

## **ANNEXURE 3- DRAFT CONDITIONS**

### **PRIOR TO WORK COMMENCING**

- 1) The approved development which is the subject of this development consent must not be commenced until:
  - a) A construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited Certifier, and
  - b) The person having the benefit of the development consent 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;
  - c) The principal certifying authority has, no later than 2 days before the building work commences;
    - i) Notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
    - ii) Notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
  - d) The person having the benefit of the development consent, 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 license if any residential building work is involved, and
    - ii) Notified the Principal Certifying Authority of any 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
    - iv) Give at least 2 days notice to the council of the persons intention to commence the erection of the building.
- 2) 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 to a public sewer, or
  - c) If connection to a public sewer is not practicable, to an accredited sewage management facility approved by the council, or

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

- 3) The applicant must ensure that a sign containing the following information is erected in a prominent position and maintained on the site at all times:

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

The sign is to be removed when the work has been completed.

- 4) The developer must install water pollution, erosion and sedimentation controls in accordance with the "Managing Urban Stormwater - Soils and Construction" published by the NSW Department of Housing ("The Blue Book").
- 5) A minimum one (1) week's notice shall be given in writing to Council of the intention to commence works, together with the name of the principal contractor and any major sub-contractors engaged to carry out works.
- 6) The contractors engaged to undertake work on public land or infrastructure must maintain public liability insurance cover to the minimum value of \$20 million. The policy shall specifically indemnify Council from all claims arising from the execution of the works. Documentary evidence of the currency of the policy shall be provided to Council prior to the commencement of work and upon request, during the progress of the work.
- 7) Should it be proposed to use any vibrating rollers or other equipment likely to cause vibration impacts, a Dilapidation Survey shall be conducted prior to work commencing and a dilapidation report prepared by a practicing professional Engineer (structural) of all buildings on land whose boundary adjoins the site and of such further buildings located within the likely "zone of influence" of any excavation and/or construction induced vibration.

These properties must include:

- a) 12 Murray Street;
- b) 38 Byrnes Avenue; and
- c) 512-514 Peel Street.

The dilapidation reports must be completed and submitted to Council and the owners of the above properties prior to the commencement of work.

- 8) Pursuant to section 68 of the Local Government Act 1993, the following approvals must be obtained:
  - a) Carry out water supply work;
  - b) Carry out sewer work;
  - c) Carry out stormwater work; and
  - d) Dispose of waste into a sewer of the council (trade waste).

## PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

- 9) An acoustic report prepared by a suitably qualified person shall be submitted to Council to demonstrate:
- a) that the operation of the equipment in association with the operations will not exceed 5dB(A) above the background level (when measured as a  $LA_{eq15\text{ min}}$ ) at the nearest receptor in a residential zone between 10.00pm - 6.00am; and
  - b) that noise from the equipment associated with the operation of the development (including but not limited to; air conditioner motors, cool room motors, freezer motors, exhaust fans, mechanical extraction devices, and transportation equipment) will not exceed 65 dB(A) when measured as a  $LA_{eq15\text{ min}}$  at the site's boundaries at any other time.

A Construction Certificate for building work shall not be issued until written confirmation is provided from Council that the requirements of this condition have been satisfied.

- 10) To ensure that the landscaping of Murray, Peel and Roderick Street road reserves complies with the current version of Council's Engineering Design Guidelines for Subdivisions and Developments, a landscape design plan shall be submitted to, and approved by Council. The plan is to include botanical names, quantities and state of maturity of all proposed trees, shrubs and ground covers. A Construction Certificate for building work shall not be issued until written confirmation is provided from Council that the requirements of this condition have been satisfied.
- 11) Engineering design plans, reports and calculations prepared in accordance with the current version of Council's Engineering Design Guidelines for Subdivision and Development for stormwater drainage, roads and footpath works on the Byrnes Avenue, Murray Street, Peel Street and Roderick Street road reserves are required. Completed 'Information to be shown on drawings' and 'Checklists' contained within the current version of Council's Engineering Design Guidelines for Subdivisions and Developments for each asset category shall be submitted to, and approved Council as confirmation that all works are designed in accordance with recognised and accepted guidelines. A Construction Certificate for building work shall not be issued until written confirmation is provided from Council that the requirements of this condition have been satisfied.
- 12) A Pavement Assessment Report to determine the structural capacity of the existing pavement in Byrnes Avenue to be finished with asphalt shall be prepared and submitted to, and approved by Council. If the existing pavement is not considered adequate to be finished in an asphalt surface, the Pavement Assessment Report shall recommend rehabilitation and/or reconstruction design for the pavement. A Construction Certificate for building work shall not be issued until written confirmation is provided from Council that the requirements of this condition have been satisfied.
- 13) Signed certification in accordance with Annexure A of the current version of Council's Engineering Design Guidelines for Subdivisions and Developments for all works on the Byrnes Avenue, Murray Street, Peel Street and Roderick Street road reserves is required to be submitted to, and approved by Council. A Construction

Certificate for building work shall not be issued until written confirmation is provided from Council that the requirements of this condition have been satisfied.

- 14) An Inspection Test Plan (ITP) for the construction of roads and drainage infrastructure on Council Public Road Reserves required for the development shall be submitted to and approved by Council to ensure the quality of construction meets the design criteria. A Construction Certificate for building work shall not be issued until written confirmation is provided from Council that the requirements of this condition have been satisfied.
- 15) A Traffic Management Plan detailing how movements in and out of the site during construction will be adequately managed so as not to adversely impact the safe operation of the road network and pedestrian thoroughfares shall be submitted to, and approved by Council. A Construction Certificate for building work shall not be issued until written confirmation is provided from Council that the requirements of this condition have been satisfied.
- 16) Electrical reticulation construction plans stamped and approved by Essential Energy shall be submitted to Council to confirm that satisfactory arrangements have been made with Essential Energy for the provision of external electrical works such as street lighting and underground power as required by these conditions of consent.
- 17) An Erosion and Sediment Control Management Plan prepared in accordance with the "Managing Urban Stormwater - Soils and Construction" published by the NSW Department of Housing ("The Blue Book") and the current version of Council's Engineering Design Guidelines for Subdivisions and Developments shall be submitted to the Principal Certifying Authority prior to issue of a Construction Certificate for building work.
  - a) Measures to prevent site vehicles tracking sediment and other pollutants from the development site;
  - b) Dust control measures;
  - c) Control structures such as sediment basins, sediment fences and sediment traps to trap sediment and allow filtered water to pass through;
  - d) Safety measures for temporary and permanent water bodies including fencing and maximum batter slopes; and
  - e) Contingencies in the event of flooding.
- 18) A Construction Management Plan shall be prepared and submitted to Council prior to issue of a Construction Certificate. The plan shall be prepared by a suitably qualified person and address the methods employed during construction to minimise the impacts of the construction activities on:
  - a) Adjoining or adjacent businesses;
  - b) Users of the public footpaths and roads;
  - c) Parking in the vicinity of the site;
  - d) Surrounding streets used to access the site; and
  - e) The environment.

The plan shall also include (but not be limited to) the following matters:

- a) Hours of work, which must be in accordance with the conditions of this approval;
  - b) Contact details of the site manager and all principal contractors;
  - c) Traffic management, which is to be developed in consultation with Roads and Maritime Services and Council if required and is to include;
    - i) identification of a work zone
    - ii) ingress and egress of vehicles to the site;
    - iii) management of loading and unloading of materials;
    - iv) number and frequency of vehicles accessing the site and construction vehicle routes;
    - v) the times vehicles are likely to be accessing the site;
    - vi) access arrangements and traffic control;
    - vii) changes to on-street parking restrictions on roads;
    - viii) management of construction traffic and car parking demand including preparation and distribution of a Transport Access Guide; and
    - ix) management of existing vehicular and pedestrian movements/routes around the site throughout the various stages of construction;
  - e) Construction noise and vibration management, identifying specific activities that will be carried out and associated noise sources, identify all potentially affected sensitive receivers, noise and vibration monitoring reporting and response procedures, description of specific mitigation treatments management measures and procedures to be implemented, and address any other relevant provisions of Australian Standard 2436;
  - f) Construction waste management, identifying options for minimizing waste in construction, reuse and recycling of materials, the storage, control and removal of construction waste; and
  - g) Dust control measures to be implemented to prevent the movement of airborne particles from the site throughout the construction process, and the tracking of material from the site by trucks and other vehicles. This is to include the appropriate use of physical barriers and the dampening of exposed excavated surfaces. The storage and stockpiling areas for material is also to be detailed.
- 19) To ensure compliance with the Food Safety Standards and the Food Act 2003, the following information is required to be submitted to, and approved by Council. A Construction Certificate for building work shall not be issued until written confirmation is provided from Council that the requirements of this condition have been satisfied:
- a) A floor plan showing all equipment, fittings and fixtures, including benches, storage cupboards (storage of staff personal items), sinks, basins, door/window openings, and chemical/cleaning equipment storage areas. Details are to include finishes to walls, floors and ceilings, heights of fixtures from floors and benches, junctions of walls and floors and lighting provisions;
  - b) Sectional elevations of all benches, equipment and fixtures; and
  - c) Mechanical exhaust ventilation plans showing all dimensions, details and specifications of cooking equipment (i.e. gas, electricity) and external discharge points.
- 20) A validation report for the removal of the underground storage tank and subsequent soil testing will be required to be prepared and submitted to Council by a suitably qualified person. A review of Lot 11 DP 873830, Lot 1 DP 455288, Lot 81 DP 531080, 506-510 Peel Street and Lot 10 DP 873830, 10 Murray Street Tamworth

(and any test results) shall be included. If it cannot be proven to the satisfaction of Council that the site is suitable for its intended use, further testing will be required. A Construction Certificate for building work shall not be issued until written confirmation is provided from Council that the requirements of this condition have been satisfied.

- 21) a) In accordance with Section 80A(1) of the Environmental Planning and Assessment Act 1979 and the Tamworth Regional Council Section 94A (Indirect) Development Contributions Plan 2013, \$170, 689.52 shall be paid to Council to cater for the increased demand for community infrastructure resulting from the development:
- b) If the contributions are not paid within the financial year that this consent is granted, the contributions payable will be adjusted in accordance with the provisions of the Development Contributions Plan and the amount payable will be calculated on the basis of the contribution rates applicable at the time of payment in the following manner:

$$\text{\$C}_{PY} = \frac{\text{\$C}_{DC} \times \text{CPI}_{PY}}{\text{CPI}_{DC}}$$

Where:

- \\$C<sub>PY</sub>** Is the amount of the contribution at the date of Payment  
**\\$C<sub>DC</sub>** Is the amount of the contribution as set out in this development consent  
**CPI<sub>PY</sub>** Is the latest release of the Consumer Price Index (Sydney - All Groups) for the financial year at the date of Payment as published by the ABS  
**CPI<sub>DC</sub>** Is the Consumer Price Index (Sydney - All Groups) for the financial year at the date of this development consent

- c) The monetary contributions shall be paid to Council prior to the issue of the first Construction Certificate where the development is for building work.

**It is the professional responsibility of the Principal Certifying Authority to ensure that the monetary contributions have been paid to Council in accordance with the above timeframe.**

The Tamworth Regional Council Section 94A Development Contributions Plan may be viewed at [www.tamworth.nsw.gov.au](http://www.tamworth.nsw.gov.au) <<http://www.tamworth.nsw.gov.au>> or a copy may be inspected at Council's Administration Centre during normal business hours.

- 22) A compliance certificate under section 306 of the Water Management Act 2000 must be obtained from the Council (as the local water supply authority). All payments must be received and documentation approved prior to the issue of a Construction Certificate:
- a) Sewer headworks charges: \$34,364;  
b) Water headworks charges: \$55,010;  
c) Engineering drawings and construction specifications for the extension to Council's sewer supply shall be prepared in accordance with Council's Engineering Design Guidelines for Subdivisions and Developments and submitted to, and approved by Council; and  
d) Where it is intended to pursue Option 1 for sewer as described by condition 71 of this consent, the written approval of the land owner of Lot 1 DP 34781, 512-

514 Peel Street shall be provided stating that they have no objection to the reconstruction of the main through the property on the proposed alignment.

A Construction Certificate for building work shall not be issued until written confirmation is provided from Council that the requirements of this condition have been satisfied.

Note: The above contributions have been adopted under the 2013/2014 Council Annual Operational Plan. Revised rates adopted in subsequent Operational Plans will apply to lots released in later financial years.

- 23) If the works undertaken on the classified road, being Murray Street, require a Works Authorisation Deed (WAD) from Roads and Maritime Service for the works described by conditions 40, 41 and 42 of this consent, the WAD must be obtained and a copy provided to the Principal Certifying Authority prior to issue of a Construction Certificate for building work.

## **GENERAL**

- 24) The development must be carried out in accordance with the Development Application and accompanying plans, drawings and other documents as amended by conditions of this consent. Any amendment to the development or these conditions will require the consent of Council.
- 25) All proposed building, site works or property improvement indicated on the submitted plans or otherwise required under the terms of this consent shall be completed prior to occupation of the premises to ensure compliance with the provisions of the Environmental Planning and Assessment Act 1979.
- 26) All building work must be carried out in accordance with the provisions of the Building Codes of Australia, Disability (Access to Premises- Buildings) Standards 2010, and relevant Australian Standards.
- 27) The Developer is responsible for any costs relating to minor alterations and extensions of existing roads, drainage and Council services for the development.

## **DURING CONSTRUCTION**

### *General*

- 28) Work on the project shall be limited to the following hours to prevent unreasonable disturbance to the amenity of the area:-

***Monday to Friday 7.00am to 5.00pm;***

***Saturday 8.00am to 1.00pm if audible on other residential premises, otherwise 7.00am to 5.00pm;***

***No work to be carried out on Sunday or Public Holidays if it is audible on other residential properties.***

- 29) The footpath and/or road reserve are not to be used for construction purposes or placing of building materials (without Council's prior consent) to ensure safe and

unobstructed access for pedestrians. Where necessary, application may be made by contacting Council's Development and Approvals Division.

- 30) If the work involved in the construction of the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the closure of a public place, approval from Council's Infrastructure Planning Division is required.
- 31) All road infrastructure adjoining or adjacent to the development site shall be maintained to an acceptable standard during the construction phase to ensure that is acceptable for use by all vehicles.
- 32) The Developer shall ensure that dust suppression is undertaken to the satisfaction of the Responsible Authority, in the form of constant water spraying or other natural based proprietary dust suppressant, to ensure that dust caused by any vehicles moving within the site does not cause a nuisance to surrounding properties.
- 33) Erosion and sediment control measures are to be maintained at all times in accordance with the approved erosion and sediment control plan.

#### *External Works- Byrnes Avenue*

- 34) Byrnes Avenue shall be widened and kerb and guttered on its eastern side to form an 8 metre wide pavement between Roderick Street and Lot 11 DP 791155, 38 Byrnes Avenue as shown on Hill Lockart Architects Drawing Number Z0913 DA102 "Trading Floor Level Site Plan" Revision Number 1 dated 4 September 2013.
- 35) Byrnes Avenue shall be widened on its western side to include a Left Turn Lane at the Roderick Street end as shown on the Hill Lockart Architects "Trading Floor Level Site Plan" and kerb and guttered for its full length between Roderick Street and Murray Street. The widening for the Left Turn Lane shall be dedicated to Council as Road Reserve upon registration of the plan of subdivision required by condition 70 of this consent.
- 36) To cater for the increased traffic volume and usage of Byrnes Avenue associated with this development, the Byrnes Avenue pavement shall be finished with asphalt in accordance with Council's Engineering Design Guidelines for Subdivisions and Developments for its entire length and width following kerb and gutter construction.
- 37) To facilitate future widening of Byrnes Avenue, a section of:
  - a) Lot 10 DP 873830, 10 Murray Street fronting Byrnes Avenue shall be dedicated to Council, measuring 3 metres in width and the entire length of the lot; and
  - b) Lot 11 DP 873830, 506-510 Peel Street fronting Byrnes Avenue shall be dedicated to Council, measuring 3 m in width and 15 metres in length from the southern boundary of Lot 10 DP 873830.

The road widening shall be dedicated to Council as Road Reserve upon registration of the plan of subdivision required by condition 70 of this consent.



- 38) Street lighting shall be provided in Byrnes Avenue to satisfy the requirements of AS/NZS1158.3.1 -2005 for a Local road 'P4' subcategory so as to ensure an acceptable level of lighting for pedestrian traffic and security.

*External Works- Murray Street*

- 39) The existing concrete vehicle crossovers and laybacks on the Murray Street verge shall be removed and the kerb and guttering re-instated. The remainder of the Murray Street verge shall be established with turf.
- 40) An Auxillary Left Turn Lane AUL(S) shall be established in the Parking Lane on Murray Street to minimise the impact of turning vehicles on through traffic. A sign and line marking plan of the AUL(S) Auxiliary left turn lane shall be submitted to Council for consideration and adoption by the Local Traffic Committee.
- 41) The existing concrete footpath at the intersection of Murray Street and Peel Street shall be extended along the Murray Street verge as a 1.5m wide reinforced concrete footpath complete with expansion and contraction joints in accordance with Council Standard Drawing number 11448 and dated 27/2/2012. The footpath shall have a 2% fall to the kerb and guttering and shall be provided with a non-slip finish. Detailed plans of the proposed footpaths shall be included in the engineering design required by condition 11 of this consent.
- 42) Street lighting shall be provided along the Murray Street verge of the development to satisfy the requirements of AS/NZS1158.3.1 -2005 for a Collector road 'P4' subcategory so as to ensure an acceptable level of lighting for pedestrian traffic and security

*External Works- Peel Street*

- 43) The existing overhead power lines along the Peel Street frontage of the site shall be relocated underground.
- 44) Any existing concrete vehicle crossovers and laybacks on the Peel Street verge frontage shall be removed and the kerb and guttering re-instated.
- 45) The new vehicle crossings for access and egress to the Loading Docks off Peel Street shall be paved in either interlocking brick pavers or reinforced concrete. The vehicle crossings shall be designed for heavy vehicle loading and be a maximum of 6% grade across the verge. The vehicle crossovers shall be provided with a non-slip finish and the existing concrete footpath and verge either side of the crossovers reinstated to the satisfaction of Council.

*Advisory Note:* The installation of the vehicle crossing is an approved structure in accordance with Section 138 of the Roads Act 1993. The ongoing maintenance and/or repair of the vehicle crossing is the responsibility of the owner of the allotment that utilises the crossing in accordance with section 142 of the Roads Act 1993.

- 46) Street lighting shall be provided along the Peel Street verge of the development to satisfy the requirements of AS/NZS1158.3.1 -2005 for a Local road 'P4' subcategory so as to ensure an acceptable level of lighting for pedestrian traffic and security.

- 47) Warning signs, mirrors and pavement markings shall be put in place in appropriate locations around the entrances to the loading docks to ensure that pedestrians are alerted to the presence of heavy vehicles and are clearly visible to delivery drivers.

*External Works- Roderick Street*

- 48) A new 1.5m wide reinforced concrete footpath shall be provided along the Roderick Street frontage of the land between the Byrnes Avenue kerb and guttering and the existing concrete footpath in Peel Street. The new concrete footpath shall be complete with expansion and contraction joints in accordance with Council Standard Drawing number 11448 dated 27/2/2012. The footpath shall have a 2% fall to the kerb and guttering and shall be provided with a non-slip finish. Detailed plans of the proposed footpaths shall be included in the engineering design required by condition 11 of this consent.
- 49) Street lighting shall be provided along the Peel Street verge of the development to satisfy the requirements of AS/NZS1158.3.1 -2005 for a Local road 'P4' subcategory so as to ensure an acceptable level of lighting for pedestrian traffic and security

*Internal Works- Stormwater*

- 50) Council's existing stormwater infrastructure does not have sufficient capacity to cater for the increased stormwater flows from this development. As such, onsite stormwater detention systems are required that control all post developed flows to pre developed flows off the site across the range 1 in 1 year ARI to 1 in 100 year ARI events. Detailed plans and calculations of the proposed on-site stormwater system and infrastructure shall be included in the engineering design required by condition 11 of this consent.
- 51) Provision shall be made to accommodate major overland flows as identified in Catchment 30 of Council's Stormwater Management Strategy across the site in accordance with Council's Engineering Design Guidelines for Subdivisions and Developments. Detailed plans and calculations of the overland flow path shall be included in the engineering design required by condition 11 of this consent.

*Advisory Note:* For public safety reasons, the discharge of major flows off the site as overland flows or as an open system across footpaths will not be considered.

- 52) The existing 900mm stormwater pipe through the site shall be inspected internally for possible structural damage following the removal of trees off the site and the completion of earthworks for the car park construction and completion of the building works. Any damage or loading of the pipe that is likely to affect the long term integrity of the pipe shall be rectified to the satisfaction of Council.

*Advisory Note:* Other than conditions imposed by this consent for works on or to the existing 900mm diameter stormwater pipe through the site, Council will not consider any modifications to the 900mm pipe that involve the creation of a sump or installation of a manhole or re-alignment of the pipe within the site in the line between Byrnes Avenue and Peel Street.

- 53) Easements for the drainage of major overland flows shall be registered on the plan of subdivision required by condition 70 of this consent.

- 54) A 3 metre wide easement for the benefit of Tamworth Regional Council to drain water shall be established centrally over the existing 900mm diameter stormwater pipe running through the site between Byrnes Avenue and Peel Street. The easement shall be registered on the plan of subdivision required by condition 70 of this consent.
- 55) Existing connections to the 900mm stormwater pipe through the site shall be removed and the penetrations reinstated. To ensure the pipe does not leak under the development, the pipe shall be internally lined following inspections for damage and structural integrity post completion of building and civil works and prior to the issue of an Occupation Certificate.

#### *Internal Works- Parking*

- 56) All parking areas shall be sealed and consist of a pavement of adequate thickness for intended purpose. The geometric layout of the parking areas shall be designed to comply with Australian Standard 2890.1-2004 'Off-street car parking'
- 57) To provide for the safety and security of employees and users of the facility, outdoor lighting in accordance with AS1158.3.1 Pedestrian Area (Category P) Lighting shall be provided to all off-street parking areas. The lighting installed must comply with AS4282 Control of Obtrusive Effects of Outdoor Lighting.
- 58) The shade sails located in the external customer car parking area shall be installed so as to avoid obstruction to car parking spaces and vehicle manoeuvring areas.

#### *Pedestrian Access and Egress*

- 59) Pedestrian access from the property boundaries at the Roderick Street/Byrnes Avenue intersection and Murray Street/Byrnes Avenue intersection to the building entry (separate to the vehicle crossing and car park) shall be provided and must comply with the requirements of AS1428.1-2009 Design for Access and Mobility.
- 60) Bicycle parking shall be provided within close proximity to the entrance of the development in a location that does not impact on pedestrian accessibility, vehicle parking or loading.
- 61) All internal driveways, parking areas, loading and unloading areas and vehicle turning areas are to be designed in accordance with the requirements of AS2890.1 (as amended) "Parking Facilities- Off Street Parking".

#### *Inspections*

- 62) Inspections are required to be carried out by Council for works as specified below:-
  - a) Placement of formwork, plastic and reinforcement prior to the pouring of concrete for the vehicle laybacks and crossovers on Peel Street.
  - b) Placement of formwork, plastic and reinforcement prior to the pouring of concrete for the concrete footpath on Roderick and Murray Streets

- c) Proof rolling of the subgrade, benkelmen beam testing of the sub-base prior to the pouring of kerb and guttering and benkelmen beam testing of the base prior to laying of asphalt on Byrnes Avenue, and
- d) Any stormwater works in Council Public road Reserves prior to backfilling.

Please note that Council requires a minimum of 48 hours notice for inspections.

- 63) It is required that a Principal Certifying Authority (PCA) be appointed to undertake all critical stage inspections as prescribed under the Environmental Planning and Assessment Regulations, 2000. The owner may appoint either the Council or an accredited certifier to be the PCA.

## **PRIOR TO OCCUPATION**

- 64) The occupation or use of the whole or any part of a new building must not commence unless an occupation certificate has been issued in relation to the building or part.
- 65) All works as required by these conditions of consent shall be complete.
- 66) One A1 set of approved construction drawings shall be amended to show the "work-as-executed" and submitted to Council. These drawings shall be revision "W" and are to be certified by a registered surveyor or a Chartered Professional Civil Engineer.

A scanned 'pdf' version of the signed "work-as-executed" plans shall also be submitted to ensure that adequate electronic records are maintained of community infrastructure.

An "AutoCAD" file of the "works-as-executed" plan shall be submitted to Council to upload into Council's Geographic Information System. A 'pdf' version of the "works-as-executed" plans shall also be submitted to ensure that adequate electronic records are maintained of community infrastructure.

- 67) All test results, material certificates, non-conformance reports and signed off Hold/Witness Points as required by the Inspection and Test Plan (ITP) shall be submitted for the review of the Development Engineer to verify the Quality of the completed product
- 68) Certification being provided that street lighting design and installation complies with the requirements of this consent.
- 69) Prior to issue of any Occupation Certificate, evidence from NSW Land and Property Management Authority to confirm that Lot 1 DP 781317, 502-504 Peel Street, Lot 81 DP 531080, Lot 11 DP 873830, Lot 1 DP 455288, 506-508 Peel Street, Lot 10 DP 873830, 10 Murray Street have been consolidated into a single title must be presented to the Principal Certifying Authority.
- 70) A Restriction as to User pursuant to Section 88B of the Conveyancing Act 1919 shall be registered on the consolidated lot to:
  - a) identify that access to Loading Dock 2 is prohibited for articulated vehicles approaching from the south-bound carriageway on Peel Street; and

- b) identify that egress from Loading Dock 2 to the south-bound carriageway of Peel Street is prohibited for articulated vehicles.
- 71) A compliance certificate under section 306 of the Water Management Act 2000 must be obtained from the Council (as the local water supply authority). All works must be completed prior to the issue of an Occupation Certificate:

#### Water

- a) A single water service shall be provided to the development;
- b) The size of the water service including backflow prevention, and the fire fighting requirements to cater for the development shall be determined by a suitably qualified hydraulic engineer;
- c) The existing water services to Lot 1 DP 781317, Lots 10 and 11 DP 873830, Lot 81 DP 531080 and Lot 1 DP 455288 shall be disconnected at the water main and removed;
- d) Any required realignment, reconstruction or adjustment to water mains required as a consequence of other works associated with the development shall be at full cost to the developer.
- e) Works shall be undertaken in accordance with Council's Engineering Design Guidelines for Subdivisions and Developments; and
- f) Work on live water mains is to be undertaken by Council at full cost to the developer.

#### Sewer

- a) The existing sewer main traversing the site, between Byrnes Avenue and Peel Street, shall be reconstructed. The options for reconstruction are:-
  - 1. On an alignment clear of the site. That is, from the existing sewer in Byrnes Avenue, east along Byrnes Avenue, south along Murray Street and west along Peel Street to reconnect to the existing sewer.
  - 2. On an alignment between Byrnes Avenue and Peel Street, through the adjoining property and development site, but clear of the proposed building.

For option 1 the following requirements would apply:

- i) The design and construction of the sewer main and associated works shall be in accordance with Council's Engineering Design Guidelines for Subdivisions and Developments;
- ii) The sewer connection point would be from the Peel Street frontage near the south eastern corner; and
- iii) Work on live sewer mains is to be undertaken by Council at full cost to the developer.

For option 2 the following requirements would apply:

- i) The sewer main shall be reconstructed from the point of connection at or near Peel Street through to Byrnes Avenue;
- ii) The downstream point for commencement of the realignment (new manhole), shall be located within the Peel Street footpath or as near as

- possible, so as to avoid the manhole being located in the 'Drive Through' access of the adjoining property;
- iii) The new sewer main shall be a minimum of 2.0m clear of the proposed building;
  - iv) A manhole shall be constructed at the proposed point of the building's connection to the sewer main (ie adjacent to the north eastern corner of the building); and
  - v) The proposed building foundations and retaining wall foundations shall be designed such that:-
    - o No loading from the structures is transmitted to the sewer main and also that no loading is transmitted from the structures to the face of a 1.0m wide excavation, located centrally over the sewer main, in the event that the main must be excavated for maintenance or replacement;
    - o The structure/foundations (including piercing) are not to be constructed closer than 2.0m to the centerline of the sewer main, measured horizontally from the sewer;
    - o The structure will not suffer damage should the sewer trench subside or be re-excavated for maintenance; and
    - o An engineer's certificate, signed by a suitably experienced civil or structural engineer, is required, that specifies that the design satisfies these conditions.
  - vi) The design and construction of the sewer main and associated works shall be in accordance with Council's Engineering Design Guidelines for Subdivisions and Developments;
  - vii) Work on live sewer mains is to be undertaken by Council at full cost to the developer.
- 72) Certification shall be provided by a suitably qualified person that the on site lighting complies with AS/NZS 11583.1 Pedestrian Area (Category P) Lighting and AS4282 Control of Obtrusive Effects of Outdoor Lighting prior to issue of an Occupation Certificate.
- 73) All building work must be carried out in accordance with the provisions of the Building Codes of Australia, Disability (Access to Premises- Buildings) Standards 2010, and relevant Australian Standards
- 74) A Maintenance Bond in accordance with section 1.5.3 of the current version of Council's Engineering Design Guidelines for Subdivisions and Developments shall be paid to Council for all external civil works.
- 75) Any damage caused to Council infrastructure during, in, on or under the road reserves immediately adjacent to the site shall be rectified by the developer to the satisfaction of the Council so as to ensure the integrity of Council's infrastructure

### ***Continued Operations***

- 76) The landscaped area of the development is to be maintained at all times in accordance with the approved landscape plan.
- 77) The sealing to all vehicular parking, manoeuvring and loading areas is to be maintained at all times.

- 78) The pavement markings of all vehicular parking areas and associated signage to be maintained at all times.
- 79) All vehicular movement to and from the site shall be in a forward direction to ensure that the proposed development does not give rise to vehicle reversing movements on or off the Public Road with consequent traffic accident potential and reduction in road efficiency.
- 80) Vehicles shall be loaded or unloaded standing wholly within the premises and within loading bays designated on the submitted plans, or as otherwise provided in accordance with the conditions of this consent to ensure that the proposed development does not give rise to street loading or unloading operations with consequent accident potential and reduction in road efficiency. Under no circumstances are vehicles to be loaded or unloaded at the kerb side, or across the public footpath.
- 81) To ensure that the required parking, loading/unloading facilities and associated driveways are able to function efficiently for their intended purpose, proposed parking areas, service bays, truck docks, driveways, vehicular ramps and turning areas shall be maintained clear of obstruction and be used exclusively for their intended purpose, and under no circumstances are such areas to be used for the storage of goods or waste materials.
- 82) All delivery trucks associated with Tenancy 2 must enter and leave Loading Dock 2 from the north-bound lane in Peel Street. B- doubles are not permitted to make deliveries to the development.
- 83) The internal drainage system shall be maintained in accordance with the approved design and conditions of this consent.
- 84) The trolley tractor is not permitted to utilise Murray Street. Any trolleys discarded in Murray Street must be collected by an employee of the centre and returned to the site for collection by the tractor.
- 85) If a system as defined in Part 4 of the Public Health Act 1991 (for example, a water cooling system), the installation, operation and maintenance of the system must comply with the Public Health (Microbial Control) Regulation 2000.