

## **Specific Development Conditions**

### **SECTION A - General Conditions**

The conditions that follow in this Section A of the Notice of Determination are general conditions which are imposed to ensure that the development is carried out in accordance with the development consent.

#### **(1) Approved Plans of Consent**

The development must be implemented in accordance with the approved plans, specifications and details listed below and any supporting information submitted with the Development Application except as amended by any conditions attached to the Development Consent:

- (i) Architectural plans – prepared by Scott Carver Pty Ltd, Reference No.20120148, Drawing Nos. AD-DA002 AD-DA005, AD-DA110, AD-DA114, AD-DA116, AD-DA201, AD-DA202, AD-DA203, AD-DA211, AD-DA212, AD-DA213, AD-DA214, AD-DA215, AD-DA216, AD-DA910, AD-DA980, Rev A2; AD-DA101, AD-DA102, AD-DA103, AD-DA104, AD-DA105, AD-DA106, AD-DA107, AD-DA109, Rev A3; dated October 2015.
- (ii) Landscape plans – prepared by Scott Carver Pty Ltd, Reference No.20120148, Drawing Nos. LD-DA000, LD-DA100, LD-DA101, LD-DA102, LD-DA200, LD-DA600, LD-DA601, Rev.D, dated 7 October 2015
- (iii) Stormwater plans – prepared by Insync Services, Job No. 20140058, Drawing Nos. SW-000, SW-001, SW-100, SW-101, SW-102, SW-103, SW-104, SW-105, SW-106, SW-107, SW-108, SW-109, SW-110, SW-111; Issue 01, dated by Council October 2015.

### **SECTION B –Prior to the Issue of a Construction Certificate or Demolition Conditions**

The conditions that follow in this Section B of the Notice of Determination relate to the payment of fees, amendments being made to the proposal, further investigation being undertaken or the preparation of documentation that must be complied with prior to the issue of a Construction Certificate or Demolition.

**Note:** A copy of the Construction Certificate shall be forwarded to Council prior to commencement of construction where Council is not the certifier who issued the Construction Certificate.

## **(2) Asset & Building Fees**

Payment of the following amounts as detailed below:

- Restoration Deposit of \$ 72,590.00
- \*Builders Long Service Levy of \$290,500.00
- Driveway and Restoration Works Design  
Inspection Fee of \$ 3,015.00
- Blake Street Intersection Line Marking: \$ 1,300.00
- Asset Inspection Fee of \$ 110.00

\*Note: The Builders Long Service Levy quoted is based on the market value of the proposed building works and the Levy Rate applicable at the time of assessing the Development Application and may be subject to change prior to payment.

## **(3) Restoration Deposit**

A deposit of \$72,590.00 shall be lodged with Council to ensure the construction of the following works to be completed at the applicant's expense

- \* Construction of new 150mm high concrete kerb and gutter across the full street frontage in Blake Street.
- \* Construction of a new 1.5m wide concrete footpath across the full street frontage in Blake Street.
- \* Construction of a new paved footpath from the back of the kerb to the building line across the full street frontage in Railway Parade and adjacent to the residential entrance on Blake Street. The style of pavers are to continue from the adjacent substation and are to be in accordance with the "Specification Notes: CBD Major Street Paving Design" and Typical Footpath Detail" documents.
- \* Installation of turf as required across the full street frontage in Blake Street.
- \* All associated road pavement restorations.

These works are to be in accordance with plans and specifications to be issued by Council.

## **(4) Section 94 Index**

Section 94 Contributions are to be paid as detailed below in the following condition, and until paid all contributions will be indexed four (4) times a year (on the following dates) to allow for the cost increases: 31 January, 30 April, 31 July and 31 October.

## **(5) Section 94 Contributions**

As at the date of Development Consent the following contributions have been levied on the subject development under Section 94 of the Environmental Planning and Assessment Act, 1979 and the nominated Section 94 Contributions Plans:

No.8 – Kogarah Town Centre – Streetscape, Open Space & Public Domain	\$2,870,408.10
No.8 – Kogarah Town Centre – Traffic Facilities	\$ 33,806.02
No.8 – Kogarah Town Centre – Community Facilities	\$ 51,387.18
No.9 – Kogarah Libraries – Buildings	\$ 47,552.14
No.9 – Kogarah Libraries – Books	\$ 33,905.88
Ramsgate Commercial Centre Contributions Plan	
<b>TOTAL</b>	<b>\$3,037,059.32</b>

Any of the above Section 94 Contributions Plans may be inspected at the Kogarah Council Customer Service Centre, 2 Belgrave Street, Kogarah.

#### **(6) Dilapidation Report**

Prior to issue of any construction certificate or commencement of any demolition or earth works on site, the applicant shall submit, for acceptance by the Principal Certifying Authority (PCA), with a copy forwarded to Council where Council is not the PCA, a full dilapidation report on the visible and structural condition of the following properties;

- (i) All neighbouring buildings likely to be affected by the excavation as determined by the consulting engineer.

The report must be completed by a suitably qualified consulting structural/ geotechnical engineer as determined necessary by that professional based on the excavations for the proposal, the subsoil conditions and any recommendations of a geotechnical report for the site. The report shall have regard to protecting the applicant from spurious claims for structural damage and shall be verified by all stakeholders as far as practicable.”

Reports relating to properties that refuse access to carry out inspections to complete the dilapidation report, after being given reasonable written notice to request access (at least 14 days) at a reasonable time (8.00am-6.00pm), are not to hold up the release of the Construction Certificate.

#### **(7) Soil and Water Management**

A Soil and Water Management Control Plan, incorporating contour levels and prepared in accordance with Environmental Site Management Policy shall be submitted to Council detailing all measures to control soil erosion and sedimentation runoff from the site during excavation and construction activities.

#### **(8) SEPP No 65 Certification**

A design verification statement from a qualified designer shall be submitted that verifying that the plans and specifications achieve the design quality of the development for which consent was granted having regard to the design quality principles of State Environmental Planning Policy No. 65.

**(9) Adaptable Housing Compliance**

The proposed development including the twenty two (22) nominated adaptable units shall comply with the adaptable housing provisions of AS4299 – Adaptable Housing and AS1498 – Access and Mobility (Parts 1 and 2). The Adaptable Housing checklist and circulation diagram demonstrating compliance shall be submitted.

**(10) Stage 2 Detailed Investigation for Contamination**

Prior to demolition and prior to any excavation, the person with the benefit of the consent is to undertake a Stage 2 detailed investigation of the site in accordance with the *Contaminated Lands Management Act 1997*, SEPP 55– Remediation of Land and “Sampling Design Guidelines for Contaminated Sites” NSW EPA.

**(11) Remediation works & Validation Report**

If the Stage 2 detailed site investigation report identifies that remediation works are required, a Remediation Action Plan (RAP) is to be prepared by suitably qualified person, submitted to Principle Certifying Authority (PCA) and RAP must implemented according to the *Contaminated Lands Management Act 1997* & SEPP 55 – Remediation of Land.

On completion of the remediation works identified on Stage 2 detailed site investigation, a validation report shall be prepared by suitably qualified person and be submitted to Principle Certifying Authority. Validation report shall be prepared in accordance with the *Contaminated Lands Management Act 1997* & SEPP 55 – Remediation of Land.

**(12) Ausgrid – Approved Plans submitted to Ausgrid for approval**

Prior to any development being carried out, the approved plans must be submitted to Ausgrid’s local customer service office for approval to determine whether the development will affect Ausgrid’s network or easements.

**(13) Ausgrid – Check location of underground cables**

The applicant must check the location of underground cables by using Dial Before You Dig and comply with the requirements of NS156: Working Near or Around Underground Cables (Ausgrid, 2010).

**(14) Ausgrid - Noise Assessment for Substation**

Prior to the issue of a Construction Certificate (or an Occupation Certificate where a Construction Certificate is not required), the applicant must provide to Council and Ausgrid a noise assessment report. The report must address, in relation to the adjacent substation, the requirements of the amenity or intrusive criteria in section 2.4 of the *NSW Industrial Noise Policy* (EPA, 2000).

**(15) Ausgrid – Radiation protection standards**

The development must comply with both the Reference Levels and the precautionary requirements of the *Draft Radiation Protection Standard for Exposure Limits to Electric and Magnetic Fields 0 Hz – 3kHz* (ARPANSA, 2006).

**(16) Ausgrid – Tree Safety**

The development must comply with the *Tree Safety Management Plan* (Ausgrid 2007).

**(17) Ausgrid – Substation earthing**

The development must be carried out in accordance with *ENA EGI-2006: Substation Earthing Guide* (Energy Networks Association, 2006)

**(18) Construction Management Plan**

Prior to the issue of any construction certificate, any demolition or earthworks on the site, the applicant shall submit to Council for approval a Construction Management Plan detailing the following:

- The route of all trucks conveying materials to and from the site.
- Location of loading and unloading areas for trucks.
- Parking areas for tradesmen and other construction vehicles.
- Traffic Control Plans by an RMS accredited person

Demonstration that pedestrian access past the site is maintained during demolition and construction works.

**(19) Installation of a Works Zone**

The installation of a "Works Zone" for the site will require the approval from the Kogarah Local Traffic Committee. As a result, the applicant shall provide a formal request to Council's Traffic Section with the duration and exact location of the required "Works Zone" at least 6 weeks prior to its required installation date.

**(20) Detailed Stormwater Plan – Council Stormwater Assets**

A Construction Certificate shall not be issued until Council's Catchments and Waterways Department has given written approval for the required modification to Council's stormwater system to allow for the development and its stormwater connection. In this regard a Detailed Stormwater Plan is to be submitted to Council that addresses the following matters:

- The existing Council stormwater pit is within the driveway of the loading dock on Blake Street and will need to be relocated. A new stormwater pit to Council's specifications is to be constructed on the northern side of this driveway. Any existing connections to the Council pit are to be reinstated.

- Further survey information will be required of the existing Council stormwater pits and drainage network in Blake Street. A site inspection has revealed that the Council pipe where the connection is proposed is very shallow, and that the proposed connection is not possible.
- Council's stormwater system will need to be modified to allow for the site's stormwater connection. A detailed design of these works will need to be lodged to Council including a long section of the proposed works. The design would need to include accurate locations and depths of all underground services in the vicinity of the works. It would also need to show that the proposal would not decrease the capacity of the Council stormwater system. Connection to Council's stormwater system should be made at or above the top third of the Council outlet pipe if possible.

The design of the On-site Detention system is to be amended to allow for its Top Water level to be lower to allow for the collection of the drainage runoff from the landscaped podium and the other paved ground surfaces on Level One.

**(21) Protection of Council Street Drainage System - Bond**

"Protection of Council's Street Drainage system will be the responsibility of the applicant. Sufficient asset protection measures must be undertaken by the applicant during construction. A security bond of \$12,000 will be required for the required stormwater works within the Council road reserve. This will be required prior to issue of the Construction Certificate and may be released upon a final inspection of these works by Council's Infrastructure Compliance Co-ordinator."

**(22) Ausgrid Conduits**

A copy of Ausgrid's written requirements are to be forwarded to Council with regard to the laying of underground low voltage electricity conduits within the footpath area across the development site. Ausgrid will supply the conduits at no charge, subject to the applicant restoring the footpath after the installation and these provisions are to be put into effect prior to the release of the Occupation Certificate.

**(23) Ausgrid Sub Station**

The applicant is to confer with Ausgrid to determine if an electricity distribution substation is required. If so, shall be incorporated within the Construction Certificate and it will be necessary for the final film survey plan to be endorsed with an area having dimensions 5m x 4m over the location of the proposed electricity distribution substation to be dedicated to Council as public roadway, or as otherwise agreed with Ausgrid. Ausgrid's requirements are to be met prior to release of the occupation certificate.

**(24) Clearances to Overhead Mains**

If any part of the proposed structure, within 5m of a street frontage, is higher than 3m above footway level, the applicant is to confer with Ausgrid to determine if satisfactory clearances to any existing overhead mains will be affected. If so, the applicant is to make arrangements with Ausgrid for any necessary modification to the electrical network in question.

These works to be at the applicant's expense and Ausgrid's requirements are to be met prior to actual construction commencing on site or as agreed with Ausgrid.

**(25) Sydney Water (DA Only)**

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect any Sydney Water asset's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

- Quick Check agents details - see Building Developing and plumbing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building Developing and Plumbing then Building and Renovating or telephone 13 20 92.

**SECTION C – Prior to Commencement of Construction Conditions**

The conditions that follow in this Section C of the Notice of Determination are specific to the proposed development and must be complied with prior to the commencement of construction on the site.

**(26) Geotechnical Report**

Excavation of the site is to extend only to that area required for building works depicted upon the approved plans. All excess excavated material shall be removed from the site. In this regard, all excavated waste materials shall be disposed of at an approved Waste Depot.

No rock breaking or other machinery for the excavation, drilling, cutting or removal of rock shall be used on the site prior to the acceptance by the principal certifying authority of the following documentation:

- (i) A report by a geotechnical engineer detailing the measures recommended in undertaking the works so as to prevent damage to any adjoining or nearby buildings.
- (ii) The type and size of machinery proposed.
- (iii) The routes of all trucks to convey material to and from the site.

**(27) Detailed Stormwater Plan**

The submitted stormwater plan has been assessed as a concept plan only and no detailed assessment of the design has been undertaken.

A Stormwater Detailed Plan and supporting information of the proposed on-site stormwater management system including any measures to control quality and quantity of the stormwater runoff discharged from the site are to be submitted. The required details in this Plan and the relevant checklist are presented in Council's Water Management Policy.

The design parameters and the general concept of the proposed on-site stormwater management system are to be the same as documented in the approved Stormwater Concept Plan for the proposed development. Any variation to the approved concept design is required to be justified and supported by appropriate details, calculations and information to allow proper assessment of the revised concept design.

**(28) Certification of Detailed Plan**

The detailed stormwater plan is to be certified by a Chartered Professional Engineer. A statement, that the stormwater system has been designed in accordance with Council's Water Management Policy and satisfies the provisions and objectives of that policy, must be included in the Stormwater Detailed Plan.

**(29) Rainwater Tank – Required for other than BASIX.**

A 41.5kL rainwater tank for rainwater storage and reuse is to be provided in accordance with the Stormwater Concept Plan and associated Design Assessment Report. The overflow from the tank is to be directed to the site drainage system. The mains top-up system is to be installed according to Sydney Water's guidelines entitled *Guidelines for rainwater tank on residential properties: Plumbing Requirements* April 2003 and its amendment November 2003.

**(30) On-Site Detention**

A 83.0m<sup>3</sup> On-Site Detention system with a Maximum Site Discharge of 77 Litres per Second is to be provided in accordance with the Stormwater Concept Plan and associated Design Assessment Report. The overflow is to be directed to the site drainage system.

**(31) Stormwater Discharge – Performance Requirements**

Stormwater discharging from the site must reach the following performance criteria as a minimum:

- Total Suspended Solids (TSS) yearly average concentration in runoff from developed sites shall not exceed 34 mg/L.
- Total Nitrogen (TN) yearly average concentration in runoff from developed sites shall not exceed 2 mg/L.



- Total Phosphorus (TP) yearly average concentration in runoff from developed sites shall not exceed 200 µg/L.
- 90% of gross pollutant loads (litter and heavy sediments), oil and grease are retained on site.

A copy of the MUSIC Results are to be forwarded to Council's Catchments and Waterways Department.

All treatment devices must be located downstream of all car parking areas and other highly trafficked surfaces. "For more information on Kogarah City Councils Stormwater Quality Objectives, please refer to Kogarah City Councils Water Management Policy - Policy Provisions and Practice Note #2 "Water Quality Control Systems" available on our website.

### **(32) Certification by Mechanical Engineer**

To ensure that adequate provision is made for ventilation of the building, mechanical and /or natural ventilation shall be provided. These systems shall be designed in accordance with the provisions of:-

- a) The Building Code of Australia;
- b) Australian Standard AS 1668 Part 1 - 1998;
- c) Australian Standard AS 1668 Part 2 - 2002;
- d) The Public Health Act 2010;
- e) The Public Health Regulation 2012;
- f) Australian Standard 3666.1 - 2002;
- g) Australian Standard 3666.2 - 2002;
- h) Australian Standard 3666.3 - 2000.

Details of all mechanical and /or natural ventilation systems, along with specific certification, provided by an appropriately qualified person, verifying compliance with the abovementioned requirements.

### **(33) Structural Engineer's Details**

Engineer's details prepared by a practising Structural Engineer being used to construct all reinforced concrete work, structural beams, columns & other structural members. The details are to be submitted to the Principal Certifying Authority for approval prior to construction of the specified works.

A copy shall be forwarded to Council where Council is not the PCA.

### **(34) Protection of Site – Hoarding**

A hoarding or fence must be erected between the work site and the public place if:

- the work involved in the erection or demolition of a building is likely to cause obstruction or inconvenience to pedestrian or vehicular traffic in a public place;  
or
- if it involves the enclosure of a public place.

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

Any such hoarding, fence or awning is to be removed when the work has been completed.

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

### **(35) Ground Anchors**

Should the proposed development require the installation of ground anchors to a road reserve the following must be complied with:

- The appropriate Roads Act 1993 approvals shall be obtained.
- The anchoring is to be de-stressed once no longer required.
- The work is to be clear of all services contained within the public roadway and the required dial before you dig investigations are to be undertaken in relation to any services that may be in the proposed anchor locations.
- Public liability insurances being held by the builder/ developer with a copy being submitted to Council.
- A works-as-executed plan showing the exact location of all anchoring points being submitted to Council upon their installation.

It is to be noted that if anchoring into adjacent private properties is required any such approval would need to be obtained from the owners of this property.

### **(36) Driveway**

In respect to vehicular access to the proposed development the gutter across the driveway are to be reconstructed between the kerb and street alignment to Council's specifications.

In this regard a separate driveway application is to be lodged with Council for works outside the property boundary. Furthermore the design boundary level is to be received from Council prior to construction of the internal driveway.

### **(37) Council Infrastructure Inspection**

Prior to the commencement of any works an authorised representative of the applicant is to organise and attend a meeting on site with Council's Infrastructure Compliance Co-ordinator to discuss protection of Council's infrastructure. To organise this meeting contact Council's Customer Service Centre on 9330 9400.

**(38) Public Liability Insurance**

All nominated contractors / applicants carrying out driveway and/or restoration works on Council property must carry public liability insurance with a minimum cover of twenty million dollars (\$20,000,000.00). In this regard, prior to commencement of works, the principal contractor is to lodge an “Application for the Construction of Work by Private Contractor” to Council, which includes submitting evidence of their current insurance. The principal contractor must ensure that sub-contractors are also adequately insured.

**(39) Soil Erosion Controls**

Prior to commencement of any site works, erosion and sediment controls are to be installed in accordance with Environmental Site Management Policy and any approved Soil & Water Management Plan and shall incorporate:

- Measures to prevent sediment and other debris escaping from the cleared or disturbed areas into drainage systems or waterways;
- Controls to prevent tracking of sand, soil, aggregates, etc, by vehicles onto adjoining roadways.

**SECTION D – Construction and Operational Conditions**

The conditions that follow in this Section D of the Notice of Determination are imposed to ensure the development is constructed and operates having regard to relevant legislation and does not unreasonably impact on the amenity of the locality or environment during the construction phase or the operation of the use.

**(40) Inspections -Multi Unit**

The following lists of inspections are the **MANDATORY CRITICAL STAGE INSPECTIONS** that **MUST** be carried out by the Principal Certifying Authority (PCA).

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

Certificates from your engineer or subcontractor are **NOT** acceptable in the first instance for the above inspections. Failure to have your PCA carry out these inspections could result in a delay or refusal to issue an Occupation Certificate.

In addition to the above, it is recommended that the following inspections be carried out for the subject development;

- ☐ Erosion Control
- ☐ Earthworks/Excavation
- ☐ Building setout
- ☐ Concrete reinforcement
- ☐ Timber and/or steel framework
- ☐ Mechanical/Hydraulic work
- ☐ Driveways
- ☐ Landscaping
- ☐ External Finishes

**(41) Storage of materials on Public Road**

All building materials or waste containers must be stored within the confines of the site. The storage of such building materials, waste containers or equipment associated with the project upon the public roadway, including the pedestrian footway or unpaved verge, is prohibited.

**(42) Use of Crane on Public Road**

Prior approval must be obtained from Council a minimum of 24 hours before the use on any site of a crane, hoist or similar machinery that will be used to transfer materials across Council's footpath. This includes cranes that are situated on roadways, footpaths and road reserves.

Any application for approval must be accompanied by the following information:-

- Site sketch indicating the proposed location of the crane, pedestrian controls and traffic controls;
- A copy of current public liability insurance with minimum cover of twenty million dollars (\$20,000,000) indemnifying Council in the event of an incident;
- A copy of an RMS accredited traffic control plan;
- Proof that the local area command of the NSW Police have been advised of the proposal.

The use of a crane, hoist or similar machinery on any site without prior approval is prohibited.

**(43) Building Height - Surveyors Certificate**

The proposed building is not to be erected at a height greater than that indicated on the approved plan. A certificate from a Registered Surveyor verifying the correct Reduced Level of the ground floor slab and boundary clearances shall be submitted prior to inspection of the steel reinforcement.

**(44) Excavation of Site**

Excavation of the site is to extend only to that area required for building works depicted upon the approved plans. All excess excavated material shall be removed from the site. In this regard, all excavated waste materials shall be disposed of at an approved Waste Depot (details are available from Council).

All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

If the soil conditions require it, retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil shall be provided and adequate provision shall be made for drainage.

**(45) Stormwater to Kerb**

Any stormwater connections to the kerb and gutter are to be in accordance with Council's *'Specification for Construction by Private Contractors'*.

**(46) Redundant Driveway**

All existing vehicular crossings adjacent to the subject premises that have become redundant shall be removed and the footway and kerb and gutter reinstated at the developer/applicants expense.

**(47) Work within Road Reserve**

A Development Consent or any related Construction Certificate does not allow for the erection of a structure or to carry out work in, on or over a public road. Should a structure or work be required a separate approval under S138 of the Road Act 1993 must be granted by Council prior to the commencement of any works within the road reserve. Applications may be made at Council's Customer Service Centre.

**(48) Damage within Road Reserve & Council Assets**

The owner shall bear the cost of restoring any footpath, roadway and any other Council assets damaged due to works at, near or associated with the site. This may include works by Public Utility Authorities in the course of providing services to the site.

**(49) Public Utility & Telecommunication Assets**

The owner shall bear the cost of any relocation or modification required to any Public Utility Authority assets including telecommunication lines & cables and restoring any footpath, roadway and any other Council assets damaged due to works at, near or associated with the site.

**(50) Stormwater Drainage**

All roof water and surface water from paved or concreted areas being disposed of to the street gutter by means of a sealed pipeline constructed in accordance with AS/NZS 3500.3.2. The line must pass through a silt arrestor pit, a standard design is available within Council's Water Management Policy.

**(51) Garbage Room**

The proposed garbage room being provided with the following:-

- a) A smooth concrete floor graded and drained to a floor waste connected to the sewer of the Water Board.
- b) The walls being cement rendered with the intersection of the walls and floor being coved to a radius of not less than 25mm.
- c) The door being close fitting to prevent the access of rats and mice.
- d) A cold water hose cock being provided for the cleaning of containers and the room itself.
- e) Ventilation being provided by means of direct connection to the outside air to the satisfaction of Council.
- f) A sign, minimum size 600mm x 600mm, directing residents not to place recyclables in garbage carts and encouraging residents to recycle. Details of an acceptable wording for the sign are available from Council.

**(52) No 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 "offensive noise" as defined under the provisions of the Protection of the Environment Operations Act 1997.

**(53) Hours of Construction**

Construction may only be carried out between 7.00 am and 5.00 pm on Monday to Saturday and no construction is to be carried out at any time on a Sunday or a public holiday.

**(54) Restriction on Hours of Excavation (other than single residential dwelling)**

Despite the general hours of construction above,

- a) The hours where rock breaking, cutting, hammering and drilling occur shall be limited to 9:00am – 4:00pm on weekdays only.

- b) A noise management plan for the above works, prepared by a suitably qualified acoustical practitioner in accordance with the Interim Noise Construction Guidelines prepared by the Department of Environment & Climate Change NSW, must be submitted to Council prior to commencement of any excavation works.

**(55) Provision of Amenities**

Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site or as specified by Workcover requirements .

- each toilet provided must be a standard flushing toilet and must be connected:
- to a public sewer; or
- if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council; or
- if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

The provision of toilet facilities must be completed before any other work is commenced.

**(56) Letter Boxes**

Suitable letter box facilities (including Owner's Corporation in the case of strata units) shall be provided in accordance with Australia Post specifications.

**(57) Avoid Annoyance from lighting**

Any lighting of the premises shall be installed in accordance with Australian Standard AS 4282 – 1997: Control of the Obtrusive Effects of Outdoor Lighting so as to avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads. Flashing, moving or intermittent lights or signs are prohibited. The intensity, colour or hours of illumination of the lights shall be varied at Council's discretion if Council considers there to be adverse affects on the amenity of the area.

**(58) Oil/Silt Separator**

An oil/silt separator sized to the catchment area must be specified on the Stormwater Detailed Plans and located downstream of the proposed basement car park and prior to discharge to councils stormwater system.

**(59) Car Wash**

To ensure that waste water is treated in an acceptable manner the car wash bay shall be designed and constructed to ensure that waste water is discharged to the sewer in accordance with the requirements of Sydney Water. Evidence of a permit issued by Sydney Water shall be submitted.

**(60) Basix Certificate Details – DA Only**

Construction of building works given Development Consent must be carried out in accordance with a valid and current BASIX certificate and all required commitments must be satisfied.

**(61) Air Conditioning / Offensive Noise**

Air conditioning plant and equipment shall be installed and operated so as to not create an offensive noise as defined under the Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Noise Control) Regulation 2008.

**(62) Swimming Pool/Spa shall be Fenced**

The proposed swimming pool and/or spa shall be fenced and constructed in accordance with the Swimming Pools Act, 1992 and the Swimming Pools Regulation 2008. If required, you may confer with Council for assistance with respect to the location of pool fencing.

**(63) Pool Filter/Pump no Offensive Noise**

Pool plant and equipment shall be enclosed in a sound absorbing enclosure or installed within a building to minimise noise emissions and possible nuisance to nearby neighbours.

The pool plant and equipment shall not be operated during the following hours if noise emitted can be heard within a habitable room in any other residential premises or as otherwise stated in the *Protection of the Environment Operations (Noise Control) Regulation 2008*:

- Before 8:00am or after 8:00pm on any Sunday and public holiday;
- Before 7:00am or after 8:00pm on any other day.

**(64) Building Finishes**

The building finishes are to be constructed in accordance with the colour board and perspective submitted with the Development Application

**(65) Allocation of Car Parking Spaces**

A minimum of 312 off street car parking spaces shall be constructed, drained, marked and maintained at all times in accordance with the approved plans. These spaces shall be allocated as follows:

- a) Two hundred and twenty nine (229) are to be allocated to the residential units.
- b) Eleven (11) are to be allocated as visitor parking spaces.
- c) Sixty (60) parking spaces are to be allocated to the RSL Club.
- d) Twelve (12) spaces to the Training Facility.



**(66) Residential Car Parking Spaces – Town Centre**

A minimum of one (1) unrestricted car parking space shall be allocated to each residential unit.

**(67) Residential Car Parking Spaces**

A minimum of one (1) unrestricted car parking space shall be allocated to each residential unit. Where a three (3) or more bedroom residential unit is provided within the development it is to be allocated two parking spaces in the first instance.

**(68) Commercial/Retail Parking Spaces**

The required commercial/retail car parking spaces shall be allocated evenly amongst the commercial/retail units based on the gross floor area of each unit.

**(69) Designated Parking Area**

The areas designated as parking areas, loading/unloading areas, and the access to such areas are not to be used at any time for the purposes of storage, or for other commercial uses, or leased to any person, company or organisation not directly associated with the subject site.

**(70) Visitor Parking**

A directional sign shall be provided at the front of the site indicating the availability of visitor and/or customer parking on site. Those visitor and/or customer spaces shall be marked or signposted.

**(71) Sydney Airports**

Any temporary structure or construction equipment that exceeds the approved height of the development may require approval from Sydney Airports Corporation in accordance with the Civil Aviation (Buildings Control) Regulations Statutory Rules 1988 No.161.

Note: Construction cranes may be required to operate at a height significantly higher than that of the proposed control activity and consequently, may not be approved under the Airports (Protection of Airspace) Regulations.

**(72) Noise & Vibration**

To minimise the impact of noise and vibration from the adjoining major road and railway corridor and RSL Club on the ground level on the occupants of the residential apartments in the development, the proposed development shall be constructed in accordance with the recommendations of the acoustic report reference No. 20150556.1/1305A/R0/GC prepared by Acoustic Logic, titled “Kogarah RSL Environmental Noise Impact Assessment” dated 13 May 2015 submitted with the development application.

**(73) Loading and Unloading Operations**

Loading and unloading operations shall be confined within the property and within any defined loading areas indicated on the approved plans a. No loading or unloading operations shall be undertaken between 10pm and 7am, seven days a week.

**(74) Installation of Convex Mirrors**

Convex mirrors shall be installed at the top and bottom of all driveway ramps between the carpark levels to improve driver visibility.

**(75) Upgrade of Light Poles**

The upgrading of the light poles in Blake Street and Railway Parade shall be at the applicant's expense.

**(76) Stormwater Discharge**

All roof water and surface water from paved or concreted areas are to be disposed of in accordance with the Detailed Stormwater Plan by means of a sealed pipeline constructed in accordance with AS/NZS 3500.3.2015.

**(77) Reconstruction Works – Council Stormwater System**

The reconstruction works on Council's stormwater system are to be carried out by a qualified plumber, drainer or civil construction company with a minimum limit of twenty million dollar public and product liability insurance. In this regard, qualification details of the person / company carrying out these works along with a certificate of currency for the product and public liability insurance are to be submitted to Council's Catchment and Waterways Section prior to the works commencing.

Prior to the works commencing the contractor who will be carrying out the works is required to organise and attend an onsite meeting with a representative of Council's Catchments and Waterways section. Contact phone number (02) 9330 9470.

All Inspections of Council's Stormwater system deviation will be required to be undertaken by a Council stormwater engineer. Inspections will be required at the following points in construction:

- a. Completion of laying of new Reinforced Concrete pipes and any associated concrete form work.
- b. Completion of backfilling of trenches.
- c. Prior to casting or installation of pits.
- d. Completion of excavation and demolition of existing redundant sections of Council's stormwater pipes.

The applicant is to organise all inspections and give a minimum of 24 hours notice for each.

## **SECTION E – Prior to Occupation or Subdivision Certificate Conditions**

The conditions that follow in this Section E of the Notice of Determination relate to conditions that ensure that the development is completed in accordance with the requirements of the Development Consent prior to the issue of either an Occupation Certificate or a Subdivision Certificate.

### **(78) Adaptable Housing Certification**

Certification shall be provided by a person suitably accredited by the Association of Consultants in Access Australia, verifying that the development has been constructed in accordance with the requirements of AS4299 - *Adaptable Housing* and AS1428 - *Design for Access and Mobility* and in accordance with the report and checklist submitted with the Construction Certificate.

### **(79) SEPP No 65 Certification**

A design verification statement from a qualified designer shall be submitted verifying that the development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principals of State Environmental Planning Policy No. 65.

### **(80) Licensed Premises – Plan of Management**

A plan of management shall be submitted to Council which details measures to be implemented to:

- Ensure compliance with the relevant conditions of approval,
- Minimise the potential impact of the operation of the premises on nearby residents,
- Effectively minimise and manage anti-social behaviour,
- Minimise noise emissions and associated nuisances,
- Effectively manage and respond to resident complaints,
- Ensure responsible service of alcohol and harm minimisation, and
- Patron conductivity and security.

### **(81) Completion of Landscaping**

Certification shall be provided from a suitably qualified and experienced Landscape Designer or Landscape Architect. This Certification shall verify that the landscape works have been completed in accordance with the approved detailed landscape plan and relevant conditions of this consent.

Note: A Landscape Designer is a person eligible for membership of the Australian Institute of Landscape Designers and Managers and a Landscape Architect is a person eligible for membership of the Australian Institute of Landscape Architects as a Registered Landscape Architect.

**(82) Section 73 Compliance Certificate**

A Section 73 Compliance Certificate under the Sydney Water Act, 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to “Water Servicing Coordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.

Following application a “Notice of Requirements” will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water / sewer infrastructure 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.

**(83) Stormwater Compliance Certificate**

A Stormwater Compliance Certificate is to be obtained for the constructed on-site stormwater management systems in conjunction with the works-as-executed drawings and the final inspection. This Certificate is to be signed by an accredited hydraulic engineer (preferably be the original design consultant) and submitted to the Principal Certifying Authority. Copy of the standard Stormwater Compliance Certificate is shown in Council’s Water Management Policy.

If the proposed works involve Council owned stormwater infrastructure (or infrastructure to be owned by Council), then the applicant should organise inspection with Council and pay Council the appropriate inspection fee. Inspection is to be carried out at the following specified stages:

- Prior to backfilling of pipelines trenches.
- Prior to backfilling of drainage connection to pipeline or channels.
- Prior to casting pits and other concrete structures including kerb and gutter, aprons, pathways, vehicular crossings, dish crossings and pathway steps.

**(84) Positive Covenant**

A Restriction on Use of the land and Positive Covenant shall be created and registered on the title of the property, which places the responsibility for the maintenance of the on-site stormwater management system on the owner of the land. The terms of the instrument are to be generally in accordance with the Council’s standard terms and conditions for Restriction on Use of the land and Positive Covenant shown in Council’s Water Management Policy.

**(85) Food Business Registration**

The food business must be registered with Council’s Environment Health Officers in accordance with the *Food Act 2003*.

**(86) Maintenance Schedule**

A Maintenance Schedule for the proposed on-site stormwater management measures is to be prepared and submitted. The Maintenance Schedule shall outline the required maintenance works, how and when these will be done and who will be carrying out these maintenance works.

**(87) Acoustic Validation Report**

A report prepared by an accredited Acoustic Consultant shall be submitted to Principal Certifying Authority (PCA) certifying that the development complies with the requirements of State Environmental Planning Policy (Infrastructure) 2007, conditions of development consent and recommendations of acoustic report reference No. 20150556.1/1305A/R0/GC prepared by Acoustic Logic, titled “Kogarah RSL Environmental Noise Impact Assessment” dated 13 May 2015. The validation report shall include post construction validation test results.

**(88) Loading Dock Plan of Management**

A Loading Dock “Plan of Management” shall be submitted to Council for approval prior to operation of the development.

**(89) Screening - Wind Attenuation**

The recommendations made by *Windtech* in their Pedestrian Wind Environment Statement dated 20 May 2015 shall be implemented with respect to the installation of screening measures at the recommended points of the building.

**(90) Fire Safety Schedule**

Certain items of equipment or forms of construction shall be nominated as "fire safety measures" within the building.

Upon completion of works, and before occupation of the building, each of the fire safety measures is required to be certified by an appropriately competent person (chosen by the owner of the building). The certificate is to state that the measure was inspected and found to be designed, installed and capable of operating to a standard not less than that required by the relevant regulations.

Further, it is the responsibility of the owner of the building that each fire safety measure is again inspected and certified as to its condition every twelve (12) months following the submission to Council of the original certification.

**(91) BASIX Completion Receipt**

In accordance with clause 154C of the Environmental Planning and Assessment Regulation 2000, prior to issuing a final occupation certificate the certifying authority must apply to the Director-General for a BASIX completion receipt.

**SECTION F – Prescribed Conditions**

The following are prescribed conditions of development consent pursuant to s.80A(11) of the Environmental Planning and Assessment Act 1979 and cl.98 of the Environmental Planning and Assessment Regulation 2000.

**(92) Compliance with the Building Code of Australia**

The development must be carried out in accordance with the provisions of the Building Code of Australia.

**(93) Insurance Requirements under Home Building Act 1989**

The builder or person who does the residential building work must comply with the applicable requirements of Part 6 of the Home Building Act, 1989. This means that a contract of insurance must be in force in accordance with Part 6 of that Act before any building work authorised to be carried out by the consent commences.

It is the responsibility of the builder or person who is to do the work to satisfy Council that they have complied with the applicable requirements of Part 6 of the Home Building Act, 1989.

If Council is the Principal Certifying Authority it will not carry out any inspections until a copy of the insurance certificate is received.

**(94) Erection of Signs**

A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

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

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

**(95) Notification of Home Building Act 1989 Requirements**

Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:

- (a) in the case of work for which a principal contractor is required to be appointed:
  - (i) the name and licence number of the principal contractor, and
  - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
- (b) in the case of work to be done by an owner-builder:
  - (i) the name of the owner-builder, and
  - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified above becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

**(96) Shoring and Adequacy of Adjoining Property**

If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- (a) protect and support the adjoining premises from possible damage from the excavation, and
- (b) where necessary, underpin the adjoining premises to prevent any such damage.

The above condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

**(97) Council Notification of Construction**

The erection of a building which is the subject of a Development Consent must not be commenced until:

- a) Detailed plans and specifications of the building have been endorsed with a construction certificate by Council or an accredited certifier.
- b) the person having the benefit of the development consent has:
  - appointed a Principal Certifying Authority (PCA), and
  - notified Council (if Council is not the PCA) *in writing* of the appointment, and

- given at least 2 days notice to Council of their intention to commence the erection of the building. The notice may be in writing or by phone.

## **SECTION G – Demolition Conditions**

The following conditions are imposed to ensure the demolition associated with the proposed development is carried out having regard to relevant legislation and does not unreasonably impact on the amenity of the locality or environment.

### **(98) Demolition Conditions-Asbestos**

- (a) Demolition of buildings where asbestos is determined to be present should only occur 7am – 5pm Monday to Saturdays, and must not occur on Sundays or Public Holidays, to ensure that the persons carrying out the work have access to WorkCover professionals if required.
- (b) All asbestos removal shall be undertaken in accordance with the requirements of WorkCover’s ‘How to Safely Remove Asbestos’ Code of Practice and Council’s Asbestos Policy.
- (c) Written notice must be provided to Kogarah Council five (5) working days (excluding public holidays) prior to commencement of any works.

Written notice is to include the following details:

- Date the demolition will commence
- Name, address, contact details (including after hours) and licence number of the demolisher and asbestos removalist (if different)

Work must not commence prior to the nominated demolition date.

**Note:** it is the responsibility of the persons undertaking demolition work to obtain the relevant WorkCover licences and permits.

- (d) The owner is to notify all owners and occupiers of premises on either side, opposite and at the rear of the development site five (5) working days prior to demolition. Such notification is to be clearly written on A4 size paper stating the date the demolition will commence and is to be placed in the letterbox of every premises (including every residential flat or unit, if any). The demolition must not commence prior to the date and time stated in the notification.
- (e) A demolition or asbestos removal contractor licensed under the *Work Health and Safety Regulations 2011* must undertake removal of more than 10m<sup>2</sup> of bonded asbestos (or otherwise specified by WorkCover or relevant legislation).

Removal of friable asbestos material must only be undertaken by a contractor that holds a current AS1 Friable Asbestos Removal Licence.



- (f) Demolition sites that involve the removal of asbestos must display a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos has been removed from the site to an approved waste facility.
- (g) All asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations (Waste) Regulation 2005. All receipts detailing method and location of disposal must be submitted to Council as evidence of correct disposal.
- (h) A Clearance Certificate or Statement, prepared by a suitably qualified occupational hygienist must be provided to Council upon completion of demolition and asbestos related works, which confirms that the relevant legislative requirements in relation to safe removal and disposal have been satisfied.
- (i) A Work Cover Licensed Demolisher is to be engaged to carry out any demolition works using mechanical equipment where the structure is over 4 metres in height or to carry out any manual demolition works on a structure over 10 metres in height.
- (j) The provision of temporary fences and footpath crossing pads prior to commencement of demolition operations. Further, no waste materials or bins are to be placed on Council's roadways or footpaths.
- (k) No waste materials are to be burnt on site.
- (l) No trees as defined by Council's Tree Preservation Order being removed or damaged on the site without the prior written approval of Council.
- (m) Compliance with the provisions of Australian Standard AS 2601-1991:"The Demolition of Structures", which requires notification of demolition to be submitted at least seven (7) days prior to demolition to the NSW Workcover Authority.
- (n) Effective erosion and sediment control measures are to be undertaken during the course of demolition and building works in accordance with Council's 'Environmental Site Management Policy'. Failure to implement appropriate measures may result in a \$750 Penalty Infringement Notice (individual) and/or \$1,500 (corporation) being issued and/or the incurring of a maximum penalty of \$250,000 (corporation) or \$120,000 (individual) through the Land and Environment Court.
- (o) Appropriate measures are to be implemented on site to control dust and other air borne matter and demolition material is to be stored and stacked in a manner so as to minimise the risk of damage or nuisance to neighbouring properties.

- (p) Council being notified upon completion of the demolition works so that an inspection can be made of the roadway and footpath.
- (q) All non-recyclable demolition material being disposed of at an approved waste disposal depot. Details as to the method and location of disposal of demolition materials (weight dockets, receipts, etc.) should be kept as evidence of approved method of disposal.
- (r) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - (a) showing the name, address and telephone number of the principal certifying authority for the work, and
  - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (c) stating that unauthorised entry to the work site is prohibited.

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

## **END CONDITIONS**

### **Advisory Notes**

#### **(i) Worksite Safety**

It is usually the owner/applicant's responsibility to ensure that the development site is a safe working environment. This may be by the engagement of an appropriately competent principal contractor. There are various legislative and WorkCover requirements with respect to maintaining a safe work-site. Details of these requirements and legislation, as well as, guidance and advisory material, can be found on the WorkCover Website [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au).

#### **(ii) Worksite Safety Scaffolding**

Council is committed to worksite safety and requiring that all scaffolding is installed by competent and qualified professionals with the relative appropriate standards. The applicable Australian Standards for the scaffolding is AS/NZS1576 in respect of the design of the scaffolding and AS/NZS4576 with respect to the erection of the scaffolding. Also, you should ensure that those erecting scaffolding are appropriately qualified and have the appropriate qualifications to erect scaffolding. For further information regarding this please see [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au).

**(iii) Kid Safe NSW**

Kidsafe NSW has produced Safer Homes for Children Design and Construction Guidelines for builders, renovators and home owners. The guidelines identify common hazards for children and recommended practical design applications to improve child safety for all areas of the home. Free copies of the Guidelines are available from Council's Customer Service Centre, or contact Kidsafe on (02) 9845 0890 or their website <http://www.kidsafensw.org/homesafety/index.htm> for more information.

**(iv) Dial Before You Dig**

Underground pipes and cables may exist in the area. In your own interest and for safety, telephone 1100 before excavation or erection of structures. Information on the location of underground pipes and cables can also be obtained by fax on 1300 652 077 or through the following website [www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au).

**(v) Disability Discrimination Act**

This authorisation does not imply that the proposal complies with *Disability Discrimination Act 1992*. The Proponent is responsible to ensure compliance with this and other anti-discrimination legislation. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS 1428.1 – Design for Access and Mobility. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under *The Disability Discrimination Act 1992*.

**(vi) Demolition Waste**

Sorting your construction and demolition waste will save you money. For pricing and disposal options for sorted loads of tiles, bricks, timber concrete or asphalt call Waste Service NSW on 1300 651 116.

**(vii) Property Address**

Property addresses shall be allocated by Council in accordance with the Addressing Standard AS/NZS 4819:2011.