

- A. Canterbury City Council grants its consent to the development application as a **DEFERRED COMMENCEMENT** Consent under Section 80(3) of the Environmental Planning and Assessment Act 1979. The consent requires the applicant to provide evidence to Council, within 12 months, sufficient to satisfy the conditions listed below before the consent can operate. The deferred commencement conditions are:
1. A Traffic Management Plan is to be prepared for consideration and concurrence from the Roads and Maritime Services with respect to traffic management along Kingsgrove Road, including (but not limited to):
 - The Richland Street intersection;
 - The Manins Avenue intersection; and
 - Phasing of traffic lights to ensure an acceptable flow of traffic.The resolution of the ordinary Local Traffic Committee dated 3 March 2014 and extraordinary meeting 11 March 2014, available to view on the City of Canterbury's website (www.canterbury.nsw.gov.au), is to provide guidance as to what are the preferred treatments.
- B. The following conditions of consent including any other conditions that may arise from the matters listed above, will be included in the development consent issued by Council after the applicant provides information sufficient to satisfy Council in relation to the conditions of the deferred commencement consent.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

Note: The following conditions acknowledge that the development will occur in certain stages as follows:

- Demolition/site clearing
 - Construction Certificate (Excavation & shoring)
 - Construction Certificates (Building works)
1. The following must be submitted to either Council or an Accredited Certifier prior to the issuing of the relevant Construction Certificate:
 - 1.1. Details of:
 - Structural Engineering Plan
 - Building Specifications
 - Fire Safety Schedule
 - Landscape Plan
 - Sydney Water Notice of Requirements
 - Mechanical Ventilation of Basement Carpark (Section 4.4 of AS 1668.2)
 - Compliance with Disability (Access to Premises – Buildings) Standards 2010
 - **Environmental Management Plan which addresses the manner in which site operations are to be conducted and monitored must be prepared by a suitably qualified person. In particular the Plan must address consultation with adjoining property owners with respect to critical stages of the demolition and construction, as well as the ongoing management and eradication of feral animals during demolition and construction.**
 - 1.2. Payment of the Long Service Leave Levy to the Long Service Leave Corporation or to Council.
 - 1.3. Payment to Council of:

Kerb and Gutter Damage Deposit	\$21,955.50
Section 94 Contributions	\$316,000.00
Certificate Registration Fee	\$36.00
Long Service Levy	\$110,600.00

- 1.4. If you appoint Council as your Principal Certifying Authority, the following fees are payable:

Construction Certificate Application Fee	\$64,468.00
Inspection Fee	\$17,040.00
Occupation Certificate Fee	\$6,285.00

Note 1: If you appoint a Principal Certifying Authority other than Council, the fees shown in this item do not apply, however other fees will apply.

Note 2: When the items in this condition are provided and have been assessed as satisfactory, your Construction Certificate will be posted to you.

Note 3: Section 94 contribution payments are payable by cash, bank cheque, or EFTPOS.

Note 4: All Council fees referred to above are subject to change. You need to refer to our website or contact our Customer Service Centre for a current schedule of fees prior to payment.

BEFORE COMMENCING THE DEVELOPMENT

2. Before the erection of any building in accordance with this Development Consent;
 - 2.1. Detailed plans and specifications of the building must be endorsed with the relevant Construction Certificate by the Council or an Accredited Certifier, and
 - 2.2. you must appoint a Principal Certifying Authority (either Canterbury City Council, or an Accredited Certifier) and notify the Council of the appointment (see Attachment – Notice of Commencement copy), and
 - 2.3. you must give the Council at least 2 days notice of your intention to commence erection of the building (see Attachment – Notice of Commencement copy).

DEMOLITION

3. Demolition must be carried out in accordance with the following:
 - (a) Demolition of the building is to be carried out in accordance with applicable provisions of Australian Standard AS 2601-2001: The Demolition of Structures and the Construction Safety Act Regulations.
 - (b) The demolition of a structure or building involving the removal of dangerous or hazardous materials, including asbestos or materials containing asbestos must be carried out in accordance with the requirements of the Workcover Authority of New South Wales.
 - (c) Demolition being carried out in accordance with the requirements of the Work Health and Safety Regulation 2011.
 - (d) A hoarding or fence must be erected between the building or site of the building and the public place, if the public place or pedestrian or vehicular traffic is likely to be obstructed or rendered inconvenient because of the carrying out of the demolition work.
 - (e) Demolition of buildings is only permitted during the following hours:
 - 7.00 a.m. – 5.00 p.m. Mondays to Fridays
 - 7.00 a.m. – 12.00 noon Saturdays
 No demolition is to be carried out on Sundays or Public Holidays.
 - (f) Burning of demolished building materials is prohibited.

- (g) Adequate care is to be taken during demolition to ensure that no damage is caused to adjoining properties.
- (h) Soil and water management facilities must be installed and maintained during demolition in accordance with Council's Stormwater Management Manual. If you do not provide adequate erosion and sediment control measures and/or soil or other debris from the site enters Council's street gutter or road you may receive a \$1500 on-the-spot fine.
- (i) Council's Soil and Water Management warning sign must be displayed on the most prominent point on the demolition site, visible to both the street and site workers. The sign must be displayed throughout demolition.
- (j) The capacity and effectiveness of soil and water management devices must be maintained at all times.
- (k) During the demolition or erection of a building, a sign must be provided in a prominent position stating that unauthorised entry to the premises is prohibited and contain all relevant details of the responsible person/company including a contact number outside working hours.
- (l) A sign is not required where work is being carried out inside, or where the premises are occupied during the works (both during and outside working hours).
- (m) Toilet facilities must be provided to the work site in accordance with WorkCover's NSW "CODE OF PRACTICE" for Amenities for construction work and any relevant requirements of the BCA.
- (n) Removal, cleaning and disposal of lead-based paint conforming to the current NSW Environment Protection Authority's guidelines. Demolition of materials incorporating lead being conducted in strict accordance with sections 1.5, 1.6, 1.7, 3.1 and 3.9 of Australian Standard AS2601-2001: Demolition of Structure. Note: For further advice you may wish to contact the Global Lead Advice and Support Service on 9716 0132 or 1800 626 086 (freecall), or at www.lead.org.au.
- (o) Hazardous dust not being allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended.
- (p) Any existing accumulations of dust (e.g. ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter. All dusty surfaces and dust created from work is to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.

SITE SIGNAGE

4. A sign shall be erected at all times on your building site in a prominent position stating the following:
 - 4.1. The name, address and telephone number(s) of the principal certifying authority for the work, and
 - 4.2. The name of the person in charge of the work site and a telephone number at which that person may be contacted during and outside working hours, and
 - 4.3. That unauthorised entry to the work site is prohibited.

GENERAL

5. The development being carried out in accordance with the plans, specifications and details set out in the table below except where amended by the conditions contained in this Notice and the following specific conditions:

Drawing No.	Drawing Title	Prepared by	Received by Council on
1224-005	Demolition Plan	John R Brogan	22/11/13
1224-010	Site Outline Plan	John R Brogan	22/11/13
1224-030	Parking Level 2 Plan	John R Brogan	22/11/13
1224-031	Parking Level 1 Plan	John R Brogan	22/11/13
1224-032	Warehouse Level 1 Plan	John R Brogan	22/11/13
1224-033	Warehouse Level 2 Plan	John R Brogan	22/11/13
1224-034	Site and Roof Plan	John R Brogan	22/11/13
1224-120	Sections	John R Brogan	22/11/13
1224-130	Elevations	John R Brogan	22/11/13

- 6.1 The pylon sign is to be reduced to be a maximum height of 8 metres above adjacent finished ground level. Details shall be provided with the application for the Construction Certificate **(Building Works)**.
- 6.2 The exit driveway of the loading dock on to Richland Street is to be widened to ensure the safe movement of heavy rigid vehicles. Details shall be provided with the application for a Construction Certificate **(Building Works)**.
6. Finishes and materials being in accordance with the 'External Colours and Finishes Schedule' received by Council on 22 November 2013. The approved design (including an element or detail of that design) or materials, finish or colours of the building must not be changed so as to affect the external appearance of the building without the approval of Council.
7. A dilapidation report/photographic survey of the adjoining properties at **28 Richland Street and 165 Kingsgrove Road** detailing the physical condition of those properties, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items, shall be submitted to the Principal Certifying Authority and Canterbury City Council if Council is not the Principal Certifying Authority, prior to the issue of the relevant Construction Certificate. On completion of the excavation and building works and prior to the occupation of the building, a certificate stating to the effect that no damage has resulted to adjoining premises is to be provided to the Principal Certifying Authority and Canterbury City Council if Council is not the Principal Certifying Authority. If damage is identified which is considered to require rectification, the damage shall be rectified or a satisfactory agreement for rectification of the damage is to be made with the affected person(s) as soon as possible and prior to the occupation of the development. All costs incurred in achieving compliance with this condition shall be borne by the persons entitled to act on this Consent.
8. Four hundred and ten (410) off street car parking spaces being provided in accordance with approved DA plans.
9. The driveways and car parking areas must be designed in accordance with AS2890.1-1993 (Off-street car parking).
10. This condition has been levied on the development in accordance with Section 94 of the Environmental Planning and Assessment Act 1979 and in accordance with Canterbury City Council's Section 94 Contributions Plan 2005, after identifying the likelihood that this development will require or increase the demand on public amenities, public services and public facilities in the area.

The monetary contribution of \$316,000 shall be paid to Canterbury City Council before a Construction Certificate can be issued in relation to the development, the subject of this Consent Notice. The amount payable is based on the following components:

Contribution Element	Contribution
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Note: Council's Section 94 Contributions Plan 2013 may be inspected at Council's Administration Centre, 137 Beamish Street, Campsie or from Council's website www.canterbury.nsw.gov.au. A copy of the Plan may be purchased from Council's Administration Centre, 137 Beamish Street, Campsie during office hours.

11. All loading and unloading in relation to the use of the premises taking place wholly within the property.
12. All materials must be stored wholly within the property boundaries and must not be placed on the footway or roadway.
13. All building construction work must comply with the National Construction Code.
14. Provide a Surveyor's Certificate to the Principal Certifying Authority at all floor levels indicating the finished floor level to a referenced benchmark. These levels must relate to the levels indicated on the approved architectural plans and/or the hydraulic details.
15. Provide a Surveyor's Certificate to the Principal Certifying Authority prior to walls being erected more than 300mm above adjacent ground surfaces to indicate the exact location of all external walls in relation to allotment boundaries.
16. All activity being conducted so that it causes no interference to the existing and future amenity of the adjoining occupations and the neighbourhood in general by the emission of noise, smoke, dust, fumes, grit, vibration, smell, vapour, steam, soot, ash, waste water, waste products, oil, electrical interference or otherwise.
17. The trading hours being confined to between 6:00am and 10:00pm Mondays to Fridays, 6:00am to 7:00pm Saturdays, Sundays and Public Holidays. No vehicles delivering to or picking up goods from the premises before 7:30am and after 5:30pm with no delivery vehicles standing in the street prior to this time.
18. Details of the exact nature, quantity, location, method of storage and packing of any material covered by the Dangerous Goods Act 1975, shall be submitted to the WorkCover Authority in accordance with their requirements.
19. All chemicals shall be stored in accordance with:
 - (a) Australian Standard 1940-1993 The Storage and Handling of Flammable and Combustible Liquids, and
 - (b) Environment Protection Authority Environment Protection Manual for Authorised Officers: Technical Section (Bunding and spill management).
20. Council's warning sign for Soil and Water Management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign must be displayed throughout construction.
21. Submission of a Soil and Water Management Plan, including details of:
 - (a) property details (location, applicant, drawn by, date, scale)
 - (b) accurate property description (property boundary)
 - (c) contours
 - (d) access point and access control measures
 - (e) location and type of all sediment control measures
 - (f) location of existing vegetation to be retained and undisturbed ground
 - (g) any existing watercourse or drainage
 - (h) material stockpile areas and storage and control methods
 - (i) location of new drainage features (stormwater inlet pits)
 - (j) revegetation proposals, including specifications on materials used and methods of application

(NOTE: For guidance on the preparation of the Plan refer to the Soil and Water Management for Urban Development guidelines produced by the Southern Sydney Regional Organisation of Councils.)

22. The construction site must have soil and water management controls implemented as described in Specifications S1 and S2 of Council's Stormwater Management Manual.
23. The site must be provided with a vehicle washdown area at the exit point of the site. The area must drain to an approved silt trap prior to disposal to the stormwater drainage system in accordance with the requirements of Specification S2 of Council's Stormwater Management Manual. Vehicle tyres must be clean before leaving the site.
24. Drains, gutters, roadways and accessways must be maintained free of soil, clay and sediment. Where required, gutters and roadways must be swept regularly to maintain them free from sediment. Do not hose down.
25. During construction and demolition works, a single entry/exit point must be provided to the site which will be constructed of a minimum of 40mm aggregate of blue metal or recycled concrete. The depth of the entry/exit point must be 150mm. The length will be no less than 15m and the width no less than 3m. Water from the area above the entry/exit point shall be diverted to an approved sediment filter or trap by a bund or drain located above.
26. Concrete pumping contractors must not allow the discharge of waste concrete to the stormwater system. Waste concrete must be collected and disposed of on-site.
27. Materials must not be deposited on Council's roadways as a result of vehicles leaving the building site.
28. All disturbed areas must be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls.
29. An application being made to Council's City Works Division for the construction of a vehicular crossing either by Council or an approved contractor complying with City Works Division standards and at the owner's cost.
30. Toilet facilities shall be provided to the work site in accordance with WorkCover's NSW "CODE OF PRACTICE" for Amenities for construction work and any relevant requirements of the BCA.
31. The implementation of adequate care during building construction to ensure that no damage is caused to any adjoining properties.
32. Erection of a hoarding/fence or other measure to restrict public access to the site and to building works, materials or equipment when building work is not in progress or the site is otherwise unoccupied.
33. All vehicles carrying materials to or from the site having their loads covered at all times with tarpaulins or similar covers in accordance with the Roads (General) Regulation 2000, Section 11 (1) (d).
34. No construction work outside the hours of Monday to Friday, 7.00 a.m. to 5.00 p.m. and Saturday, 7.00 a.m. to 12.00 noon, is permissible without the prior approval of Council. Noise from construction activities associated with the development shall comply with the following guidelines (from NSW Environment Protection Authority Environmental Noise Control Manual Chapter 171).

Construction periods of 4 weeks and under:

The LA10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (LA90) noise level by more than 20dB(A) when assessed to the any sensitive noise receiver.

Construction periods greater than 4 weeks and not exceeding 26 weeks:

The LA10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (LA90) noise level by more than 10dB(A) when assessed to the any sensitive noise receiver.

LANDSCAPING

35. The submitted landscape plan (drawn by John Lock and Associates, drawing no. 2020 LP – 0, no. 2020 LP – 02 and no. 2020 LP – 03 and submitted to council on 22nd November 2013) shall be amended to address the following items:
- 35.1. The proposed species of street trees for Kingsgrove Road shown on the submitted landscape plan are to be substituted for *Callistemon viminalis* (common name Weeping Bottlebrush).
- 35.2. A Maintenance Schedule is to be included:
- replacement strategy for failures in plant materials and built works,
 - maintenance schedule for watering, weeding and fertilizing during the establishment period
 - the maintenance period for the landscaping must be set for 6 months.
- This amendment must be submitted to Council or certifier prior to the issue of the Construction Certificate (**Building Works**).
36. The existing street trees, 6 x *Callistemon viminalis* (common name Weeping Bottlebrush) and 1 x *Eucalyptus sp.* (common name Gum) growing along Richland Street may be removed to accommodate construction. This removal is conditional with the replacement planting of min. 6 x *Eucalyptus sp.* (common name Gum) street trees in a min 75ltr container size, as specified in the submitted landscape plan.
37. The existing street trees, 4 x *Callistemon viminalis* (common name Weeping Bottlebrush) growing along Kingsgrove Road may be removed to accommodate construction. This removal is conditional with the replacement planting of min. 8 x *Callistemon viminalis* (common name Weeping Bottlebrush) street trees as located on the submitted landscape plan. The specified *Eucalyptus sp.* Street tree species shown on the submitted landscape plan is to be substituted with *Callistemon viminalis* (common name Weeping Bottlebrush) in a min 75ltr container size.
38. All the tree supply stocks shall comply with the guidance given in the publication *Specifying Trees: a guide to assessment of tree quality* by Ross Clark (NATSPEC, 2003).
39. All scheduled plant stock shall be pre-ordered, prior to issue of Construction Certificate (for Building Works) or 3 months prior to the commence of landscape construction works, whichever occurs sooner, for the supply to the site on time for installation. Written confirmation of the order shall be provided to Council's Landscape Architect (Contact no: 9789 9438), prior to issue of any Construction Certificate (for Building Works). In addition to the details in the above table, the order confirmation shall include name, address and contact details of supplier; and expected supply date.
40. The landscaping is to be maintained at all times to the Council's satisfaction.

STORMWATER ENGINEERING

41. The stormwater system be constructed in general, in accordance with the plans, specifications and details received by Council on 22nd November, drawing numbers, DA100, 201, 202, 203, 204, 301, 302, 303, 351, 631, 651, 701 ; prepared by C & M Consulting Engineers and as amended by the following condition.
42. Certification from an accredited engineer must be provided to certify that all works has been carried out in accordance with the approved plan(s), relevant codes and standards.
43. All downpipes, pits and drainage pipes shall be installed to ensure that stormwater is conveyed from the site and into Council's stormwater system in accordance with AUS-SPEC Specification D5 "Stormwater Drainage Design", AS/NZS3500.3 and Council's DCP 2012, Part 6.4.
44. Runoff from the nursery area must be collected and discharged via a treatment device complying with Council's Policy Stormwater Management Manual.

45. All wastewater and stormwater treatment devices (including drainage systems, sumps and traps) must be regularly maintained in order to remain effective. All solid and liquid wastes collected from the device must be disposed of in accordance with the Protection of the Environment Operations Act 1997.
46. Site water discharged to Council's stormwater system must have a suspended solid level of less than 50 mg/L, pH 6.5 - 8.5, turbidity level of less than 50 NTU, no oil or grease and conform to relevant ANZEC guidelines for other contaminants. This may require treatment such as transfer to settling ponds, use of approved chemicals to settle out sediment or passing the contaminated water through a treatment device. Site water may also be disposed of through the services of a licensed liquid waste transporter. Council must be notified prior to the commencement of any pump out of site water and provided with a copy of the test results which confirm that the above condition has been complied with.
47. Full width grated drains being provided across each vehicular entrance/exit to the site where internal areas drain towards the street, and be connected to the street drainage system in accordance with Clause 4 of Council's Stormwater Management Manual - Specification 9 "A Guide for Stormwater Drainage Design"
48. Where OSD is required; three (3) copies of plans and calculations must be submitted prior to the issue of Construction Certificate (for Building Works) to the Principal Certifying Authority PCA and Canterbury City Council, if Council is not the PCA. The plans must be prepared by a practicing Civil Engineer and include levels reduced to Australian Height Datum (AHD) and full details of the hydraulic evaluation of the entire stormwater drainage system. The details shall be prepared in accordance with Council's DCP 2012, Part 6.4.
49. A Works-as-Executed plan must be submitted to Canterbury City Council at the completion of the works, the plan must clearly illustrated dimensions and details of the site drainage and the OSD system. The plan shall be prepared by a registered surveyor or an engineer. A construction compliance certification must be provided prior to the issuing of the Occupation Certificate (**Building Works**) to verify, that the constructed stormwater system and associate works has been carried out in accordance with the approved plan(s), relevant codes and standards. The required certification must be issued by an accredited professional in accordance with the accreditation scheme of the Building Professional Board issued 1st March 2010. An appropriate instrument must be registered on the title of the property, concerning the presence and ongoing operation of the OSD system as specified in Councils DCP 2012, Part 6.4.
50. 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.
51. A full width heavy duty vehicular crossing shall be provided at the vehicular entrance to the site, with a maximum width of 15 metres at the boundary line. This work to be carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
52. The levels of the street alignment are to be obtained by payment of the appropriate fee to Council. These levels are to be incorporated into the designs of the internal pavements, carparks, landscaping and stormwater drainage. Evidence must be provided that these levels have been adopted in the design. As a site inspection and survey by Council is required to obtain the necessary information, payment is required at least 14 days prior to the levels being required.

53. Driveways, parking and service areas are to be constructed or repaired in accordance with the appropriate AUS-SPEC #1 Specifications: C242-Flexible Pavements; C245-Asphaltic Concrete; C247-Mass Concrete Subbase; C248-Plain or Reinforced Concrete Base; C254-Segmental Paving; C255-Bituminous Microsurfacing.
54. The driveway grades shall be in accordance with Australian Standard AS 2890.1 "Off-street Parking Part 1 - Carparking Facilities".

PUBLIC IMPROVEMENTS

55. All redundant vehicular crossings shall be replaced with kerb and the footpath reserve made good by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
56. The reconstruction of the kerb and gutter along all areas of the site fronting Kingsgrove Road and Richland Street is required. Work to be carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
57. The reconstruction of concrete footpath paving and associated works along all areas of the site fronting Kingsgrove Road and Richland Street is required. Work being carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
58. The granting of service easements within the properties to the satisfaction of Council or private certifier. Costs associated with preparation and registration of easements to be borne by the developer.
59. A qualified practising Civil Engineer shall design the pavements and certify that all driveways, parking and service areas have been constructed in accordance with the approved specifications. Design to be carried out in accordance with AUS-SPEC #1 Specification D2-Pavement Design. Construction is to be carried out in accordance with appropriate AUS-SPEC #1 Specifications: C242-Flexible Pavements; C245-Asphaltic Concrete; C247-Mass Concrete Subbase; C248-Plain or Reinforced Concrete Base; C254-Segmental Paving; C255-Bituminous Microsurfacing.
60. Proposed driveway grades and longitudinal sections shall be submitted with the Construction Certificate. The driveway widths and grades shall be in accordance with Australian Standard AS 2890.1 – 1993 "Off-street Parking Part 1 – Carparking Facilities" and with Council document "Guidelines for Design of Vehicular Crossings". The driveway longitudinal section must be drawn at a scale of 1:20 (both vertical and horizontal) and indicate the appropriate height clearances above the driveway. The existing street levels are to be included in the design of the driveway. (The existing street levels which include kerb, gutter, footpath and boundary line levels, cannot be altered.)
61. Full width grated drains being provided across each vehicular entrance/exit to the site where internal areas drain towards the street, and be connected to the street drainage system in accordance with Clause 4 of Council's Stormwater Management Manual - Specification 9 "A Guide for Stormwater Drainage Design".
62. The construction of the road shoulder along all areas of the site adjacent and extending 5m either side of the car park and loading dock entry exit and driveways is required. Work to be carried out by Council or an approved contractor, at the applicant's cost.

The work is to be carried out in accordance with AUS-SPEC #1 Specification C242-Flexible Pavements and C245-Asphaltic Concrete.

63. The nature strip outside the property shall be repaired as necessary. Work to be carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with AUS-SPEC #1 Specification C273-Landscaping.
64. Sight clearances are to be ensured for pedestrian safety within the site and also on Kingsgrove Road and Richland Street.

CONTAMINATION & REMEDIATION

65. Remediation and validation works shall be carried out in accordance with the recommendations in Preliminary Environmental Site Assessment Report prepared by Environmental Investigations Services, (EIS) ref: E25343KHRpt2 and dated 8 October 2013.
66. After completion of the remedial works, a copy of the Validation Report shall be submitted to the Principal Certifying Authority. The construction certificate shall not be issued until the Principal Certifying Authority approves this Validation Report. This report shall be prepared with reference to the Environment Protection Authority guidelines, Consultants Reporting on Contaminated Sites, and shall include:
 - (a) Describe and document all works performed.
 - (b) Include results of validation testing and monitoring.
 - (c) Include validation results of any fill imported on to the site.
 - (d) Show how all agreed clean-up criteria and relevant regulations have been complied with.
 - (e) Include clear justification as to the suitability of the site for the proposed use and the potential for off-site migration of any residual contaminants.
67. Underground tanks shall be removed in accordance with:
 - (a) Australian Institute of Petroleum's (AIP) Code of Practice for the Design, Installation and Operation of underground Petroleum Storage Systems (CP4-1998).
 - (b) WorkCover Authority requirements (this requires writing in advance to the Chief Inspector of Dangerous Goods, WorkCover Authority, Locked Bag 10, Clarence Street, Sydney 2000 and complying with any conditions imposed).In the event of conflict between the AIP Code of Practice and WorkCover requirements, the latter shall prevail.

WASTE MANAGEMENT

68. The operational management of waste is to be carried out in accordance with Detail Plan Waste Recycling, Drawing No. 201, prepared by John R Brogan and Associates dated May 2009.

CRIME PREVENTION & COMMUNITY SAFETY

69. Any lighting on the site shall be designed so as not to cause 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 the Australian Standard 4282-1997 Control of the Obtrusive Effects of Outdoor Lighting.
70. The basement car park is to be painted the colour 'white'. This measure will increase lux levels and light reflection.
71. ~~[condition deleted]~~
72. ~~The development shall be provided with proactive security measures such as CCTV cameras to ensure that the site is monitored at all times.~~
73. Staff only areas are to be restricted to authorised personnel through the use of security cards.

DISABILITY ACCESS

74. The development must be constructed to comply with the Commonwealth Disability (Access to Premises – Buildings) Standard 2010.
75. The minimum vertical clearance in the accessible parking spaces and adjacent shared areas is to be 2500mm, and the path of travel from the building entry to accessible parking spaces is to have a minimum vertical clearance of 2200mm.
76. The accessible parking spaces adjacent to the main entry foyers on levels 1 and 2 should be swapped with their adjacent shared spaces. This will assist drivers with an upper body restriction to manoeuvre more easily into and out of the parking space.
77. Paving in the entry foyers and throughout the building is to be non-slip in wet and dry conditions.
78. All glazed doors and side panels on a continuous accessible path of travel are required to have a transom or luminance strip at a height between 900mm and 1100mm above the floor level. The strip is to be at least 75 mm wide for the full width of the door or side panel and provide a luminance contrast of at least 30% to its surroundings, when viewed from either the inside or the outside the door, in daylight and night time conditions.

ACOUSTICS

79. All sound producing plant and equipment being installed and operated in such a manner so as not to create a noise nuisance as determined by a qualified practising acoustic consultant.
80. The proposed use of the premises and/or machinery equipment installed must not create noise so as to interfere with the amenity of the neighbourhood.
If a noise nuisance occurs, the person in control of the premises must arrange for an acoustic investigation to be carried out (by an accredited Acoustic Engineer). The report must include the measurements and calculations and certify that the method of treating all mechanical equipment and all activity associated with the operation of the premise so as to ensure no offensive noise and vibration is emitted from the activities and operation of the business as detailed in the DECC “Industrial Noise Policy”.
The person in control of the premise must obtain from the Principal Certifying Authority concurrence for the recommendations of the Consultant, and implement those recommendations so as to reduce the noise levels to the ambient noise level.
When engaging an acoustical consultant council’s prerequisite is that the consultant holds a recognised tertiary qualification in a discipline pertinent to acoustics which would allow for the attainment of membership with the Association of Australian Acoustical consultants (AAAC).

CAFÉ

81. The premises are to be constructed and fitted out strictly in accordance with by the Australian New Zealand Food Standards Code, Australian Standard AS-4674-2004 (Construction and Fitout of Food Premises) and the conditions of any Council consent.
82. Provide a rigid smooth faced impervious ceiling over the food preparation, cooking and serving areas. The surface finish shall be free of open joints, cracks, crevices or openings with the intersection of the walls and ceiling being tight jointed, sealed and dustproof.
83. Coving to a radius of not less than 25mm is to be provided between all walls and the floor and between the floor and all fittings. This can be achieved by coving tiles, cement render, or by turning vinyl flooring up the walls. In this case a fillet or backing piece is required to support the cove.
84. The kitchen walls being built up in brickwork, blockwork, or approved solid material.

85. The handbasin shall be freestanding, serviced with hot and cold water, at a minimum temperature of 40°C, through a single outlet.
Refrigeration, frozen food cabinets, cooking appliances, equipment, fittings, cupboards, and cabinets are to be supported on one of the following systems:
- (a) Wheels or casters which allow the fully loaded fitting to be easily moved
 - (b) Plinths or solid impervious material a minimum 75mm high, with 25mm radius coving between the junction of the plinth and the floor.
 - (c) Legs which provide a minimum 150mm clearance from the floor to the underside of the fitting.
86. Adequate storage space must be provided on the premises either by the provision of storerooms or cupboards for the proper storage of all foodstuffs and other goods used in connection with the business.
87. Water closet accommodation being provided for male and female staff, accessible at the times the business is trading.
88. Staff toilet facilities being provided with handwash facilities, with hot and cold water, together with a supply of soap and hand drying facilities.
89. An appliance used for the storage of hot or cold food, which is being stored for sale, shall be provided with numerically scaled indicating thermometer or recording thermometer, accurate to the nearest degree Celsius, the sensing element of which is located:
- (i) in the case of an appliance used for the storage of hot food – so as to measure the air temperature in the coolest part of the appliance; or
 - (ii) in the case of an appliance used for the storage of cold food – so as to measure the temperature in the warmest part of the appliance, and so as to be able to read easily from outside the appliance.
90. All putrescible waste must be stored in approved, lidded, flyproof containers. Proper arrangements such as waste paper bales and stands are to be provided for any waste paper or cardboard.
91. A sufficient number of approved garbage receptacles must be provided on the premises for the storage of garbage and trade waste. Such receptacles are to be fitted with close fitting and flyproof lids.
92. A copy of the Permission to Discharge Trade Wastewater must be obtained from Sydney Water and a copy provided to the Principal Certifying Authority with the application for the Construction Certificate. The Wastewater Source Control office is on Level 2, 432 Victoria Avenue, Chatswood 2067, telephone 131110. A Trade Waste Agreement must be obtained from Sydney Water prior to the discharge of trade wastewater to the sewer system. Trade wastewater is defined as ‘discharge water containing any substance produced through industrial or commercial activities or operation on the premises’.

TRAFFIC

93. A detailed plan of the proposed parking needs along Kingsgrove Road and Richland Street is to be submitted by the applicant for consideration by Council’s Local Traffic Committee prior to the issue of an Occupation Certificate. This includes a full time “No Parking” zone along the Kingsgrove Road frontage, the retention of the existing bus zone on Richland Street opposite Kingsgrove North High School, and also “No Parking” restrictions near the driveways on Richland Street. All costs associated with the signs will need to be borne by the applicant.
94. The length of the median is to be the same length as indicated on the relevant DA plans prepared by John R Brogan and Associates.

95. All road works /regulatory signposting associated with the proposed development are to be at no cost to the RMS.

CONSOLIDATION OF LOTS

96. The site being consolidated into one allotment. The plan of consolidation being lodged and registered with the Land and Property Information NSW prior to the release of the Occupation Certificate or occupation of the building.

SYDNEY WATER REQUIREMENTS

97. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to “Your Business” section of Sydney Water’s web site at 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 sewage extensions to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development/release of the final plan of subdivision.

CRITICAL INSPECTIONS

98. The following critical stage inspections must be carried out by the Principal Certifying Authority (either Council or the Accredited Certifier):

Class 5, 6, 7, 8 or 9 Buildings

- 98.1. prior to covering any stormwater drainage connections, and
- 98.2. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

ADDITIONAL INSPECTIONS

99. Section 81(A) of the EP&A Act 1979 requires that a person having the benefit of a development consent, if not carrying out the work as an owner-builder, must notify the principal contractor for the building work of any critical stage inspections and other inspections that are to be carried out in respect of the building work, as nominated in this development consent. To arrange an inspection by Council please phone 9789-9300 during normal office hours.

COMPLETION OF DEVELOPMENT

100. Obtain an Occupation Certificate/Interim Occupation Certificate from the Principal Certifying Authority before partial/entire occupation of the development.

WE ALSO ADVISE:

- a. This application has been assessed in accordance with the National Construction Code.
- b. You should contact Sydney Water prior to carrying out any work to ascertain if infrastructure works need to be carried out as part of your development.
- c. Where Council is appointed as the Principal Certifying Authority, you will be required to submit Compliance Certificates in respect of the following:
 - Structural engineering work
 - Air Handling Systems
 - Final Fire Safety Certificate
 - Glazing
 - Water Proofing
- d. Any works to be carried out by Council at the applicant's cost need to be applied for in advance.

- e. Private contractors shall submit an application and pay an inspection fee to Council seven days prior to commencement of any works on the footpath or roadway. No work shall be carried out without Council approval.
- f. The applicant is to ensure that landscaping and hydraulic plans are co-ordinated. Hydraulic details such as pits, stormwater lines, detention tanks and retaining walls are to be shown on the Landscape Plan as these can effect layout of garden beds and plantings.
- g. Before you dig, call “Dial before you Dig” on 1100 (listen to the prompts) or facsimile 1300 652 077 (with your street no./name, side of street and distance from the nearest cross street) for underground utility services information for any excavation areas.
- h. Compliance with the National Construction Code does not guarantee protection from prosecution under “The Disability Discrimination Act” and you must comply with the Commonwealth Disability (Access to Premises – Buildings) Standard 2010. Further information is available from the Human Rights and Equal Opportunity Commission on 1800 021 199.
- i. In granting this approval, we have considered the statutory requirements, design, materials and architectural features of the building. No variation to the approved design and external appearance of the building (including colour of materials) will be permitted without our approval.
- j. Our decision was made after consideration of the matters listed under Section 79C of the Environmental Planning and Assessment Act 1979, and matters listed in Council's various Codes and Policies.
- k. If you are not satisfied with this determination, you may:
 - Appeal to the Land and Environment Court within 6 months after the date on which you receive this Notice of Determination, under Section 97 or Section 97AA of the Environmental Planning and Assessment Act 1979.