

**Item                    SUPPLEMENTARY REPORT: 68 - 74 Peninsula Drive, Woodlands North Precinct, Breakfast Point**

<b>JRPP No</b>	2012SYE052
<b>DA Number</b>	184/2012
<b>Local Government Area</b>	City of Canada Bay
<b>Proposed Development</b>	Construction of a 5 storey residential flat building comprising 91 apartments, basement parking, services, landscaping and strata subdivision
<b>Street Address</b>	68 – 74 Peninsula Drive, Woodlands North Precinct, Breakfast Point (Lot 92 in DP 270347)
<b>Applicant</b>	Rosecorp Management Services Pty Ltd
<b>Owner</b>	Breakfast Point Pty Ltd
<b>Number of Submissions</b>	Zero (0)
<b>Recommendation</b>	Approval
<b>Report by</b>	Mr Stuart Ardlie- Senior Statutory Planner

## **Background**

On the 5 September 2012 the Joint Regional Planning Panel – East considered a planning report and made the following resolution:

- 1. The Panel notes the recommendation of the planning assessment report, which is to refuse the application. However, that recommendation is now superseded by verbal advice by the planning assessment officer, given at the meeting, to defer the application pending the submission of amended drawings. The advice is based on the applicant indicating the proposed amendments and the planning assessment officer's opinion that the amendments are likely to resolve the issues which were the reason for the recommendation for refusal.*
- 2. Since the applicant also requested the Panel to defer the decision, the Panel resolves unanimously to defer it.*
- 3. The Panel requests the applicant to submit amended drawings by 10 September 2012 and the planning assessment officer to prepare a supplementary report and draft conditions by 24 September 2012.*
- 4. Following receipt of the supplementary report, the Panel will determine the application by communicating by electronic means unless circumstances require another public meeting.*

In accordance with this resolution the applicant submitted amended plans to Council on the 10 September 2012, which included the following amendments to the proposal:

- The eastern half of the building redesigned to incorporate 24 cross-over style apartments.
- Building depth reduced throughout.
- Building entry redesigned.
- Western apartments redesigned to improve solar access.
- Reduction in dwellings from 92 to 91.
- Additional glazing to western end of the common corridor.
- Amend building entry.
- Garbage room access from Peninsula Drive.

The applicant has provided an amended Statement of Environmental Effects, which includes a revised SEPP 65 assessment and compliance table. A summary compliance table is attached to this report.

## **Assessment**

The proposed amendments to the proposal result in the following:

- 61 dwellings (67%) naturally cross ventilated.
- 64 dwellings (70%) receive a minimum of 2 hours of direct solar access to the living area. A higher level of solar access is received to the private open space areas.
- 74 dwellings (81%) have kitchens within 8m of operable glazing.
- Number of single aspect south facing dwellings reduced to 21 (23%).

- Reduction in depth of south facing dwellings so that they do not exceed 8m. The dwellings which exceed 8m in depth all have a high level of amenity due to a north or north-west orientation.
- All cross-over style apartments have an internal width exceeding 4m.
- Reduction in the overall building depth.
- Increased amenity in the common corridor through the introduction of additional glazing for light and natural ventilation.
- A greater defined building entry and foyer area.
- Direct access to garage room from Peninsula Drive which will allow Council's Waste Contractor to service the bins directly from the bin storage area, negating the need for bins to be present to the kerb for collection.

It is considered that the amendments provided above have addressed the amenity issues that were identified in the original assessment / proposal. The proposed amendments will increase the level of solar access and cross ventilation within the overall development, to comply with the rules of thumb contained within Residential Flat Design Code.

The overall number of single aspect south facing dwellings has been reduced from 35 down to 21 dwellings. Of these dwellings a total of 8 have either a dual aspect or a two storey design which allows for natural ventilation. The remaining units are limited in depths to less than 8m. All dwellings have generous open plan living / dining areas adjoining balconies and private open space areas at the ground floor. These dwelling are provided with a high level of glazing and have an outlook towards substantial landscaped areas with some dwellings having distant city skyline views. It is considered that these dwellings are provided with a suitable level of amenity when balanced across the entire development and can be supported.

The applicant and Council have agreed to the imposition of a condition requiring the applicant to satisfy condition 9 of the Breakfast Point Concept Plan approval (as amended) prior to the issue of a construction certificate for this site. The timing on this condition will in affect require the Community Enhancement Plan to be approved by the Minister prior to physical works occurring on the site. A suitable condition has been included within the recommendation of this report.

### ***Recommendation***

Pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 (as amended)

THAT the Joint Regional Planning Panel Sydney East Region, as the determining authority, grant consent to Development Application No. 184/2012 for the construction of a residential flat building comprising 91 apartments, basement parking, services, landscaping and strata subdivision at 68 – 72 Peninsula Drive, Woodlands North Precinct, Breakfast Point, subject to the following site specific conditions.

### **General Conditions**

#### **1. GCP1 Approved Plans and Supporting Documents**

The development shall be carried out substantially in accordance with the approved stamped and signed plans and/or documentation listed below **except where modified by any following condition**. Where the plans relate to alteration or additions only those works shown in colour or highlighted are approved.

<b><i>Reference/Dwg No</i></b>	<b><i>Title/Description</i></b>	<b><i>Prepared By</i></b>	<b><i>Date/s</i></b>
DA.00, Rev. B	Cover sheet & Drawing Register	Rose Architectural Design	
DA.01, Rev A	Site Analysis & Location Plan	Rose Architectural Design	15.05.12
DA.02, Rev. A	Level Basement 3 Plan	Rose Architectural Design	15.05.12
DA.03, Rev A	Level Basement 2 Plan	Rose Architectural Design	15.05.12
DA.04, Rev B	Site / Level 1 Plan & Basement 1 Plan	Rose Architectural Design	15.05.12
DA.05, Rev B	Site / Level 2 & Level 1A Plan	Rose Architectural Design	15.05.12
DA.06, Rev B	Level 3 & Level 2A Plan	Rose Architectural Design	15.05.12
DA.07, Rev B	Level 4 & Level 3A Plan	Rose Architectural Design	15.05.12
DA.08, Rev B	Level 5 & Level 4A Plan	Rose Architectural Design	15.05.12
DA.09, Rev B	Attic Level & Level 5A Plan	Rose Architectural Design	15.05.12
DA.10, Rev B	Roof & Attic A Level Plan	Rose Architectural Design	15.05.12
DA.11, Rev B	Roof Plan	Rose Architectural Design	15.05.12
DA.12, Rev B	Elevations	Rose Architectural Design	15.05.12
DA.13, Rev B	Sections	Rose Architectural Design	15.05.12
DA.14, Rev B	Streetscape Elevations & Sections	Rose Architectural Design	15.05.12
DA.15, Rev B	Shadow Diagrams 21 June at 9am, 12pm & 3pm	Rose Architectural Design	15.05.12
DA.16, Rev B	Shadow Diagrams 21 March/September at 9am, 12pm & 3pm	Rose Architectural Design	15.05.12
DA.17, Rev B	Shadow Diagrams 21 December at 9am, 12pm & 3pm	Rose Architectural Design	15.05.12
DA.18, Rev B	Visitor Parking Plan	Rose Architectural Design	15.05.12
Sheets 1 to 6 (inclusive), Issue 02	Draft Subdivision Plan	Denny Linker & Co.	13.09.12
427533M	BASIX Certificate	Rose Management Services	17.05.12

SK.01, Rev A	External Materials, Finishes & Colours	Rose Architectural Design	15.05.12
LSK 001, Rev A	Landscape Concept Plan	Context	11.05.12
	Street Numbering Schedule	Rose Architectural Design	
	Access Report	Vista Design Architects	11.05.12
SW04, Rev A	Sediment and Erosion Control Plan	SEMF	07.05.12
SW05, Rev A	Sediment and Erosion Control Plan Notes & Details	SEMF	07.05.12
	Waste Management Plan (Council Form)	RoseCorp Management Services	16.05.12

***Note 1:** Modifications to the approved plans will require the lodgement and consideration by Council of a modification pursuant to Section 96 of the Environmental Planning and Assessment Act.*

***Note 2:** A warning to all Accredited Certifiers. You should always insist on sighting the original Council stamped approved plans/documentation and not rely solely upon the plan reference numbers in this condition. Should the applicant not be able to provide you with original copies, Council will provide you with access to its files so you that may review our original copies of approved documentation.*

***Note 3:** The approved plans and supporting documentation may be subject to conditions imposed under section 80A(1)(g) of the Act modifying or amending the development (refer to conditions of consent which must be satisfied prior to the issue of any Construction Certificate).*

*(Reason: To confirm and clarify the terms of consent)*

2. **GCP4 Construction within Boundary**

All approved construction including but not limited to footings, walls, roof barges and guttering are to be constructed wholly within the boundaries of the premises.

*(Reason: To ensure compliance with approved plans)*

3. **GCG5 Footpath Clearance – Gates**

Gates must be installed so they do not open onto Council's footpath.

*(Reason: Adequate access and egress)*

4. **GCG6 Height**

The maximum height of the proposed development shall be A.H.D. 30.52, and measured at the topmost ridge.

*(Reason: Compliance)*

5. **GCG7 Lighting**

Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact

on the amenity of the surrounding area by light overspill. All lighting shall comply with relevant standards in this regard.

*(Reason: Protect amenity of surrounding area)*

6. **GCG10 Site Management**

The following procedures apply:

- (a) Implement the site management plan and measures, and provide for erosion and sediment control according to the SSROC "Do It Right On Site" publication;
- (b) Prevent sediment and/or building materials being carried or washed onto the footway, gutter, road, or into Council's stormwater drainage system;
- (c) Ensure soil/excavated material is not transported on wheels or tracks of vehicles or plant and deposited on surrounding roadways;
- (d) Ensure safe access to and from the site including the road reserve and footpath area, crossings by heavy equipment, plant and materials delivery, or static loads from cranes, concrete pumps and the like;
- (e) Ensure safe loading and unloading of excavation machines, building materials, formwork and the erection of the structures within the site;
- (f) Ensure storage on site of all excavated material, construction materials and waste containers during the construction period (except where otherwise approved); and
- (g) Ensure support of any excavation beside any adjoining property or the road reserve is designed by a Chartered Civil Engineer.

*(Reason: Environmental protection)*

7. **GCG11 Street Numbering of Lots and Units**

All units and/or new allotments shall be numbered in accordance with the approved Street Numbering Plan identified in condition 1. Numbering of units/properties shall be conspicuously displayed at the front of the property and shall be maintained in accordance with Council's Street Numbering Policy.

Should the property be strata subdivided, the approved numbering system shall be included in the final plans of strata subdivision.

*(Reason: Identification of Property for Emergency Services and Mail Deliveries)*

8. **GCH 4 Ventilation**

To ensure that adequate provision is made for ventilation of the premises, mechanical and/or natural ventilation systems shall be designed, constructed and installed in accordance with the provisions of:

- *The Building Code of Australia;*
- *Protection of the Environment Operations Act 1997;* and
- Relevant Australian Standards

*(Reason: Compliance with relevant standards)*

9. **GCH 5 Waste Management**

Requirements of the approved Waste Management Plan shall be complied with during site preparation and throughout demolition and construction. Waste management and its storage must not pose a threat to public health or the environment.

*(Reason: Compliance with approval)*

### **Conditions which must be satisfied prior to the issue of a Construction Certificate**

10. **CCG1 Amendments to Approved Plans**

The following amendments shall be made to the approved plans prior to the issue of a Construction Certificate:-

- The Boston Ivy and Star Jasmine identified as a climber to the Tennyson Road wall must be deleted. No climbers are to be planted near the heritage listed wall.

Note: This involves a change to the Development Application plans as submitted to and approved by Council. Any changes in this regard shall be reflected as amended plans to be submitted to the Accredited Certifier prior to the issue of a Construction Certificate for the proposed development.

*(Reason: To confirm and clarify the terms of Council's approval)*

11. **Community Enhancement Plan**

In accordance with Condition 9 of Breakfast Point Concept Plan (File No. 9039939 – 10), approved by the Minister on the 7 April 2006 and modified on the 18 October 2010:

*The Applicant shall prepare and submit a Community Enhancement Plan for the approval of the Minister. The Community Enhancement Plan shall be prepared in consultation with Council, and the local community and nominate funding for community projects and infrastructure within the suburbs of Concord, Mortlake, Breakfast Point, and Cabarita. The community Enhancement Plan shall also determine a works program, timing and means through which the Contribution delivered through this condition is accessed.*

This condition must be satisfied **prior to the issue of the first construction certificate for the development.**

*(Reason: Community Enhancement)*

12. **CCD1 Access for People with Disabilities**

Access for people with disabilities must be provided in accordance with the requirements of the Building Code of Australia, relevant Australian Standards and with regard to the *Disability Discrimination Act 1992*. **Prior to the issue of a Construction Certificate**, the plans shall demonstrate compliance. **Note: Disability (Access to Premises - Buildings) Standards 2010** - As of 1 May 2011, if access is

provided to extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.

*(Reason: To inform of relevant access requirements for persons with a disability)*

13. **CCA3 Protection of Public Places**

The adjoining or adjacent public area is not to be obstructed by any materials, vehicles, refuse skips and the like, under any circumstances unless approved in writing by Council.

If the work involved in the construction of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves the closure of a public place, a barrier, fence or hoarding shall be erected **prior to the commencement of any work** subject to approval of a Traffic Management Plan.

An application to occupy public space is to be submitted to Council for approval prior to commencement of works.

Where a hoarding is required, an application for hoarding is also to be submitted to and approved by Council prior to commencement of any work. Hoardings shall be erected to comply with the requirements of WorkCover, the Principal Certifying Authority and with relevant Australian Standards.

*(Reason: Safety)*

14. **CCC3 Long Service Levy Payments**

The payment of a long service levy as required under part 5 of the *Building and Construction Industry Long Service Payments Act 1986*, in respect to this building work, and in this regard, proof that the levy has been paid, is to be submitted to the Accredited Certifier **prior to the issue of a Construction Certificate**. Council acts as an agent for the Long Services Payment Corporation and the levy may be paid at Council.

*(Reason: Statutory requirement)*

15. **Density GFA Certification**

A Registered Surveyor is to certify that the Gross Floor Area (GFA) of the building does not exceed 9,710m<sup>2</sup> in accordance with the definition of GFA in the Canada Bay LEP 2008. Details shall be provided to the Certifying Authority demonstrating compliance with this condition prior to the issue of a Construction Certificate for above ground works.

*(Reason: Compliance)*

16. **Monetary Contributions**

In accordance with Condition 8 of the Breakfast Point Concept Plan Determination, the Proponent shall pay the following monetary contributions:

**1. Amount of Contribution**

<b>Contribution Category</b>	<b>Rate of Contribution (per unit)</b>	<b>Amount payable (7 units)</b>
Community facilities	\$251.74	\$1,762.18
Open space	\$412.02	\$2,884.14
Roads	\$1,166.24	\$8,163.68
<b>TOTAL</b>	<b>\$1,830.00</b>	<b>\$12,810</b>

**2. Timing and Method of Payment**

The contribution shall be paid in the form of cash or bank cheque, made out to Canada Bay Council. For accounting purposes, the contribution may require separate payment for the different contribution categories and you are advised to check with Council.

Evidence of the payment to Council shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate for above ground works (this condition shall be fully satisfied prior to issue of the first Construction Certificate regardless of any Stage).

*(Reason: To provide high quality and diverse public amenities and services to meet expectations of existing and new residents of the City of Canada Bay)*

**17. Monetary Contributions**

In accordance with Condition 9 - Other Monetary Contributions, of the Breakfast Point Concept Plan Determination, the Proponent shall pay the following monetary contributions:

**1. Amount of Contribution**

<b>Rate of Contribution (per unit)</b>	<b>Total Amount payable (84 units)</b>
\$7,200	\$604,800

**2. Timing and Method of Payment**

The contribution shall be paid in the form of cash or bank cheque, made out to Canada Bay Council. For accounting purposes, the contribution may require separate payment for the different contribution categories and you are advised to check with Council.

Evidence of the payment to Council shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate for above ground works (this condition shall be fully satisfied prior to issue of the first Construction Certificate regardless of any Stage).

*(Reason: To provide high quality and diverse public amenities and services to meet expectations of existing and new residents of the City of Canada Bay)*

18. **CCG2 Construction Management Plan**

**Prior to the issue of a Construction Certificate**, submit to the Accredited Certifier a Construction Management Plan that clearly sets out the following:

- (a) What actions and works that are proposed to ensure safe access to and from the site, and what protection will be provided to the road and footpath area from building activities, crossings by heavy equipment, plant and materials delivery, or static loads from cranes, concrete pumps and the like.
- (b) The proposed method of loading and unloading excavation machines, building materials, formwork, and the erection of any part of the structure within the site.
- (c) The proposed areas within the site to be used for a builder's site office and amenities, the storage of excavated material, construction materials and waste containers during the construction period.
- (d) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve - the proposed method of support is to be designed by a Chartered Civil Engineer.
- (e) A Soil and Water Management Plan detailing all sedimentation controls.

*(Reason: Safety, amenity and protection of public infrastructure and environment)*

19. **CCG4 Obtaining a Construction Certificate for Building Work**

This approval does not constitute approval to carry out construction work. Construction work may only commence **upon the issue of a Construction Certificate, appointment of a Principal Certifying Authority (PCA), and lodgement of Notice of Commencement.**

*(Reason: Information)*

20. **CCS4 Support and Protection for Neighbouring Buildings**

If an excavation associated with the approved development extends below the level of the base of the footings of a building on an adjoining allotment of land, the person having the benefit of the development consent must, at the person's own expense, comply with the requirements of clause 98E of the Environmental Planning and Assessment Regulation 2000, including:

- (1)
  - (a) protect and support the adjoining premises from possible damage from the excavation, and
  - (b) where necessary, underpin the adjoining premises to prevent any such damage.
- (2) The condition referred to in subclause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

Details shall be submitted to the Accredited Certifier **prior to the issue of a Construction Certificate.**

*(Reason: Structural safety)*

21. **CCL2 Landscape Maintenance Strategy**

To ensure the survival of landscaping following works, a landscape maintenance strategy for the owner/occupier to administer over a 12 month establishment period following the issue of the Occupation Certificate shall be prepared and provided to the satisfaction of the Accredited Certifier **prior to the issue of an Occupation Certificate.** The strategy is to address maintenance issues such as, but not limited to plant survival, irrigation, soil testing, weeding, staking, fertilizing, remedial pruning and plant replacement.

*(Reason: Ensure landscape survival)*

22. **CCL4 On Slab Landscaping**

To ensure the site landscaping thrives on slab landscaping shown on approved landscaping plan is to be designed to include a minimum soil depth of 600mm around trees and between 250mm and 450mm for grassed and planted areas, adequate drainage and a permanent automatic irrigation system. Details shall be submitted **with Construction Certificate application for above ground works.**

*(Reason: Ensure landscape survival)*

23. **CCV6 Maintaining Sight Lines (multi- unit development)**

All new walls adjacent to vehicular crossings must be lowered to a height of 600mm above the internal driveway level for a distance of 1.5m within the site or splayed 1.5m by 1.5m to provide satisfactory sight lines. Details are to be submitted to the Accredited Certifier **prior to the issue of a Construction Certificate for the above ground works** showing compliance with this condition.

*(Reason: Safety)*

24. **CCV8 Off Street Car Parking Space Provision & Visitor Parking**

Car parking spaces shall be provided in accordance with the approved plans for the parking of resident and visitor vehicles on the site. In this regard, no less than 139 spaces are required and designated as follows:

<b><i>Car Parking Allocation</i></b>	<b><i>Number</i></b>
Standard Residential Car Parking Spaces	120
Visitor Parking (on street)	19
<b>Total Spaces Agreed by this Consent</b>	<b>139</b>

- Each space shall have minimum dimensions in accordance with the relevant Australian Standard.

Details are to be submitted to the Accredited Certifier **prior to the issue of a Construction Certificate** showing compliance with this condition.

*(Reason: Parking and access)*

25. **CCV10 Speed Hump and Stop Sign on Exit**

The applicant shall install a stop sign and a speed hump at the exit from the site. The stop sign must be accompanied by the associated line marking and the speed hump shall be set back by 1.5 metres from the boundary alignment. The devices shall be designed and constructed in accordance with the provision of all relevant Australian Standards. The building plans shall indicate compliance with this requirement **prior to the issue of a construction certificate**.

*(Reason: Traffic safety and management)*

26. **CCV12 Stop Signs**

Appropriate sign(s) shall be provided and maintained within the site at the point(s) of vehicular egress to compel all vehicles to stop before proceeding onto any public way.

*(Reason: Adequate access and egress)*

27. **CCV13 Vehicular Access Ramps**

Vehicular access ramps shall comply with the provisions of AS/NZS 2890.1:2004. Plans to be submitted shall contain the following details:

- (i) Longitudinal section along the extreme wheel paths of each driveway/access ramp at a scale of 1:25 demonstrating compliance with the scraping provisions of AS/NZS 2890.1:2004. It shall include all levels and grades, including those levels stipulated as boundary levels, both existing and proposed. It shall extend from the centre-line of the roadway through to the parking area.
- (ii) Sections showing the clearance to the underside of any overhead structure (minimum headroom requirements 2200mm minimum for standard headroom clearance or 2400mm where disabled access provisions are to be provided) demonstrating compliance with the provisions of AS/NZS 2890.1:2004.
- (iii) Longitudinal section along the gutter line showing how it is intended to transition the vehicular crossing into the existing kerb and gutter. Boundary levels shall generally run parallel with the kerb levels.
- (iv) Location of verge trees, street furniture and service installations.
- (v) Superimposition of vehicle turning circles for access into parking spaces.
- (vi) Certification that the design complies with AS/NZS 2890.1:2004 by a Qualified Engineer.

The certification referred to in (vi) above shall be submitted to the Accredited Certifier **prior to the issue of a Construction Certificate (for the design) and to the Principal Certifying Authority prior to the issue of any Occupation Certificate for the 'as-built works'**.

*(Reason: To ensure adequate vehicular access can be achieved)*

28. **Reflectivity**

The visible light reflectivity from building materials used on the facades of the buildings shall not exceed 20% and shall be designed so as not to result in glare that causes any nuisance or interference to any person or place. A report demonstrating compliance with these requirements is to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for above ground works.

*(Reason: Amenity)*

29. **CCI5 Notice of Requirements from Sydney Water**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. For details refer to Sydney Water's website at [www.sydneywater.com.au](http://www.sydneywater.com.au).

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 and building, driveway or landscape design.

The Notice of Requirements must be submitted to the Accredited Certifier **before the issue of the Construction Certificate for the above ground works.**

*(Reason: To comply with statutory requirements)*

30. **CCM2 Certification of the Stormwater Drainage System Design**

The proposed stormwater design shall be certified by a suitably qualified person, in accordance with Council's "Specification for the Management of Stormwater", **prior to the issue of the Construction Certificate.**

*(Reason: Adequate stormwater management)*

31. **CCM4 Erosion and sedimentation controls**

Erosion and sedimentation controls must be provided to ensure:

- (a) compliance with the approved Soil and Water Management Plan
- (b) removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval)
- (c) all uncontaminated run-off is diverted around cleared or disturbed areas
- (d) silt fences or other devices are installed to prevent sediment and other debris escaping from the cleared or disturbed areas into drainage systems or waterways

- (e) all erosion and sediment controls are fully maintained for the duration of demolition/ development works
- (f) controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadways
- (g) all disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar
- (h) all water pumped or otherwise removed from excavations or basement areas is filtered to achieve suspended solids/non filterable residue levels complying with the *Australian Water Quality guidelines for Fresh and Marine Waters*
- (i) pumped or overland flows of water are discharged so as not to cause, permit or allow erosion before the commencement of work (and until issue of the occupation certificate).

Details of the proposed soil erosion and sedimentation controls to be implemented on site must be submitted **with the Construction Certificate Application**. Under no circumstance may any works commence prior to these details being approved by Accredited Certifier and controls being in place on site.

*(Reason: Environmental protection)*

32. **CCM6 Rainwater Re-use**

A rainwater re-use system shall be provided in accordance with either the BASIX minimum requirements, any relevant Council Rainwater Policy and/or “Specification of the Management of Stormwater”, whichever is applicable. A detailed stormwater plan showing the proposed re-use system shall be submitted and approved by Council or an Accredited Certifier **prior to the issue of the Construction Certificate**.

*(Reason: Compliance and Amenity)*

33. **CCM7 Silt Arrestors and Gross Pollutant Traps**

Silt and gross pollutant traps shall be fitted in all new stormwater pits, designed in accordance with Council’s “Specification for the Management of Stormwater” and to the satisfaction of Council or an Accredited Certifier. Details are to be submitted with the design **prior to the issue of the Construction Certificate**.

*(Reason: Environmental)*

34. **CCR1 Application for a Construction Certificate**

The applicant must apply to Council or an Accredited Certifier for a Construction Certificate to carry out the relevant building works that are approved by this consent. The details to be included in the application for a Construction Certificate are:

- (a) Architectural plans and specifications complying with the Building Code of Australia (BCA), relevant Australian Standards, and the development consent

and conditions. **Note:** Applicants who have lodged an objection and who have been granted exemption under clause 187(6) & 188(4) of the *Environmental Planning and Assessment Regulation 2000*, must comply with the Building Code of Australia in all other respects.

- (b) If Council issues the Construction Certificate, engineering details must be submitted for approval for all structural elements, including but not limited to, piers, footings, reinforced concrete slab, first floor joist layout, roof trusses, steel beams and the like. The details must be prepared by a practising consulting structural engineer. Also a certificate from the engineer must be included certifying that the design fully complies with appropriate SAA Codes and Standards and the Building Code of Australia requirements.

**Note:** The engineer/s undertaking certification must be listed on the National Professional Engineers Register under the appropriate category.

- (c) Geotechnical report for the site, prepared by a qualified geotechnical engineer detailing the foundation conditions of the site and solutions for consideration by a structural Engineer.
- (d) Essential services plan outlining the existing and proposed fire safety measures.
- (e) Disabled access provisions to common and public areas in accordance with AS1428 - Design for Access and Mobility.
- (f) If an alternative solution to the “deemed to satisfy” provisions of BCA is proposed, the following details must be lodged:
  - Performance requirements that alternative solution intends to meet.
  - Assessment methods used to determine compliance with the performance requirements, including if and how each performance objective impacts on other requirements of the BCA; and
  - A statement about the person who prepared the alternate solution, indicating qualifications, experience, insurance details, and membership of an approved accreditation body

**Note:** The performance-based application may be required to be reviewed by a suitably qualified independent body at the applicant's expense. Any fees relating to any review are required to be paid **prior to the issue of the Construction Certificate**.

Compliance with parts (a) to (f) of this condition may be staged in accordance with the issue or relevant staged Construction Certificates.

(Reason: Statutory requirement)

35. **CCR2 BASIX Commitments**

Development shall comply with BASIX Certificate no. 427533M submitted in respect of this application.

Where a change or changes are proposed in the BASIX commitments, the applicant must submit a new BASIX Certificate to the Accredited Certifier and Council. If any proposed change in the BASIX commitments is inconsistent with the development consent the applicant will be required to submit a modification to the development consent to Council under Section 96 of the Environmental Planning and Assessment Act 1979.

All commitments in the BASIX Certificate must be shown on the plans accompanying the Construction Certificate **prior to the issue of any Construction Certificate**.

*(Reason: Statutory Compliance)*

36. **CCR4 Energy Australia Requirements and any required Substation**

The development must comply with requirements of Energy Australia.

Documentary evidence of compliance, including correspondence from the energy authority is to be provided to the Accredited Certifier **prior to the issue of a Construction Certificate for the above ground works** detailing the energy authority's requirements and compliance with such requirements.

**Note:** Access to any required electricity substation shall be protected via an easement for access which shall be included on the final plan of subdivision burdening the subject site and benefiting the relevant Crown Authority or Statutory Corporation requiring access to the substation.

**Note:** Where any additional electricity substation is required but no provision has been made to place it within the approved building or its site and no details are provided on the approved plans or where the existing location of a substation is amended, an application to modify the consent under Section 75W of the Environmental Planning and Assessment Act 1979 is required to be submitted for approval of an appropriate location for the required electricity substation.

*(Reason: Formalisation of access to utility)*

37. **CCS2 Geo-technical Report**

A comprehensive geo-technical engineering report assessing the impact and safety of the proposed works shall be prepared by a suitably experienced and qualified geopractitioner and **submitted with any Construction Certificate for the above ground works**. The report must include the results of subsurface investigations involving either test pits to rock, or preferably the drilling of cored boreholes (to 1m below the proposed final excavation level). The report shall describe inter alia:-

- (a) an indication of the nature and depth of any uncontrolled fill at the site;
- (b) an indication of the nature and condition of the material to be excavated;
- (c) indications of groundwater or seepages;

- (d) required temporary measures for support of any excavations deeper than 1m adjacent to property boundaries;
- (e) statement of required excavation methods in rock and measures required to restrict ground vibrations;
- (f) other geo-technical information or issues considered relevant to design and construction monitoring.

*(Reason: Structural safety)*

**Conditions which must be satisfied prior to the commencement of any development work**

38. **PDR1 Appointment of Principal Certifying Authority**

No work shall commence in connection with this approval until:

- (a) a construction certificate for the building work has been issued by:
  - (i) the consent authority; or
  - (ii) an accredited certifier; and
- (b) the person having the benefit of this approval has:
  - (i) appointed a principal certifying authority for the building work, and
  - (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
- (b1) the principal certifying authority has, no later than 2 days before the building work commences:
  - (i) notified the Council of his or her appointment, and
  - (ii) notified the person having the benefit of this approval of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- (b2) the person having the benefit of this approval, if not carrying out the work as an owner-builder, has:
  - (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
  - (ii) notified the principal certifying authority of such appointment, and

- (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- (c) the person having the person having the benefit of this approval  
has given at least 2 days notice to the Council of the person's  
intention to commence the erection of the building.

Note: If the principal certifying authority is the Council, the nomination will be subject to the payment of a fee for the service to cover the cost of undertaking all necessary inspections and the issue of the appropriate certificates.

Under the Environmental Planning and Assessment (Quality of Construction) Act, 2003, a sign must be erected in a prominent position on the work site showing the name, address and telephone number of the principal certifying authority; the name of the principal contractor (if any) for the building work and a telephone number at which that person may be contacted outside working hours. That sign must also state that unauthorised entry is prohibited. The sign must not be removed until all work has been completed.

*(Reason: Statutory requirements)*

39. **PDR2 Construction Certificate**

No work shall commence until you:

- (a) Obtain a Construction Certificate from either the City of Canada Bay Council or an Accredited Certifier - a fee applies for this service; and
- (b) Lodge with the City of Canada Bay Council any Construction Certificate obtained from an Accredited Certifier (together with associated plans and documents) - a fee applies for this service

*(Reason: Statutory Requirement)*

40. **PDR5 Notice of commencement**

No work shall commence until you submit a notice of commencement (form will be attached with issue of a Construction Certificate or available from our website) giving Council:

- (a) Not less than two (2) days notice of the date on which it is proposed to commence work associated with this approval;
- (b) Details of the appointment of a Principal Certifying Authority (either Canada Bay Council or another Accredited Certifier)
- (c) Details of the name, address and licence details of the Builder.

*(Reason: Statutory Requirement)*

41. **PDR6 Site Safety Fencing**

Erect site fencing to a minimum height of 1.8m complying with WorkCover Guidelines, to exclude public access to the site throughout the construction works. The fencing **must be erected before the commencement of any work and maintained.**

The site shall be secured in accordance with Clause 146 of the Environmental Planning and Assessment Regulation 2000. The site shall be maintained in a clean and orderly condition during demolition and construction works.

*(Reasons: Statutory Requirement and health and safety)*

42. **PDR7 Principal Certifying Authority (PCA) Sign**

**Prior to commencement of any work**, signage must be erected in a prominent position on the work site identifying:

- The Principal Certifying Authority (PCA) by showing the name, address and telephone number of the PCA;
- The Principal Contractor by showing the Principal Contractor's name, address and telephone number (outside of work hours) for that person.
- The sign must state that unauthorised entry to the work site is prohibited.

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

This clause does not apply to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

*(Reason: Statutory Requirement)*

43. **PDR9 Toilet Amenities on Construction Site**

**Prior to commencement of any building works**, toilet facilities for employees must be provided in accordance with WorkCover NSW requirements.

Where female workers are present on site, appropriate measures for sanitary item disposal should be made, such as a disposal unit provided in the portable toilet or sewer connected toilet closet.

*(Reason: Statutory Requirement - Health and amenity)*

44. **PDM1 Erosion & Sediment Control – Prior to construction**

Erosion and sedimentation controls shall be in place prior to the commencement of site works; and maintained throughout construction activities until the site is landscaped and/or suitably revegetated. The controls shall be in accordance with the details approved by Council and/or as directed by Council Officers. These requirements shall be in accordance with Managing Urban Stormwater – Soils and Construction produced by Landcom (Blue Book).

A copy of the Erosion and Sediment Control Plan must be kept on site at all times during construction and made available to Council officers on request.

Erosion and sediment control measures as detailed in the submitted Erosion and Sediment Control Plan must be installed and operating **prior to and during all construction works.**

(Reason: Environmental protection)

45. **PDM2 Soil & Water Management during Construction**

Landcom's "*Managing Urban Stormwater – Soil and Conservation*" August 1998 outlines the general requirements for the preparation of a soil and water management plan. All works shall be conducted in accordance with a soil and water management plan that has been submitted and approved by the Accredited Certifier **prior to the commencement of works.** A copy of the plan shall be kept on-site and made available to Council's Officers on request. All erosion and sediment control measures must be maintained in a functional condition throughout the duration of the works.

(Reason: Environmental protection)

**Conditions which must be satisfied during any development work**

46. **DWT2 Construction Hours**

Construction and related work on the premises that will, or does, cause noise, will not take place, nor shall machinery, including vehicles, operate upon the property outside the hours of 7.00 am to 5.00 pm. Mondays to Fridays, and 8.00 am to 5.00 pm Saturdays. No work to occur on Sundays and public holidays.

Where the development involves the use of jackhammers/ rock breakers or other heavy machinery, work shall be restricted to 7.00 am - 5.00 pm Monday to Friday

(Reason: Safety and amenity)

47. **DWT3 Disruption of Traffic**

During any construction works on the public road that is associated with this approval, the Applicant must provide appropriate signage and traffic control facilities as per the requirements of AS 1742.3 and the RTA "Traffic Control at Works Sites" manual.

(Reason: Safety and information)

48. **DWT4 Dust Control**

Where a dust nuisance is likely to occur, the following measures must be taken to control the emission of dust:

- Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work.

- All dusty surfaces must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be allowed to enter the stormwater system.
- All stockpiles of materials that are likely to generate dust must be kept damp or covered.

*(Reason: Environmental amenity)*

49. **DWT6 Prevention of Nuisance**

All possible and practical steps shall be taken to prevent nuisance to the inhabitants of surrounding neighbourhood from wind blown dust, debris, noise and the like during the demolition, excavation and building works.

*(Reason: Health and amenity)*

50. **DWG3 Construction Management Plan**

All development activities and traffic movements must be carried out in accordance with the approved Construction Management Plan.

All controls in the Plan must be maintained at all times. A copy of the Plan must be kept on site at all times and made available to the Accredited Certifier and Council on request.

*(Reason: Compliance with condition of consent)*

51. **DWG4 Damage to Adjoining Properties**

All precautions must be taken to prevent any damage likely to be sustained to adjoining properties. Adjoining owner property rights must be observed at all times. Where damage occurs to adjoining property all necessary repair or suitable agreement for necessary repairs are to be undertaken by the applicant in consultation with, and with the consent of, the affected property owner.

*(Reason: Structural safety)*

52. **DWG5 Stamped Plans**

Stamped plans, specifications, documentation and the consent shall be available on site at all times during construction.

*(Reason: To ensure compliance with approved plans)*

53. **Noise**

All works carried out on site during construction/ demolition/ excavation/ earthworks shall comply with the NSW DECC Protection of the Environment Operations Act 1997 and the DECC Noise Control Guideline - Construction Site Noise and AS 2436-1981 – “Guide to Noise Control on Construction, Maintenance and Demolition Sites” for the control of construction noise.

The construction of the development and preparation of the site, including operation of vehicles, must be conducted so as to avoid unreasonable noise or vibration and cause no interference to adjoining or nearby occupations. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like.

Should complaints of a noise nuisance be justified, Council will require the acoustic treatment of the identified noise source/s to ensure compliance with Councils requirements on noise. An acoustic assessment & report will be required to ensure that the intrusive noise from the plant does not exceed 5 dB (A) above the background noise.

*(Reason: Noise Attenuation)*

54. **DWA1 Obstruction of Road or Footpath**

The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste bins or any other matter is not permitted unless approved in accordance with Council's Waste Skip Bin Policy. A Penalty Infringement Notice may be issued for any offence.

*(Reason: Protection of infrastructure, safety & information)*

55. **DWA2 Protection of Public Places**

If the work involved in the demolition or construction of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves the closure of a public place, a hoarding or fence shall be erected. Hoardings shall be erected to comply with the requirements of WorkCover and the Principal Certifying Authority.

*(Reason: Safety)*

56. **DWR2 Critical Stage Inspections - General**

Critical stage inspections must be called for by the Principal Contractor or Owner Builder as required by the Principal Certifying Authority (PCA), any PCA Service Agreement, the Act and the Regulation.

Work must not proceed beyond each critical stage until the PCA is satisfied that work is proceeding in accordance with this consent, the Construction Certificate(s) and the Act. 'Critical Stage Inspections' means the inspections prescribed by the Regulations for the purposes of section 109E(3)(d) of the Act or as required by the PCA and any PCA Service Agreement.

**Note 1:** The PCA may require additional inspections beyond mandatory critical stage inspections in order that the PCA be satisfied that work is proceeding in accordance with this consent.

**Note 2:** The PCA may, in addition to inspections, require the submission of Compliance Certificates, survey reports or evidence of suitability in accordance with Part A2.2 of the BCA in relation to any matter relevant to the development.

*(Reason: Statutory requirement)*

57. **DWR4 Inspections for Building Work - Critical Stages (Classes 2, 3 or 4)**

Where applicable inspections of the development site may be required to be undertaken at the following stages:

- (a) Prior to covering of waterproofing in any wet areas, for a minimum of 10 % of rooms with wet areas within a building;
- (b) Prior to covering any stormwater drainage connections;
- (c) After the building work has been completed and prior to any occupation certificate being issued in relation to the building; and
- (d) Other.

**If the person having benefit of this approval appoints Council as the PCA, Council will give written advice as to what critical stage inspections apply.**

Prior to issuing an occupation certificate or subdivision certificate the PCA must be satisfied that the work has been inspected on the above occasions.

Except as provided by subclause (d), the inspections may be carried out by the PCA or, if the PCA agrees, by another certifying authority.

The final inspection detailed at subclause (d) may only be carried out by the PCA.

For each inspection the principal contractor (*or owner-builder*) must notify the PCA at least forty eight (48) hours in advance that the site is ready to be inspected prior to the commencement of work on the next stage.

*(Reason: Statutory Requirements)*

58. **DWR5 Critical Stage Inspections for Building Work (Classes 5, 6, 7, 8 or 9)**

Where applicable inspections of the development site may be required to be undertaken at the following stages:

- (a) Prior to covering any stormwater drainage connections; and
- (b) After the building work has been completed and prior to any occupation certificate being issued in relation to the building;
- (c) Other.

**If the person having benefit of this approval appoints Council as the PCA, Council will give written advice as to what critical stage inspections apply.**

Prior to issuing an occupation certificate or subdivision certificate the PCA must be satisfied that the work has been inspected on the above occasions.

Except as provided by subclause (c), the inspections may be carried out by the PCA or, if the PCA agrees, by another certifying authority.

The final inspection detailed at subclause (c) may only be carried out by the PCA.

For each inspection the principal contractor (*or owner-builder*) must notify the PCA at least forty eight (48) hours in advance that the site is ready to be inspected prior to the commencement of work on the next stage.

*(Reason: Statutory Requirements)*

59. **DWR6 Inspection Records & Compliance Certificates**

The PCA or Accredited Certifier undertaking each of the inspections must make a **record of each inspection** in accordance with Clause 162B of the Environmental Planning and Assessment Regulations 2000 and, if the person is not the PCA, forward a copy to the PCA.

A copy of any **compliance certificates** issued in respect of the building work and any documents referred to in the certificate must be provided to Council within two (2) days of the certificate being issued.

A compliance certificate must be issued where:

- (a) Either:
  - (i) Council is appointed the PCA; or
  - (ii) Council is the PCA but agrees to an accredited certifier undertaking certain inspection/s, and
- (b) The PCA or Accredited Certifier is of the opinion that the stage of work he or she has inspected is satisfactory.

*(Reason: Statutory Requirement)*

60. **DWS1 Progress Survey – Major Development (greater than two stories)**

In order to ensure compliance with approved plans, a Survey Certificate, prepared to Australian Height Datum, shall be prepared by a Registered Surveyor showing the following:

- (a) At the completion of excavation, prior to the placement of any footings, showing the completed level of the excavation and its relationship to the boundaries;
- (b) Prior to placement of concrete, the ground floor level, showing the level of the form work;
- (c) Post placement of concrete at each second floor level showing the principal level of the formwork;

- (d) Prior to roofing, or completion of the highest point of the building, showing the anticipated level of the completed work and the relationship to the boundary; and
- (e) At completion, works showing the relationship of the building to the boundary.

Progress certificates in response to points (a) through to (e) shall be produced to the Council or the Principal Certifying Authority at the time of carrying out relevant progress inspections. Under no circumstances will work be allowed to proceed should such survey information be unavailable or reveals discrepancies between the approved plans and the proposed works.

*(Reason: To ensure compliance with approved plans)*

**Conditions which must be satisfied prior to the issue of any Occupation Certificate relating to the use of the building or part**

61. **OCG1 Certification of Engineering Works**

**Prior to occupation**, the following documents must be submitted to the Principal Certifying Authority. These documents are:

- a) A Certificate from a suitably Qualified Engineer, with Corporate Membership standing in the Institution of Engineers, Australia, and registered on the National Professional Engineers Register (NPER) under the appropriate professional category, and
- b) 'Work - As - Executed' plan of engineering and/or drainage works.

The abovementioned Certificate is to certify that:

- (i) the stormwater drainage system, and/or
- (ii) the car parking arrangement and area, and/or
- (iii) any related footpath crossing works, and/or
- (iv) the proposed basement pump and well system, and/or
- (v) the proposed access, and/or
- (vi) other civil works have been constructed in accordance with the approved plans and details, satisfies the design intent and complies with appropriate SAA Codes relevant Standards and Council's Policies and Specifications.

For major works, such as subdivisions, works within the road reserve (requiring separate S138 approval) and as where specified by Council, a Part 4A Certificate will be required. It is strongly recommended that Engineer supervise the works.

Where Council is not the Principal Certifying Authority, two (2) copies of the above documents are to be provided to Council **prior to the issue of any Occupation Certificate**. These documents are to be retained on Council's Construction Certificate file.

*(Reason: Asset management)*

62. **OCR1 Occupation Certificate (section 109M of the Act)**

A person must not commence occupation or use (*or change of use where an existing building*) of the whole or any part of a new building (within the meaning of section 109H (4) of the *Act*) unless an Interim Occupation Certificate or Final Occupation Certificate has been issued in relation to the building or part.

The Principal Certifying Authority is required to be satisfied, amongst other things, that:

- All required inspections (including each applicable mandatory critical stage inspection) have been carried out; and
- Any preconditions to the issue of the certificate required by a development consent have been met.

*(Reason: Statutory requirement)*

**Conditions which must be satisfied prior to the issue of any Subdivision Certificate**

63. **SCG5 Section 73 Certificate from Sydney Water**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained before the issue of the Subdivision Certificate. **Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's website at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the "e-developer" icon or 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 and building, driveway or landscape design.

Sydney Water written advice that you have obtained the Notice of Requirements must be submitted to the Accredited Certifier **before the issue of the Construction Certificate**.

*(Reason: To comply with statutory requirements)*

64. **SCG4 Application for Subdivision Certificate**

An application for a Subdivision Certificate shall be lodged with Council for approval to enable the subdivision plans to be submitted to and registered with Land and Property Information (formerly Land Titles Office). A final plan of subdivision and six (6) copies shall be included with the application.

*(Reason: To comply with statutory requirements)*

**Conditions which must be satisfied prior to the issue of a Final Occupation Certificate**

65. **Visitor Parking / Garbage Collection**

Visitor car space VP11 and VP12 are to have 'No Parking' signs for a specified time period which corresponds with the garbage collection service for this development. The specific time period is to be negotiated and approved by Council's Waste Coordinator and signs erected **prior to the issue of a Final Occupation Certificate for the development.**

*(Reason: Waste collection)*

66. **FOC1 Fire Safety Certificate**

A final Fire Safety Certificate shall be obtained in accordance with Part 9, Division 4 of the Environmental Planning and Assessment (Amendment) Regulation 2000, **prior to the issue of the Final Occupation Certificate** for the building.

A copy of the Fire Safety Certificate and fire safety schedule shall be:-

- Forwarded to City of Canada Bay Council;
- Forwarded to the Commissioner of the New South Wales Fire Brigade; and
- Prominently displayed in the building.

*(Reason: Fire safety)*

67. **FOC2 Certificate of Test of Mechanical Ventilation**

On the satisfactory completion of work and **prior to the issue of the Final Occupation Certificate**, a Certificate of Test of Mechanical Ventilation shall be supplied to the Principal Certifying Authority from an approved mechanical ventilation engineer.

*(Reason: To ensure compliance with approved plans)*

68. **FOG5 Wash down of Brickwork**

**Prior to occupation or use**, the brickwork shall be thoroughly cleaned down on all sides. All necessary precautions shall be taken to ensure that this work does not affect neighbouring properties.

*(Reason: Visual amenity and environmental health)*

69. **FOM1 Certification of the Constructed Stormwater Drainage System**

The constructed stormwater system shall be certified by a suitably qualified person, in accordance with Council's "Specification for the Management of Stormwater", **prior to issue of the Final Occupation Certificate.**

*(Reason: Adequate stormwater management)*

**Conditions which must be satisfied during the ongoing use of the development**

70. **Waste Management**

- 1) All waste is to be stored in a way that does not pose an odour nuisance, threat to public health or the environment at all times.
- 2) All waste management on site is to be carried out in accordance with the approved waste management plans.

*(Reason: Waste Management)*

71. **OUE1 Annual Fire Safety Statement**

Pursuant to Part 9, Division 5 of the Environmental Planning and Assessment Regulation (as amended) the owner of the building shall furnish Council with an Annual Fire Safety Statement from a competent person so as to certify the essential fire safety measures in the building. The Annual Fire Safety Statement shall be within 12 months of the issue of the fire safety certificate, and then on an annual basis.

A copy of Fire Safety Statement obtained and Fire Safety Schedule shall also be:

1. Forwarded to the Commissioner of the New South Wales Fire Brigade;
2. Prominently displayed in the building.

*(Reason: Fire safety)*

72. **OUE5 Microbial Control**

The installation and ongoing operation of the water cooling systems, evaporative coolers and hot/warm water systems within the premises shall be undertaken in accordance with the relevant provisions of:

- Public Health Act 1991 and Regulations
- Australian Standard AS/NZS 3666 - Air Handling and Water Systems of Buildings - Microbial Control, Parts 1 & 2 of 2002 and Part 3 of 2000 NSW Health Code of Best Practice for the Control of Legionnaires Disease.

*(Reason: Health and safety)*

73. **OUE6 Noise, Air or Water Pollution - Protection of the Environment Operations Act 1997**

The activities carried out on site shall not constitute a nuisance in relation to noise, air or water pollution as specified under the Protection of the Environment Operations Act 1997.

*(Reason: Environmental protection)*

74. **OUE8 Registration of Water Cooling and Warm Water Systems**

The owner or occupier of the premises where a water-cooling or warm-water system is installed must supply the following information to Council within one (1) month of the person becoming the owner or occupier of the premises, or if there is an alteration to particulars previously provided:

- a) The number and type of system/s;
- b) The address of the premises on which the system is installed;
- c) The name, and the residential and business address of the owner of the premises and, if the operation area on the premises is occupied otherwise than by the owner, those particulars in relation to the occupier;
- d) The telephone numbers at which, during business hours and after business hours, the person or persons referred to above may be contacted.

*(Reason: Health and safety)*

### **Advisory Notes (ANN) -**

Please note: the following may not apply to all consents

**a. ANN1 Dial Before You Dig**

The *principle contractor, owner builder or any person* who needs to excavate and undertake building work must first contact *Dial Before You Dig* and allow a reasonable period of time for the utilities to provide locations of their underground assets. Failure to do so may result in being financially responsible by the asset owner should they damage underground pipe or cable networks.

When you contact *Dial Before You Dig* you will be sent details of *Dial Before You Dig* members who have underground assets in vicinity of proposed excavation

*(Reason: Information - protection of utilities)*

**b. ANN7 Process for Modification**

The plans and/or conditions of this approval are binding and may only be modified upon written request to Council under Section 96 of the Environmental Planning and Assessment Act, 1979 (as amended). The request shall be accompanied by the appropriate fee and application form. You are not to commence any action, works, contractual negotiations, or the like, on the requested modification unless and until the written authorisation of the approval authority is received by way of an amended approval.

*(Reason: Information)*

**c. ANN9 Right of Appeal**

Section 97 of the Environmental Planning and Assessment Act 1979 (as amended), gives the applicant the right to appeal to the Land and Environment Court within three (3) months after the date on which you receive this notice.

*(Reason: Information)*

**d. ANN10 Signage Approval**

A **separate development application** for any proposed signs which are either externally fitted or applied must be submitted for the approval of Council, prior to the

erection or display of any such signs. This does not apply to signs which are classified as being 'Exempt Development'.

*(Reason: Information - amenity and separate approvals)*

**e. ANN11 Skips on Council Footpath**

The applicant must apply to Council's Customer Services Centre and pay the respective minimum ten (10) day application fees and deposit, should a mini-skip type or larger builder's waste container be required to be left on Council's footpath, nature strip or roadway for the removal of any builder's waste etc. These fees must be paid prior to the container's placement. In the event of the container being removed within the ten day period, and the Council being notified, a pro-rata refund will be made. If the container is to remain at the site for longer than ten days, a further fee must be paid before the ten day period expires. No consultation is necessary if placing the container within the property to which this application is related. However, caution should be exercised in placing the bin to ensure no damage occurs to Council property.

*(Reason: Information - amenity and separate approvals)*

**f. ANN12 WorkCover Requirements**

The Occupational Health and Safety Act 2000 No 40 and subordinate regulations, codes of practice and guidelines control and regulate the development industry.

Further information can be obtained from WorkCover NSW's website at <http://workcover.nsw.gov.au/Industry/Construction/default.htm> or through their head office: WorkCover NSW, 92-100 Donnison Street, GOSFORD 2250 Postal address: WorkCover NSW, Locked Bag 2906, LISAROW 2252, Phone (02) 4321 5000, Fax (02) 4325 4145.

*(Reason: Information - safety)*

**g. GCG2 Compliance with Disability Discrimination Act**

This approval does not necessarily guarantee compliance with the *Disability Discrimination Act 1992*, and the applicant/owner is therefore advised to investigate their liability under the Act, and ensure that the design complies.

# Attachment – Amended SEPP 65 Compliance Table

Residential Flat Design Code - Open Space, Daylight Access, Natural Ventilation, Apartment Depth & Storage

Level	Apt No.	No. of Beds	Apt Area (m2)	Private Open Space		Daylight Access				Natural Ventilation			Apartment Depth	
				At ground level (m2)	Balcony Area (m2)	Single southerly aspect	Direct daylight access times (9am - 3pm)	Direct sunlight access hours	2 hours direct sunlight*	Kitchen with access to natural ventilation**	Apartment natural cross ventilation method	Naturally cross ventilated apartment.	Living Space (m)	Kitchen (m)
1	101	2	98	110		<input type="checkbox"/>	9am - 10am	1	-	<input type="checkbox"/>	Dual aspect	<input type="checkbox"/>	4.6	3.1
	102	3	140	125		<input type="checkbox"/>	9am - 3pm	6	<input type="checkbox"/>	<input type="checkbox"/>	Dual aspect	<input type="checkbox"/>	4.9	7.6
	103	1	78	90		-	-	-	-	<input type="checkbox"/>	-	-	6.1	6.8
	104	1	66	35		<input type="checkbox"/>	9am - 3pm	6	<input type="checkbox"/>	<input type="checkbox"/>	-	-	5.4	8
	105	1	62	75		-	-	-	-	<input type="checkbox"/>	-	-	6.1	6.8
	106	2	98	25		<input type="checkbox"/>	9am - 3pm	6	<input type="checkbox"/>	<input type="checkbox"/>	Cross over	<input type="checkbox"/>	5.4	8
	107	1	62	75		-	-	-	-	<input type="checkbox"/>	-	-	6.1	6.8
	108	1	66	25		<input type="checkbox"/>	9am - 3pm	6	<input type="checkbox"/>	<input type="checkbox"/>	Cross over	<input type="checkbox"/>	5.5	8
	109	2	102	60	4	-	-	-	-	<input type="checkbox"/>	Two storey	<input type="checkbox"/>	4.2	7
	110	1	66	25		<input type="checkbox"/>	9am - 3pm	6	<input type="checkbox"/>	<input type="checkbox"/>	Cross over	<input type="checkbox"/>	5.5	8
	111	1	66	25		<input type="checkbox"/>	9am - 3pm	6	<input type="checkbox"/>	<input type="checkbox"/>	Cross over	<input type="checkbox"/>	5.5	8
	112	1	66	25		<input type="checkbox"/>	9am - 3pm	6	<input type="checkbox"/>	<input type="checkbox"/>	Cross over	<input type="checkbox"/>	5.5	8
	113	2	100	30		<input type="checkbox"/>	9am - 3pm	6	<input type="checkbox"/>	<input type="checkbox"/>	Cross over	<input type="checkbox"/>	5.5	8
2	201	2	98		11	<input type="checkbox"/>	9am - 10am	1	-	<input type="checkbox"/>	Dual aspect	<input type="checkbox"/>	4.6	3.1
	202	3	140		34	<input type="checkbox"/>	9am - 3pm	6	<input type="checkbox"/>	<input type="checkbox"/>	Dual aspect	<input type="checkbox"/>	4.9	7.6
	203	1	66		12	<input type="checkbox"/>	9am - 3pm	6	<input type="checkbox"/>	<input type="checkbox"/>	-	-	5.4	8
	204	1	67		17	<input type="checkbox"/>	9am - 3pm	6	<input type="checkbox"/>	<input type="checkbox"/>	-	-	6.0	8.6
	205	1	62	90		-	-	-	-	<input type="checkbox"/>	Dual aspect	<input type="checkbox"/>	4.1	6.7
	206	2	97	33		<input type="checkbox"/>	9am - 3pm	6	<input type="checkbox"/>	<input type="checkbox"/>	-	-	6.0	8.6
	207	1	57	70		-	-	-	-	<input type="checkbox"/>	-	-	7.3	8
	208	2	106	60		<input type="checkbox"/>	9am - 3pm	6	<input type="checkbox"/>	<input type="checkbox"/>	Dual aspect	<input type="checkbox"/>	4.4	7
	209	1	57	60		-	-	-	-	<input type="checkbox"/>	-	-	7.3	8
	210	2	120	260		<input type="checkbox"/>	9am - 3pm	6	<input type="checkbox"/>	<input type="checkbox"/>	Dual aspect	<input type="checkbox"/>	4.2	6.8
	211	2	94	110		<input type="checkbox"/>	1pm - 2.30pm	1.5	<input type="checkbox"/>	<input type="checkbox"/>	Dual aspect	<input type="checkbox"/>	6.4	8
	212	1	65	35		<input type="checkbox"/>	1pm - 2.30pm	1.5	-	-	-	-	6.0	6.6
3	301	2	98		11	<input type="checkbox"/>	9am - 10am	1	-	<input type="checkbox"/>	Dual aspect	<input type="checkbox"/>	4.6	3.1
	302	3	140		34	<input type="checkbox"/>	9am - 3pm	6	<input type="checkbox"/>	<input type="checkbox"/>	Dual aspect	<input type="checkbox"/>	4.9	7.6
	303	1	66		12	<input type="checkbox"/>	9am - 3pm	6	<input type="checkbox"/>	<input type="checkbox"/>	-	-	5.4	8
	304	2	100		18	<input type="checkbox"/>	9am - 3pm	6	<input type="checkbox"/>	<input type="checkbox"/>	Cross over	<input type="checkbox"/>	5.4	8
	305	2	98		11	<input type="checkbox"/>	9am - 3pm	6	<input type="checkbox"/>	<input type="checkbox"/>	Cross over	<input type="checkbox"/>	5.6	7.8
	306	1	66		16	<input type="checkbox"/>	9am - 3pm	6	<input type="checkbox"/>	<input type="checkbox"/>	Cross over	<input type="checkbox"/>	5.5	8
	307	1	66		16	<input type="checkbox"/>	9am - 3pm	6	<input type="checkbox"/>	<input type="checkbox"/>	Cross over	<input type="checkbox"/>	5.5	8
	308	1	66		16	<input type="checkbox"/>	9am - 3pm	6	<input type="checkbox"/>	<input type="checkbox"/>	Cross over	<input type="checkbox"/>	5.5	8
	309	1	66		16	<input type="checkbox"/>	9am - 3pm	6	<input type="checkbox"/>	<input type="checkbox"/>	Cross over	<input type="checkbox"/>	5.5	8
	310	1	66		16	<input type="checkbox"/>	9am - 3pm	6	<input type="checkbox"/>	<input type="checkbox"/>	Cross over	<input type="checkbox"/>	5.5	8
	311	1	66		16	<input type="checkbox"/>	9am - 3pm	6	<input type="checkbox"/>	<input type="checkbox"/>	Cross over	<input type="checkbox"/>	5.5	8
	312	1	66		16	<input type="checkbox"/>	9am - 3pm	6	<input type="checkbox"/>	<input type="checkbox"/>	Cross over	<input type="checkbox"/>	5.5	8
	313	1	66		16	<input type="checkbox"/>	9am - 3pm	6	<input type="checkbox"/>	<input type="checkbox"/>	Cross over	<input type="checkbox"/>	5.5	8
	314	2	100		22	<input type="checkbox"/>	9am - 3pm	6	<input type="checkbox"/>	<input type="checkbox"/>	Cross over	<input type="checkbox"/>	5.5	8
	315	2	102		22	<input type="checkbox"/>	9am - 3pm	6	<input type="checkbox"/>	<input type="checkbox"/>	Cross over	<input type="checkbox"/>	5.5	8
	316	2	102		13	-	-	-	-	<input type="checkbox"/>	Two storey	<input type="checkbox"/>	4.2	7
	317	1	66		15	-	-	-	-	<input type="checkbox"/>	Dual aspect	<input type="checkbox"/>	4.1	6.7
	318	2	110		22	<input type="checkbox"/>	9am - 3pm	6	<input type="checkbox"/>	-	-	-	6.0	8.6
	319	1	57		9	-	-	-	-	<input type="checkbox"/>	-	-	7.3	8
	320	2	97		16	<input type="checkbox"/>	9am - 3pm	6	<input type="checkbox"/>	<input type="checkbox"/>	-	-	6.0	8.6
	321	1	57		9	-	-	-	-	<input type="checkbox"/>	-	-	7.3	8
	322	2	106		22	<input type="checkbox"/>	9am - 3pm	6	<input type="checkbox"/>	<input type="checkbox"/>	Dual aspect	<input type="checkbox"/>	4.4	7
	323	2	104		14	<input type="checkbox"/>	1pm - 3pm	2	<input type="checkbox"/>	-	Dual aspect	<input type="checkbox"/>	8.0	8.6
	324	2	118		10	<input type="checkbox"/>	9am - 3pm	6	<input type="checkbox"/>	<input type="checkbox"/>	Dual aspect	<input type="checkbox"/>	4.2	6.7
	325	1	65		9	<input type="checkbox"/>	1pm - 3pm	2	<input type="checkbox"/>	-	-	-	6.0	8.6

4	401	2	98		11	<input type="checkbox"/>	9am - 10am	1	-	<input type="checkbox"/>	Dual aspect	<input type="checkbox"/>	4.8	3.1
	402	3	140		34	<input type="checkbox"/>	9am - 3pm	6	<input type="checkbox"/>	<input type="checkbox"/>	Dual aspect	<input type="checkbox"/>	4.9	7.6
	403	1	66		12	<input type="checkbox"/>	9am - 3pm	6	<input type="checkbox"/>	<input type="checkbox"/>	-	-	5.4	8
	404	2	110		22	<input type="checkbox"/>	9am - 3pm	6	<input type="checkbox"/>	<input type="checkbox"/>	-	-	6.0	8.6
	405	1	66		15	-	-	-	-	<input type="checkbox"/>	Dual aspect	<input type="checkbox"/>	4.1	6.7
	406	2	97		16	<input type="checkbox"/>	9am - 3pm	6	<input type="checkbox"/>	<input type="checkbox"/>	-	-	6.0	8.6
	407	1	57		9	-	-	-	-	<input type="checkbox"/>	-	-	7.3	8
	408	2	106		22	<input type="checkbox"/>	9am - 3pm	6	<input type="checkbox"/>	<input type="checkbox"/>	Dual aspect	<input type="checkbox"/>	4.4	7
	409	1	57		9	-	-	-	-	<input type="checkbox"/>	-	-	7.3	8
	410	2	118		10	<input type="checkbox"/>	9am - 3pm	6	<input type="checkbox"/>	<input type="checkbox"/>	Dual aspect	<input type="checkbox"/>	4.2	6.7
	411	2	104		14	<input type="checkbox"/>	1pm - 3pm	2	<input type="checkbox"/>	<input type="checkbox"/>	Dual aspect	<input type="checkbox"/>	8.0	8.6
	412	1	65		9	<input type="checkbox"/>	1pm - 3pm	2	<input type="checkbox"/>	-	-	-	6.0	8.6
5	501	2	98		11	<input type="checkbox"/>	9am - 12pm	3	<input type="checkbox"/>	<input type="checkbox"/>	Dual aspect	<input type="checkbox"/>	4.6	3.1
	502	3	190		65	<input type="checkbox"/>	9am - 3pm	6	<input type="checkbox"/>	<input type="checkbox"/>	Dual aspect	<input type="checkbox"/>	5.6	7.8
	503	2	98		11	<input type="checkbox"/>	9am - 3pm	6	<input type="checkbox"/>	<input type="checkbox"/>	Cross over	<input type="checkbox"/>	5.6	7.8
	504	2	90		22	<input type="checkbox"/>	9am - 3pm	6	<input type="checkbox"/>	<input type="checkbox"/>	Two storey	<input type="checkbox"/>	6.0	8.6
	505	1	66		16	<input type="checkbox"/>	9am - 3pm	6	<input type="checkbox"/>	<input type="checkbox"/>	Cross over	<input type="checkbox"/>	5.5	8
	506	3	190		50	<input type="checkbox"/>	9am - 3pm	6	<input type="checkbox"/>	<input type="checkbox"/>	Two Storey	<input type="checkbox"/>	5.6	7.4
	507	1	66		16	<input type="checkbox"/>	9am - 3pm	6	<input type="checkbox"/>	<input type="checkbox"/>	Cross over	<input type="checkbox"/>	5.5	8
	508	2	108		40	<input type="checkbox"/>	9am - 3pm	6	<input type="checkbox"/>	<input type="checkbox"/>	-	-	5.3	7.5
	509	1	66		16	<input type="checkbox"/>	9am - 3pm	6	<input type="checkbox"/>	<input type="checkbox"/>	Cross over	<input type="checkbox"/>	5.5	8
	510	1	66		16	<input type="checkbox"/>	9am - 3pm	6	<input type="checkbox"/>	<input type="checkbox"/>	Cross over	<input type="checkbox"/>	5.5	8
	511	2	102		22	<input type="checkbox"/>	9am - 3pm	6	<input type="checkbox"/>	<input type="checkbox"/>	Cross over	<input type="checkbox"/>	6.5	8
	512	1	82		9	-	-	-	-	<input type="checkbox"/>	Two storey	<input type="checkbox"/>	4.2	7
	513	1	66		15	-	-	-	-	<input type="checkbox"/>	Dual aspect	<input type="checkbox"/>	4.1	6.7
	514	2	81		25	<input type="checkbox"/>	9am - 3pm	6	<input type="checkbox"/>	<input type="checkbox"/>	-	-	6.0	8.6
	515	1	57		9	-	-	-	-	<input type="checkbox"/>	-	-	7.3	8
	516	2	97		16	<input type="checkbox"/>	9am - 3pm	6	<input type="checkbox"/>	<input type="checkbox"/>	-	-	6.0	8.6
	517	1	57		9	-	-	-	-	<input type="checkbox"/>	-	-	7.3	8
	518	2	106		22	<input type="checkbox"/>	9am - 3pm	6	<input type="checkbox"/>	<input type="checkbox"/>	Dual aspect	<input type="checkbox"/>	4.4	7
	519	2	104		14	<input type="checkbox"/>	1pm - 3pm	2	<input type="checkbox"/>	<input type="checkbox"/>	Dual aspect	<input type="checkbox"/>	8.0	8.6
	520	2	118		14	<input type="checkbox"/>	9am - 3pm	6	<input type="checkbox"/>	<input type="checkbox"/>	Dual aspect	<input type="checkbox"/>	4.2	6.7
	521	1	65		9	<input type="checkbox"/>	1pm - 3pm	2	<input type="checkbox"/>	-	-	-	6.0	8.6
6	601	1	66		15	-	-	-	-	<input type="checkbox"/>	Dual aspect	<input type="checkbox"/>	4.1	6.7
	602	3	170		65	<input type="checkbox"/>	9am - 3pm	6	<input type="checkbox"/>	<input type="checkbox"/>	Two storey	<input type="checkbox"/>	4.5	7.1
	603	1	57		9	-	-	-	-	<input type="checkbox"/>	-	-	7.3	8
	604	3	180		32	<input type="checkbox"/>	9am - 3pm	6	<input type="checkbox"/>	<input type="checkbox"/>	Two storey	<input type="checkbox"/>	4.5	7.1
	605	1	57		9	-	-	-	-	<input type="checkbox"/>	-	-	7.3	8
	606	3	200		38	<input type="checkbox"/>	9am - 3pm	6	<input type="checkbox"/>	<input type="checkbox"/>	Two storey	<input type="checkbox"/>	4.5	7.1
	607	2	104		14	<input type="checkbox"/>	1pm - 3pm	2	<input type="checkbox"/>	<input type="checkbox"/>	Dual aspect	<input type="checkbox"/>	8.0	8.6
	608	3	145		36	<input type="checkbox"/>	9am - 3pm	6	<input type="checkbox"/>	<input type="checkbox"/>	Dual aspect	<input type="checkbox"/>	4.5	4
Total		91	148	8239	1443	1225	21		70.33%	81.32%		67.03%		
Min/ Max Requirement							23.08%							
Compliance							10.00%		70.00%	25.00%		60.00%		
							No		Yes	YES		YES		

Notes:

- \* To living rooms and private open spaces
- \*\* Kitchen within 8m of a window/opening
- ☐ Complies
- Does not comply