

SCHEDULE OF CONDITIONS

DA-2014/430 - 126 Greville Street, CHATSWOOD NSW 2067 & 23-25 Millwood Avenue, CHATSWOOD WEST NSW 2067

CONSENT IDENTIFICATION

The following condition provides information on what forms part of the Consent.

1. Approved Plan/Details

The development must be in accordance with the following plans:

Type	Plan No.	Revision / Issue No	Plan Date (as Amended)	Date Stamped by Council	Prepared by
Site Plan	DA 100	B	07.10.14	10 Oct 2014	WMK Architecture
Roof Level	DA 200	A	02.10.14	8 Oct 2014	WMK Architecture
Level 1 Floor Plan	DA 201	B	09.10.14	10 Oct 2014	WMK Architecture
Level 2 Floor Plan	DA 202	B	09.10.14	10 Oct 2014	WMK Architecture
Level 3 Floor Plan	DA 203	B	09.10.14	10 Oct 2014	WMK Architecture
Carpark Plans	DA 205	A	02.10.14	8 Oct 2014	WMK Architecture
Building Elevations	DA 300	B	07.10.14	10 Oct 2014	WMK Architecture
Façade Section	DA 400	A	02.10.14	8 Oct 2014	WMK Architecture
Tree Retention & Removal Plan	LA 01	B	03.10.2014	8 Oct 2014	Taylor Brammer Landscape Architects Pty Ltd
Site Master Plan	LA 02	A	03.10.2014	8 Oct 2014	Taylor Brammer Landscape Architects Pty Ltd
Landscape Details	LA 03	A	03.10.2014	8 Oct 2014	Taylor Brammer Landscape Architects Pty Ltd
Imagery Board (Millwood Avenue)	LA 04	A	03.10.2014	8 Oct 2014	Taylor Brammer Landscape Architects Pty Ltd

Bus Drop-Off Facility	DA 110	B	01.12.14	1 Dec 2014	WMK Architecture
Bus Drop-Off Facility South & West Elevations	DA 302	A	01.12.14	1 Dec 2014	WMK Architecture
Bus Drop-Off Facility North & East Elevations	DA 303	A	01.12.14	1 Dec 2014	WMK Architecture

the application form and any other supporting documentation submitted as part of the application, except for:

- a) any modifications which are "Exempt Development" as defined under S76(2) of the Environmental Planning and Assessment Act 1979;
- b) otherwise provided by the conditions of this consent.
(Reason: Information and ensure compliance)

2. Roads & Maritime Services (R&MS) Requirements

The proposed development shall comply with the following requirements of the RMS provided to Council by letter dated 25 November 2014:

Bus Bay

- i) The arrival times of the private buses must be staggered to avoid queuing of the private buses on Millwood Avenue or queuing behind the public bus service on Millwood Avenue.
- ii) The proposed combined public and private bus bay lane along Millwood Avenue shall be designed to meet Roads and Maritime requirements, and endorsed by a suitably qualified practitioner.
The submitted design shall be in accordance with Austroads Guide to Road Design in association with relevant Roads and Maritime supplements (available on www.rms.nsw.gov.au). The submitted design shall include but not be limited to the following details:
 - Retaining walls (if any)
 - Pedestrian access and fencing
 - Kerbing
 - Drainage in Millwood Avenue
 - Signage and line marking
 - Pavement
 - Turn paths of private (12.5m) and public buses (19m) entering and exiting the bus bay

The certified copies of the civil design plans shall be submitted to Roads and Maritime for consideration and approval prior to the release of a construction

certificate by the appointed Private Certifier or Council and commencement of road works.

Roads and Maritime fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works.

The developer may be required to enter into a Works Authorisation Deed (WAD) for the abovementioned works. Please note that the WAD will need to be executed prior to Roads and Maritime assessment of the detailed civil design plans.

- iii) A Road Occupancy Licence should be obtained from Roads and Maritime for any works that may impact on traffic flows on Millwood Avenue during construction activities.
- iv) The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.

Stormwater

- v) Detailed design plans and hydraulic calculations of any pre and post discharge changes to the stormwater drainage system on Millwood Avenue are to be submitted 10 Roads and Maritime for approval, prior to the commencement of any works. Details of the anticipated (to be shown in Table Form on the drawing) stormwater discharge - in l/s - for the 1 in 5,10,20,100 storm event, drawings shall be provided in pdf format.

Details should be forwarded to:

The Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBO 2124.
Email: suppiah.thillai@rms.nsw.gov.au

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact Roads and Maritime Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766.

Access to 23 Millwood Avenue

- vi) No vehicular access is permitted to 126 Greville Street from Millwood Avenue.
- vii) Vehicle access to 23 Millwood Avenue shall be restricted to residents only.
- viii) Any changes to the existing residential property access on Millwood Avenue will be required to be constructed as a sealed all weather access driveway. The sealed driveway shall be designed and constructed in accordance with Roads and Maritime requirements and undertaken in conjunction with bus bay works detailed in point 1. Details of these requirements should be obtained from Roads and Maritime Project Services Manager, Traffic Projects Section, Parramatta on 8849 2496.

It should be noted that a plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by Roads and Maritime.
(Reason: Compliance with the R&MS requirements)

3 Rural Fire Service (RFS0 Requirements

The proposed development shall comply with the following requirements of the RFS provided to Council by letter dated 20 February 2015:

- i) The Auditorium shall not be available for use by the public.
- ii) There shall be no persons under the age of 18 attending the proposed theological studies.

Asset Protection Zones

- iii) At the commencement of building works and in perpetuity, the land as depicted on 'Figure 4: Vegetation Tpe & APZ' in the bush fire assessment report prepared by Lew Short and approved by David Peterson from Eco Logical Australia P/L, ref. no. 14SYDBUS-0027, vers. V1.1, dated 7 October 2014, shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
- iv) For asset protection zones (APZ) on slopes greater than 18 degrees, the property shall be landscaped or managed (e.g. terracing) with suitable access being provided to the APZ to ensure the ongoing maintenance of the area.
- v) To allow for emergency service personnel to undertake property protection activities, a defensible space that permits unobstructed pedestrian access is to be provided around the building.

Water and Utilities

- vi) Water, electricity and gas are to comply with section 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006'.

Access

- vii) Internal roads shall comply with following requirements of section 4.2.7 of 'Planning for Bush Fire Protection 2006'.
 - Internal roads are two wheel drive, sealed, all weather roads.
 - Roads are through roads. Dead end roads are not more than 100 metres in length from a through road, incorporate a minimum 12 metres outer radius turning circle, and are clearly signposted as a dead end.
 - Traffic management devices are constructed to facilitate access by emergency services vehicles.
 - A minimum vertical clearance of 4 metres to any overhanging obstructions, including tree branches, is provided.
 - Curves have a minimum inner radius of 6 metres and are minimal in number to allow for rapid access and egress.
 - The minimum distance between inner and outer curves is six metres. Curves have a minimum inner radius of 6 metres and are minimal in number to allow for rapid access and egress.
 - Maximum grades do not exceed 15 degrees and average grades are not more than 10 degrees.
 - Cross-fall of the pavement is not more than 10 degrees.

- Roads do not traverse through a wetland or other land potentially subject to periodic inundation (other than flood or storm surge).
- Roads are clearly signposted and bridges clearly indicate load ratings.
- The internal road surfaces and bridges have a capacity to carry fully loaded fire fighting vehicles (15 tonnes).

Evacuation and Emergency Management

- viii) Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

Design and Construction

- ix) The existing building on proposed Lot 137 DP 14799 is required to be upgraded to improve ember protection. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.
- x) The development shall comply with the respective Bushfire Attack Level (BAL) (as depicted in 'Figure 5: Slope and Bushfire Attack Level' in the bush fire assessment report prepared by Lew Short and approved by David Peterson from Eco Logical Australia P/L, ref. no. 14SYDBUS-0027, vers. V1.1, dated 7 October 2014) of the Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'
- xi) Where the proposed development is located within the Flame Zone, it shall comply with Sections 3 and 9 (BAL FZ) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas'. However, any material, element of construction or system when tested to the method described in Australian Standard AS1530.8.2 Methods for fire tests on building materials, components and structures Part 8.2: Tests on elements of construction for buildings exposed to simulated bushfire attack—Large flaming sources shall comply with Clause 13.8 of that Standard except that flaming of the specimen is not permitted and there shall be no exposed timber.
- xii) Where window assemblies are located within the Flame Zone, it shall comply with modified Sections 3 and 9 of AS3959 (as above) or the following:
- a) They shall be completely protected by a non-combustible and non-perforated bushfire shutter that complies with Section 3.7 of AS3959 excluding parts (e) & (f); and
 - b) They shall comply with the following:
 - Window frames and hardware shall be metal;
 - Glazing shall be toughened glass, minimum 6mm;
 - Seals to stiles, head and sills or thresholds shall be manufactured from materials having a flammability index no greater than 5;
 - The openable portion of the window shall be screened internally or externally with a mesh with a maximum aperture of 2mm, made from corrosion resistant steel or bronze. The frame supporting the mesh shall be metal.
- xiii) Where external doors (not including garage doors) are located within the Flame Zone, it shall comply with modified Sections 3 and 9 of AS3959 (as above) or the following:

- a) They shall be completely protected by a non-combustible and non-perforated bushfire shutter that complies with Section 3.7 of AS3959 excluding parts (e) & (f); and
 - b) They shall comply with the following:
 - Doors shall be non-combustible;
 - Externally fitted hardware that supports the panel in its function of opening and closing shall be metal;
 - Where doors incorporate glazing, the glazing shall be toughened glass minimum 6mm;
 - Seals to stiles, head and sills or thresholds shall be manufactured from silicone;
 - Doorframes shall be metal;
 - Doors shall be tight fitting to the doorframe or an abutting door;
 - Weather strips, draught excluders or draught seals shall be installed if applicable.
- xiv) All new Class 10 structures as defined per the 'Building Code of Australia' shall comply with Sections 3 and 7 (BAL 29) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.
- xv) The proposed Safe Refuge is to comply with the document titled 'Design and Construction of Community Bushfire Refuges' published by the Australian Building Codes Board, dated 2014.

Landscaping

- xvi) Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'. In this regard the following landscaping principles are to be incorporated into the development:
- Suitable impervious areas being provided immediately surrounding the building such as courtyards, paths and driveways;
 - Grassed areas/mowed lawns/ or ground cover plantings being provided in close proximity to the building;
 - Restrict planting in the immediate vicinity of the building which may over time and if not properly maintained come in contact with the building;
 - Maximum tree cover should be less than 30%, and maximum shrub cover less than 20%;
 - Planting should not provide a continuous canopy to the building (i.e. trees or shrubs should be isolated or located in small clusters);
 - When considering landscape species consideration needs to be given to estimated size of the plant at maturity;
 - Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
 - Use smooth bark species of trees species which generally do not carry a fire up the bark into the crown;
 - Avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter);
 - Avoid climbing species to walls and pergolas;
 - Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;

- Locate combustible structures such as garden sheds, pergolas and materials such timber garden furniture way from the building; and Use of low flammability vegetation species.

(Reason: Compliance with the RFS requirements)

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of a construction certificate.

4. Section 94A Contributions

A monetary contribution of \$188,476.50 (subject to indexing as outlined below) is to be paid in accordance with Section 94A of the Environmental Planning and Assessment Act, 1979.

This contribution is based on 1% of the estimated development cost of \$18,847,651.00 at 9/10/14 and the adopted Section 94A Contributions Plan.

To calculate the monetary contribution that is payable, the proposed cost of development is to be indexed to reflect quantity variations in the Building Price Index (Enterprise Bargaining Agreement) [BPI(EBA)] between the date the proposed cost of development was agreed by the Council and the date the levy is to be paid as required by this Plan.

To calculate the indexed levy, the formula used to determine the cash contribution is set out below.

$$NL = \$Lo + \$Lo \times \frac{[\text{current index} - \text{base index}]}{\text{base index}}$$

Where:

NL is the new section 94A levy

Lo is the original levy

Current index [BPI(EBA)] is the Building Price Index (Enterprise Bargaining Agreement) as published by the NSW Public Works available at the time of review of the contribution rate

Base index [BPI(EBA)] is the Building Price Index (Enterprise Bargaining Agreement) as published by the NSW Public Works at the date of the proposed cost of development as above

In the event that the current BPI(EBA) is less than the previous BPI(EBA), the current BPI(EBA) shall be taken as not less than the previous BPI(EBA).

Prior to payment Council can provide the value of the indexed levy.

Copies of the S94A Contributions Plan are available for inspection online at

www.willoughby.nsw.gov.au
(Reason: Statutory requirement)

5. Sydney Water 'Quick Check' Certificate

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains and to see if further requirements need to be met.

Plans will be appropriately stamped and the Principal certifying authority must ensure the plans are stamped by Sydney Water prior to release of the Construction Certificate.

(Reason: Ensure compliance)

6. Fire Safety Upgrade of Building

Pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000, the building is to be upgraded to meet the performance requirements of the Building Code of Australia – Volume One;

Details are to be included with the Construction Certificate application.

(Reason: Fire and occupant safety)

7. Fire Safety Schedule

Submission of the anticipated schedule of current and proposed fire safety measures to be implemented in the building, such fire safety schedule shall specify the minimum standard of performance for each fire safety measure.

(Reason: Compliance)

8. Damage Deposit

The applicant shall lodge a Damage Deposit of \$10,000 (GST Exempt) as cash, cheque or an unconditional bank guarantee, to Council against possible damage to Council's asset during the course of the building works. The deposit will be refundable subject to inspection by Council after the completion of all works relating to the proposed development. For the purpose of inspections carried out by Council Engineers, an inspection fee of \$66 (GST Exempt) is payable to Council. Any damages identified by Council shall be restored by the applicant prior to release of the Damage Deposit.

(Reason: Protection of public asset)

9. Detailed Stormwater Management Plan (SWMP)

Submit for approval by the Accredited Certifier, detailed stormwater management plans in relation to the on-site stormwater management and disposal system for the development. The construction drawings and specifications shall be prepared by a suitably qualified and experienced civil engineer and in accordance with the stormwater management plans. All drawings shall comply with Part C.5 of Council's Development Control Plan and Technical Standards, AS3500.3 – *Plumbing and Drainage Code* and BCA.

(Reason: Ensure compliance)

10. Hazardous Building Material Assessment

A hazardous building material assessment shall be undertaken by an appropriate qualified person and is to be submitted to the Principal Certifying Authority for approval. The assessment shall identify any likely hazardous materials within any structure to be demolished and provide procedures on how to handle and dispose of such materials.

(Reason: Environmental protection/public health and safety)

11. Kitchen Fitout Details

The fitout of the food preparation kitchen areas must comply with Australian Standard *AS4674-2004 Design, Construction and Fitout of Food Premises* and with the requirements of the Food Safety Standards. Detailed plans shall be submitted to the Principal Certifying Authority together with certification from a suitably qualified person that the fitout complies with the standards prior to a Construction Certificate being issued.

The plans are specifically required to show compliance with the following:

- a) The kitchen design and layout must ensure effective operation with a safe flow from raw and cooked food, suitably located hand washing facilities, separate wash areas for food preparation & cleaning of utensils/equipment and suitable storage facilities for dry goods and hot & cold food storage.
- b) The premises shall have separate facilities for the storage of staff clothing/personal belongings, office materials and for storing cleaning chemicals.
- c) A dedicated hand wash basin/s shall be located in each area where contamination of the hands is likely to occur and must be within 5m from any place where food handlers are handling food. The hand wash basin/s shall be of a suitable size (500mm x 400mm), fixed to the wall at bench height and accessible at all times.
- d) All floor and wall finishes to the food preparation/storage areas must be of an approved material that is impervious to moisture.
- e) Floors in the food preparation/storage areas shall drain to a floor waste and be coved at the intersection of the walls.
- f) All walls must be solid construction with no voids or gaps.
- g) All ceilings above the food preparation/storage areas must be of an impervious material such as plasterboard that is free of open joints.
- h) A double bowl washup sink with a minimum bowl size of 450mm x 300mm x 300mm and a separate designated food preparation sink shall be provided in the food preparation kitchen area.
- i) The cooking equipment and dishwasher shall be provided with mechanical ventilation.
- j) The openings to the cafe in particular to the areas consisting of bi-fold doors shall be pest-proofed against flying insects by a mechanically ventilated air curtain that prevents insects entering.

(Reason: Health and compliance)

PRIOR TO COMMENCEMENT

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. All of these conditions are to be complied with prior to the commencement of any works on site, including demolition.

12. External Finishes - Compatibility

All external building material shall be in colours and textures, which are compatible with the character of the locality. In this regard the Schedule of Colours and Finishes submitted with the application satisfy this requirement.

(Reason: Visual amenity)

13. Waste Management Plan

A Construction and Demolition Waste Management Plan which provides details of specific strategies to salvage and recycle a minimum of 85% of used and unused demolition and construction materials shall be submitted to the Principal Certifying Authority.

(Reason: Environment protection/waste reduction)

14. Licensee Details

The name, address and contractor licence number of the licensee who has contracted to carry out the work or the name and permit number of the owner-builder who intends to carry out the work shall be furnished in writing to the Principal Certifying Authority.

NB: Should changes be made for the carrying out of the work the Principal Certifying Authority must be immediately informed.

(Reason: Information)

15. Dilapidation Report of Council's Property

Submit a dilapidation report including photographic record of Council's property extending to a distance of 50m from the development, detailing the physical condition of items such as, but not exclusively to, the footpath, roadway, nature strip, and any retaining walls.

The developer may be held liable to any recent damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded under the requirements of this condition prior to the commencement of works. In this regard, the damage deposit lodged by the applicant may be used by Council to repair such damage on Council's property.

This dilapidation report shall be submitted to Council and the Principal Certifying Authority.

(Reason: Protection of Council's infrastructure)

16. Permits and Approvals Required

Application is to be made to Council's Infrastructure Services Division for the following approvals and permits as appropriate:-

- a) Permit to erect Builder's hoarding where buildings are to be erected or demolished within 3.50m of the street alignment. Applications are to include current fees and are to be received at least 21 days before commencement of the construction.
- b) Permit to stand mobile cranes and/or other major plant on public roads. Applications are to include current fees and security deposits and are to be received at least seven days before the proposed use. It should be noted that the issue of such permits may also involve approval from the NSW Police Force and the RTA. A separate written application to work outside normal hours must be submitted for approval.

It should also be noted that, in some cases, the above Permits may be refused and temporary road closures required instead which may lead to longer delays due to statutory advertisement requirements.

- c) Permit to open public roads, including footpaths, nature strip, vehicular crossing or for any purpose whatsoever. All applications are to include current fees.
- d) Permit to place skip/waste bin on footpath and/or nature strip. (Maximum three (3) days).
- e) Permit to work and/or place building materials on footpath and/or nature strip. (Maximum two (2) weeks).
- f) Permit to establish Works Zone on Public Roads adjacent to the Development including use of footpath area. Applications must be received by Council at least twenty-one days prior to the zone being required. The application will then be referred to the Council's Local Traffic Committee for approval, which may include special conditions.
- g) Permit to construct vehicular crossings over Council's footpath, road or nature strip.

(Reason: Legal requirements)

17. Application for Vehicle crossing

Submit an application with fees to Council for the construction of a plain concrete vehicular crossing.

(Reason: Protection of public asset)

18. Property/Reserve Boundary

The property/reserve boundaries around the site are to be surveyed by a registered surveyor and such boundaries are to be clearly marked on site.

(Reason: Property/reserve management)

19. Dilapidation Report of Public Open Space

Submit a dilapidation report including photographic record of the Public Open Space adjoining the development, detailing the physical condition of items such as, but not exclusively to, trees, bushland, rock outcrops and physical improvements such as paths, furniture and play equipment.

The applicant may be held liable to any damage to public infrastructures in the vicinity of the site, where such damage is not accurately recorded under the requirements of this condition prior to the commencement of works. In this regard, the damage deposit lodged by the applicant may be used by Council to repair such damage on Council's property.

This dilapidation report shall be submitted to Council and the Principal Certifying Authority prior to commencement of works.
(Reason: Protection of Council's infrastructure)

DURING DEMOLITION, EXCAVATION AND CONSTRUCTION

The following conditions are to be complied with throughout the course of site works including demolition, excavation and construction.

20. Hours of Work

All construction/demolition work relating to this Development Consent within the City must be carried out only between the hours of 7 am to 5 pm Mondays to Fridays and 7 am to 12 noon on Saturdays. No work is permitted on Sundays or Public Holidays.

An application under Section 96 of the Environmental Planning and Assessment Act for a variation to these approved hours must be lodged with Council at least 3 working days in advance of the proposed work. The application must include a statement regarding the reasons for the variation sought and must be accompanied by the required fee.

Note: This S96 application may require re-notification in some circumstances.
(Reason: Ensure compliance and amenity)

21. Construction Information Sign

A clearly visible all weather sign is required to be erected in a prominent position on the site detailing:

- (a) that unauthorised entry to the work site is prohibited;
- (b) the excavator's and / or the demolisher's and / or the builder's name;
- (c) contact phone number/after hours emergency number;
- (d) licence number;
- (e) approved hours of site work; and
- (f) name, address and contact phone number of the Principal Certifying Authority (if other than Council)

ANY SUCH SIGN IS TO BE REMOVED WHEN THE WORK HAS BEEN COMPLETED.

Council may allow exceptions where normal use of the building/s concerned will continue with ongoing occupation, or the works approved are contained wholly within the building.
(Reason: Ensure compliance)

22. Building Site Fencing

Public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.

A temporary safety fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5m). Temporary fences are to have a minimum height of 1.8m and be constructed of cyclone wire or similar with fabric attached to the inside of the fence to provide dust control.

Fences are to be structurally adequate and be constructed in a good and workmanlike manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.

The public safety provisions and temporary fences must be in place and be maintained throughout construction.

(Reason: Safety)

23. Provide Erosion and Sediment Control

Erosion and sediment control devices shall be provided whilst work is being carried out in order to prevent sediment and silt from site works (including demolition and/or excavation) being conveyed by stormwater into Council's stormwater system natural watercourses, bushland and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the requirements of the Protection of Environment Operations Act 1997 and the Department of Environment, Climate Change and Water guidelines. The control devices are to be maintained in a serviceable condition AT ALL TIMES.

(Reason: Environmental protection)

24. Suitable Screens

Suitable screens and/or barricades shall be erected during demolition and building work and where required by the principal certifying authority to reduce the emission of noise, dust, water effluent or other matter from the site.

(Reason: Maintain amenity to adjoining properties)

25. Suitable Barricades

Suitable barricades shall be erected during building works on Councils footpath and where directed by the Principal Certifying Authority and/or Council to protect pedestrians using the footpath.

(Reason: Public safety)

26. Demolition Work AS 2601

Demolition works being carried out in accordance with the requirements of AS 2601 "The demolition of structures".

(Reason: Safety)

27. Asbestos Sign to be Erected

On sites involving demolition or alterations and additions to building where asbestos cement is being repaired, removed or disposed of a standard commercially manufactured sign not less than 400mm x 300mm containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" is to be erected in a prominent visible position on the site. The sign is to be erected prior to the commencement of works and is to remain in place until such time as all asbestos cement has been removed from the site to an approved waste facility.

(Reason: Public Health and safety/Ensure compliance)

28. Neighbour Notification of Asbestos Removal

The applicant/builder is to notify the adjoining residents five working days prior to demolition works involving removal of asbestos. Such notification is to be clearly written, giving the date work will commence, Work Cover NSW phone number 131 050, Councils phone number 9777 1000.

This notification is to be placed in the letterbox of every property (including every residential flat or unit) either side and immediately at the rear of the site.

(Reason: Public health)

29. Asbestos Removal

Works involving the removal of asbestos must comply with Councils Policy on handling and disposal of asbestos, and must also comply with the Code of Practice for Safe Removal of Asbestos (National Occupational Health and Safety Commission 2012 (1994).

Demolition is to be carried out in accordance with the applicable provisions of Australian Standard AS 2601 – The Demolition of Structures.

(Reason: Public health and safety/Ensure compliance)

30. Asbestos Disposal

All asbestos laden waste, including bonded or friable asbestos must be disposed of at a waste disposal site approved by the NSW Department of Environment, Climate Change and Water.

Upon completion of the asbestos removal and disposal the applicant must furnish the Principal Certifying Authority with a copy of all receipts issued by the waste disposal site as evidence of proper disposal.

(Reason: Environmental protection/Public health and safety)

31. Sweep & Clean Pavement

Sweep and clean pavement surface adjacent to the ingress and egress points of earth, mud and other materials at all times and in particular at the end of each working day or as directed by Council.

(Reason: Legal requirement)

32. Street Signs

The applicant is responsible for the protection of all regulatory / parking / street signs fronting the property. Any damaged or missing street signs as a consequence of the development and associated construction works are to be replaced at full cost to the applicant.

(Reason: Protection of public assets)

33. Tree Protection

- i) Retain and protect the following trees and vegetation throughout the demolition and construction period: All trees not indicated for removal on the approved plans or not required to be removed in accordance with the approved bushfire report.
- ii) Tree roots from protected trees greater than 50mm diameter are not to be removed unless approved by a qualified Arborist on site.
- iii) All structures are to bridge or tunnel bore under roots unless directed by a qualified Arborist on site.
- iv) Tree protection measures must comply with the AS 4970-2009 Protection of trees on development sites.

(Reason: Tree management)

34. Public Tree Protection

Unless identified by the development consent, no tree roots over 50mm diameter are to be damaged or cut and all structures are to be bridged over such roots.

Should any problems arise with regard to the existing or proposed trees on public land during the construction or bond period, the applicant is to immediately Contact Council's Open Space section and resolve the matter to Council's satisfaction.

(Reason: Tree management)

35. No Access through Public Open Space

Site access is not approved for construction of the development, through adjacent public land.

(Reason: Safety, landscape amenity, tree protection)

36. Storage of Materials on Council Land Prohibited

The dumping or storage of building materials, spoil, vegetation, green waste, or any other material in the Council reserve is prohibited.

(Reason: Safety, environmental protection)

37. Protection of rock

All existing rock outcrops outside the approved construction footprint are to be maintained and preserved during the works.

Reason: Protection of significant environmental features.

38. Hazardous Materials – Clearance Certificate

Following completion of the removal of any identified hazardous material associated with demolition works, a clearance certificate shall be issued by an appropriately qualified occupational hygienist and submitted to the Principal Certifying Authority. The clearance certificate shall verify that the site is free from any hazardous materials from the demolished buildings.

(Reason: Health and safety)

39. Unexpected Finds Protocol

An unexpected finds contingency plan should be incorporated into site redevelopment works. In the event that previously unidentified contaminated soils or materials are identified during site redevelopment, works should cease in the immediate vicinity and the affected area isolated to minimise disturbance. A suitably qualified contaminated site consultant should be engaged to assess the degree, type and extent of contamination and establish a suitable remediation plan. The Site Manager/landowner shall notify Council in writing when they become aware of any contamination.

(Reason: Environment & Health Protection)

40. Dust Control

The following measures must be taken to control the emission of dust:

- a) Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work.
- b) Any existing accumulation of dust (e.g. in ceiling voids and wall cavities) must be removed using an industrial vacuum cleaner fitted with a high efficiency particulate air (HEPA) filter.
- c) All dusty surfaces must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be allowed to enter the street or stormwater system.
- d) All stockpiles of materials that are likely to generate dust must be kept damp or covered.
- e) Demolition work must not be carried out during high winds, which may cause dust to spread beyond the boundaries of the site.

(Reason: Amenity)

41. Construction Noise

Construction noise shall be controlled to comply with the requirements as set out in the EPA Interim Construction Noise Guideline. Noise levels shall not exceed the rated background level by more than 10dB(A) at the most sensitive receiver during the standard construction hours. A noise monitoring plan shall be implemented during construction. Where noise levels may be exceeded appropriate measures to control excessive noise shall be implemented immediately.

(Reason: Amenity)

PRIOR TO OCCUPATION OF THE DEVELOPMENT

The following conditions of consent must be complied with prior to the issue of an occupation certificate.

42. Acoustic Fencing

Acoustic fencing shall be provided along the south eastern side boundary of No 23 Millwood Avenue; between the existing car parking area and No 136 Greville Street; and, opposite the car parking area adjacent to No 124 Greville Street and No 17 Range Road.

Except for the fencing adjacent to No 124 Greville Street and No 17 Range Road, the fencing shall be in accordance with the recommendations of the acoustic report prepared by Acoustic Logic dated 1 October 2014.

A 2.0m high lapped and capped timber fence shall be provided beside the southern side of the driveway off Greville Street, extending an adequate distance beyond the car park exit to block car headlights into No 17 Range Road.
(Reason: Amenity)

43. Surface Water Runoff

Surface water runoff from paved areas shall be directed away from neighbouring properties and disposed of to the satisfaction of the Principal Certifying Authority.
(Reason: Health and amenity)

44. Fire Safety Certificate Forwarded to NSW Fire and Rescue

Upon completion of the building work a Fire Safety Certificate shall be furnished by the owner to Council, and the owner must cause a copy of the certificate (together with a copy of the current fire safety schedule) to be forwarded to the Commissioner of New South Wales Fire and Rescue, and must cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building in accordance with Clause 172 of the Environmental Planning and Assessment Regulation 2000 in respect to each essential fire safety measure included in the Schedule attached to the Construction Certificate.
(Reason: Safety)

45. Bush Fire Construction

No Occupation Certificate is to be issued until the Building works have been constructed in accordance with the appropriate Bush Fire Attack level (BAL) determined by the Bush Fire Assessment Report and/or Consent Conditions.
(Reason: Bush fire safety)

46. Stormwater to Adjacent Reserve

Stormwater from the site that is to be controlled and conveyed to the reserve adjacent to the property in accordance with Council's specification, including the use of a gross pollutant pit, rock lined channel system, and associated details showing the method of disposal of all surface and roofwater.
(Reason: Prevent nuisance flooding)

47. Rainwater Re-use – Major

The applicant shall supply and install rainwater re-use tanks with a minimum storage volume of 5m³ in accordance with the approved stormwater management plans, Sydney Water's requirements and Council's DCP and Technical Standards. The rainwater reuse system shall be connected to supply non-potable use including, but not limited to toilet flushing and landscape irrigation. The rainwater tank shall be located behind the front alignment of the building to which the tank is connected. (Reason: Ensure compliance and conserve natural resources)

48. Works-As-Executed Plans – Stormwater Management Plan

Upon completion of the stormwater system, the following shall be submitted to the Principal Certifying Authority:

- Work-as-executed plans based on the approved stormwater plans from a registered surveyor to verify that the invert levels of inlet, overflow pipes and discharge outlet are constructed in accordance with design requirements. Any minor changes or variations to the approved plans should be highlighted in red on the approved stormwater plans
- Plumber's certification that the Rainwater Re-use system has been fitted with proprietary first flush device and connected to non-potable use including toilet flushings, laundry and landscape irrigations. All works completed shall comply with the current plumbing requirements of Sydney Water and Committee on Uniformity of Plumbing and Drainage Regulations of NSW.

(Reason: Record of works)

49. Vehicular Crossing

Construct a new vehicular crossing including the replacement of the existing layback and/or gutter and any associated road restoration in Greville Street as directed by Council's Engineers. All works shall be carried out in accordance with Council's specification AUS-SPEC C271 and Council's Standard Drawing SD105 - Council Vehicular Footpath Crossing and Kerb and Gutter details and any approved longitudinal sections. A separate application for the crossing including current fees and charges is to be submitted for approval by Council.

The crossing is to be 6 metres wide with no splays and is to be constructed at right angles to the street kerb in plain concrete. The new crossing shall be located no closer than 1 metre from any power pole and 2 metres from any street tree unless otherwise approved by Council. The centreline of the new crossing shall be "in-line" with the centreline of the driveway.

For the design levels of the vehicular crossing at the property boundary, the following shall be complied with:

- At back of layback – 100 mm above and parallel to the gutter invert.
- At property boundary – 250 mm above and parallel to the gutter invert.

The footpath which forms part of the proposed crossing shall have a maximum crossfall of 2.5%. The nature strip and/or footpath is to be adjusted for a minimum distance of 6 metres on both sides of the crossing to suit the new levels.

The suitability of the grade of driveway inside the property is the sole responsibility of the applicant and the required alignment levels fixed by Council may impact upon these levels.

All adjustments to the nature strip, footpath and/or public utilities' mains and services as a consequence of the development and any associated construction works shall be carried out at the full cost to the Applicant. All driveway grades and transitions must comply with AS/NZS 2890.1.

Vehicular Crossing Formwork Inspection Sheet shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to issue of any Occupation Certificate.
(Reason: Public amenity)

50. Removal of Redundant Crossings

Remove all redundant crossings together with any necessary works and reinstate the footpath, nature strip and kerb and gutter accordingly. Such work shall be carried out in accordance with Council's specification.

Vehicular Crossing Formwork Inspection Sheet shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to issue of any Occupation Certificate.
(Reason: Public amenity)

51. Inspection of Civil Works on Road Reserves

All required road pavement, footpath, kerb and gutter, drainage works and/or any necessary associated works on the road reserve shall be completed in accordance with the Council approved drawings, conditions and specification (AUS-SPEC).

Pursuant to Section 138 of the Roads Act 1993, all works carried out on the road reserve shall be inspected and approved by Council's Engineer. Upon completion, Work-as-Executed drawings prepared by a registered surveyor shall be submitted to Council for record purposes. A completion certificate shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority.
(Reason: Ensure compliance)

52. Performance Bond

The Applicant shall lodge with the Council a performance bond of \$5,000 against defective public civil works undertaken by the main Contractor for a period of twelve (12) months from the date of the completion certificate issued by Council as the road authority under the Roads Act 1993. The bond shall be lodged in the form of a cash deposit, cheque or unconditional bank guarantee which will be refundable subject to the approval of Council's Engineers at the end of the maintenance period. In this period, the Applicant is liable for any part of the work which fails to achieve the design specifications. Council shall be given full authority to make use of the bond for such restoration works within the maintenance period as deemed necessary.
(Reason: Ensure compliance and specification)

53. Turfing of Nature Strip

In the event of damages to the grass verge during works, trim the strip of land between the property boundary and the road, spread topsoil on top of the trimmed surface and lay approved turfing on the prepared surfaces. The turf shall be protected from vehicular traffic and kept watered until established.

(Reason: Public amenity)

54. Road Restoration

The applicant is to restore/repair the road pavement, kerb and gutter for the full frontage of the site along the Greville Street if any damages are made to Council's assets during the construction period.

Engineering plans and details of any restoration/repair works must be approved by the relevant road authority, Willoughby City Council for approval for any proposed works in the public road. This must include but not limited to detailed long sections and cross-section at 5m interval. All details shall comply with Council's AUS-SPEC. For the purpose of inspections carried out by Council Engineers, the corresponding fees set out in Council's current Fees and Charges Schedule are payable to Council prior to issue of the approved plans.

A completion certification must be obtained from Council confirming compliance with this condition prior to the issue of any occupation certificate.

(Reason: Road Restoration/Repair)

55. Public Tree Maintenance

The applicant's Arborist or landscape designer is to certify that:

- i All trees on public land have been adequately maintained, that there has been no net deterioration in health and condition, and that any remedial work complies with AS 4970-2009 "Protection of trees on development sites" and AS 4373 - 2007 "Pruning of Amenity Trees".

(Reason: Tree management, public asset management)

56. Completion of Landscape Works

The approved landscape works are to be consistent with the approved design, completed to a professional standard, consistent with industry best practice and published standards.

(Reason: Landscape amenity)

57. Weed Removal

All noxious weeds shall be removed from the property prior to completion of building works. Documentary evidence of compliance with this condition shall be submitted to the Principal Certifying Authority prior to the release of the final Occupation Certificate.

(Reason: Environmental protection; landscape amenity)

58. Bushland Permits & Certification

The applicant shall obtain any necessary permits from the RFS, NP&WS or similar government agencies for any clearing of vegetation to be carried out within the E2 Environmental Conservation Zone or the Riparian Zone on the site

A Vegetation Management Plan (VMP) shall be submitted to the PCA for approval prior to occupation. A qualified bush regenerator is to certify that all proposed bush regeneration works and/or maintenance of the Riparian Zone comply with the approved bushland regeneration/restoration plan and all new plant material is healthy and sourced from certified pathogen free supplies, and that all noxious and environmental weed species have been removed from the site.
(Reason: Environmental protection, landscape amenity)

59. Sound Level Output Certification

The sound level output from the equipment installed for the operation of the building shall not exceed 5dBA above the ambient background noise level measured at the boundaries of the property in accordance with the current Environment Protection Authority (EPA) guidelines for noise assessment. Certification of the level of sound output is to be provided by an appropriately qualified acoustical Consultant to the Principal Certifying Authority.
(Reason: Amenity)

60. Acoustic Works – Report

To ensure all acoustic work has been completed, certification shall be provided upon completion of the works, accompanied with evidence from suitably qualified and practising acoustic engineer, to the effect that the acoustic attenuation has been carried out in accordance with the acoustic report 20140690.2/1001A/TT/R3 by Acoustic Logic dated 1 October 2014. This includes the installation of;

- 2.1m high screen along the driveway entry or southern property boundary. Screen to extend from eastern property boundary to at least 25m past the ramp leading to the car park.
- Minimum 2.1m high screen along the property boundary between 21 and 23 Millwood Avenue.
- Minimum 1.8m high screen along the northern edge of the car park at the eastern end, extending to a minimum of 12m along the northern edge from the north-eastern corner.
- All screens shall be constructed of an imperforate material (i.e.no holes).

(Reason: Amenity)

61. Food Premises

The fitout of the food premises shall comply with:

- a) Australian Standard AS4674-2004 – Design, Construction and Fitout of Food Premises.
- b) Food Safety Standards
Standard 3.2.2 Food Safety Practices and General Requirements
Standard 3.2.3 Food Premises and Equipment.
- c) The cool rooms shall be provided with safety devices to comply with G1.2 of the BCA.
- d) No approval is granted for any remote storage area.
- e) The business being registered with NSW Food Authority.
- f) Comply with the requirements of Sydney Water – Trade Waste Section

(grease trap).

If a Private Certifier is to be used, the final inspection shall be carried out by a suitably qualified person to ensure that food standards are met. Council's Food Surveillance Officer may be engaged to carry out the required inspection. A fee shall be charged in accordance with Council's current "Food Premises Fitout Inspection Fee" as per Willoughby Council Management Plan – Fees and Charges Schedule. The fee shall be paid prior to inspection.

Note: Copies of AS 4674 may be obtained from Standards Australia
Copies of the Food Standards Code may be obtained from Australia and New Zealand Food Authority.

Alternatively, you may obtain a copy of the *'Food premises design, construction and fit-out guide'* from Council's Customer Service.
This guide is based on the above standards and sets out minimum requirements to achieve compliance

(Reason: Health and compliance)

62. Food Premises Database

Prior to an Occupation Certificate being issued, Council's Environmental Health Unit must be notified that the premises is being used for the preparation or manufacture of food for sale so that the premises can be registered on Council's food premises database.

(Reasons: Health and compliance)

ADDITIONAL CONDITIONS

The following conditions have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the planning instrument affecting the land, and relevant legislation.

63. Retaining Walls and Drainage

If the soil conditions require it:

- a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and
- b) adequate provision must be made for drainage.

(Reason: Safety)

64. Erection Wholly within the Boundaries

All works (with the exception of any works approved under S138 of the Roads Act 1993) including footings, shall be erected wholly within the boundaries of the property.

(Reason: Ensure compliance)

65. Annual Fire Safety Statement

Attention is directed to Clause 177 of the Environmental Planning and Assessment Regulation 2000 regarding the submission of an Annual Fire Safety Statement in relation to each essential fire safety measure implemented in the building or on the land on which the building is situated.

(Reason: Safety)

66. On-site Car Parking

138 car parking spaces shall be provided on the site; 134 within the existing two storey car parking area; and, 4 disabled spaces within the forecourt area adjacent to the main entry.

All car parking spaces shall be permanently marked on the pavement surface.

All vehicles associated with the premises must use the allocated parking area.

A suitable sign shall be provided at the vehicle entry point indicating the location of the general parking area and the disabled car parking area adjacent to the main entry.

(Reason: Ensure compliance)

67. Motor Cycle Parking

One motorcycle parking space per 25 car parking spaces or part thereof must be provided for motor cycle parking. These spaces are to have an area of 1.2 metres x 3 metres.

(Reason: Amenity)

68. Bicycle Lockers and Rail/Racks

The provision of 8 bicycle lockers, showers and change facilities must be provided for the use of staff. At least 2 bicycle rail/racks shall be provided for parishioners and/or visitors

(Reason: Amenity)

69. Hours of Operation

The hours of operation of the 'business premises' and 'place of public worship' are restricted to 8.30am to 8.30pm, 7 days a week.

Except for security staff and/or cleaners, all staff, parishioners and visitors shall vacate the premises no later than 9.30pm.

Any variation to these hours is to be subject to the prior consent of Council.

(Reason: Amenity)

70. Signs

A separate Development Application shall be submitted to Council for approval in respect of any proposed signs which will be visible from a public place to be designed to comply with Willoughby Development Control Plan. Please note that a

separate DA is not required for signs which are "Exempt Development" as defined under S76(2) of the Environmental Planning and Assessment Act 1979.
(Reason: Ensure compliance)

71. Vehicular Access and Garaging

Driveways and vehicular access ramps shall be designed to provide adequate ground clearance to the underside of B85 vehicles. In all respects, the proposed vehicle access and/or parking spaces shall be designed and constructed to comply with the minimum requirements of AS/NZS 2890.1 and Council's standard specification.
(Reason: Vehicular access)

72. Underground Utility Services

Locate and establish the size and levels of all utility services in the footpath and road reserve. Contact "Dial Before You Dig" Service" prior to commencement of any works.

All adjustments to public utilities' mains and services as a consequence of the development and associated construction works shall be at the full cost to the applicant.
(Reason: Protection of utilities)

73. Public Infrastructure Restoration

Prior to the release of the Damage Deposit, any damaged public infrastructure caused as a result of the construction works on the subject site (including damage caused by, but not limited to , delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) must be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Council.
(Reason: Protection of public assets)

74. Trees on Adjoining Properties

No approval is given for the removal or pruning of trees on the nature strip, adjoining reserves, or neighbouring private land.
(Reason: Environmental protection)

75. Noise Control – Offensive Noise

To minimise the noise impact on the surrounding environment, the use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to an "offensive noise" as defined under the provisions of the Protection of the Environment Operations Act 1997.
(Reason: Amenity)

76. Noise Control – Operation

To minimise the impact of noise of the development on the amenity of the adjoining properties, the business shall be operated to comply with the following;

- Staff exiting the site after 10pm shall locate their cars behind the car park screen at the eastern end of the ground floor car park.
- Patrons are not to congregate in outdoor areas in the evening periods after function or services.

- Group activities on the outdoor area at night, between 6pm – 10pm, shall be limited to the northern corner of the site with daytime outdoor activities, between 7am – 6pm, be between the main building and car park.
- All activities on site shall cease at 10pm.

(Reason: Amenity)

77. Mechanical Ventilation Systems Comprising Water Cooling

Mechanical ventilation systems comprising water cooling, and/or evaporative cooling systems shall be registered with Council on completion of the installation in accordance with the requirements of the Public Health Act 2010 and Public Health Regulation 2012.

(Reason: Health protection)

78. Hand Wash Basin/s – Food Premises

A dedicated hand wash basin/s shall be located in each area where contamination of the hands is likely to occur and must be within 5m from any place where food handlers are handling food. The hand wash basin shall be of a suitable size (500mm x 400mm), fixed to the wall at bench height and accessible at all times. The basin shall be supplied with hot and cold water under pressure through an approved hands free mixing device which can be adjusted to enable the hands to be washed under hot water. A supply of liquid soap and paper towels is to be provided adjacent to the hand wash basin.

(Reason: Health & Compliance)

79. Walls – Solid Construction – Food Premises

All tenancy perimeter walls and internal walls including partition walls shall be solid construction. The walls are to be constructed in masonry, brickwork or other approved method with all voids filled with a suitable material.

(Reason: Health & Compliance)

80. Floor, Wall & Ceiling Finishes – Food Premises

All finishes shall comply with AS4674-2004 *Table 3.1, Table 3.2 and Table 3.3*. All finishes must be able to be effectively cleaned, be unable to absorb grease, food particles or water and must be unable to provide harbourage for pests.

(Reason: Health & Compliance)

81. Waste Storage Area – Food Premises

The waste storage area shall be fitted out to comply with the following:

- The floor of the garbage room shall be impervious, coved at the intersection with the walls, graded to a floor waste connected to the sewer;
- The walls shall be finished with a smooth, impervious surface;
- The garbage area shall be ventilated, proofed against pests, have self-closing doors; and
- Provided with a hose tap connected to the water supply.

These provisions are to be in place prior to the occupation of the food premises.

(Reason: Health & Amenity)

82 Public Access

Public access is to be provided through the site, and is to connect where possible with bushland trails in Blue Gum Reserve and Greville Street Reserve.

PRESCRIBED CONDITIONS

The following conditions are prescribed by S80A of the Environmental Planning & Assessment Act for developments involving building work.

83. Compliance with Building Code of Australia

All building works must be carried out in accordance with the performance requirements of the Building Code of Australia.
(Reason: Compliance)

84. Support for Neighbouring Buildings

- (1) If development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on an adjoining property, the person having the benefit of the development consent must, at the person's own expense:
 - a) protect and support the building, structure or work from possible damage from the excavation, and
 - b) if necessary, underpin and support the building, structure or work to prevent any such damage, and
 - c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- (2) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
- (3) In this clause, "allotment of land" includes a public road and any other public place.

(Reason: Safety)

STATUTORY REQUIREMENTS

The following advisory notes are statutory requirements of the Environmental Planning & Assessment Act and the Environmental Planning & Assessment Regulations and are provided to assist applicants

85. Construction Certificate Required

This consent IS NOT an approval to carry out any building works (with the exception of demolition work). A Construction Certificate is required PRIOR TO ANY BUILDING WORKS BEING COMMENCED.

Enquiries regarding the issue of a construction certificate can be made to Council's Customer Service Centre on 9777 1000.

(Reason: Ensure compliance and statutory requirement)

86. Notify Council of Intention to Commence Works

In accordance with the provisions of Clause 81A(2) of the Environmental Planning and Assessment Act 1979 the person having the benefit of the development consent shall appoint a Principal Certifying Authority and give at least 2 days' notice to Council, in writing, of the persons intention to commence the erection of the building.
(Reason: Information and ensure compliance)

87. Occupation Certificate

The building/structure or part thereof shall not be occupied or used until an interim occupation / final occupation certificate has been issued in respect of the building or part.
(Reason: Safety)