the submission of a current dilapidation report supported by photographs. This information shall be submitted to Council at least 2 days **prior** to the commencement of works.

Should any public property and / or the environment sustain damage during the course of and as a result of construction, or if the construction works put Council's assets or the environment at risk, Council may carry out any works necessary to repair the damage and / or remove the risk. The costs incurred shall be deducted from the security.

A request for release of the security deposit may be made to Council after all works relating to this consent have been completed. Such a request shall be submitted to Council on the '*Bond Release Request Form*' signed by the owner or any person entitled to use of the consent.

The value of the bond shall be determined as follows:

Development Value	Refundable Deposit ♦
Less than \$50,000 ♦♦	\$2,110.00
\$50,000 - \$150,000	\$2,110.00
\$150,001 - \$300,000	\$3,110.00
Greater than \$300,000	\$5,110.00
Swimming Pools	\$2,110.00
Demolition / Earthworks	\$3,110.00

- ♦ Bond amount includes a non refundable administration fee of \$110. Where the bond takes the form of a Bank Guarantee, the \$110 administration fee must be paid separately.
- ♦♦ Development valued at less than \$50,000 only where:
 - deliveries or removal of materials occur in vehicles of Small Rigid Vehicle (4.0 tonnes) size or larger and / or
 - there is delivery or removal of construction machinery, and
 - a constructed footpath or a stormwater pit exists along the frontage of the property or within 10 metres on either side of the property.

Note: All enquiries in relation to bonds should be directed to Council's Civil Assets Manager on 97100134.

6. Landscape Security (Council Tree Protection)

Prior to the commencement of any works associated with this consent the applicant shall provide a bond to the Council to the value of \$5,000.00 (in the form of cash, cheque or bank guarantee). This bond is

to ensure that the following tree(s) on public land marked on the approved Plan No. 10028 - DA014 Rev.F prepared by Turner + Associates dated 16/7/11, are maintained in the same condition as found prior to the issue of this consent:

Location	Monetary Value
Hobart Place road reserve	\$5,000.00

An application for refund of this bond may be made to Council following the issue of the Final Occupation Certificate or Subdivision Certificate in the case of a subdivision. In the event that any of the specified trees are found damaged, dying or dead at any time during the construction period as a result of construction activity, the bond may be forfeited to Council.

7. Public Liability Insurance

Prior to the commencement of work or the issue of a Construction Certificate, the owner or contractor shall take out a Public Liability Insurance Policy with a minimum cover of \$10 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works. Evidence of this policy shall be submitted to Council prior to commencement of work or the issue of a Construction Certificate.

Section 94 Contributions

The following contributions have been levied in relation to the proposed development pursuant to Section 94 of the Environmental Planning and Assessment Act 1979.

8. Community Facilities, Shire Wide 2003 Plan

A monetary contribution of \$89,895.48 shall be made for the cost of providing community facilities.

This contribution has been assessed pursuant to s.94 of the Environmental Planning and Assessment Act, and the Sutherland Shire Contributions Plan - Community Facilities in the Sutherland Shire, after identifying the likelihood that this development will require or increase the demand for community facilities within the shire. It has been calculated on the basis of 70 proposed Residential Flat Units, Apartments etc, with a concession for 1 existing allotment.

The contribution will be indexed on 1 July in each year in accordance with the Implicit Price Deflator for Gross Fixed Capital Expenditure – Private Dwellings, with amended rates being available from Council.

Payment shall be made prior to the issue of the Occupation Certificate.

The Contributions Plan may be inspected or a copy purchased at the Customer Service Counter in Council's Administration Centre, Eton Street, Sutherland during office hours.

9. Monetary Contribution for Shire-Wide Open Space and Recreational Facilities

Pursuant to Section 94 of the Environmental Planning and Assessment Act 1979 and Sutherland Shire Council's Contributions Plan – Shire Wide Open Space and Recreation Facilities 2005, a monetary contribution of \$541422.77 shall be paid to Sutherland Shire Council toward the cost of land identified for acquisition and works contained in the Works Programme of the Contributions Plan.

This contribution has been assessed and calculated in accordance with the Shire Wide Open Space and Recreation Facilities 2005, Contribution Plan on the basis of 70 proposed Residential Flat Units, Apartments etc, with a concession for 1 existing allotment.

The contribution will be indexed on 1 July in each year in accordance with the Implicit Price Deflator for Gross Fixed Capital Expenditure – Private Dwellings, with amended rates being available from Council.

Payment shall be made prior to the issue of the Occupation Certificate.

The Contribution Plan may be inspected or a copy purchased at the Customer Service Counter in Council's Administration Centre, Eton Street, Sutherland during office hours.

MATTERS RELATING TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions involve either modification to the development proposal or further investigation prior to the issue of a Construction Certificate, so as to ensure that there will be no adverse impact on the environment or adjoining development. This information shall be submitted with the Construction Certificate.

10. BASIX Requirements

The Construction Certificate shall comprise all necessary documentation and information sufficient to verify that all commitments contained within the BASIX Certificate relevant to the issue of a Construction Certificate for works approved by this development consent have been included in the development.

11. Detailed Landscape Plan

A Detailed Landscape Plan shall be prepared by an experienced Landscape Designer (a person eligible for membership of the Australian Institute of Landscape Designers and Managers) or Landscape Architect (a person eligible for membership of the Australian Institute of Landscape Architects as a Registered Landscape Architect).

The Detailed Landscape Plan shall be based on the Concept Landscape

Plan Nos DA-L01 to DA-I09 inclusive prepared by Turf Design dated 01.12.10 and shall address the following:

- a) The communal open space areas shall be provided with a water efficient irrigation system in accordance with Sydney Water requirements and relevant Australian Standards.

The Landscape Designer or Landscape Architect shall provide written certification to the Accredited Certifier that the Detailed Landscape Plan has been prepared having regard to the requirements of this consent. This certification and the Detailed Landscape Plan shall be submitted to the Accredited Certifier for approval prior to the issue of the Construction Certificate.

12. Design and Construction of Works in Public Areas

Council has determined that the proposed development generates a need for the following works to be undertaken by the Applicant in the Road Reserve:

- (a) A temporary concrete footpath crossing for construction vehicle access.
- (d) Demolition of existing kerb and gutter at the proposed point of access and replacement with a concrete layback crossing.
- (c) Removal of all redundant footpath crossings and reinstatement in accordance with Council's requirements.
- (d) A layback crossing at the access points, such to be no closer than 6 metres to the intersection of adjacent roads.
- (e) Regrading, topsoiling and turfing of the footpath area to final design levels across the full frontage of the site and across adjacent properties where existing levels are altered and to all disturbed areas.
- (f) Construction of a footpath crossing to the levels issued by the Council.
- (g) Erosion and sediment controls.
- (h) Provision of street landscaping and tree planting as specified by Council.
- (i) Construction of full width footpath paving across the full frontage of the site using materials nominated by Council.
- (j) Adjustment to public services infrastructure where appropriate.
- (k) Provision of linemarking and signposting as detailed on Council's design plan.

An application under the Roads Act, together with the necessary fee, shall be submitted and alignment levels shall be issued by Council prior to the issue of a Construction Certificate. Approval under the Roads Act cannot be granted by a Principal Certifying Authority or by a Private Certifier. Failure to obtain approval may result in enforcement action by Council.

Survey and design plans for the above works shall be prepared by

Council's Engineering Division and issued by Council's Civil Assets Manager. A fee quotation may be obtained by submitting a "Detailed Frontage Design" application to Council. The application form can be obtained from Council's web site.

13. Site Management Plan

An Environmental Site Management Plan shall accompany the Construction Certificate. This plan shall satisfy the Objectives and Controls in Part 4 of Chapter 8 of Sutherland Shire Development Control Plan 2006 and shall address the following:

- a) What actions and works are to be employed 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, and the like.
- b) The proposed method of loading and unloading excavation machines, building materials.
- c) Areas within the site to be used for the storage of excavated material, construction materials and waste containers during demolition / construction.
- d) How it is proposed to ensure that 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 certified by a Certifier accredited in civil engineering.
- f) The provision of temporary fencing to secure the work site (fencing, hoarding or awnings over public land require Council approval under the Roads Act).
- g) The control of surface water flows within and through the construction site to minimise erosion and movement of sediment off site.
- h) The type and location of erosion and sediment control measures, strategies to minimise the amount of soil uncovered at any time, the conservation of topsoil for re-use on site, the location and protection of stockpiles.
- i) Identify all trees that are to be retained and the measures proposed to protect them (including fencing, mulching, watering, erection of signs excluding access to the protection zone, etc), and identify areas for revegetation.

Note: The footpath and road reserve shall not be used for construction purposes (including storage of skips or building materials, standing cranes or concrete pumps, erecting hoardings, or as a construction zone) unless prior approval has been granted by Council under the Roads Act 1993.

14. IDA Requirements – Construction Certificate

The Construction Certificate shall be accompanied by certification by a suitably qualified person confirming that the Construction Certificate plans meet with the requirement of the IDA approval authority(s).

15. Soil and Water Management

Prior to the commencement of works or the issue of a Construction Certificate, the applicant shall submit to and obtain Council approval of a Soil and Water Management Plan and Statement which clearly identifies site features, constraints and soil types together with the nature of proposed land disturbing activities and also specifies the type and location of erosion and sediment control measures and also rehabilitation techniques necessary to deal with such activities.

The Plan shall take into account the objectives of Council's Environmental Site Management Development Control Plan and shall be compatible with any Construction Management Plan thus ensuring the following objectives are achieved, namely:

- a) All possible sediment controls are installed before commencing work.
- b) To minimise the area of soils exposed at any one time.
- c) To conserve topsoil for re-use on site.
- d) To identify and protect proposed stockpile locations.
- e) Provide an indication of all existing trees present on the site or which are affected by the works on the site including trees on adjoining properties together with the location of the full extent of protective fencing and other tree protection barriers and root protection bridging structures and the like to be utilised in locations agreed with the project arborist. The trees are to be indicated as "tree to be retained" and or "tree to be removed".
- f) To preserve existing vegetation and identify revegetation techniques and materials.
- g) To control surface water flows through the development construction site in a manner that:
 - i) Diverts clean run-off around disturbed areas.
 - ii) Minimises slope gradient and flow distance within disturbed areas.
 - iii) Ensures surface run-off occurs at non-erodable velocities.
 - iv) Ensures disturbed areas are promptly rehabilitated.
- h) Trap sediment on site to prevent off site damage. Hay bales are not to be used as sediment control devices. To ensure regular monitoring and maintenance of erosion and sediment control measures and rehabilitation works until the site is stabilised (includes landscaping).

16. Design Requirements for Disabled Access and Adaptable Housing

A checklist list prepared by a person suitably accredited by the Association of Consultants in Access Australia shall be submitted with the Construction Certificate, demonstrating that the development

complies with the requirements of AS4299 - Adaptable Housing and AS1428 - Design for Access and Mobility. The report shall also contain a completed checklist (Appendix A – AS4299) demonstrating compliance with the requirements of a Class C Adaptable House.

17. Bushfire – Design Level – Bushfire Attack Level (BAL) 19

The building shall be designed to Bushfire Attack Level (BAL) 19 construction standards, as prescribed in Australian Standard 3959 (2009) – Building in Bushfire Prone Areas and in accordance with the recommendations in Section A3.7 of Addendum: Appendix 3 to 'Planning for Bushfire Protection' (RFS). Details of how it is proposed to comply with these requirements shall form part of the Construction Certificate.

18. Verification of Design for Construction – SEPP 65

Design verification shall be provided by a suitably qualified designer (Architect) pursuant to SEPP 65 stating that the design intent approved by the Development Consent has been maintained in the building / architectural plans submitted with the Construction Certificate. This shall accompany the Construction Certificate.

Conditions Relating to Works in the Road Reserve

These conditions are imposed to ensure that adequate road works are provided to minimise the adverse effect of traffic generated by the development.

19. Access Application

An access application shall be made to Council to obtain footpath crossing and boundary alignment levels before commencing the final design of internal driveways, paths and car park area. The proposal shall comply with the levels issued by Council and a copy of the issued levels shall accompany the Construction Certificate.

20. Road Opening Approval Required

No work whatsoever shall be carried out within the Public Road Reserve unless a "Road Opening Permit" under the Roads Act, 1993 (NSW) has been issued by either Council or the Roads and Traffic Authority for every opening of the public road reserve.

Note: An application fee is payable for this application.

Public Utility Authorities Requirements

These conditions are imposed to avoid problems in servicing the development and reduce adverse impacts on the lot layout or the design of buildings or associated facilities.

21. Public Utilities - Subdivision

Arrangements shall be made with Energy Australia, Telstra, cable television network providers and other public utilities in relation to:

- a) The necessity for the provision of underground low voltage electricity conduits and cable television conduits within the footway area of Fowler Road and Hobart Place.
- b) The method of connection of the property to the Energy Australia supply, ie either underground connection or by overhead supply.
- c) The need for the provision of a kiosk-type substation.

22. Sydney Water - Notice of Requirements

The applicant shall obtain a Notice of Requirements under the Sydney Water Act 1994, Part 6 Division 9 from Sydney Water and submit the Notice to the Council.

23. Public Utility Authorities

Arrangements shall be made to the satisfaction of all Utility Authorities including cable television network providers in respect to the services supplied to the development by those authorities. The necessity to provide or adjust conduits/ services within the road and footway areas shall be at full cost to the applicant.

24. Car Wash Bays (General Design)

To ensure that waste water is dealt with in an acceptable manner, the car wash bay shall be designed and discharged to the sewer in accordance with the requirements of the Sydney Water Wastewater Source Control Branch. Evidence of a trade waste agreement shall be submitted with the Construction Certificate.

25. Drainage Design - General

The drainage for this development proposal shall be designed in accordance with the Institution of Engineers' publication "Australian Rainfall and Runoff" (1987), Council's "Urban Drainage Design" Manual together with Council's "Stormwater Management Policy and Guidelines" and "On-Site Stormwater Detention Policy and Technical Specification".

The design shall also take into account the specific requirements of any Development Control Plan, Catchment Management Plan or Stormwater Management Plan relevant to the site.

A Compliance Certificate issued by an appropriately accredited person to the effect that these design requirements have been met shall accompany the Construction Certificate.

26. Drainage Design (Stormwater Disposal)

To ensure the efficient disposal of stormwater and that no problem is caused to surrounding premises, the stormwater from the development shall be discharged to:

- a) The street gutter.
- b) The existing piped drainage system, being a properly functioning system permitted by Council.

27. Stormwater Treatment

An appropriate stormwater treatment measure, selected from the Environment Protection Authority's document "Managing Urban Stormwater - Treatment Techniques, November 1997", shall be provided as part of the permanent site stormwater (water quality) management system.

28. Footing Design adjoining Easements

All footings within 2m of the drainage easement shall be designed in such a manner that they are supported by foundations set at a minimum of 300mm below pipe invert levels or, alternatively, founded on sound rock. Certification to this effect shall be provided by an Accredited Certifier and this shall accompany the Construction Certificate.

29. Basement Car Park Design

The basement carpark shall be designed in accordance with AS 2890 and shall incorporate the following:

- a) The minimum headroom in the basement parking area shall be 2.2m measured from the parking floor to the underside of any beam, ventilation duct or service conduit, or to the underside of any door including a security door and fittings when those doors are in an open position.
- b) Where garage doors are proposed, all garages shall have a minimum width of 3m with a minimum door opening of 2.75m wide x 2.2m high clear of any necessary hinges, jambs or fixtures required for the operation of the garage doors and any services within the garage area.

30. Parking Areas and Access

All vehicular access, parking and manoeuvrability including loading areas for the proposed development shall be designed and constructed to comply with AS2890.1 - 2004.

The following specific requirements shall be incorporated into the constructed works:

- a) All "one way" traffic aisles in the car parking area shall be clearly identified by signposting and pavement marking.
- b) The ingress and egress crossing shall be clearly signposted as such.

31. Design of retaining structures

All retaining structures greater than 600mm in height are to be designed and certified for construction by a suitably qualified engineer. The structural design is to comply with, all relevant design codes and Australian standards and recommendations of the Geotechnical report, Construction methodology report and Construction monitoring property.

32. Geotechnical Monitoring Program

Excavation works associated with the proposed development must be overseen and monitored by a suitably qualified engineer. A Geotechnical Monitoring Program shall be submitted to the principal certifying authority prior to issue of a Construction Certificate. The Geotechnical Monitoring Program must be produced by suitably qualified engineer ensuring that all geotechnical matters are regularly assessed during construction.

The Geotechnical Monitoring Program for the construction works must be in accordance with the recommendations of the Geotechnical Report and is to include

- Recommended hold points to allow for inspection by a suitably qualified engineer during the following construction procedures:
 - a. Excavation of the site (face of excavation, base, etc)
 - b. Installation and construction of temporary and permanent shoring/ retaining walls.
 - c. Foundation bearing conditions and footing construction.
 - d. Installation of sub-soil drainage.
 - e. Location, type and regularity of further geotechnical investigations and testing.

Excavation and construction works must be undertaken in accordance with the Geotechnical Monitoring Program.

33. Construction Methodology Report

There are structures on neighbouring properties that are deemed to be in the zone of influence of the proposed excavations. A suitably qualified engineer must prepare a Construction Methodology report demonstrating that the proposed excavation will have no adverse impact on any surrounding property and infrastructure.

The report must be submitted to Principal Certifying Authority prior to issue of a Construction Certificate. The details must include a geotechnical report to determine the design parameters appropriate to the specific development and site.

The Report must include recommendations on appropriate construction techniques to ameliorate any potential adverse impacts.

The development works are to be undertaken in accordance with the recommendations of the Construction Methodology report.

34. Predevelopment Dilapidation Report

The applicant is to provide a dilapidation report of all adjoining properties and any of Councils infrastructure located within the zone of influence of the proposed excavation.

Dilapidation report must be conducted by a suitably qualified engineer prior to the commencement of any demolition, excavation or construction works. The extent of the survey must cover the zone of influence that may arise due to excavation works, including dewatering and/or construction induced vibration. The Initial dilapidation report must be submitted to Principal Certifying Authority prior to issue of a Construction Certificate.

35. Garbage, Recycling and Green-waste Storage Area

To ensure proper storage of waste from the premises, an enclosed garbage and recycling storage area shall be provided. This facility shall be designed and positioned to accommodate (and if necessary provide collection access to) waste and recycling bins to Council's requirements and in order to minimise noise and odour, it shall be located as far as possible away from nearby premises. Within this area a smooth impervious floor shall be provided that is graded to a floor waste and a tap and hose provided to facilitate regular cleaning of the bins. All waste water shall be discharged to the sewer in accordance with the requirements of Sydney Water.

The required number and type of waste and recycling material containers shall be provided at the full cost of the developer.

Details of the garbage, recycling and greenwaste storage area shall accompany the Construction Certificate.

The works included above shall be completed prior to the issue of an occupation certificate.

36. Odour control

To ensure that adequate provision is made for the treatment of odours, suitable odour control equipment shall be fitted to the mechanical exhaust system/s within the development. This equipment shall be capable of enabling the operation of the exhaust system free from the emission of all offensive odours from the premises as defined under the Protection of the Environment Operations Act 1997.

Certification to this effect shall accompany the Construction Certificate.

37. External Lighting - (Amenity)

Any lighting on the site shall be designed and operated so as not to cause a nuisance nor adverse impact on the other residents of the surrounding area nor to motorists on nearby roads. All external lights shall be designed in accordance with Australian Standard AS4282 - Control of the Obtrusive Effects of Outdoor Lighting.

38. Building Ventilation

To ensure that adequate provision is made for ventilation of the building

mechanical and / or natural ventilation systems shall be provided. These shall be designed, in accordance with the provisions of:

- a) The Building Code of Australia.
- b) AS 1668 Part 1 - 1998.
- c) AS 1668 Part 2 - 1991.

Details of all mechanical and / or natural ventilation systems, along with specific certification provided by an appropriately qualified person verifying compliance with the abovementioned requirements, shall accompany the Construction Certificate.

39. Noise Control – Design of Plant and Equipment (From Residential Unit Blocks)

To minimise the impact on the surrounding residents, all sound producing plant, equipment, machinery, mechanical ventilation system or refrigeration systems shall be acoustically attenuated so that the noise emitted does not exceed an LAeq sound pressure level of 5dB above the ambient background noise level when measured at the most affected point on or within any residential property boundary or at the external edge of any sole occupancy unit balcony within the premises itself at any time the units operate. Notwithstanding the above requirements, any noise generated by the plant and/or equipment must not be heard within a habitable room in any sole occupancy unit or other residential premises (regardless of whether any door or window to that room is open):

- (a) before 8am or after 10pm on any Saturday, Sunday or public holiday, or
- (b) before 7am or after 10pm on any other day.

Note: The method of measurement of sound shall be carried out in accordance with Australian Standard 1055.1.

Details of the acoustic attenuation treatment required to comply with this condition, shall be prepared by a practising acoustic engineer and shall be submitted with the Construction Certificate.

40. Car-Park Ventilation – Alternate system

As the basement car-park does not comply with the natural ventilation requirements of Part 7.4 of AS1668.2 - 1991, the car-park shall be either mechanically ventilated by a mechanical ventilation system complying with AS1668.2 -1991 OR alternatively by the natural ventilation system proposed providing it is certified by a practicing mechanical ventilation engineer to the effect that the system is an adequate system of natural ventilation. The certification shall confirm that the system will protect the health of the occupants of the car-park at any time it is used and would satisfy the exposure rates specified in Clause 7.2.2 of AS1668.2 – 1991

Details of the method of ventilation and relevant certification shall

accompany the Construction Certificate.

41. Noise Control - Residential Air Conditioning Unit / Heat Pump Water Heater

To minimise the noise impact on the surrounding environment, the air conditioning unit and / or heat pump water heater shall be designed and/or located so that noise generated shall not cause an LAeq (15min) sound pressure level in excess of 5 dB(A) above the ambient background level, at any time the unit operates, when measured at the most affected point on or within any residential property boundary.

Notwithstanding the above requirements, between the hours of 10.00pm and 8.00am on weekends and public holidays and 10.00pm and 7.00am any other day, noise emitted shall not be heard within any residence or sole occupancy unit with its windows and/or doors open or closed.

42. Energy Efficiency – Where BASIX Certificate is Provided

Notwithstanding its compliance with the NatHER rating or BASIX Certification, the hot water system shall be designed and/or located so that the noise emitted does not exceed an LAeq sound pressure level of 5dB above the ambient background noise level in any octave band, from 31.5Hz to 8kHz centre frequencies inclusive when measured at the most affected point on or within any residential property boundary.

43. Energy Efficiency - General

Details demonstrating how it is intended to comply with the energy efficiency requirements of any relevant Development Control Plan through the use of recycled, plantation timber and non-polluting building materials etc shall accompany the Construction Certificate. Choice of materials shall be made from the items listed in the Sustainable Materials Schedule.

BCA Fire Safety Conditions

The following conditions have been imposed for the purpose of ensuring that the proposed development meets BCA fire safety requirements.

44. Submission of Fire Safety Schedule

A Fire Safety Schedule shall be issued by an appropriately qualified person and provided to Council as part of the Construction Certificate in accordance with the *Environmental Planning and Assessment Regulation 2000*. This schedule shall distinguish between current, proposed and required fire safety measures, with the minimum standard of performance being indicated for each fire safety measure. The Fire Safety Schedule shall identify each fire safety measure that is a Critical Fire Safety Measures and the intervals at which supplementary fire safety statements shall be given to the Council in respect of each such measure.

PRE-COMMENCEMENT CONDITIONS

The following conditions are imposed to ensure that all pre-commencement matters are attended to before work is commenced.

45. Pre-Commencement - Notification Requirements

No works in connection with this development consent shall be commenced until:

- a) A Construction Certificate / Subdivision Certificate has been issued and detailed plans and specifications have been endorsed and lodged with Council;
- b) A Principal Certifying Authority has been appointed. Council shall be notified of this appointment along with details of the Principal Certifying Authority, and their written acceptance of the appointment; and
- c) Notice of commencement has been provided to Council 48 hours prior to commencement of construction work on the approved development.

46. Pre-commencement Inspection

The pre-commencement meeting is to be convened by the Applicant on-site a minimum 5 days prior to any demolition and/or construction activity and between the hours of 8.00 am and 4.30 pm Monday to Friday. Prior to this meeting the relevant sections of the Environmental Site Management Plan (ESMP) must be implemented. The meeting must be attended by a representative of Council's Civil Assets Branch, the PCA, the builder/site manager of the building/civil construction company and where necessary the supervising engineer. The attendance of the owner is required when it is intended to use more than one builder/principal contractor throughout the course of construction.

The purpose of the meeting is to:

- i) Inspect the implementation of relevant sections of the ESMP such as safe passage for pedestrians, the installation of sediment and erosion controls, hoardings, Work and Hoarded Zones;
- ii) Check the installation and adequacy of all traffic management devices;
- iii) Discuss/explain any sections of the development consent that may require clarification or elaboration;
- iv) Confirm that a Construction Certificate has been issued where necessary and all Council fees paid;
- v) Vet the compliance of any special/specific conditions of consent;
- vi) Confirm that the supervising engineer has a copy of Council's Specification for Civil Works Associated with Subdivisions and Developments – January 1996; and,
- vii) Confirm that the builder/site manager/principal contractor has a copy of the Sutherland Shire Development Control Plan 2006 and Environmental Specification 2007.

47. Pre-commencement Site Inspection - Road Frontage Works

The Principal Certifying Authority and / or the Supervising Engineer shall undertake a site inspection with Council staff prior to commencement of the road frontage works. The purpose of this inspection is to enable Council's Civil Assets Engineer to clarify Council's requirements, as owner of the roadway, in relation to the carrying out of the works.

Contact shall be made with Council's Civil Assets Branch on 97100357 to arrange for the inspection.

Note: An inspection fee shall be paid to Council prior to the lodgement of the Notice of Commencement. Please refer to Sutherland Shire Council's Adopted Schedule of Fees and Charges.

48. Signs to be Erected on Building and Demolition Sites

Where proposed works affect the external walls of a building, a rigid and durable sign shall be erected prior to the commencement of work and maintained in a prominent position on any work site on which building work, subdivision work or demolition work is being carried out. The responsibility for this to occur is that of the principal certifying authority or the principal contractor.

The signage, which must be able to be easily read by anyone in any public road or other public place adjacent to the site, must:

- a) show the name, address and telephone number of the principal certifying authority for the work, and
- b) show the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- c) state that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

CONSTRUCTION CONDITIONS

These conditions are imposed to ensure the development does not unreasonably impact on the amenity of the locality during the construction or demolition phase.

49. Environmental Site Management DCP

All construction work approved by this development consent shall be undertaken in accordance with the objectives and controls in Part 3 of Chapter 8 of Sutherland Shire Development Control Plan 2006 and the Sutherland Shire Environmental Specification 2007 - Environmental Site Management.

50. Permitted Hours for Building and Demolition Work

To minimise the noise impact on the surrounding environment all building and demolition work shall be carried out only between the hours of 7.00am to 6.00pm Monday to Friday inclusive, 8.00am to 1.00pm Saturday. No work shall be carried out on Sundays and Public Holidays.

51. Toilet Facilities

Toilet facilities shall 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.

Each toilet provided:

- a) shall be a standard flushing toilet, and
- b) shall be connected:
 - i) to a public sewer, or
 - ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
 - iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

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

52. Demolition Work

To ensure that demolition of structures is carried out in an environmentally acceptable and safe manner:

- a) The demolition of the existing building shall be carried out strictly in accordance with Australian Standard 2601 - The Demolition of Structures.
- b) It is the applicant's responsibility to notify Council of any existing damage to public areas in the vicinity of the development site through the submission of a dilapidation report supported with suitable photographic records. This information shall be submitted to Council prior to the commencement of work. Any damage other than that noted prior to commencement of the demolition shall be the responsibility of the owner of the property for repair or reinstatement.
- c) The applicant shall ensure that the demolition contractor has a current public risk insurance coverage for a minimum of \$5 million. A copy of the Policy must be submitted to the Council prior to demolition.
- d) If demolition is to commence prior to the issue of a Construction Certificate, the applicant shall submit to Council a Site

Management Plan – Demolition for assessment prior to the commencement of any demolition work. This plan shall satisfy the objectives of Council's Environmental Site Management Development Control Plan and shall consider the following:

- i) 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 demolition activities, crossings by heavy equipment, plant and materials deliveries and the like;
 - ii) The proposed method of loading and unloading demolition machines within the site;
 - iii) The proposed areas within the site to be used for the storage of demolished material and waste containers during the demolition period;
 - iv) How it is proposed to ensure that soil / demolished material is not transported on wheels or tracks of vehicles or plant and deposited on surrounding roadways;
 - v) The requirements of any site specific Development Control Plan that may affect this development site.
- e) Pre-Commencement Inspection
If demolition is to commence **prior** to the issue of a Construction Certificate, the Builder/principal contractor shall undertake a pre-commencement site inspection with Council's Engineering Compliance Officer and Council's Civil Asset Manager. The purpose of this inspection is to facilitate the implementation of the consent specifically with regard to the impact on the public way and to clarify any matters of concern.

Note: An inspection fee shall be paid to Council prior to the meeting. Please refer to Sutherland Shire Council's Adopted Schedule of Fees and Charges.

53. Demolition – Removal of Asbestos Material

To ensure that the removal and transportation of any asbestos material from the premises is carried out in an environmentally acceptable and safe manner, all work shall comply with the following:

- a) Occupational Health and Safety Act 2000;
- b) Occupational Health and Safety Regulation 2001;
- c) Code of Practice for the Safe Removal of Asbestos 2nd Edition [NOHSC:2002(2005)];
- d) Workcover NSW 'Working with Asbestos – Guide 2008'; and,
- e) Protection of the Environment Operations Act 1997.

Should works involve the removal of more than 10 square metres of asbestos material, a bonded asbestos licence is required. A friable asbestos licence is required to remove, repair or disturb any amount of friable asbestos. For further information contact the NSW Workcover Authority. Asbestos waste in any form shall be disposed of at a waste facility licensed by the Department of Environment Climate Change & Water to accept asbestos waste.

The applicant shall notify Council's Environment & Health Regulation Unit (phone (02) 97100333 during normal business hours) of any proposed removal of asbestos material not less than 72 hours prior to the commencement of the work.

54. Excavations and Backfilling

- a) All earthworks including excavations and backfilling associated with the erection or demolition of a building shall be executed safely and in accordance with appropriate professional standards.
- b) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
- c) All canopy, trunk and root system of all trees to be retained on site and neighbouring properties shall be protected from damage during excavation.

55. Imported 'Waste Derived' Fill Material

In order to ensure that imported fill is of an acceptable standard for environmental protection purposes:

- a) The only waste derived fill material that may be received at the development site shall be:
 - i) Virgin excavated natural material (within the meaning of the Protection of the Environment Operations Act 1997).
 - ii) Any other waste-derived material the subject of a resource recovery exemption under cl.51A of the Protection of the Environment Operations (Waste) Regulation 2005 that is permitted to be used as fill material.
- b) Any waste-derived material the subject of a resource recovery exemption received at the development site shall be accompanied by documentation as to the material's compliance with the exemption conditions and shall be provided to the Principal Certifying Authority on request.

56. Retaining Walls and Drainage

If the soil conditions require it, retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil shall be provided, and adequate provision must be made for drainage.

57. Support for Neighbouring Buildings

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) Shall preserve and protect the building from damage.
- b) If necessary, shall underpin and support the building in an

- approved manner.
- c) Shall, 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.
 - d) 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.

In this clause, allotment of land includes a public road and any other public place.

58. Protection of Public Places

To protect public safety and convenience during the course of constructing the works covered by this consent, the following matters shall be complied with:

- a) If the work involved in the erection or demolition of a building:
 - i) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed, inconvenienced, or rendered unsafe; or
 - ii) building involves the enclosure of a public place, A hoarding or fence shall be erected between the work site and the public place.
- b) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- c) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Any such hoarding, fence or awning shall be removed and any damage to any public place reinstated to Council's satisfaction when the work has been completed.

59. Noise Control during Construction and Demolition

To minimise the impact on the surrounding environment:

- a) For construction and demolition periods of four (4) weeks or less, the LAeq sound pressure level measured over a period of 15 minutes when the construction or demolition site is in operation, shall not exceed the ambient background level (LA90 15min) by more than 20dB(A) when measured at the nearest affected premises.
- b) For construction and demolition periods greater than four (4) weeks, the LAeq sound pressure level measured over a period of 15 minutes when the construction or demolition site is in operation, shall not exceed the ambient background level (LA90 15min) by more than 10dB(A) when measured at the nearest affected

premises.

60. Vibration damage

To minimise vibration damage and loss of support to the buildings in close proximity where a hydraulic hammer is to be used within 30 metres of any building (other than a path or a fence) a report shall be prepared by a qualified geotechnical engineer detailing the maximum size of hammer to be used for excavation purposes. This report shall accompany the Construction Certificate.

61. Environment Protection and Management

The environment protection and management measures described in the required Environmental Site Management Plan (including sediment controls and tree protection) shall be installed or implemented prior to commencement of any site works and continuously maintained during the period of construction or demolition. These measures shall generally be in accordance with the requirements of Part 3 of Chapter 8 of Sutherland Shire Development Control Plan 2006 and the Sutherland Shire Environmental Specification 2007 - Environmental Site Management.

62. Run-off and Erosion Controls

Run-off and erosion controls shall be installed prior to commencement of any site works and shall be continuously maintained during the period of construction or demolition. These control measures shall generally be in accordance with the requirements of Part 3 of Chapter 8 of Sutherland Shire Development Control Plan 2006 and the Sutherland Shire Environmental Specification 2007 - Environmental Site Management and shall specifically address the following matters:

- a) diversion of uncontaminated runoff around cleared or disturbed areas;
- b) a silt fence or other device to prevent sediment and other debris escaping from the cleared or disturbed areas into drainage systems or waterways;
- c) controls to prevent tracking of sediment by vehicles onto adjoining roadways and public areas; and
- d) disturbed areas shall be stabilised either temporarily or permanently by the use of turf, mulch, paving or other methods approved by the Council.

63. Stockpiling of materials during construction

Topsoil, excavated material, construction and landscaping supplies and on site debris shall be stockpiled within the erosion containment boundary and shall not encroach beyond the boundaries of the property or the drip-line of any tree marked for retention. For further information, refer to Part 3 of Chapter 8 of Sutherland Shire Development Control Plan 2006 and the Sutherland Shire Environmental Specification 2007 - Environmental Site Management.

64. Construction materials and machinery must be kept within the site
All construction materials, sheds, skip bins, temporary water closets, spoil, and the like, shall be kept within the property. No vehicles or machines shall be permitted to stand on Council's footpath. For further information, refer to Part 3 of Chapter 8 of Sutherland Shire Development Control Plan 2006 and the Sutherland Shire Environmental Specification 2007 - Environmental Site Management.
65. Spoil deposited on public way (roads or reserves)
Any spoil deposited on public roads during cartage of materials from or to the site shall be removed immediately to the satisfaction of Council. If Council determines that excessive depositing of spoil onto the public way is taking place then the cartage of spoil shall cease if so directed by Council.
66. Vibration Control - Residential
The proposed security door fitted to the car parking area entrance shall be independently mounted on rubber pads to prevent vibration noise transmission through the concrete walls and / or columns.
67. Certification Requirement - Prior to pouring of concrete
Certificate shall be provided from a registered surveyor at the following stages of construction to ensure that when completed the structure will comply with the design details endorsed and accompanying the Construction Certificate:
- a) Prior to the pouring of the initial / lowest floor slab, verifying the location and level of the steel / formwork is such to ensure that the concrete when poured will comply with the approved floor level.
 - b) Prior to the pouring of each floor slab, verifying the location and level of the steel/formwork is such to ensure that when completed, the building will comply with the approved roof height.
68. Provision of Letter Box Facilities
Suitable letter box facilities (including Owner's Corporation in the case of strata units) shall be provided in accordance with Australia Post specifications.
69. Disposal of Site Soils
All soils excavated from the subject site are to be classified under the NSW DECC Waste Classification Guidelines (2009). Testing is required prior to off site disposal.
- All waste materials shall be removed to appropriately licensed waste facilities by a suitably qualified contractor in accordance with NSW DECC Waste Classification Guidelines (2009).

Note: Attention is drawn to Part 4 of the NSW DECC Waste

Classification Guidelines (2009) which makes particular reference to the management and disposal of Acid & Potential Acid Sulfate Soils.

70. Dewatering of Excavation

Any water from excavations to be discharged to Council's stormwater system must meet the following criteria:

- a) It shall not contain a concentration of suspended sediment exceeding 50 mg/L.
- b) It shall have a pH of between 6.5-8.
- c) It shall comply with the ANZECC Guidelines for Marine and Freshwater Quality, for Protection of Aquatic Ecosystems (95% protection level).

Water testing shall be carried out to ensure compliance with the above by a suitably qualified environmental scientist, and results provided to Council upon request. A permit may be required to discharge water to Council's stormwater system. Consultation with Council shall be undertaken prior to discharge of any water to stormwater.

Landscaping Requirements

These conditions are imposed to ensure the retention and enhancement of the existing landscaping.

71. Irrigation system

The communal open space areas shall be provided with an efficient irrigation system to enable effective landscape maintenance. Details of this shall be provided in the landscape plan which shall accompany the Construction Certificate.

72. Removal of Trees

The issue of the Construction Certificate gives approval for the removal of the following trees:

- a) Any trees specifically identified in the consent "existing tree to be removed".
- b) Any trees growing within the building footprint of the approved structures.
- c) Any declared noxious plant. The applicant is to ensure that all noxious plants are properly identified and controlled/removed.
- d) Any tree species listed in Clause 57 of the SSLEP 2006 Council's Controls for Preservation of Trees and Bushland Vegetation.

All other vegetation not specifically identified above, and protected by Council's Controls for Preservation of Trees and Bushland Vegetation shall be retained and protected from construction damage. These Controls for Preservation of Trees and Bushland Vegetation protects any vegetation unless written consent is obtained.

Note: There is NO approval for any tree removals within the road reserve through the consent of this development application.

73. Planter Boxes

Planter boxes shall be constructed in accordance with section 2.3.3, Podium Landscape Works, of the Sutherland Shire DCP Landscape Specification Part 1, Planting and Landscaping guidelines 2007.

74. Tree Retention and Protection

All of the trees contained within the public road reserve adjacent to the Fowler Road and Hobart Place boundaries of the site shall be retained and protected.

These trees identified for retention shall be protected by the following measures:

- a) Protective fencing constructed of 1.8m high chain wire mesh supported by robust posts shall be installed at a minimum radius of 2.0m from the trunk of each tree referenced above. This fencing shall be installed prior to the commencement of any works subject to this consent and remain in place until all works are completed. Signage shall be erected on the fence with the following words clearly displayed "TREE PROTECTION ZONE, DO NOT ENTER".
- b) The tree protection zone within the protective fencing shall be mulched with a maximum depth 75mm of suitable organic mulch (woodchips or composted leaf chip mulch) and kept regularly watered for the duration of the works subject to this consent.
- c) No development or associated activity is permitted within the fenced tree protection zone for the duration of works subject to this consent. This includes vehicular or pedestrian access, sheds, washout areas, excavations, backfilling, installation of services (including stormwater), removal of top soil, stockpiling of soil or building materials.
- d) Any approved works within this tree protection zone shall be under the direction of, and to the satisfaction of, a suitably qualified and experienced Arborist.

Bushfire Conditions

The following conditions have been imposed for the purpose of mitigating the potential impact of bushfire on the proposed development.

75. Bushfire – Construction

The building shall be constructed to the designated Bushfire Construction Level in accordance with the design approved under the Construction Certificate and *Australian Standard 3959 – Building in Bushfire Prone Areas*.

76. Rainwater Harvesting and Use
Tank Installation

The tank and support structure shall be placed on a suitable foundation in accordance with the manufacturer's or engineer's details. It must not rest (in full or part) on the footings of any building or structure or on a retaining wall without being specifically designed for.

The tank shall not be installed over or immediately adjacent to a stormwater drainage easement, water or sewer main or associated infrastructure without the consent of the appropriate authority.

The tank may be free standing, partially or wholly below ground level, incorporated into the building eaves or fixed to a wall.

The tank installation and all plumbing works shall be carried out by a plumber licensed with the NSW Department of Fair Trading.

Plumbing Connections

Pipes that may be in contact with rainwater for extended period are to comply with AS/NZS4020. In general, this does not apply to guttering or downpipes that deliver rainwater directly by gravity into the top of the rainwater tanks because contact with the water is transient.

Underground pipework delivering water to the tank, or between tanks, or from tanks to houses (for reuse in toilets and laundries) shall comply with AS/NZS4020.

Polyethylene pipes used for such pressure applications shall comply with AS/NZS4130.

The installation of tanks and associated pipework infrastructure shall comply with the following standards:

1. AS/NZS2179 – Specifications for rainwater goods, accessories and fasteners.
2. AS2180 – Metal rainwater goods – selection and installation.
3. AS/NZS3500 – National Plumbing and Drainage Code.
4. AS/NZS4130 – Polyethylene (PE) pipes for pressure applications.

Potable Water Back-up

Potable water from the back-up system shall be introduced directly to the rainwater tank/s and not to the distribution system. Potable water is to be supplied via a dry break connection.

For the developments where a single rainwater tank is used, this tank shall be considered as the Potable Water Make-up Tank. Should a development include more than one (1) rainwater tank, a single rainwater tank shall be nominated as the Potable Water Make-up Tank.

The Potable Water Make-up Tank shall be installed such that potable water is supplied when the storage level is reduced to between 5% and 10% of installed rainwater storage capacity.

At this level, an approved mechanical float device or electrical float switch is to be used to make up potable water.

Overflow

Intense or prolonged rainfall will exceed the capacity of the rainwater tank therefore a (gravity) overflow system shall be provided to an appropriate approved Council storm water drainage system and via any OSD or retention facility if required.

POST CONSTRUCTION CONDITIONS

These conditions are imposed to ensure all works are completed in accordance with the Development Consent prior to either the issue of an Occupation Certificate, a Subdivision Certificate or habitation / occupation of the development.

77. Section 73 Compliance Certificate

A Compliance Certificate under s73 of the Sydney Water Act, 1994, shall be submitted to Council by the PCA prior to the issue of an Occupation Certificate or before the issue of a Subdivision Certificate. Sydney Water may require the construction of works and/or the payment of developer charges.

Advice from Sydney Water:

An application must be made through an authorised Water Servicing Coordinator. For details see the Sydney Water web site at www.sydneywater.com.au/customer/urban/index or by telephone 13 20 92.

Following application a "Notice of Requirements" will be forwarded detailing 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 as well as building, driveway or landscaping design.

78. Completion of Work on Public Land

All work on public land required or proposed as part of this consent shall be completed in accordance with the requirements and time frames specified in the approvals granted by Council for the work under the Local Government Act 1993 or the Roads Act 1993.

No work shall be undertaken within the road reserve or on public land without approval from Council.

79. Post development Dilapidation report

The applicant is to provide a dilapidation report recording structural conditions of all structures originally assessed prior to the commencement of works, must be carried out at the completion of the

works and be submitted to Principal Certifying Authority prior to issue of an occupational Certificate.

Need for Certification

To ensure that all works are completed in accordance with the Development Consent, certification from an Accredited Certifier shall accompany the Occupation Certificate, to the effect that the following works have been completed.

80. Set out of Building

Certificate from a Registered Surveyor certifying that the building has been set-out in relation to location and levels, in accordance with the requirements of the development consent.

81. Level of Lowest Floor and Roof Ridge

Certification from a Registered Surveyor certifying that the lowest floor (or the initial floor construction) and roof ridge of the development has been constructed in compliance with the levels approved by this development consent.

82. Mechanical or Natural Ventilation

Certification from a suitably qualified Mechanical Engineer certifying that all work associated with the installation of the mechanical or natural ventilation systems has been carried out in accordance with the conditions of the development consent.

83. General Compliance

Certification shall be submitted from the Principal Certifying Authority certifying that all works have been completed and comply with the approved plans, conditions and specifications.

84. Works in Roadway

A Compliance Certificate from an Accredited Certifier certifying that all works undertaken in the road reserve have been completed in accordance with the conditions of the Road Opening Approval.

85. Completion of Landscaping

Certification shall be provided from a suitably qualified and experienced Landscape Designer or Landscape Architect within three months after the issue of the Final Occupation Certificate for the development. This Certification shall verify that the landscape works have been completed to the stage of practical completion in accordance with the approved detailed landscape plan and relevant conditions of this consent.

Note: A Landscape Designer is a person eligible for membership of the Australian Institute of Landscape Designers and Managers and a Landscape Architect is a person eligible for membership of the Australian Institute of Landscape Architects as a Registered Landscape Architect.

86. Tree Preservation

Certification shall be provided from a suitably qualified and experienced Arborist within three months after the issue of the Final Occupation Certificate for the development. This Certification shall verify that tree preservation (including fencing) has been completed in accordance with the approved plans and relevant conditions of this consent.

Note: An Arborist is a person with current membership of the National Arborists Association of Australia at a grade of General Member, Affiliate Member or Life Member or alternatively a person who has obtained a TAFE Certificate in Horticulture (Arboriculture) Level 2 or higher.

87. Disabled Access and Adaptable Housing Certification.

Certification shall be provided by a person suitably accredited by the Association of Consultants in Access Australia, verifying that the development has been constructed in accordance with the requirements of AS4299 - Adaptable Housing and AS1428 - Design for Access and Mobility and in accordance with the report and checklist submitted with the Construction Certificate.

88. Bushfire Certificate

A Certificate shall accompany the Occupation Certificate for Bushfire construction works verifying that the development has been constructed in accordance with the requirements of *Australian Standard 3959 – Building in Bushfire Prone Areas*, under the Development Consent and Construction Certificate.

89. Verification of Design at Completion – SEPP 65

Design verification shall be provided by a suitably qualified designer (Architect) pursuant to SEPP 65 stating that the design intent approved by the Development Consent has been maintained throughout the construction of the building / development. This shall be provided prior to the issued of the final Occupation Certificate.

90. Verification of IDA Requirements

Verification shall be provided by a suitably qualified person pursuant to s.91 of the EP&A Act 1979, stating that all IDA requirements of the Approval Authority(s) have been maintained throughout the construction of the building / development. This shall be provided prior to the issue of the final Occupation Certificate.

91. Prior to Occupation or Use of the Development

The Development shall not be occupied or used until:

- a) A Final Occupation Certificate is issued and provided to Council for the development; or
- b) An Interim Occupation Certificate is issued and provided to Council for the development. This shall clearly identify the part of the

development to which the Interim Occupation Certificate relates.

92. Final site Inspection

Prior to the issue of the Subdivision or Occupation Certificate, a final site inspection relating to the public area shall be arranged by the applicant, and shall be undertaken by the applicant's Supervising Engineer and Council's Civil Assets Engineer. The purpose of the inspection is to ensure that notwithstanding the submission of any certificates required by the development consent, all impacts within the public area caused by the development have been satisfactorily addressed.

Note: An inspection fee shall be paid to Council. Please refer to Sutherland Shire Council's Adopted Schedule of Fees and Charges.

Subdivision Plan Requirements

The following conditions have been imposed in relation to the preparation and release of the Linen Plans of Subdivision.

93. Linen Plan of Subdivision to conform with Development Consent

The Linen Plan of Subdivision shall conform with Council's Development Consent No. DA11/0090 and all relevant conditions thereunder.

94. Allocation of Common Property

Common property shall not be allocated by the Owners Corporation for the exclusive use of a proprietor. No modification shall be made to a Plan of Strata Subdivision without the prior development consent of Council.

95. Endorsement of Linen Plans of Subdivision by Council

To facilitate the issue of the Plan of Subdivision, following completion of the requirements detailed in the conditions of this Development Consent and the issue of the Subdivision Certificate by Council, a film and eight (8) paper copies of the Plan of Subdivision shall be submitted to Council together with the Instrument (in duplicate) under Section 88B of the Conveyancing Act, where required for ultimate lodgement at the Land Titles Office.

96. Issue of Strata Subdivision Certificate - Accredited Certifier

A Subdivision Certificate shall not be issued by an Accredited Certifier with respect to a Plan of Strata Subdivision until such time that all relevant conditions of development consent with respect to the construction of this development have been completed. Specifically so as to ensure public safety all conditions of this development consent that call for construction, earthworks or the like, either within or around the site that by its nature creates a hazard to either the public or occupants of the site shall be fully completed prior to the issue of the Subdivision Certificate.

97. When to issue the Strata Subdivision Certificate - Accredited Certifier
A Subdivision Certificate shall not be issued by an Accredited Certifier with respect to a Plan of Strata Subdivision until such time that all relevant conditions of development consent with respect to the construction of this development have been completed. Specifically so as to ensure public safety all conditions of this development consent that call for construction, earthworks or the like, either within or around the site that by its nature creates a hazard to either the public or occupants of the site shall be fully completed prior to the issue of the Subdivision Certificate.

The Accredited Certifier shall provide a Compliance Certificate to this effect and this (along with the Occupation Certificate) shall accompany the Subdivision Certificate and registered Plan of Strata Subdivision upon submission to Council.

98. Occupation of the development - Strata Subdivision
For the purpose of Public Safety, regardless of any Occupation Certificate that may be issued in relation to approved development, there shall be no residential habitation permitted until such time that all conditions of development consent with respect to the construction of the development have been completed and all relevant Certificates pursuant to Part 4A of the Environmental Planning and Assessment Act have been submitted to Council.

Specifically so as to ensure public safety all conditions of this development consent that call for construction, earthworks or the like, either within or around the site that by its nature creates a hazard to either the public or occupants of the site shall be fully completed prior to the issue of the Subdivision Certificate.

OPERATIONAL CONDITIONS

These conditions are imposed to ensure that the use or operation of the development does not adversely impact on the amenity of the neighbourhood and the environment.

99. Maintenance and Operational Efficiency of BASIX Requirements
The operation of all devices or appliances installed within the development approved by this consent as stipulated in the BASIX Certificate shall be maintained in good operating order at all times.

100. Bushfire – Maintenance
The building and associated asset protection area shall be maintained to the designated Bushfire Construction Level in accordance with the design approved under the Construction Certificate and *Australian Standard 3959 – Building in Bushfire Prone Areas*.

101. Carparking Areas

To ensure that the carparking area satisfies the demands of the development it shall be made available on an unrestricted basis at all times for visitors' vehicles.

102. Common Property

To ensure that the car parking area satisfies the demands of the development it shall be made available as common property in any future strata subdivision.

103. Car Parking Allocation

Car-parking provided shall only be used in conjunction with the dwellings and/or tenancies contained within the development, and shall be allocated to individual strata lots as part of their unit entitlement. Visitor parking facilities and/or car wash bays shall be designated as common property on any strata plan.

Parking shall be allocated on the following basis:

- Residential dwellings: minimum seventy (70) spaces
- Residential visitors: minimum seventeen (14) spaces
- Car wash bay(s): one (1) space

104. External Lighting

All external lights shall be operated and maintained in accordance with the Australian Standard AS4282 - Control of the Obtrusive Effects of Outdoor Lighting so as not to cause a nuisance or adverse impact on the amenity of residents of the surrounding area nor to motorists on nearby roads.

105. Noise Control - Residential Air Conditioning Unit / Heat Pump Water Heater

To minimise the noise impact on the surrounding environment, the use of the air conditioning unit and / or heat pump water heater shall not cause an LAeq (15min) sound pressure level in excess of 5 dB(A) above the ambient background level, at any time the unit operates, when measured at the most affected point on or within any residential property boundary.

Notwithstanding the above requirements, between the hours of 10.00pm and 8.00am on weekends and public holidays and 10.00pm and 7.00am any other day, noise emitted shall not be heard within any residence or sole occupancy unit with its windows and/or doors open or closed.

106. Noise Control - Offensive Noise

To minimise the noise impact on the surrounding environment, the use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to an "offensive noise" as defined under the provisions of the Protection of the Environment Operations Act 1997.

107. Noise Control – Design of Plant & Equipment (From Residential Unit Block)

To minimise the impact on the surrounding residents, all sound producing plant, equipment, machinery, mechanical ventilation system or refrigeration systems shall be operated so that the noise emitted does not exceed an LAeq sound pressure level of 5dB above the ambient background noise level when measured at the most affected point on or within any residential property boundary or at the external edge of any sole occupancy unit balcony within the premises itself at any time the equipment operates. Notwithstanding the above requirements, any noise generated by the plant and/or equipment must not be heard within a habitable room in any sole occupancy unit or other residential premises (regardless of whether any door or window to that room is open):

- (a) before 8am or after 10pm on any Saturday, Sunday or public holiday, or
- (b) before 7am or after 10pm on any other day.

Note: The method of measurement of sound shall be carried out in accordance with Australian Standard 1055.1.

108. Ventilation – Operation

To ensure that adequate ventilation within the building, all mechanical and / or natural ventilation systems shall be operated and maintained in accordance with the provisions of:

- a) The Building Code of Australia.
- b) AS 1668 Part 1 - 1998.
- c) AS 1668 Part 2 - 1991.

109. Car- Wash Bays

To prevent contamination of the stormwater drainage system, all car-wash, engine degreasing and steam cleaning shall be conducted in a wash-bay that is graded to an internal drainage point and connected to the sewer. Wastewater shall be treated in accordance with the requirements of the Sydney Water Corporation.

110. Waste and Recycling Bins

All waste bins and recycling bins shall be stored wholly within the property boundaries in a designated waste storage area. The garbage bin shall be designed to prevent the escape of any liquid leachate and shall be fitted with a lid to prevent the entry of vermin. The bins shall only be put out for collection in the evening prior to pick-up and returned to the storage area as soon as possible after pick-up.

END OF CONDITIONS