

## **CONDITIONS**

### **Plans**

- 1 The development shall be completed in accordance with the approved plans and documents listed below, prior to the building being used or occupied, and subject to any amendments “in red” and any variation as required by conditions of this consent:

Basement Level 1 Dwg A110 Issue B prepared by Tony Owen Partners and received by Council 11 May 2012.

Basement Level 2 Dwg A111 Issue B prepared by Tony Owen Partners and received by Council 16 March 2012.

Basement Level 3 Dwg A112 Issue B prepared by Tony Owen Partners and received by Council 16 March 2012.

Ground Floor Dwg A100 Issue B4 prepared by Tony Owen Partners and received by Council 11 May 2012.

First Floor Dwg A101 Issue B4 prepared by Tony Owen Partners and received by Council 11 May 2012.

Second Floor Dwg A102 Issue B4 prepared by Tony Owen Partners and received by Council 11 May 2012.

Third Floor Dwg A103 Issue B4 prepared by Tony Owen Partners and received by Council 11 May 2012.

Fourth Floor Dwg A104 Issue B4 prepared by Tony Owen Partners and received by Council 11 May 2012.

Fifth & Sixth Floor Dwg A105 Issue B4 prepared by Tony Owen Partners and received by Council 11 May 2012.

Roof Floor Plan Dwg A106 Issue B4 prepared by Tony Owen Partners and received by Council 11 May 2012.

Elevations (North) Dwg A120 Issue B4 prepared by Tony Owen Partners and received by Council 11 May 2012.

Elevations (South) Dwg A122 Issue A4 prepared by Tony Owen Partners and received by Council 11 May 2012.

Elevations (East) Dwg A121 Issue B4 prepared by Tony Owen Partners and received by Council 11 May 2012.

Elevations (West) Dwg A123 Issue A4 prepared by Tony Owen Partners and received by Council 11 May 2012.

Section A-A Dwg A130 Issue A4 prepared by Tony Owen Partners and received by Council 16 March 2012.

Section B-B Dwg A131 Issue A4 prepared by Tony Owen Partners and received by Council 16 March 2012.

Remediation Action Plan, prepared by Aargus Australia for Homebush Project Development Pty Ltd and dated October 2011.

Ramp Section Entrance Ramp Dwg A135 Issue A4 prepared by Tony Owen Partners and received by Council 16 March 2012.

Ramp Section Internal Ramp Dwg A136 Issue A4 prepared by Tony Owen Partners and received by Council 16 March 2012.

Landscape plans numbered 2909.LP.01, 2909.LP.02, 2909.LP.03 and 2909.LP.04, prepared by Environmental Partnerships (NSW) and received by Council on 16 March 2012.

**Stormwater Design Plans – TO BE FINALISED & INSERTED.**

Aboricultural Impact Assessment prepared by Tree and Landscape Consultants (TALC) and received by Council 19 December 2011.

BASIX Certificate Nos. 263454M\_04 and 263259M\_04 received by Council 19 December 2011.

Waste Management Plan by Elephants Foot Waste Compactors P/L and received by Council 16 March 2012.

A Construction Certificate must be obtained either from Council or a privately accredited person before commencement of any construction/demolition associated with this consent.

The Principal Certifying Authority must be appointed prior to work commencing to supervise the work and authorise occupation/use of the building when completed.

- 2 A copy of the endorsed stamped plans and specifications, together with a copy of the Development Consent, Construction Certificate and any approved Traffic Management Plan are to be retained on site at all times.

**Special Conditions**

- 3 The above architectural plans be amended to redesign unit G10 as a two (2) bedroom unit within the same unit area of 100m<sup>2</sup> (as the unit size is unsatisfactory as a three (3) bedroom unit). The amended plans shall **be submitted to the Principle Certifying Authority prior to the issue of a Construction Certificate.**

- 4 The BASIX certificate be updated to reflect the plans identified in the approved plans listed above.
- 5 Compliance with the conditions required by the Roads and Traffic Authority (RTA) by letter dated 6 February 2012 outlined as follows:
  - (1) All vehicles shall enter and leave the site in a forward direction.
  - (2) The layout of the proposed car parking areas, loading docks and access driveway associated with the subject development (including grades, turn paths, sight distance requirements, aisle widths, aisle lengths, loading bay dimensions and parking bay dimensions) should be in accordance with AS 2890.1-2004 and AS 2890.2-2002 for heavy vehicles.
  - (3) A Demolition and Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council, for approval, **prior to the issue of a construction certificate.**
  - (4) All costs associated with the proposed development shall not be at cost to the Roads & Maritime Service.
- 6 If air conditioning units are to be installed they shall not be located on the floor of balconies in order to prevent them from acting as climbing aids. The Principal Certifying Authority shall confirm compliance with this condition **prior to the issue of an Occupation Certificate/use of the building.**

#### General

- 7 The building shall not be occupied or used until the development has been completed in accordance with the conditions of this consent, construction has been completed in accordance with the Construction Certificate and an Occupation Certificate has been issued by the Principal Certifying Authority.
- 8 Pursuant to State Environmental Planning Policy (SEPP) No. 65 – Design Quality of Residential Flat Development, the certifying authority must not issue:
  - (a) a **Construction Certificate** unless the certifying authority has received a design verification statement from a qualified designer that verifies that the plans and specifications achieve or improve the design quality of the development for which development consent was granted having regard to the design quality principles set out in Part 2 of SEPP No. 65, in accordance with Clause 143A of the Regulations; and
  - (b) an **Occupation Certificate** to authorise a person to commence occupation or use of the residential flat building unless the certifying authority has received a design verification statement from a qualified designer that verifies that the residential flat development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction

certificate was issued, having regard to the design quality principles set out in Part 2 of SEPP No. 65, in accordance with Clause 154A of the Regulations.

- 9 A Works Permit shall be obtained from Council's Customer Service Centre at least 48 hours prior to undertaking any works on public/Council-controlled areas. This includes any work on the nature strip, footpath, driveways, Council's drainage kerb & guttering and roadways. The permit must be retained on site at all times.
- 10 The storage of goods or the use of portable clotheslines on balconies visible from a public place is strictly prohibited.
- 11 All exhaust and other emissions including noise from the premises shall comply with the provisions of the Protection of the Environment Operations Act 1997 and Regulations.
- 12 The applicant or any contractors carrying out works in public or Council controlled lands shall have public liability insurance cover to the value of \$10million and shall provide proof of such cover to Council prior to carrying out works.

#### **Financial Matters**

- 13 (a) A draft Voluntary Planning Agreement (VPA) for the ongoing ownership and management of the Council facility was submitted with the application. In accordance with Section 93F of the Environmental Planning & Assessment Act 1979, this draft VPA is required to be publicly exhibited, submissions considered and an agreement entered into. The VPA shall be finalised **prior to the issue of a Construction Certificate or as otherwise specified in writing by Council.**

Should the final VPA not be entered into, condition (b) below regarding Section 94 Developer Contributions shall apply;

- (b) In the event that condition 15 cannot be complied with, the applicant shall in accordance with the provisions of Section 94(1)(b) of the Environmental Planning and Assessment Act 1979 and Strathfield Section 94 Contributions Plan 2001, provide a contribution in the form of cash, cheque or credit card (financial transaction fee applies) to be paid to Council for the following purposes:

Provision of Community Facilities	\$113,192.90
Provision of Major Open Space	\$550,721.50
Provision of Local Open Space	\$183,521.70
Provision Roads and traffic Management	\$26,243.00
Administration	\$23,480.30

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<b>TOTAL</b>	<b>\$897,159.40</b>
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The total amount of the contribution is valid as at the date of determination and is subject to annual indexation. If the contribution is paid after 1<sup>st</sup> July in any year, the

amount of the contribution under this condition shall be indexed in accordance with clause 2.14 of the Strathfield Direct Development Contributions Plan 2010-2030.

The required contribution shall be paid **prior to the issue of a Construction Certificate or as otherwise specified in writing by Council.**

- 14 A security payment of \$250,254.00 in the form of cash, bank guarantee, cheque or credit card (financial transactions fees apply) shall be paid to Council **prior to the issue of a Construction Certificate.** The security payment is GST inclusive and comprises the following:

Refundable works bond	\$	50,000.00
Drainage Bond	\$	200,000.00
Non-refundable administration fee (\$127/bd)	\$	254.00
<b>TOTAL</b>	<b>\$</b>	<b>250,254.00</b>

The security payment covers the following matters and will be released upon satisfactory completion of these items:

- (a) construction of new drainage line and drainage pits;
  - (b) creation of drainage easement in favour of Council;
  - (c) creation of the positive covenant on the property title;
  - (d) connection to Council's stormwater drainage system;
  - (e) installation and maintenance of sediment control measures for the duration of construction activities; and
  - (f) ensuring no damage occurs to or building debris/materials are left on Council's land including footpath, nature strip, kerb and gutter. The security bond may be used to recover the costs incurred by Council in cleaning and restoring the land to its original condition.
- 15 For construction of the new drainage structures and connection to Council's and Sydney Water's drainage system, inspections will be required after the:
- (a) excavation of pipelines;
  - (b) laying of all pipes prior to backfilling; and
  - (c) completion of all pits and connection points.

For inspection of drainage works on Sydney Water's assets, inspections shall be arranged with Sydney Water.

### **Parking/Traffic Matters**

- 16 A total of (203) off-street parking spaces and two (2) loading spaces, hardpaved, linemarked, labelled and drained, shall be provided in accordance with the approved plans and distributed as follows:

Residents	162 (with no more than 2 spaces for any unit)
Visitors	25 (including 9 Disabled)
Council facility	11 (including 1 Disabled)
Retail/Commercial	2

Washbay	1
General loading	2 (1 for Council & 1 for residents)

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<b>TOTAL</b>	<b>203</b>
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These spaces shall only be used for the parking of motorcycles, sedans, utilities, vans and similar vehicles up to two (2) tonne capacity.

- 17 All disabled parking spaces shall be designed in accordance with AS 2890.6:2009.
- 18 All disabled parking spaces shall be desirably located in the immediate vicinity of lifts as shown on drawing No. A110 Revision B, received by Council on 11 May 2012. Where the two (2) way traffic aisles have to be traversed by mobility impaired persons to gain access to the lifts a painted directional foot crossing to enhance the safety of such persons shall be provided.
- 19 RL 10.20 as shown on drawing No. A100, Revision B4, received by Council on 11 May 2012, located at the end of the accessible ramp, shall be modified to the same level as the entry of the Council facility.
- 20 Car parking and service vehicle layout shall comply with AS 2890.1 and AS 2890.2 respectively.
- 21 The ramp/ driveway gradient shall be in accordance with Council's Consolidated Development Control Plan 2005.
- 22 All construction activity shall take place on-site and the use of any public street be subject to the approval of Strathfield Council.
- 23 All costs for traffic management measures associated with the construction of the proposed development, including any permanent regulatory signs and line marking, associated with the development and recommended by Strathfield Council, shall be borne by the developer.
- 24 A condition shall be imposed on the Strata Plan stating that the residents and occupiers of the proposed development shall not be eligible to participate in any On-Street Permit Parking Scheme that may be introduced in the area.

#### **Landscaping/Tree Matters**

- 25 The applicant and/or any contractors shall comply at all times with the recommendations of the endorsed Arboricultural Report prepared by Tree and Landscape Consultants (TALC) and received by Council on 19 December 2011 which state:
  - a) That trees numbered 1-45 on the aerial tree identification plan (appendix F in the TALC received by Council dated 19 December 2011) be retained with tree protection zones to be established as identified in Section 6 at setbacks identified in the table (of same report);

- b) That the ground area be protected in accordance with Section 5.2.3 for any temporary access required within the drip line of trees to be retained;
- c) Any underground services proposed with Tree Protection Zone setbacks identified in table 2 are to be located at depths not less than 750mm and are to be installed utilising underground lateral boring type equipment (see section 5.2.1 of the TALC report);
- d) Any proposed construction works within the setbacks identified in table 2 column G to these trees are to be undertaken by hand to establish the presence of any woody roots that may be present. If any roots encountered are greater than 50mm in diameter, then construction is to be undertaken in accordance with section 5.3.2(A) to avoid damage to these roots. Any roots may be encountered with a diameter of 50mm or less are to be treated in accordance with Section 5.3.2(B);
- e) That the driveway to be located between trees 1 & 2 be elevated above or at existing ground level and as further detailed within section 5.3.2;
- f) Any demolition works in close proximity to trees to be retained, shall be undertaken by hand or using light machinery under the supervision of a consulting Arboriculturist to ensure tree protection is maintained;
- g) To further protect woody roots with a diameter of 50mm or greater, structural soil shall be used as a fill material where appropriate (see section 5.3.4);
- h) Tree protection zone fences that are to be moved or relocated, must be undertaken in consultation with the Consultant Arboriculturist to ensure tree protection is maintained;
- i) Any pruning of tree canopies to accommodate the proposed building envelopes is to be undertaken in accordance with section 4;
- j) To preserve trees to be retained no work shall commence including clearing works for the site until the above tree protection zone measures have been established. The fence(s) shall be maintained intact until completion of all works on site;
- k) That a percentage of the replacement tree species to be utilised within the landscape design be advanced specimens with stems gradually tapering, with crowns symmetrical and roots established and proportional to the crown but not pot bound in at least a 25Lt volume bag, having been propagated to the standards of Specifying Trees a Guide to assessment of tree quality (2<sup>nd</sup> edition) by Ross Clark, or approved similar;
- l) That an inspection schedule be implemented in keeping with the framework of the proposed development works as follows:
  - i. Initial certification of establishment of tree protection zones to be undertaken prior to the demolition of the existing building;
  - ii. Attend the site and supervise activities during the development works close to the drip line of the trees to be retained;
  - iii. Inspection of the site when half the building works near to the subject trees are completed; and
  - iv. Final inspection of the trees when all site works are completed.

26 Tree protection must be installed prior to the commencement of construction. The establishment of a **protection zone** before any site works begin (including any



demolition/excavation). The protection zone shall be maintained for the duration of works and implemented as follows:

- A minimum 1.2m high barrier (made of hardwood/metal stakes with suitable hessian or canvas material) shall be erected around the perimeter of the stated Protection Zone as measured from the base of the tree (or where practical). The barrier shall be constructed so as to prevent pedestrian and vehicular entry into the protection zone. The barrier shall not project beyond the kerb onto the roadway or any adjacent footpath.
- No concrete slurry or wash, building materials, builders' rubble, excavation spoil or similar shall be placed or stored within the tree protection zone.
- The whole of the tree protection zone shall be mulched to a minimum depth of 75mm.
- The tree protection zone shall be regularly watered.
- Any major structural roots which are encountered shall be pruned by a qualified Arborist.
- **No excavation or construction shall be carried out** within the stated Excavation Zone distances from the base of the trunk surface.
- Only permeable surfaces (e.g. decomposed granite, gravel, permeable paving systems or soft landscaping) are permitted within the canopy spread of the trees to be protected.

- 27 All noxious weeds on the site shall be removed and destroyed as per their classification under the Noxious Weeds Act.

### **Rail Corp Conditions**

- 28 An acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document entitled '*Development Near Rail Corridors and Busy Roads – Interim Guidelines*'.
- 29 Prior to the issue of a Construction Certificate the applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principle Certifying Authority with the application for a Construction Certificate.
- 30 Prior to the issue of a Construction Certificate the applicant is to submit to the Rail Authority a plan showing all cranes and other aerial operations for the development and must comply with all RailCorp requirements. The Principle Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.



### **Construction Matters**

- 31 The proposed development shall comply with the Building Code of Australia and details demonstrating compliance shall be submitted to the Principal Certifying Authority for approval **prior to the issue of a Construction Certificate.**
- 32 A building containing more than 10 sole occupancy units must provide a closet pan and washbasin in a compartment or room located at ground level and accessible to employees without entering a sole occupancy unit as required by table F2.1 of the Building Code of Australia.
- 33 Footings shall be designed in accordance with the soil classification of H, or Highly Reactive (unless determined to the contrary by a suitably qualified person).
- 34 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 must be provided, and adequate provision must be made for drainage.
- 35 Certification shall be obtained from a registered surveyor at the following stage(s) of construction confirming that the building has been constructed in accordance with the approved plans including any approved amendments (S.96 approvals) and plans and details required by Council as conditions of development consent:
- (a) footings excavation prior to placement of concrete;
  - (b) car park/garage level prior to placement of concrete or pavement;
  - (c) ground floor and first floor levels;
  - (d) roof ridge height;
  - (e) all floors of the building, roof eaves and all roof ridges;
  - (f) wall setbacks from property boundaries and street alignment;
  - (g) dimensions and areas of balconies/courtyards;
  - (h) vehicular ramp gradients.

Copies of the surveyor's certificates must be submitted to and accepted by Council at the stages nominated above.

- 36 The existing ground levels shall not be altered except in accordance with the levels shown on the approved plans as part of this consent. Finished ground surface levels shall match the existing levels at the property boundary. Any survey plan shall also show the extension of these levels in relation to adjoining properties.

If the existing ground levels are altered during construction, Council may require a survey plan of the finished ground levels to be prepared and submitted **prior to the issue of an Occupation Certificate** to determine if there have been changes to the pre-development levels and if there are any impacts on adjoining properties as a result.

- 37 All construction, demolition and excavation work shall be restricted to 7am and 5pm (Eastern Standard Time) on Mondays to Saturdays (inclusive) and prohibited on Sundays and public holidays.

- 38 The public area adjacent to a work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- 39 All excavations and backfilling associated with the approved works must be executed safely and in accordance with appropriate professional standards. All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.
- 40 If an excavation associated with the approved works 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:
- Must preserve and protect the building from damage; and
  - If necessary, must underpin and support the building in an approved manner, and
  - Must, at least seven (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.
- 41 There are built structures which may be in the zone of influence of the proposed works and excavations on the site. A qualified practicing geotechnical engineer must prepare a Construction Methodology Report demonstrating that the proposed construction method including any excavation and the configuration of the built structures will have no adverse impact on any surrounding property and infrastructure.
- The report must be submitted with the application for a Construction Certificate and must include an investigation to determine the design parameters appropriate to the specific development and site. This would typically include;
- a) the location and level of nearby foundations and footings (site and neighbouring);
  - b) proposed method of excavation;
  - c) permanent and temporary support measures for excavation;
  - d) potential settlements affecting footings and foundations;
  - e) ground water levels (if any);
  - f) batter slopes;
  - g) potential vibration cause by method of excavation; and
  - h) de-watering including seepage and off site disposal rate (if any).
- Excavation, retention, underpinning and construction must be undertaken onsite by an excavation contractor with specialist excavation experience. A suitably qualified geotechnical engineer, specialising in excavation must supervise the excavation procedure.
- 42 The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
- 43 The common access pathways, letterboxes and entry doorways to the building shall be provided with suitable low level artificial lighting systems to ensure safe and

convenient access at night. Details shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**

- 44 To maintain pedestrian safety in common areas suitable lighting is to be provided on the development site adjoining each street frontage and near pedestrian main entrances to the site. Details shall be submitted and approved by the Principal Certifying Authority **prior to the installation** thereof.
- 45 All temporary buildings shall be removed from the site at the completion of the development.

### **Building Matters**

- 46 Individual clotheslines shall be provided on the balconies behind a suitable screen wall or balustrade. The clotheslines shall be designed and located so as to not be visible from any public street. A detailed drawing (to a scale of 1:20) of the clothesline and any privacy screening shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
- 47 The external glass used in the building shall have a reflectivity index of less than 20%. Details and specifications of the glass shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
- 48 The proposed metal roof shall be of a pre-coated, low-reflective finish in a dark, recessive colour which is compatible with the building design and surrounding development.
- 49 Identification numbers are to be clearly displayed at the front of the premises and be easily visible from the street.

If it is proposed to strata subdivide the building, the lot numbers and unit numbers shall be the same as those nominated on the approved plans and be in accordance with Council's requirements. For strata subdivision, parking spaces shall have the same lot number as the residential portion and shall not be numbered separately.

- 50 Where building intruder alarms are installed in the building they shall be fitted with an automated "cut-off" timing device and operated as per the Protection of the Environment Operations (Noise Control) Regulation 2008.

### **Sustainability**

- 51 Water collected in the rainwater tank must be roof water only and not surface water. Water from the rainwater tank must only be used for following purposes and not for human consumption:
- Toilet flushing;
  - Clothes washing;
  - Garden irrigation;
  - Car washing and similar outdoor uses;
  - Filling swimming pools, spa pools and ornamental ponds; and

- Fire fighting.

- 52 Water heating systems to multi-unit residential developments shall be located so as not to be visible from public places and the ground level of adjoining properties. Details (type and location) of the water heaters shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**

#### **Demolition**

- 53 Demolition shall be carried out in accordance with Australian Standard 2601 - 'The demolition of structures' or any subsequent standard and the relevant legislation.
- 54 The demolition of the building shall be carried out by a licensed demolition contractor. A copy of the licence shall be submitted to Council and the Principal Certifying Authority **prior to any work commencing on site.**
- 55 Details demonstrating that excavated and demolished materials including asbestos-based materials will be disposed of at an approved site shall be submitted to the Principal Certifying Authority **prior to any work commencing on site.**
- 56 The cleared ground surface of the site shall be suitably stabilised to prevent the generation of dust and the erosion of soil on the site.

#### **Fire Safety Measures**

- 57 Upon completion of works a final fire safety certificate is to be issued from a properly qualified person in respect of each essential fire safety measure installed within the building and specified in the fire safety schedule. The final fire safety certificate shall be provided **prior to the issue of an Occupation Certificate.**
- 58 As soon as practicable after a final safety certificate is issued, the owner of the building to which it relates:
- shall submit a copy of the fire safety certificate (together with a copy of any current fire safety schedule) to the Commissioner of NSW Fire Brigades;
  - shall submit a copy of the fire safety certificate (together with a copy of any current fire safety schedule) to Council for registration; and
  - shall ensure the current fire safety schedule is prominently displayed in the building.
- 59 The following is a schedule of new essential fire or other safety measures required to be installed, and the minimum standard to which these measures must be designed, installed and/or maintained under Part 7B of the Environmental Planning & Assessment Regulation:

#### **New Measures**

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<b>Essential fire or other Safety Measures</b>	<b>Minimum Standard Performance</b>
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		Building Code of Australia (BCA96A1) Part/Clause/Specification			Australian Standard No. or other reference
1.	Access panels, doors & hoppers to fire resisting shafts	C1-3	C3.13/5	Spec C1.1/8	
2.	Automatic fail safe devices	C	C3.6, D2.21/2	Spec C3.4	
3.	Automatic fire detection & alarm systems	E G	E2.2, G3.8	Spec E1.7/G3.8	1851 (Pt8) 1989 1603, Pt1/4/6, 3786 1670-1995
4.	Automatic fire suppression systems	C	C2.3, E1.5	Spec E1.5/G3.8	1851 (Pt3) 1985 2118.1/4/6 1995
5.	Emergency lighting	E	E4.2, 4.4		2293 (Pt1) 1987/88/92
6.	Emergency lifts	E	E3.4		1735.2 1993
7.	Emergency warning and inter-communication systems	E H	E4.9	Spec G3.8	2220-1989/89/93
8.	Exit signs	E	E4.5-4.8		2293 (Pt1/2) 1987/88/92
9.	Fire control centres and rooms	E	E1.8	Spec E1.8	
10.	Fire dampers	C E			1668 (Pt1/2) 1991
11.	Fire doors	C3	C3.4	Spec C3.4	1851 (Pt7) 1984 1905 (Pt1) 90 (Pt2) 89
12.	Fire hydrant systems	E	E1.3		1851 (Pt4), 2419.1 1996
13.	Fire seals protecting openings in fire	C	C3.4/D1.12 C3.12/15	C3.4/D1.12	4702-1995
14.	Fire shutters	C2/3	C3.4	Spec C3.4	1905 (Pt2) 1989
15.	Fire windows	C	C3.2	Spec C3.4	
16.	Hose reel systems	E	E1.4		1851 (Pt2) 1989 1221-1991, 2441- 1988
17.	Lightweight construction	C	C1.8	Spec C1.8	
18.	Mechanical air handling systems	CEH	E2.2/7 H1.2	Spec E2.2/6 G3.8, H1.2	1851 (Pt6) 1983 1668 (Pt1/2) 1991
19.	Perimeter vehicle access for emergency vehicles	C	C2.4		
20.	Portable fire extinguishers	E	E1.6		1851 (Pt1) 1989, 2444-1995
21.	Safety curtains in proscenium opening	H	H1.3	Spec H1.3	
22.	Smoke and heat vents	C	C2.3	Spec E2.6/G3.8/H1.2	1851 (Pt5) 1981, 2427-1983
23.	Smoke dampers	E2 H1			
24.	Smoke detectors and heat detectors	C, D, E, G	C3.5-8/11 E2.4	Spec E2.2/G3.8	1603 (Pts 1/2/4/6) 3786

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25.	Smoke doors	C, D	C2.5/3.4 D2.6	Spec C3.4	
26.	Solid-core doors	C	C3.11		Self closing & tight fitting solid-core door(s) not less than 35 mm thick
27.	Stand-by power systems	CHE GH			
28.	Wall wetting sprinkler and drencher systems	C	C3.4	Spec C3.4	
29.	Warning and operations signs	CEG H			
30.	Other				

### **Hoardings**

- 60 No advertisements of any kind shall be affixed to hoardings except for a board not exceeding 2.4m x 1.8m on which may be shown the architect's/builder's/demolisher's names or any particulars regarding the subject building and notices regarding the existing or future occupancies in the building.
- 61 Hoardings/overhead protective structures at ground level shall have mesh wire or other such material fixed to the surface to a height of at least two (2) metres in order to preclude the fixing of posters.
- 62 A sign with the words "Billposters Will Be Prosecuted" shall be attached or printed on the hoarding/overhead protective structures at regular intervals so it is visible from the street or any adjoining public place.
- 63 Any hoarding, fence or awning is to be removed when the work has been completed.

### **Subdivision**

- 64 The subdivision shall be in accordance with the endorsed subdivision plans, but subject to any variations as required by the conditions detailed herein.
- 65 The final plan of the subdivision shall not be issued until a survey certificate prepared by a registered surveyor is submitted to Council which shows the location of all buildings in relation to the property boundaries and confirming compliance with the development consent.
- 66 A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained for the proposed development. Application must be made through an authorised Water Servicing Coordinator. For details see the Sydney Water website [www.sydneywater.com.au](http://www.sydneywater.com.au) then follow the "e-developer" icon, or telephone 13 20 92.

The Section 73 Certificate must be submitted to the Principal Certifying Authority **prior to the issue of a Subdivision Certificate or occupation of the development.**

- 67 The approval of the relevant electricity supply authority shall be obtained for the supply of electricity to the site.
- 68 **Prior to the issue of a Subdivision Certificate**, compliance with the requirements of the relevant service authorities shall be demonstrated.

#### **Disabled Access**

- 69 Access to the building for persons with disabilities shall be in accordance with the requirements of the Building Code of Australia and the relevant standards. Details shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate**.
- 70 Sanitary facilities for persons with disabilities shall be provided in the building in accordance with the Building Code of Australia and the relevant standards. Details shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate**.
- 71 Car parking spaces for persons with disabilities shall be provided in accordance with the Building Code of Australia and the relevant standards. Details shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate**.

#### **Waste Management**

- 72 Full compliance must be given to the endorsed Waste Management Plan submitted for the proposed development. Copies of any weighbridge receipts from all approved waste disposal facilities shall be retained for presentation to the Principal Certifying Authority upon request.
- 73 The waste storage room shall be designed to comply with the relevant standards and details shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate**.

#### **Land Contamination**

- 74 Upon completion of all remediation activities carried out in accordance with the Remedial Action Plan (RAP) prepared by Aargus and dated October 2011, Council is to be furnished with a written statement from the author of the RAP stating that all recommendations made in the plan have been complied with and the subject site is in a suitable condition for the proposed use as per the DECC guidelines.
- 75 The validation report and any required documentation shall be submitted to and approved by the Principle Certifying Authority **prior to the issue of the Construction Certificate**.
- 76 Any new information that comes to light during the remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the Principle Certifying Authority immediately.



- 77 Any fill imported on to the site shall be validated by an appropriately qualified person/body to ensure the imported fill is suitable, from a contamination perspective, for the proposed land use. Fill imported onto the site shall also be compatible with the existing soil characteristics for site drainage purposes.
- 78 Details of the appropriate validation of imported fill material are to be submitted with any application for future development of the site. All fill imported onto the site is to be validated during remediation works by sampling and analysis of the fill material in accordance with the applicable guidelines to ensure that the material is not contaminated.

#### **Condition for Café Uses**

- 79 The fitout, use and operation of the premises including all preparation and food storage areas shall comply with the Australian/ New Zealand Food Safety Standards Code and relevant standards. Details shall be submitted to the Principal Certifying Authority and approval obtained **prior to the issue of a Construction Certificate**.

Note: Copies of the Code are available from the Food Standard Australia New Zealand website at <http://www.foodstandards.gov.au/>

- 80 The food business must appoint a Food Safety Supervisor in accordance with the Food Act 2003. Further information in relation to Food Safety Supervisors can be accessed at: <http://www.foodauthority.nsw.gov.au/industry/fss-food-safety-supervisors>.
- 81 Food premises registration must be obtained from Strathfield Council **prior to the issue of an Occupation Certificate and/or use of the premises**.
- 82 The applicant shall notify the NSW Food Authority of the proposed operations **prior to the use of the premises**.

Please note this notification is able to be completed online through [www.foodnotify.nsw.gov.au](http://www.foodnotify.nsw.gov.au)

- 83 Waste oil shall be stored in a covered and suitably bunded area pending regular removal to a waste oil recycler.
- 84 Any cool room shall be designed and constructed in accordance with the relevant standards and details shall be submitted to the Principle Certifying Authority and approval obtained **prior to the issue of a Construction Certificate**.

#### **Noise Conditions**

- 85 The use of the premises shall not give rise to:
- (a) The transmission of unacceptable vibration to any surrounding occupancy; and
  - (b) A noise level exceeding the background ( $L_{90}$ ) noise level by more than 5dB(A) when measured from an adjoining premises. The source noise level shall be assessed as an  $LA_{eg, 15min}$  reading and adjusted in accordance with current EPA Guidelines for tonality,

frequency weighting, impulsive characteristics, fluctuations and intermittency or any subsequent guidelines.

- 86 Any noise generated on the premises from the use at any time shall not have any detrimental effect on the occupants of any adjoining residential dwellings.
- 87 Full compliance shall be given to the recommendations contained in the endorsed acoustic consultant's report.
- 88 Plans and specifications showing details of all mechanical ventilation systems shall be submitted to the Principal Certifying Authority and approval obtained **prior to the issue of a Construction Certificate.**
- 89 All exhaust and other emissions including noise from the premises shall comply with the provisions of the Protection of the Environment Operations Act 1997 and Regulations.
- 90 As required by the Protection of the Environment Operations (Noise Control) Regulation 2008, air-conditioning units or heat pump water heaters shall not be audible in the habitable rooms of any other residential premises before 8am or after 10pm on any Saturday, Sunday or Public Holiday, or before 7am or after 10pm on any other day.

#### **Heritage Conditions**

- 91 Care shall be taken when removing the cypress pines in the affected area of the Sydney Water Stormwater Culvert. Either the removed trees or mature replacement species are to be planted in their former location after the completion of the works. This should be done in consultation with an arborist and ensure the tree root balls have sufficient soil depth.
- 92 The infrastructure and service works in the Memorial Garden which involve the removal of topsoil, shall also include the reinstatement of that same topsoil upon excavation of the Memorial Gardens in order to preserve any scattered ashes that may be present in the garden and lawn areas.
- 93 The works to the Memorial Gardens shall be **completed prior to the issue of an Occupation Certificate.**

#### **Drainage/Stormwater – TO BE AMENDED AS NECESSARY**

- 94 Utility services within the area effected by the proposed drainage line (i.e gas, water, sewer, electricity, telephone etc) shall be physically located and shown on the long section of drainage plans. The relevant authority's written consent for minimum required clearances between their service drainage conduit shall be obtained. Any adjustments required shall be at no cost to Council or other relevant authority.
- 95 A Traffic Management Plan shall be submitted for the approval of Council's Manager Engineering Work & Services **prior to the commencement of drainage works.**
- 96 All works related to the construction of the new drainage line must be completed **prior to the commencement of building works onsite.**

- 97 Council's existing drainage line shall not be removed until construction of the new drainage pipe is completed and approved by Council's Manager Engineering Works & Services.
- 98 On completion of drainage works, the affected areas, i.e., roadway, nature strip, footpath, kerb & guttering and driveways shall be reinstated to the satisfaction of Council's Manager Engineering Works & Services at no cost to Council.
- 99 Upon Completion of drainage works and **prior to the commencement of building works onsite** the chartered engineer who designed the stormwater drainage line and pits shall provide Council with written certification indicating compliance with the design and Australian Standards, prior to Council considering the final approval and release of the \$200,000 drainage bond.
- 100 In addition, full works-as-executed plans, prepared and signed by a registered surveyor shall be submitted to for the approval of Council's Manager Engineering Works & Services. Where changes have occurred the plans shall be marked-up in red ink and shall include levels and location of the drainage structures and works.
- 101 A drainage easement in favour of Council shall be created over Council's upgraded pipe for the purpose of constructing and maintaining the stormwater drainage structures. The cost of creating the drainage easement shall be at the applicant's expense.
- The width of the easement shall be the pipe, box or channel width plus 1.5m. The registration of the easement shall take place with Land and Property Information NSW **prior to the occupation/ use of the building**.
- 102 A positive covenant under Section 88E of the Conveyancing Act shall be created on the title of the property detailing the overland flow path incorporated in the development and that it be regularly cleaned and maintained. The wording of the instrument shall be submitted for the approval of Council prior to lodgement at Land and Property Information NSW. The instrument shall be registered **prior to the occupation/use of the building** and a registered copy of the document shall be submitted to Council prior to release of the drainage bond.

### Sydney Water Conditions

- 103 Conditions as stipulated in Sydney Water's letter dated 28 April 2010 as referred to in Sydney Water's most recent letter dated 26 March 2012. Conditions attached.