

SCHEDULE A - Deferred commencement condition

The following deferred commencement condition must be complied with to the satisfaction of Council within 12 months of the date of this deferred commencement consent, prior to the issue of an operational development consent:

Acoustic Assessment

1. To ensure the proposed development will be acceptable in terms of acoustic impacts, a revised acoustic report prepared in accordance with the NSW Environment Protection Authority's *Industrial Noise Policy*, and which includes seven days of continual unattended background noise monitoring and considers noise from sources including but not limited to plant, machinery and equipment and that from vehicle movements, shall be submitted to Council for approval.

Upon receipt of written notification from Council that the abovementioned condition has been satisfied, the following conditions will apply:

SCHEDULE B - The standard conditions of consent are set out as follows:

1. Development shall take place in accordance with the attached endorsed documentation:
 - Architectural plans prepared by David Saba Architects, Sheet Nos. DA 01, DA 05 to DA 08, DA 10 and DA 11, Project No. 201105, Revision C, dated 18 June 2012;
 - Architectural plans prepared by David Saba Architects, Sheet Nos. DA 02 to DA 04, and DA 09, Project No. 201105, Revision B, dated 18 June 2012;
 - Architectural plans prepared by David Saba Architects, Sheet No. DA 14, Project No. 201105, Revision A, dated 18 June 2012;
 - Drainage plan prepared by K.J. Klopfer & Dobos Pty Ltd, Drawing Number 12652 – D1 & 12652 – D2, Issue C, dated April 1997;
 - Stormwater management plan prepared by Storm Consulting, dated 29 May 2012;
 - Sediment control plan prepared by David Saba Architects, Sheet No. SP 01 Project No. 201105, Revision E, dated 16 March 2012;
 - Statement of Environmental Effects prepared by Urban Perspectives, dated 15 March 2012;
 - Addendum to Statement of Environmental Effects prepared by Urban Perspectives, dated 4 April 2012;
 - Building Code of Australia Compliance Report prepared by Brentnall Technical Solutions, dated 17 February 2012;
 - SEPP 33 Review prepared by Aecom, dated 8 March 2012;
 - Construction Noise and Vibration Impact Assessment prepared by Aecom, dated 23 February 2012;
 - Traffic Impact Assessment prepared by Traffix, dated 2 February 2012; and
 - Acoustic Report submitted to satisfy Schedule A conditions.
- a) As amended in red by Council. The above amendments are to be incorporated in the Construction Certificate plans.
2. All building work shall be carried out in accordance with the requirements of the Building Code of Australia. Fully detailed plans including fire safety details shall be submitted

with the Construction Certificate application. No work is to commence until such time as a Construction Certificate is obtained for the work/building permitted by this Consent.

Appointment of Council or a Private Certifier as the Principal Certifying Authority (PCA)

3. Either Council or a Private Certifier is to be appointed as the Principal Certifying Authority (PCA) for the development in accordance with Section 109E of the Act.

Accordingly, wherever reference is made to the Principal Certifying Authority in this Consent, it refers to Council or the Private Certifier as chosen by you.

Note: Once you have chosen either Council or a Private Certifier as the PCA, you cannot change from one to the other, or from one Private Certifier or another, without the approval of Department of Planning & Infrastructure.

4. The applicant shall consult with, as required:
 - (a) Sydney Water Corporation Limited
 - (b) Integral Energy
 - (c) Natural Gas Company
 - (d) A local telecommunications carrierregarding their requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on site or on the adjacent public road(s).
5. The proposed structure/s are to be located clear of existing Council easements. Special footings will be required where the proposed/existing structures are adjacent to a drainage easement. The footings shall be taken down to the invert level of the existing drainage structure or to solid rock, whichever is the lesser. The footing depth may decrease by 500mm for every 1000mm increment in distance the footing is from the easement boundary.
The footing system is to be designed by a practising professional structural engineer.
6. Building materials, builders sheds, waste bins, site fencing, gates or any material of any description shall not be left or placed on any footway, road or nature strip. Footways and nature strips shall be maintained, including the cutting of vegetation, so as not to become unsightly or a hazard for pedestrians. Offenders will be prosecuted.

PRIOR TO ISSUE/RELEASE OF CONSTRUCTION CERTIFICATE

The following conditions must be complied with prior to the issue of a Construction Certificate. In many cases the conditions require certain details to be included with or incorporated in the detailed plans and specifications which accompany the Construction Certificate:-

Payment of Bonds, Fees and Long Service Levy

7. The Principal Certifying Authority is to ensure and obtain written proof that all bonds, fees and contributions as required by this consent have been paid to the applicable

authority. This includes all Long Service Levy payments to be made to the Long Service Payments Corporation.

Damage Deposit

8. A cash bond/bank guarantee of **\$1,512.60** must be paid/lodged with Council to cover making good any damage caused to the property of Council, during the course of construction associated with the development. This will be held for 'six (6) months after the completion of works' or six (6) months after the issue of 'Final Occupation Certificate' (whichever occurs last) to remedy any defects that may arise within this time.

Note:- The applicant/owner shall be held responsible for and may be required to pay the full reinstatement costs for damage caused to Council's property (such as road pavement, kerb and guttering, footway, stormwater drainage etc), unless the applicant/owner notifies Council in writing and provides photographic proof of any existing damage to Council's property. Such notification shall occur prior to works/demolition commencing. However, if in the opinion of Council, during the course of construction existing damage has worsened, Council may require full reinstatement. If damage does occur during the course of construction, prior to reinstating any damage to Council's property, the applicant/owner shall obtain design specifications of all proposed restoration works. Restoration/construction works within the road reserve shall be carried out by a licensed construction contractor at the applicant/owners expense and shall be inspected by Council prior to placement of concrete and/or asphalt.

Consistency with Endorsed Development Consent Plans

9. The Principal Certifying Authority must ensure that any certified plans forming part of the Construction Certificate, are in accordance with the Development Consent plans.

Tree Planting/Landscaping

10. A bond of **\$2,000** is to be lodged with Council against the planting, establishment and maintenance of the required landscaping/tree planting. This bond will be retained for a minimum period of twelve (12) months from the issue of a Final Occupation Certificate after which a further inspection will be undertaken by Council or the Principal Certifying Authority (PCA), to ensure the satisfactory establishment and maintenance of the landscaping/tree planting.

If Council is not the PCA, certification from a suitably qualified person or the designer of the landscape works (as appropriate) that the required landscaping/tree planting is establishing and being maintained satisfactorily, is to be submitted to Council at the expiry of the bond period prior to the bond being refunded.

If the landscaping is not established or maintained to Council's or the PCA's satisfaction, the bond monies will be applied to fully implement the landscape plan.

Note: Retention of bonds for twelve (12) months provides for the landscaping/tree planting to establish over a full cycle of seasons.

Landscape Inspection Fee

11. Payment of a **\$260.70** fee for the inspection by Council of landscape works and/or trees to be retained at the key stages, where Council is the Principal Certifying Authority.

Engineering Fees and Bonds

12. Payment of a **\$300** fee for the design, specifications and inspection by Council of the vehicular crossing/s prior to placement of concrete.
13. Payment of a **\$1,895** fee for the design, specifications and inspection by Council of the footpath paving prior to placement of concrete.
14. The applicant shall lodge with Council a **\$15,000** cash bond or bank guarantee for the satisfactory completion of the construction and/or reconstruction of the concrete footpath paving adjacent to the site. This bond will be held for 'Six (6) months after the completion of works' or issue of a 'Final Occupation Certificate' (whichever occurs last) to remedy and defects that may arise within this time.

Road Works

15. A Traffic Management Plan shall be lodged with Council for any road and drainage works to be carried out within public road reserves, or where construction activity impacts on traffic flow or pedestrian access, in strict compliance with the requirements of Australian Standard 1742.3 (Traffic Control Devices for Works on Roads). In this regard, the applicant shall pay Council a **\$440** fee for the assessment of the Traffic Management Plan by Council, prior to commencing works within the road reserves. A copy of the approved Traffic Management Plan shall be kept on site during the course of construction for reference and compliance.

Required Submissions to Certifying Authority

16. Structural engineer's details (in duplicate) prepared and certified by a practising qualified structural engineer of all reinforced concrete and structural members shall be submitted to the Principal Certifying Authority.
17. The applicant/owner is to give written notice to the Certifying Authority of the measures that are currently implemented in the building or premises to ensure the safety of persons in the building in the event of fire. The schedule of measures must be provided with the Construction Certificate application.
18. The Construction Certificate is to include a schedule specifying all of the essential fire or other safety measures (both current and proposed) that are required for the building or premises to ensure the safety of persons in the building in the event of fire.

PRIOR TO WORKS COMMENCING

The following conditions are to be complied with prior to any works commencing on the site:

Appointment of Principal Certifying Authority and Notification of Commencement of Work

19. The person having the benefit of the development consent, not the principal contractor (builder), must: -
- a) appoint a Principal Certifying Authority in accordance with Section 81A(2)(b) of the Act.
 - b) Have the Principal Certifying Authority complete the 'Accredited Certifier Details' on the approved form provided by Council for this purpose, an original of which is attached to this Development Consent.
 - c) Notify Council of the appointment of the Principal Certifying Authority and of the intention to commence building work, such notification is to be given to Council at least two (2) working days prior to the proposed commencement date, and be on the approved form provided by Council for this purpose, an original of which is attached to this Development Consent.

If nominated, Council can provide this service for you and act as the Principal Certifying Authority.

N.B. The Principal Certifying Authority must also notify the person having the benefit of the Development Consent of any mandatory critical stage inspections and other inspections that are to be carried out in respect of the building work such notification must comply with Clause 103A of the Regulations.

Notification of Principal Contractor (Builder)/Owner-Builder

20. The person having the benefit of the Development Consent must:-
- (a) notify the Principal Certifying Authority that the person will carry out the work as an owner-builder, if that is the case;
- OR
- (b) Appoint a Principal Contractor for the building work (who must be the holder of a contractor licence if any residential building work is involved), and notify the Principal Contractor of any mandatory critical stage inspections and other inspections that are to be carried out in respect of the building work.
 - (c) notify the Principal Certifying Authority of any such appointment.

Where Council is the Principal Certifying Authority, such notification is to be on the approved form provided by Council for this purpose, an original of which is attached to this Development Consent.

Fencing of Sites

21. Fencing of sites is required to prevent public access when the site is unoccupied and building works are not in progress. In this regard the MINIMUM acceptable standard of fencing to the site is properly constructed chain wire fencing 1.8m high, clad internally with Hessian or Geotextile fabric. All openings are to be provided with gates, such gates are not at any time to swing out from the site or obstruct the footpath or roadway.

Signs to be Erected on Sites

22. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (a) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted **outside working hours and at any time for business purposes**, and
 - (c) stating that unauthorised entry to the work site is prohibited.

The sign must be rigid and durable and be read easily by anyone in any public road or other public place adjacent to the site.

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

This clause does not apply in relation 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.

Note: Principal Certifying Authorities and Principal Contractors must also ensure that signs required by this clause are erected and maintained (clause 227A of the Regulations currently imposes a maximum penalty of \$1,100).

Prohibited Signage

23. Advertising, Real Estate Agents, Architects, Designers, site suppliers and any other signage not mentioned in the conditions, is not to be placed or displayed on the site, such that the signage is visible from any public place. Offenders may be prosecuted.

Protection of Public Places

24. A hoarding or fence must be erected between the work site and any public place, if the work involved in the erection or demolition of the building; is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the enclosure of a public place.

If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Site Control Measures

25. Suitable erosion and sediment control measures shall be provided at all vehicular entry/exit points and all other measures required with and/or shown on plans accompanying the Construction Certificate, to control soil erosion and sedimentation, are to be in place prior to the commencement of construction works. Such controls are to be provided in accordance with Holroyd City Council's "Erosion & Sediment Control Policy."
- Note:** On-the-spot fines may be issued by council where measures are absent or inadequate.
26. An Arborist qualified to at least Australian Qualifications Framework (AQF) Certificate Level 4 shall be retained throughout all demolition/construction work to ensure the proper protection and management of the tree/s required to be retained/transplanted and that any necessary pruning work within 1m of the building/s approved, is carried out in accordance with Australian Standard 4373-1996 "Pruning of Amenity Trees". This includes on site supervision of the erection of tree protection measures and, where necessary, any works that are required within tree protection zones.
27. The tree/s identified on the endorsed plans as being retained/transplanted shall be protected prior to and throughout the demolition/construction process in accordance with the report from Treescan dated February 2012, the attached Guidelines for the Protection of Trees On and Adjacent To Demolition/Building sites, and relevant conditions of this Consent. All trees not authorised to be removed by this Consent must be retained. Prior to any work commencing, certification of the installation and inspection of the required tree protection works is to be provided to the Principal Certifying Authority by a suitably qualified person or the Arborist (as appropriate) engaged to ensure the proper protection and management of the tree/s required to be retained/transplanted. A copy of the Certificate is to be issued to Council within seven (7) days of the inspection and prior to any works commencing. Additionally, trees identified for removal are to be retained until immediately prior to works commencing, to assist with soil management and erosion control.
28. Protective fencing is to be installed around the tree/s to be retained/transplanted in line with the outer edge of the canopy which overhangs the site and no further than 0.5m from any buildings. This fencing is to be constructed of chainwire mesh 1.8m high, which is supported by steel stakes or piping and braced to resist impacts. Where appropriate the trunk/s of the tree/s on the site and any street tree/s (which are not to be fenced other than as mentioned above), shall also be protected by vertical timber boards, installed by or under the supervision of a suitably qualified person or the arborist (as appropriate) engaged to ensure the proper protection and management of the trees required to be retained/transplanted to accepted horticultural and TAFE standards.
- Note:** Removal of the protective fencing or timber boards during construction work, will affect the Bonds and may result in legal proceedings being instigated by Council against the applicant and builder.
29. The fenced zone/s surrounding the trees to be retained shall be mulched with 100mm of composted leaf mulch.

Footpaving, Kerbing and Guttering

30. Protection must be provided for Council footpaving, kerbing and guttering. Wooden mats must also be provided at all entrances where the site fronts paved footpaths.
31. Finished street levels shall not be assumed. The owner or builder must make application to Council's Engineering Services Department for street levels.

Toilet Facilities

32. Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
Each toilet provided:
 - a) Must be a standard flushing toilet, and
 - b) Must be connected:
 - i) To a public sewer,
 - ii) If connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
 - iii) If connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.
 - iv) The position of the toilet on the site shall be determined by Council's Building Surveyor and/or Sydney Water.

Roadworks

33. The applicant is to submit to Council an application for a road opening permit when the drainage connection into Council's system is within the road reserve. In this regard the applicant shall pay Council a **\$145** fee prior to the commencement of works. Additional road opening permits and fees may be necessary where there are connections to public utility services (eg. telephone, electricity, sewer, water or gas) required within the road reserve.
34. The applicant to arrange with the relevant public utility authority the alteration or removal of any affected services in connection with the development. Any such work being carried out at the applicant's cost.

Works within Council's Reserve

35. All works within the Council reserve shall be completed within three (3) weeks of the date of commencement. Council's Development Engineer shall be advised prior to the commencement of works.
36. Submission to Council of a Certificate of Currency of the contractor's Workers' Compensation Policy prior to the commencement of works.
37. All construction works shall be in accordance with the WorkCover safety requirements. Submission of insurance documentation demonstrating a minimum Public Liability cover of \$10,000,000 is to be submitted prior to commencement of works. Holroyd City Council shall be named on the Certificate of Currency as an interested party.

Sydney Water

38. The approved plans must be submitted to Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. (For Quick Check agent details please refer to the web site www.sydneywater.com.au, see Your Business then Building & Development then Building & Renovating or telephone 13 2092.)

DURING CONSTRUCTION

The following conditions are applicable during construction:-

Endorsed Plans & Specifications

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

Hours of Work & Display of Council Supplied Sign

40. For the purpose of preserving the amenity of neighbouring occupations building work including the delivery of materials to and from the site is to be restricted to the hours of 7.00am to 6.00pm Mondays to Fridays and 8.00am to 4.00pm Saturdays. Work on the site on Sundays and Public Holidays is prohibited. **Note: Demolition work is not permitted on weekends or Public Holidays - refer to specific demolition condition for approved hours.**

The yellow "Hours of Building Work" sign (supplied by Council with the approval), is to be displayed in a prominent position at the front of the site for the duration of the work.

Site Control

41. All soil erosion measures required in accordance with the approved sediment and erosion control plan and any other relevant conditions of this Consent are to be put in place prior to commencement of construction works are to be maintained during the entire construction period until disturbed areas are restored by turfing, paving or revegetation. This includes the provision of turf laid on the nature strip adjacent to the kerb.
42. Builder's refuse disposal and storage facilities are to be provided on the development site for the duration of construction works and all rubbish shall be removed from the site upon completion of the project.
43. Stockpiles of sand, soil and other material shall be stored clear of any drainage line or easement, tree protection zone, water bodies, footpath, kerb or road surface and shall have erosion and sediment control measures in place to prevent the movement of such materials onto the aforementioned areas and adjoining land.

Waste Management Plan

44. The approved Waste Management Plan must be implemented and complied with during all stages of works on site.

45. Within seven (7) days of completion of construction/building works, the applicant shall submit a signed statement to Council or the Principal Certifying Authority verifying that demolition work and recycling of materials was undertaken in compliance with the Waste Management Plan. The Principal Certifying Authority shall submit a copy of the statement to Council.

In reviewing such documentation Council will require the provision of actual weighbridge receipts for the recycling/disposal of all materials.

Compliance with Critical Stage Inspections and other Inspections nominated by the Principal Certifying Authority

46. Section 109E(3)(d) of the Act requires certain specific inspections (prescribed by clause 162A of the Regulations) and known as ‘Critical Stage Inspections’ to be carried out for building work. Prior to permitting commencement of the work your Principal Certifying Authority is required to give notice of these inspections pursuant to clause 103A of the Regulations.

N.B. An Occupation Certificate cannot be issued and the building may not be able to be used or occupied where any mandatory critical stage inspections or other inspections required by the Principal Certifying Authority are not carried out.

Where Council is nominated as Principal Certifying Authority, notification of all inspections required is provided with the Construction Certificate approval.

Tree Protection

47. The tree/s identified on the endorsed plans as being retained/transplanted shall be protected against damage throughout the demolition/construction process in accordance with the report from Treescan dated February 2012, the attached Guidelines for the Protection of Trees On and Adjacent to Demolition/Building Sites and relevant conditions of this Consent.
48. The applicant shall accept all responsibility for the accuracy of the information provided to Council for assessment. If any tree/s are not shown on the endorsed plan or are required to be retained/transplanted and protected but are threatened by demolition/construction work through unforeseen construction requirements or plan inaccuracy, all site and building works so affected are to cease until the matter is resolved to the satisfaction of Council. Council’s Environmental and Planning Services Department is to be notified immediately upon such a problem being encountered.
49. Branches of trees to be retained/transplanted within 1m of the approved building, may be pruned by an Arborist qualified to at least Australian Qualification Framework (AQF) Certificate Level 3 in accordance with Australian Standard AS4373-1996 ‘Pruning of Amenity Trees’ to enable demolition/construction works to occur.

Note: Any other pruning works not authorised by this Consent are subject to the approval of an application for General Tree Works activities.

50. No works are to occur within the fenced tree protection zone. All authorised works/activities within the fenced tree protection zone/s are to be undertaken by hand

held equipment under the supervision of the consulting Arborist. No roots over 50mm in diameter are to be cut within the tree protection zone without prior consultation with Council officers or the consulting Arborist.

All roots over 50mm in diameter which are encountered outside the fenced tree protection zone/s are to be cleanly cut and not ripped.

Works within Council's Reserve

51. All works within the Council reserve shall be suitably fenced to prevent public access to the work site during construction of the stormwater drainage.

Road Works and Footpaving

52. Pedestrian access, including disabled and pram access, is to be maintained as per Australian Standard AS1742.3 "Part 3 – Traffic Control Devices for Works on Roads".
53. All advisory and regulatory sign posting (for example parking restriction signage, pedestrian crossing signs, warning signs) are to remain in place during construction.

Importation of Fill

54. All imported fill shall be validated in accordance with Council's Contaminated Land Policy to ensure that it is suitable for the proposed land use from a contamination perspective.

Additional Information during Demolition/Construction

55. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to Council immediately.

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

The following conditions are to be complied with prior to the issue of an occupation certificate:-

Compliance Certificates/Documentary Evidence

56. An Occupation Certificate is to be issued by the Principal Certifying Authority prior to the occupation of the building.
57. A final clearance is to be obtained from Integral Energy if such clearance has not previously been issued.
58. A Section 73 Certificate (Sydney Water) must be submitted to the Principal Certifying Authority prior to occupation of the development.

Landscaping/Tree Protection

59. Certification is to be provided to the Principal Certifying Authority (PCA) from a suitably qualified person, that all tree planting/landscape works have been carried out in

accordance with the endorsed plan. If Council **is** the PCA, the certification is to be submitted to Council prior to or at the final landscape inspection. If Council **is not** the PCA, a copy of the certification is to be provided to Council with the Occupation Certificate.

60. The Arborist engaged to ensure the proper protection and management of the trees required to be retained/transplanted is to provide a report to Council concerning the health and condition of the tree/s and if necessary any remedial works required. The report should also provide documentary evidence that the tree protection conditions were complied with throughout the demolition/construction phases, in the form of site notes and photographs. Should the trees require remedial works which are not exempt under Council's Tree Management Order, an application for General Tree Works will be required to be submitted and approved before the works are carried out and certified by the Arborist. Remedial works which are exempt under Council's Tree Management Order will also be required to be completed and certified.
61. 11 x Australian native trees as per the Treescan report dated February 2012 are to be planted in the locations nominated on the endorsed site plan. The tree/s are to come from a minimum 25L container and be planted, so as not to affect existing services, and in accordance with Council's guidelines.

Parking/Driveway

62. The driveway shall be signposted indicating availability of visitor off-street parking. Spaces reserved for this purpose shall be marked as such.
63. The vehicle crossing between the street and front boundary shall be constructed of plain concrete with no colour or stencilling.

Fire Safety

64. Submission to Council of a Final Fire Safety Certificate pursuant to Clause 170 of the Environmental Planning and Assessment Regulation 2000 in respect of each essential fire or other safety measure listed on the Fire Safety Schedule attached to the Construction Certificate.

NOTE:

1. Such Certificate shall state, pursuant to Clause 80E in relation to each essential fire safety measure mentioned in the certificate:–
 - that the service has been assessed by a properly qualified person (chosen by the owner of the building); and
 - that the service was found to be, when assessed, capable of performing to at least the standard required by the current fire safety schedule for the building for which the certificate is issued.
2. The person who carries out the assessment must inspect and verify the performance of each fire safety measure being assessed, and must test the operation of each new item of equipment installed in the building premises that is included in the current fire safety schedules for the building.

3. The assessment must have been carried out within the three (3) months prior to the date on which the final fire safety certificate is issued.
65. A copy of the Fire Safety Certificate, together with a copy of the current Fire Safety Schedule, is to be given to the Commissioner of New South Wales Fire Brigades, and a further copy of the Certificate and Schedule is to be prominently displayed in the building.
66. At least once in each period of twelve (12) months after a Fire Safety Certificate is required to have been furnished to the Council, the owner of the building shall, pursuant to Clause 177 of the Regulation, submit to the Council and the Commissioner of the New South Wales Fire Brigades, an Annual Fire Safety Statement, in respect of each essential fire or other safety measure listed on the current Fire Safety Schedule. A copy of the Certificate and Schedule is to be prominently displayed in the building.

Road Works

67. Any works requiring levels within the road reserve will require the submission of Council's Vehicle Crossing application form.
68. The existing full width heavy duty vehicular crossing (opposite the light vehicle access point) shall be widened to a maximum width of 6.0 metres at the boundary line. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with Council's issued drawings and level sheets.
69. The construction or reconstruction of concrete footpath paving and associated works along all areas of the site fronting Herbert Place. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with Council's standard drawing SD-8100 and issued level sheets.
70. A certificate of compliance for the construction of vehicular crossings, footpath paving, kerb and guttering and roadworks shall be obtained from Council and be submitted to the Principal Certifying Authority.

Air Handling/Cooling Towers

71. The air handling system is to comply with the requirements of Sections 45 and 46 of the New South Wales Public Health Act 1991 and the air handling system/cooling tower requirements of Australian Standard AS 3666 - Air Handling and Water Systems in Buildings - Microbial Control. In this regard:
 - (a) a certificate, attesting to the compliance of the system with AS 3666 shall be submitted to the Principal Certifying Authority upon completion of the installation;
 - (b) all drainage and liquid discharges are to be discharged into a waste water system to the satisfaction of the Principal Certifying Authority (Note: discharge to stormwater is not satisfactory); and
 - (c) upon completion of the installation and before being commissioned, the system shall be cleaned to the satisfaction of Council.

72. Copies of reports prepared during annual compliance checks are to be submitted to Council.

Cooling/Water Systems

73. For the purpose of inhibiting or preventing the growth of micro organisms that are liable to cause Legionnaires' Disease, all cooling towers, evaporative condensers, and warm water systems shall be designed, constructed and installed in accordance with the requirements of *Public Health Act 1991 (Part 4 Microbial Control) and Regulations* and *AS3666 -2002 Air handling and water systems in building - microbial control*.

Air Handling

74. All air handling, warm water and water cooling systems shall be designed, installed and maintained in accordance with the requirements of the *Public Health Act 1991 (Part 4 Microbial Control) and Regulations* and *AS3666 -2002 Air handling and water systems in building - microbial control*.

Emergency Spill Response Management Plan

75. A policy on 'spill procedures' is to be developed and implemented to ensure that all staff are aware of what to do in the event of a spill. A copy of this policy is to be submitted to Council.

Registration – Air Handling/Cooling/Water Systems

76. An application shall be made to Council for registration of the regulated system liable to cause legionnaires disease prior to the issuing of the Occupation Certificate. Regulated systems include air handling systems, hot water systems, warm water systems and water cooling systems.

Noise Compliance Report

77. A noise compliance report shall be submitted to Council prior to the issuing of the Occupation Certificate. The report shall state that the noise reduction measures detailed endorsed acoustic report have been implemented, and confirm that the noise emissions from the premises complies with specified noise criteria.

General

78. Documentary evidence and/or certificate of compliance must be submitted to Council to show that all works have been completed in accordance with this Development Consent and its accompanying Construction Certificate.

CONDITIONS RELATING TO USE

The following conditions are applicable to the use of the development:-

General

79. Compliance with the Statement of Environmental Effects prepared by Urban Perspectives, dated 15 March 2012 and addendum to Statement of Environmental Effects prepared by Urban Perspectives, dated 4 April 2012.
80. Compliance with the recommendations and conditions of Development Consent 13/94 for Smithfield Energy Facility by the Department of Planning.

Safety & Amenity

81. No signs or goods are to be displayed or trading of any description is to be carried out on the public road, public footpath, utility service land, customer and/or employee parking area, the driveways or pedestrian walkways outside or in the immediate vicinity of the premises.
82. The use of the silos is permitted in conjunction with the approved use of the plastic processing plant subject of this consent.
83. The hours of operation are 24 hours seven days a week.
84. The operation of the premises shall be conducted in such a manner as not to interfere with or materially affect the amenity of the neighbourhood by reason of noise, vibration, odour, fumes, vapour, steam, soot, ash, dust, particulate matter, waste water, waste products or other impurities which are a nuisance or injurious to health.
85. Where an intruder alarm is installed on the premises it shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.
86. Where required, a Trade Waste Dischargers' Licence is to be obtained from Sydney Water.
87. The business is to be operated in a manner so that no contaminants are permitted to enter the stormwater drainage system by the washing down of work areas or the disposal of waste and spills.

Parking

88. The car parking spaces, driveways and manoeuvring areas are to be used for employees and visitors vehicles only and not for the storage of new or used materials, finished goods or commercial vehicles.
89. At least 85 car parking spaces numbered and linemarked in accordance with the endorsed plan, are to be made available at all times for employees and visitors' vehicles only in conjunction with the occupation of the building/premises.
90. Additional off-street parking shall be provided, should changes result in additional parking demand (e.g. changes to the number of staff, use, owners, operating/shift hours, operation, etc). The amount of parking shall be provided in accordance with the current Holroyd Development Control Plan requirement.

91. Employee parking spaces are exclusive to employees only and not to be used by service vehicles.
92. Disabled Parking, Staff Parking, Visitor Parking and Loading Bays are to be clearly marked on the ground in white paint in accordance with Australian Standards.
93. The directional arrows for internal circulation shall be prominently displayed on the pavement on approaches to and within the carpark area.
94. The entry/exit driveways must be indicated with appropriate signage and linemarking to avoid the conflict at the driveways.
95. All vehicles are to enter and leave the site in a forward direction.
96. Queue area to be provided and to be offset from the boundary, so that security gates do not cause queuing on the street.
97. Where entry points to carpark areas are fitted with the gates, it is required to provide a suitable communication system to allow the security gates to be opened remotely by occupants of the building.
98. All service vehicles are not to load or unload on the streets.

Refuse and Trade Waste

99. Waste storage bins must be covered at all times to prevent entry of stormwater or dispersal by wind and must be sealed to prevent leakage.

Emergency Procedures

100. The owner of a building to which an essential fire safety measure is applicable must not fail to maintain each essential fire safety measure in the building premises to a standard not less than that specified in the Fire Safety Schedule.

Air Emissions

101. The use of the premises shall not give rise to air impurities in contravention of the *Protection of the Environment Operations Act 1997* and shall be controlled in accordance with the requirements of such Act.
102. In the event of Council receiving complaints regarding air pollution or odour from the premises, the person(s) in control of the premises shall at their own cost arrange for an environmental investigation to be carried out (by a suitably qualified person) and submit a report to Council specifying the proposed methods for the control of odour exiting the premises.
103. Any discharge to the atmosphere must not result in any odour or other air impurity detectable outside the boundaries of the property.
104. Within one (1) month of the plant becoming fully operational the applicant shall submit to Council a compliance report demonstrating that no detectable odour is observed either

beyond the boundaries of the site or at the nearest residential receiver. The report shall be prepared by a suitably qualified person and the report shall be prepared in accordance with the EPA “Technical Framework – Assessment and management of odour from stationary sources in NSW”.

In the event of odours being detected, the applicant shall provide details of amelioration measures to ensure the use of the premises is acceptable in accordance with the requirements of the EPA. Council approval shall be granted prior to the implementation of these measures.

Noise

105. The operation of all plant and equipment shall not give rise to an equivalent continuous (LA_{eq}) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background LA_{90} level (in the absence of the noise under consideration).
106. In the event of Council receiving complaints regarding excessive noise, the person(s) in control of the premises shall at their own cost arrange for an acoustic investigation to be carried out (by a suitably qualified person) and submit a report to Council specifying the proposed methods for the control of noise emanating from the premises.
107. Noise compliance testing shall be undertaken within 3 months following issue of the Occupation Certificate and submitted to Council for review. The noise compliance testing shall confirm that recommendations of the acoustic report in accordance with the NSW Environment Protection Authority (EPA) Industrial Noise Policy are being achieved.

Clean Water Discharge

108. The operation of the premises shall be conducted in a manner, which does not pollute waters as defined by the *Protection of the Environment Operations Act 1997*.
109. Signs shall be displayed adjacent to all stormwater drains on the premises indicating that only clean water is allowed to enter these drains. Examples of possible signage include: ‘Clean Rainwater Only’ , ‘Clean water only - NO waste’ or ‘H₂O only’.

Signage on Stormwater Drains (Commercial/Industrial)

110. Signs shall be displayed adjacent to all stormwater drains on the premises indicating that only clean water is allowed to enter these drains. Examples of possible signage include: ‘Clean Rainwater Only’ , ‘Clean water only - NO waste’ or ‘H₂O only’.

Maintenance of Storm water Treatment Devices

111. All waste water and storm water treatment devices (including drainage systems, sumps and traps) shall be regularly maintained in order to remain effective. All solid and liquid wastes collected from the devices shall be disposed of in a manner that does not pollute waters.

Maintenance of Bunded Area

112. Bunded areas shall be properly maintained and all spillages and/or wastes within the bunded areas cleaned up as soon as practicable and disposed of in a manner that does not pollute waters.

Cooling/Air Handling/Water Systems

113. All waste water from the cooling tower/humidifier/evaporative cooler/warm water system shall be discharged to sewer under a Trade Waste Agreement from Sydney Water.

ADVISORY NOTES

Other Necessary Approvals

- A. Section 97 of the Act provides that an applicant who is dissatisfied with the Council's determination of the Development Application may appeal to the Land and Environment Court within 6 months of the date of determination, or as otherwise prescribed.
- B. Section 82A of the Act provides that an applicant may request, within 6 months of the date of determination of the Development Application, that the Council review its determination (this does not apply to integrated or designated development). A fee is required for this review.

It should also be noted that an application under Section 82A of the Act cannot be reviewed/determined after 6 months of the date of determination. Therefore, the submission of a Section 82A Application must allow sufficient time for Council to complete its review within the prescribed time frame, including the statutory requirement for public notification.

- C. The applicant and Owner are advised that the Commonwealth Disability Discrimination Act 1992 may apply to this particular proposal. Approval of this application does not imply or confer compliance with this Act. Applicants and owners should satisfy themselves as to compliance and make their own enquiries to the Australian Human Rights Commission. Attention is also drawn to the provisions of Parts 2, 3 and 4 of Australian Standard 1428 - Design for Access and Mobility.
- D. Information regarding the location of underground services may be obtained from Sydney One Call Service (NSW Dial Before You Dig), telephone 1100, Fax 1300 652 077. Inquirers should provide SOCS with the street/road name and number, side of street/road and the nearest cross street/road.
- E. A Construction Certificate shall be obtained in accordance with Section 81A (2)(a) of the Act, prior to the commencement of any work on site. Council can provide this service for you.
- F. TREES

The trees indicated on the endorsed plans to be retained and protected are to be considered with any future development of the subject allotments. In this regard no works are to occur within the driplines of trees to be retained.

- G. BANK GUARANTEES

Bank guarantees will be accepted from list of banks which have at least an “A” rating from Standard and Poors and at least an “A2” or “Prime-1” standard from Moodys Investor Services.

To enable the bank guarantee to be enforceable during an entire project with consideration for delays, **the guarantee must not contain a facility expiry date.**

To get to Standard and Poors www.standardpoors.com then from Ratings Action choose Ratings Lists. Then click on Financial Institutions followed by clicking on Financial Institutions Counterparty Ratings List. Go to “**Banks**” and download to Australian Banks.

To get to Moodys www.moodys.com then look up Ratings and then Banking and then Bank Ratings list. It will take you to Bank Credit Research page. Look at the table of contents and choose Global Bank Ratings by Country. Look up Australian Banks.

H. CONSTRUCTION/OCCUPATION CERTIFICATE FEES

An administration fee of \$30.00 per certificate is payable to Council on lodgement of Construction and Occupation Certificates from Principal Certifying Authorities.

I. FIRE SAFETY

Paths of travel a minimum of 1000mm wide in accordance with D1.6 of the Building Code of Australia are to be clearly defined and line marked on the floor prior to occupation.

J. FEES

Fees, bonds and contributions indicated in conditions of this consent may vary in accordance with those adopted by Council at subsequent annual reviews of its “fees and changes” and subsequent changes to the Building Price Index. Fees charged will be those current at the time of payment.

Nabila Sarwary
Senior Development Planner