

Schedule A

Deferred Commencement Conditions

1. Deferred Commencement Approval

This is a 'Deferred Commencement Consent' under Section 80(3) of the Environmental Planning and Assessment Act, 1979, (as amended). This consent does not become operative until the applicant has satisfied the requirements listed in Schedule 'A' of this consent.

A signed and completed Memorandum of Understanding between City of Canada Bay Council and Billbergia Group is required to be submitted to Council regarding the improvement works at the Concord Road / Averill Street intersection in Rhodes. The Memorandum of Understanding is required to provide a commitment from the proponent to satisfactorily fund/construct the infrastructure improvement works required through the Development Application process.

All issues shall be satisfactorily resolved within a period of 3 months from the 'Determination Date', that is shown on this consent. Upon compliance with the issues under Schedule 'A', and written confirmation from Council to that effect, then the consent shall become operative from a "Date of Endorsement" (to be included on the written notification) subject to the conditions listed in Schedule 'B' and any additional conditions arising from the requirement of Schedule 'A'.

(Reason: Statutory requirement)

Schedule B

General Conditions

1. Approved Plans and Supporting Documents

The development shall be carried out substantially in accordance with the approved stamped and signed plans and/or documentation listed below **except where modified by any following condition**. Where the plans relate to alteration or additions only those works shown in colour or highlighted are approved.

Reference/Dwg No	Title/Description	Prepared By	Date/s
	Architectural plans		
DA-0103/30	Site Plan	SJB Architects	02.09.2016
DA-0104/30	Site Analysis	SJB Architects	02.09.2016
DA-0201/31	Basement 08	SJB Architects	14.11.2016
DA-0202/30	Basement 07	SJB Architects	02.09.2016
DA-0203/30	Basement 06	SJB Architects	02.09.2016
DA-0204/30	Basement 05	SJB Architects	02.09.2016
DA-0205/30	Basement 04	SJB Architects	02.09.2016
DA-0206/30	Basement 03	SJB Architects	02.09.2016
DA-0207/30	Loading	SJB Architects	02.09.2016
DA-0208/30	Lower Podium/Retail	SJB Architects	02.09.2016
DA-0209/31	Podium	SJB Architects	14.11.2016
DA-0210/31	Level 02	SJB Architects	14.11.2016
DA-0211/30	Level 03	SJB Architects	02.09.2016
DA-0212/30	Level 04-05	SJB Architects	02.09.2016
DA-0213/30	Level 06	SJB Architects	02.09.2016
DA-0214/30	Level 07	SJB Architects	02.09.2016
DA-0215/30	Level 08-13	SJB Architects	02.09.2016
DA-0216/30	Level 14-19	SJB Architects	02.09.2016

DA-0217/30	Level 20	SJB Architects	02.09.2016
DA-0218/30	Level 21-25	SJB Architects	02.09.2016
DA-0219/30	Level 26	SJB Architects	02.09.2016
DA-0220/30	Level 27	SJB Architects	02.09.2016
DA-0221/30	Level 28-37	SJB Architects	02.09.2016
DA-0222/30	Plant Room Tower A	SJB Architects	02.09.2016
DA-0223/30	Roof Tower A	SJB Architects	02.09.2016
DA-0224/30	Heliostat	SJB Architects	02.09.2016
DA-0301/30	Building A-Level 4-6	SJB Architects	02.09.2016
DA-0302/30	Building A-Level 7	SJB Architects	02.09.2016
DA-0303/30	Building A-Level 08-20 Adaptable Plate	SJB Architects	02.09.2016
DA-0304/30	Building A-Level 21-37 Typical Plate	SJB Architects	02.09.2016
DA-0311/30	Building B-Levels 04-05	SJB Architects	02.09.2016
DA-0312/30	Building B-Levels 06-13 Adaptable Plate	SJB Architects	02.09.2016
DA-0313/30	Building B-Levels 14-25 Typical Plan	SJB Architects	02.09.2016
DA-0501/30	Elevation East- Walker Street	SJB Architects	02.09.2016
DA-0502/30	Elevation West- Marquet Street	SJB Architects	02.09.2016
DA-0503/30	Elevation South	SJB Architects	02.09.2016
DA-0504/30	Elevation North	SJB Architects	02.09.2016
DA-0505/30	Internal Elevation – Building A	SJB Architects	02.09.2016
DA-0506/30	Internal Elevation – Building B	SJB Architects	02.09.2016
DA-0511/30	Detail Elevation - Walker Street	SJB Architects	02.09.2016
DA-0512/30	Detail Elevation – Marquet Street	SJB Architects	02.09.2016
DA-0513/30	Detail Elevation-Through Site North	SJB Architects	02.09.2016
DA-0514/30	Detail Elevation-Retail Shopfront	SJB Architects	02.09.2016
DA-0515/30	Detail Elevation-Tower A Facade	SJB Architects	02.09.2016
DA-0516/30	Detail Elevation-Balcony Conditions	SJB Architects	02.09.2016
DA-0601/31	Section 01	SJB Architects	02.09.2016
DA-0602/31	Section 02	SJB Architects	15.09.2016
DA-0603/31	Section 03	SJB Architects	15.09.2016
DA-0604/31	Section 04	SJB Architects	15.09.2016
DA-0901/30	Adaptable Apartments	SJB Architects	02.09.2016
DA-3080/30	Finishes Board	SJB Architects	02.09.2016
Project 84804.00	Acid Sulphate Soil Management Plan Comments on Geotechnical Conditions	Douglas Partners	December 2015
DDA 590	Access Report	Certis Access Consultancy	02.09.2016
Revision 2	Preliminary BCA Assessment Report	Blackett Maguire Goldsmith	01.09.2016
Revision A	Construction Management Plan	Walker Street Development Pty Ltd Billbergia Pty Ltd	01.09.16
Cert. No. 676286M_05	BASIX Certificate	Inhabit Group	02.09.2016
2301777A-DA- ENG-LTR-FE RevB	Fire Engineering Letter	WSP Parsons Brinckerhoff	05.09.2016
SYD1520200 Revision:DA 3	DA Fire Protection Services Return Brief	WSP Parsons Brinckerhoff	01.09.2016
Project 85804.00 R.003.Rev0	Geotechnical Report	Douglas Partners	15.12.2015
3338-RPT-ES0003 Revision 3 and Revision 2	Heliostat Design Report (Stage 1 Assessment)	Inhabit Australia	31.08.2016 21.12.2015

SYD1520200 Revision: DA	Hydraulic Services Return Brief	WSP Parsons Brinckerhoff	01.09.2016
PL-201 B	Landscape Planting Plan	Urbis	01.09.2016
PL-202 B	Landscape Planting Plan	Urbis	01.09.2016
PL-203 B	Landscape Planting Plan	Urbis	01.09.2016
ND1344 (Issue B)	Landscaping Report	Urbis	01.09.2016
20151206.6/0109A/ RO/JS	Noise Impact Statement	Acoustic Logic	01.09.2016
SYD1520200 Revision: DA	Mechanical Services Return Brief	WSP Parsons Brinckerhoff	01.09.2016
	Staging and Subdivision Pattern	Corporate Counsel Services	31 August 2016
Sheet 1-17	Plan of proposed subdivision of Lot 21 in DP 62420 Lots 1 and 2 in DP 157234, SP 37320, Lots 1345 DP 558798 and Lot 102 DP 624798	Linker Surveying	2 September 2014
Sheet 2 to 17	Plan of proposed subdivision of Stratum Lot 22 in our draft subdivision plan of the Rhodes Railway precinct	Linker Surveying	6 September 2016
Sheet 1 of 22	Plan of proposed subdivision of Stratum Lot 21 in our draft subdivision plan of the Rhodes Railway precinct	Linker Surveying	6 September 2016
Sheet 1 of 7	Strata Development Contract Concept Plan Plan of development Rhodes Railway Precinct Tower A-Stage 1	Linker Surveying	undated
	Station Precinct Public Art Location Plan	unknown	undated
151081 Rev. B	Proposed Public Domain CCTV System	Northrop	26.08.2016
S15108	Public Domain Lighting	Northrop	18.12.2015
151081	Proposed Level 3 Chamber substation	Northrop	31.08.2016
C2.01 Issue B C2.02 Issue B	Soil and Water Management Plan	WSP Structures	07.07.2016
SA5365	Statement of Environmental Effects	Urbis	06.09.2016
3338-RPT-ES004 Rev 2	Sustainability Design Report	Inhabit Group	02.09.2016
3338-SPC- ES0001(100) Revision 00	Thermal Performance Specification	Inhabit Group	02.09.2016
Certification Number: 1010041653	Class 2 Project Certification	Australian Building Sustainability Association	31.08.2016
60832	Nationwide House Energy Rating Scheme		31.08.2016
C1.01, C1.02, C1.03, C1.04, C1.05, C1.06 & C1.07, Revision C	Stormwater Management Plan	WSP Structures	26.10.2016 .
14-085-1	Internal Traffic Assessment	Thompson Stanbury Associates	September 2016
-	Apartment Address Schedule	Billbergia	unknown
CPP Project 8786	Natural Ventilation Report +Wind Tunnel Test Letter	Cermak Peterka Petersen	05.09.2016 02.09.2016
Prepared by Ian Thompson	Application Letter to Bankstown Airport Limited	Thompson GCS	05.06.2016
W12426/J740	Electrolysis Testing	Corrosion Control Engineering	19.10.2015
Revision D	Waste Management Plan	Elephants Foot	06.09.2016

Note 1: Modifications to the approved plans will require the lodgement and consideration by Council of a modification pursuant to Section 96 of the Environmental Planning and Assessment Act.

Note 2: A warning to all Accredited Certifiers. You should always insist on sighting the original Council stamped approved plans/documentation and not rely solely upon the plan reference numbers in this condition. Should the applicant not be able to provide you with original copies, Council will provide you with access to its files so you that may review our original copies of approved documentation.

Note 3: The approved plans and supporting documentation may be subject to conditions imposed under section 80A(1)(g) of the Act modifying or amending the development (refer to conditions of consent which must be satisfied prior to the issue of any Construction Certificate).

(Reason: To confirm and clarify the terms of consent)

2. Voluntary Planning Agreement

The development must be carried out in accordance with all of the obligations referenced within the Voluntary Planning Agreement (Council's Reference Rhodes West Station Precinct - Marquet & Walker Streets Planning Agreement) executed on 8 February 2016 and entered into by Billbergia Group Pty Ltd and City of Canada Bay Council.

(Reason: Compliance)

3. Heliostat

That the heliostat shall be inspected annually by appropriately qualified engineer and certified that it is maintained and operating in an effective manner. A report shall be submitted to Council annually outlining the details of operation and maintenance of the heliostat.

(Reason: To ensure the heliostat continues to operate successfully and ensure improved solar access will be provided to Rhodes Town Square)

4. Construction within Boundary

All approved construction including but not limited to footings, walls, roof barges and guttering are to be constructed wholly within the boundaries of the premises.

(Reason: To ensure compliance with approved plans)

5. Separate Approvals

Separate Development Approval shall be obtained for the following:

- Fitout and use of retail tenancies fitouts; and
- Building signage.
- Any crane activity that exceeds the height of 156.0m AHD
- Any future addition to the building's height may impact the Obstacle Limitation Surface and will require a separate approval.

(Reason: To control the future development of the site)

6. Compliance with Disability Discrimination Act

This approval does not necessarily protect or guarantee against a possible claim of discrimination (intentional or unintentional) under the *Disability Discrimination Act 1992*, and the applicant/owner is therefore advised to investigate their liability under this Act. **Note: Disability (Access to Premises - Buildings) Standards 2010** - As of 1 May 2011, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the *Disability Discrimination Act 1992*.

(Reason: To inform of relevant access requirements for persons with a disability)

7. Height

The maximum height of the proposed development shall be:

- Tower A on Site 1A is 127m (RL139.6m);
- The Heliostat on top of Tower A shall be 143.3m (RL 156); and
- Tower B on Site 1B is 91.5m (RL104.1m);

(Reason: Compliance)

8. Lighting

Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with relevant standards in this regard.

(Reason: Protect amenity of surrounding area)

9. Site Management

The following procedures apply:

- (a) Implement the site management plan and measures, and provide for erosion and sediment control according to the SSROC "Do It Right On Site" publication;
- (b) Prevent sediment and/or building materials being carried or washed onto the footway, gutter, road, or into Council's stormwater drainage system;
- (c) Ensure soil/excavated material is not transported on wheels or tracks of vehicles or plant and deposited on surrounding roadways;
- (d) Ensure safe access to and from the site including the road reserve and footpath area, crossings by heavy equipment, plant and materials delivery, or static loads from cranes, concrete pumps and the like;
- (e) Ensure safe loading and unloading of excavation machines, building materials, formwork and the erection of the structures within the site;
- (f) Ensure storage on site of all excavated material, construction materials and waste containers during the construction period (except where otherwise approved); and
- (g) Ensure support of any excavation beside any adjoining property or the road reserve is designed by a Chartered Civil Engineer.

(Reason: Environmental protection)

10. Street Numbering of Lots and Units

The proposed units and/or new allotments shall be numbered as follows:-

As per Apartment Address Schedule as per Appendix BB in Addendum Statement of Environmental Effects

Numbering of units/properties shall be conspicuously displayed at the front of the property and shall be maintained in accordance with Council's Street Numbering Policy.

Should the property be strata subdivided, the approved numbering system shall be included in the final plans of strata subdivision.

(Reason: Identification of Property for Emergency Services and Mail Deliveries)

11. Hoarding Requirements

The approved development includes/requires either "A" Class or "B" Class or both type hoarding. The applicable hoarding requirements are as follows:

- **"A" Class Requirements**
An engineer certified "A" Class hoarding shall be constructed on the footpath adjacent to the building site to protect pedestrians during demolition of the existing building and construction of the new building.
- **"B" Class Hoardings**
An engineer certified overhead "B" Class hoarding, complying with the requirements of the Department of Industrial Relations & Technology, shall be constructed over Council's footpath to protect pedestrians during demolition of the existing building and the erection of the new building.

A formal hoarding application shall be made to Council and demolition or construction work must not commence until the hoarding has been erected and then approved by Council and all applicable fees and charges paid.

(Reason: Public safety)

12. Ventilation

To ensure that adequate provision is made for ventilation of the premises, mechanical and/or natural ventilation systems shall be designed, constructed and installed in accordance with the provisions of:

- The Building Code of Australia; and
- Protection of the Environment Operations Act 1997; and
- Any proposed mechanical ventilation system shall comply with the Australian Standard AS 1668-1991 (parts 1 & 2). Prior to installation, the design is to be certified by a person competent to do so. At completion of the installation of the system and prior to the issue of the occupation certificate, the work shall be certified by a person competent to do so. The certification shall include:-
 - i. Date of inspection, Inspection, testing and commissioning details
 - ii. The name and address of the individual who carried out the test and
 - iii. A statement that the service has been designed, installed and is capable of operating to above the standard

13. Waste Management

Requirements of the approved Waste Management Plan shall be complied with during site preparation and throughout demolition and construction. Waste management and its storage must not pose a threat to public health or the environment.

(Reason: Compliance with approval)

14. Southern Exit to public carpark

The southern exit to the public carpark is to be restricted to left turn only onto Marquet Street and the northern exit to the public carpark is to be restricted to right turn only onto Marquet Street. Building plans shall indicate signage and linemarking is to be installed to reinforce this restriction prior to the issue of a construction certificate.

(Reason: Compliance)

15. Storage Cages

The removal/modification of storage cages to facilitate their use as parking spaces is prohibited. This condition should also form part of the strata by- laws.

(Reason: Compliance)

16. Geotechnical status

All recommendation made in the Comments on Geotechnical Conditions dated December 2015 prepared by Douglas Partners Project 84804.00 must be implemented. Any change made to the site will require a further assessment and is to be provided to Council prior to the commencement of works.

(Reason: Compliance)

Conditions which must be satisfied prior to the issue of a Construction Certificate

17. Access for People with Disabilities

Access for people with disabilities must be provided in accordance with the requirements of the Building Code of Australia, relevant Australian Standards and with regard to the *Disability Discrimination Act 1992*. **Prior to the issue of a Construction Certificate**, the plans shall demonstrate compliance. **Note: Disability (Access to Premises - Buildings) Standards 2010** - As of 1 May 2011, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.

(Reason: To inform of relevant access requirements for persons with a disability)

18. Disabled Toilets

Plans and details of the disabled toilet/s complying with the relevant Australian Standards, the Building Code of Australia, and with regard to the *Disability Discrimination Act 1992*. **Prior to the issue of a Construction Certificate**, the plans shall demonstrate compliance. **Note: Disability (Access to Premises - Buildings) Standards 2010** - As of 1 May 2011, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.

The plans must be approved by the Accredited Certifier **prior to issue of a Construction Certificate**.

(Reason: To inform of relevant access requirements for persons with a disability)

19. Damage Deposit for Council Infrastructure

A Damage Deposit (calculated in accordance with Council's adopted Fees and Charges) of **\$100,000** shall be paid to Council **prior to the issue of the Construction Certificate**.

This Damage Deposit shall be refunded upon completion of all works, at the Occupation or Final Certificate stage.

Any costs associated with works necessary to be carried out to rectify any damages caused by the development, shall be deducted from the Damage Deposit.

Note: Full panel concrete footpath replacement in areas where connection to all services are required. This includes driveways and road concrete panels. This will stop differential settlement and maintain the integrity of council infrastructure and asset.

(Reason: Protection of Council infrastructure)

20. Long Service Levy Payments

The payment of a long service levy as required under part 5 of the *Building and Construction Industry Long Service Payments Act 1986*, in respect to this building work, and in this regard, proof that the levy has been paid, is to be submitted to Council **prior to the issue of a Construction Certificate**. Council acts as an agent for the Long Services Payment Corporation and the levy may be paid at Council's Office.

(Reason: Statutory requirement)

21. Amendments to Approved Plans

The following amendments shall be made to the approved plans prior to the issue of a Construction Certificate:

- Driveway cross over shall have at least 250mm protection (from the invert of gutter to driveway crest) against runoff along the street gutter entering the basement. A standard layback crossing with a maximum of 100mm level difference from the invert of gutter to top of layback shall be installed.
- A comprehensive Geotechnical investigation is required to assess the impact on the underground basement due to ground water seepage. Capacity of basement holding tank and pump out system shall be determined to hold the seepage for a period not less than 5 hours.
- The roof of the air riser adjacent to the southern boundary and Walker Street at Level 2, shall be non-trafficable. To ensure acoustic and visual privacy is maintained to residents at 2-4 Walker Street.
- The door and surrounds adjacent to the lift lobby in Towers A and B shall be fully glazed to allow a maximum amount of natural light into the lift lobby area.

- To maximise light into the secondary bedroom adjacent to the balcony, the door in unit type A.02 on all levels and A.10 from level 8 and above in Tower A and unit type B.02 and B.09 in Tower B shall be full height glazing from floor level to ceiling height and shall be the full width of the opening.
- In the Apartment Address Schedule prepared by Billbergia, the apartment numbers in Level 5 in Tower A shall be updated and submitted to Council for review.

(Reason: To confirm and clarify the terms of approval)

22. Construction Management Plan

Prior to the issue of a Construction Certificate, submit to the Accredited Certifier a Construction Management Plan that clearly sets out the following:

- (a) What actions and works that are proposed to ensure safe access to and from the site, and what protection will be provided to the road and footpath area from building activities, crossings by heavy equipment, plant and materials delivery, or static loads from cranes, concrete pumps and the like.
- (b) The proposed method of loading and unloading excavation machines, building materials, formwork, and the erection of any part of the structure within the site.
- (c) The proposed areas within the site to be used for a builder's site office and amenities, the storage of excavated material, construction materials and waste containers during the construction period.
- (d) How it is proposed to ensure that soil/excavated material is not transported on wheels or tracks of vehicles or plant and deposited on surrounding roadways.
- (e) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve - the proposed method of support is to be designed by a Chartered Civil Engineer.
- (f) A Soil and Water Management Plan detailing all sedimentation controls.

(Reason: Safety, amenity and protection of public infrastructure and the environment)

23. Continuous Awnings

The awnings over the footpaths, as indicated on the approved drawings, shall not encroach within 600mm from the face of the kerb. The height of the completed awning shall not vary from within the range of 3 metres to 4.5 metres above the completed footpath. The awnings shall be detachable from the building without causing any concealed structural failure. Provision for awning cut-outs shall be made for existing and/or new trees. Details in this regard must be indicated on the architectural plans **to be submitted with the Construction Certificate**.

(Reason: Pedestrian amenity)

24. Obtaining a Construction Certificate for Building Work

This Development Consent does not constitute approval to carry out construction work. Construction work may only commence **upon the issue of a Construction Certificate, appointment of a Principal Certifying Authority (PCA), and lodgement of Notice of Commencement**.

Please note that if demolition works forms part of the extent of works approved in the same application, then demolition must not commence **prior to the issue of a Construction Certificate**.

(Reason: Information)

25. Landscape Maintenance Strategy

To ensure the survival of landscaping following works, a landscape maintenance strategy for the owner/occupier to administer over a 12 month establishment period following the issue of the Occupation Certificate shall be prepared and provided to the satisfaction of the Accredited Certifier **with the Construction Certificate application**. The strategy is to address maintenance issues such as, but not limited to plant survival, irrigation, soil testing, weeding, staking, fertilizing, remedial pruning and plant replacement.

(Reason: Ensure landscape survival)

26. Landscape Plan

A landscape plan prepared by a qualified landscape architect or landscape consultant to a scale of 1:100 or 1:200, conforming to all relevant conditions of consent is to be submitted to the satisfaction of the Accredited Certifier **with the Construction Certificate application**.

The plan must include the following information:

- location of all existing and proposed landscape features including materials to be used;
- delineate and identify all trees to be retained, removed or transplanted;
- existing and proposed finished ground levels;
- top and bottom wall levels for both existing and proposed retaining and free standing walls and
- detailed plant schedule which includes proposed species listed by botanical (genus and species) and common names, quantities of each species, pot sizes and the estimated size at maturity.

Consideration within the design should be given to the scale of planting in proportion to the proposed development, consistency with the existing landscape character of the area, potential views, solar access and privacy for neighbouring development.

(Reason: Landscape quality)

27. On Slab Landscaping

To ensure the site landscaping thrives the on slab landscaping shown on the approved landscaping plan is to be designed to include a minimum soil depth of 650mm for shrubs and trees and 300mm for grass and ground covers, adequate drainage and a permanent, automatic irrigation system conforming to Sydney Water's current *Waterwise* Policy. Details shall be submitted **with the Construction Certificate application**.

(Reason: Ensure landscape survival)

28. Vehicular Access Ramps

Vehicular access ramps shall comply with the provisions of AS/NZS 2890.1:2004. Plans to be submitted shall contain the following details:

- (i) Longitudinal section along the extreme wheel paths of each driveway/access ramp at a scale of 1:25 demonstrating compliance with the scraping provisions of AS/NZS 2890.1:2004. It shall include all levels and grades, including those levels stipulated as boundary levels, both existing and proposed. It shall extend from the centre-line of the roadway through to the parking area.
- (ii) Sections showing the clearance to the underside of any overhead structure (minimum headroom requirements 2200mm minimum for standard headroom clearance or 2400mm where disabled access provisions are to be provided) demonstrating compliance with the provisions of AS/NZS 2890.1:2004.
- (iii) Longitudinal section along the gutter line showing how it is intended to transition the vehicular crossing into the existing kerb and gutter. Boundary levels shall generally run parallel with the kerb levels.
- (iv) Location of verge trees, street furniture and service installations.
- (v) Superimposition of vehicle turning circles for access into parking spaces.
- (vi) Certification that the design complies with AS/NZS 2890.1:2004 by a Qualified Engineer.

The certification referred to in (vi) above shall be submitted to the Accredited Certifier **prior to the issue of a Construction Certificate (for the design) and to the Principal Certifying Authority prior to the issue of any Occupation Certificate for the 'as-built works'**.

(Reason: To ensure adequate vehicular access can be achieved)

29. Bicycle Storage Provision

Provision for bicycles shall be in accordance with the City of Canada Bay Development Control Plan for Bicycle Parking and Storage Facilities. Details shall be submitted **prior to the issue of the Construction Certificate**.

(Reason: Convenience)

30. Vehicular Circulation, Aisles & Ramps

The aisle widths, internal circulation, ramp widths and grades of the car park shall comply with the Roads and Traffic Authority Guidelines and AS/NZS 2890.1:2004 - Off-Street Car Parking Code.

(Reason: Parking and access)

31. Damage Report

Prior to the issue of the Construction Certificate, a Damage Report Form shall be completed and submitted to Council. This Damage Report Form is for the evaluation of the existing condition of the road reserve, which must be filled out and signed by the Applicant and submitted to Council.

This Form will be used to assist Council in determining the refund of any damage deposits and any likely repairs necessary. If an approved Damage Report Form is not provided, Council at its discretion shall carry out an independent evaluation of the condition of the road reserve and any damages found will be rectified at the Applicant's cost.

When lodging the Damage Report Form, fees are payable in accordance with Council's fees and charges schedule, which will go towards administration and inspection costs.

The cost of repairing any damage to Council property (including the footpath, verge, street trees, kerb, gutter, road pavement or the like) during and/or immediately after construction must be paid to Council or shall be deducted from the damage deposit bond. Repair of damaged Council property by the Applicant or his agent is not permitted unless approved by Council.

For roadways requiring asphaltic concrete works or adjustment works, these shall be done to a minimum width as specified by Council. Minimum dimensions are given in Council's Specification for Driveway Construction or Specification for Restoration Works.

(Reason: Maintain public assets)

32. Footpath Design Levels

Where requested, detailed footpath levels shall be obtained from Council's Manager Roads and Drainage Assets **before finalisation of the design for Construction Certificate Application**. Any required adjustments shall be included in the plans and the interface across the street boundaries shall be designed to incorporate smoothly the designated levels.

Unless an alternative specific design is submitted and approved by Council, the footpath levels adjoining the site shall generally be as follows:

- (a) The internal driveway levels shall be designed to meet Council's footpath verge levels such that a fall of 4% is obtained from the boundary line to the line formed by the edge of Council's footpath which is closer to the kerb and gutter.
- (b) The level of the boundary line as it crosses the driveway shall incorporate a cross fall equivalent to the general longitudinal grade of the street. Any required adjustments shall be included in the plans and submitted for approval (under Section 138 of the Roads Act) **prior to the release of the Construction Certificate**. Care should be taken in steep landforms to ensure scraping of vehicles is avoided.

(Reason: Public Infrastructure)

33. Protection of Public Places

The adjoining or adjacent public area is not to be obstructed by any materials, vehicles, refuse skips and the like, under any circumstances unless approved in writing by Council.

If the work involved in the demolition or construction of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves the closure of a public place, a barrier, fence or hoarding shall be erected **prior to the commencement of any work** subject to approval of a Traffic Management Plan.

An application to occupy public space is to be submitted to Council for approval prior to commencement of works.

Where a hoarding is required, an application for hoarding is also to be submitted to and approved by Council prior to commencement of any work. Hoardings shall be erected to comply with the requirements of WorkCover, the Principal Certifying Authority and with relevant Australian Standards.

(Reason: Safety)

34. Submission of Plans for Works within the Road Reserve

The submission to Council of three (3) copies of Civil Engineering plans for the design of all works within the road reserve including long and cross sections, details of proposed structures and specifications. The drawings must be approved by Council in writing and all fees and charges paid **prior to the issue of the Construction Certificate**.

Such design shall be:

- (a) Prepared and submitted on A1, or A3 size sheets, undertaken by a consulting Civil Engineer,
- (b) Approved by Council under Section 138 of the Roads Act., prior to the issue of the Construction Certificate, and
- (c) Upon completion of the works, the Applicant is to provide to Council two (2) copies of "work as executed plans". The plans are to show relevant dimensions and finished levels and are to be certified by a surveyor. Also the Applicant is to provide to Council, in an approved format, details of all public infrastructure created as part of the works, and
- (d) All Civil Engineering works adjacent/near/outside [address] is to be fully supervised by Council. A maintenance period of six (6) months shall apply to the work, after it has been completed and approved. In that period the Applicant shall be liable for any part of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the design conditions.

(Reason: To ensure compliance of engineering works/Council assets are constructed to acceptable standards for engineering works)

35. Vehicular Crossings

Full-width, heavy-duty concrete vehicular crossing(s) shall be provided across the footpath at the entrance(s) and/or exit(s) to the site, subject to approval by Council's Engineer. In this regard the Applicant must obtain a copy of Council's "Specification for Driveway Construction" and lodge an application for vehicular crossing(s) (available from Council's Customer Services Centre or downloaded from Council's internet website), and pay the appropriate fees and charges **prior to the lodgement of the Construction Certificate**.

(Reason: To ensure appropriate access to the site can be achieved)

36. Redundant Vehicular Crossings and Ancillary Works

Where new pavement, repair or reinstatement of footpath or other ancillary works such as kerb and gutter and stormwater pit construction is proposed, the Applicant shall submit to Council an application for "Driveway and ancillary works" (available from Council's Customer Services Centre) and pay the appropriate fees & charges prior to the issue of a Construction Certificate.

All disused or redundant vehicle crossings and laybacks shall be removed and reinstated with concrete kerb and gutter or to the existing edging profile as specified by Council and the footpath area is to be restored to the satisfaction of Council's Engineer, prior to the issue of the Occupation Certificate.

(Reason: Public infrastructure maintenance)

37. Speed Hump and Stop Sign on Exit

The applicant shall install a stop sign and a speed hump at the exit from the site. The stop sign must be accompanied by the associated line marking and the speed hump shall be set back by 1.5 metres from the boundary alignment. The devices shall be designed and constructed in accordance with the provision of all relevant Australian Standards. The building plans shall indicate compliance with this requirement **prior to the issue of a construction certificate**.

(Reason: Traffic safety and management)

38. Construction Traffic Management Plan

Prior to the issue of a construction certificate, the applicant shall submit, for review and approval by Council's Engineers, a detailed Construction Traffic Management Plan (CTMP). The plan shall demonstrate how construction and delivery vehicles will access the development site during the demolition, excavation and construction phase of the development. The plan shall be certified by a suitably qualified and experienced traffic consultant and all traffic associated with the subject development shall comply with the terms of the approved Construction Traffic Management Plan.

The following matters (at a minimum) must be addressed in the CTMP:

- A detailed description and route map of the proposed truck/construction vehicle access routes,
- The locations of any proposed Construction Works Zones along the site frontage,
- Provide a construction schedule,
- Tradesperson parking (parking shall be provided on-site where possible),
- Provide relevant Traffic Control Plans (certified by an RTA accredited person i.e. red or orange ticket),
- Provide relevant Pedestrian Management Plans,

- A site plan which indicates site entrances and exits, turning areas within the site for construction and spoil removal vehicles allowing a forward ingress and egress for all construction vehicles on the site (superimposed truck swept path diagrams). Site entrances and exits shall be controlled by a certified traffic controller.

39. Vehicular Access Points

Prior to the issue of a construction certificate, the applicant shall consult with Councils Traffic and Design engineers regarding the design of the vehicular access points off Marquet Street. Due to the significant widths of the driveways, Council may request that clear delineation between road and footway at the vehicular entry and exit points be established. This may be achieved by forming the vehicular access points into the site with standard kerb and gutter not layback and concrete driveway type profile. This configuration would feature pram ramps in accordance with AS1480 Disabled Access Code on both approaches to the proposed vehicular access points. Driveway plans shall be approved prior to the issue of a construction certificate.

(Reason: Compliance)

40. Redundant Vehicular Crossings and Ancillary Works

Where new pavement, repair or reinstatement of footpath or other ancillary works such as kerb and gutter and stormwater pit construction is proposed, the Applicant shall submit to Council an application for "Driveway and ancillary works" (available from Council's Customer Services Centre) and pay the appropriate fees & charges prior to the issue of a Construction Certificate.

All disused or redundant vehicle crossings and laybacks shall be removed and reinstated with concrete kerb and gutter or to the existing edging profile as specified by Council and the footpath area is to be restored to the satisfaction of Council's Engineer, prior to the issue of the Occupation Certificate.

(Reason: Public infrastructure maintenance)

41. Separate Approval for Works in the Public Road (External Works) - Section 138 Roads Act

Plans submitted **with the application of a Construction Certificate** shall clearly delineate between internal works and external works and note that **Construction Certificate approval does not include approval for external works.**

Pursuant to Section 138 of the Roads Act 1993 and **prior to the issue of a Construction Certificate**, the applicant must submit detailed plans to and obtain a written approval from the Appropriate Road Authority, for any works in the road reserve.

Additionally, where the work involves closure of a carriageway on a State Road, Regional Road, or it is such that it may impact the traffic flow on a State Road or Regional Road, or is within close proximity of a Traffic Facility (eg Traffic Lights) then a Road Occupancy License must be obtained from the Planned Incidents Unit of the Traffic Management Centre of the RTA. The application should be lodged at least 10 days prior to the planned commencement date.

(Reason: Protection of Public Assets and information)

42. Bollards

AS/NZS 2890.6:2009 requires disabled spaces to be 2.4m wide beside a 2.4m wide shared area. A bollard must be installed in the shared area and the shared area diagonally linemarked. The building plans shall demonstrate compliance with this requirement prior to the issue of a construction certificate.

(Reason: Compliance)

43. Kerb Side Parking Arrangements

Prior to the issue of a construction certificate, a separate submission must be made to the Local Traffic Committee via Council's Traffic and Transport Department seeking the Council's approval for any changes to kerb side parking arrangements. There is no guarantee kerb side parking will be changed, or that any change will remain in place for the duration of the development use.

It is recommended that the applicant approach Council's Traffic Engineer to discuss the proposal before making a submission. Restrictions may include but are not limited to time restricted on-street parking and 'No Stopping' zones across and extending either side of the driveways to the subject development.

The submission must include two plans. One showing the existing kerb side parking restriction signs and stems, the second showing the proposed kerb side parking restriction signs and stems. Both plans must include chainages to all signs and stems from the kerb line of the nearest intersection.

All costs associated with the implementation of the approved signage shall be borne by the developer and shall be paid prior to the issue of an occupation certificate.

(Reason: Compliance)

44. BASIX Commitments

The approved BASIX Certificate shall be submitted to the Accredited Certifier with the application for a Construction Certificate.

Where a change or changes are proposed in the BASIX commitments, the applicant must submit a new BASIX Certificate to the Accredited Certifier and Council. If any proposed change in the BASIX commitments is inconsistent with the development consent the applicant will be required to submit a modification to the development consent to Council under Section 96 of the Environmental Planning and Assessment Act 1979.

All commitments in the BASIX Certificate must be shown on the plans accompanying the Construction Certificate **prior to the issue of any Construction Certificate.**

(Reason: Statutory Compliance)

45. Energy Australia Requirements

The approved development must comply with the requirements of Energy Australia. **Prior to the issue of a Construction Certificate**, the applicant shall demonstrate to the Accredited Certifier that any such requirements have been complied with.

(Reason: Statutory requirement)

46. Ausgrid

The developer is required to make a formal submission to Ausgrid by means of a duly completed Preliminary Enquiry and/ or Connection Application form to allow Ausgrid to assess any impacts on its infrastructure and determine the electrical supply requirements for the development (e.g. whether a substation is required on site). In general, works to be considered by Ausgrid include, but are not limited to, the following:

- Changes in electrical load requirements
- Changes to Ausgrid's infrastructure (i.e. asset relocations, decommissioning substations etc.) –
- Works affecting Ausgrid's easements, leases and/ or right of ways –
- Changing the gradients of any roads or paths
- Changing the level of roads or foot paths
- Widening or narrowing of roads
- Closing roads or laneways to vehicles

Land subsidence and vibration impact on Ausgrid assets as a result of excavation / reinforcement activities –
In all cases Ausgrid is to have 24 hour access to all its assets.

47. Overhead Power Lines

Any work undertaken near Overhead Power Lines needs to be done in accordance with: - Workcover Document ISSC 23 "Working Near Overhead Power Lines" - Ausgrid's Network Standards - Ausgrid's Electrical Safety Rules. The developer is to ensure that the proposed works do not contravene Ausgrid's Technical Standards and statutory

requirements with regards to the safe and reliable operation and maintenance of its network.

(Reason: Compliance)

48. Planning Agreement s.93F - Bank Guarantee/Bond

A Bank Guarantee/Bond for the amount agreed by Council to cover the cost of the works involved in the Voluntary Planning Agreement shall be submitted to Council **prior to the issue of a Construction Certificate by the Accredited Certifier**. The Bank Guarantee shall be registered with Council and a stamped copy recording the receipt of the Guarantee by Council shall be produced for the **Accredited Certifier prior to the issue of the Construction Certificate**.

(Reason: Fees and charges)

49. Detailed Stormwater Drainage System Design

Prior to the issue of the Construction Certificate a detailed stormwater drainage plan for the disposal of stormwater from the site, prepared in accordance with Council's "Specification for the Management of Stormwater" shall be submitted and approved by the Accredited Certifier.

Should any changes be required to the approved stormwater drainage plan, the amended design shall achieve equivalent performance standards in accordance with Council's "Specification for the Management of Stormwater".

Important Note: Construction Certificate Approval does not include approval for works external to the property. Where the proposed design extends beyond the property boundary, separate approval under Section 138 of the Roads Act 1993, must be obtained from Council prior to the commencement of works.

The applicant is advised to contact Council for clarification of proposed works for which approval under Section 138 applies.

(Reason: Stormwater management)

50. Certification of the Stormwater Drainage System Design

The proposed stormwater design shall be certified by a suitably qualified person, in accordance with Council's "Specification for the Management of Stormwater", **prior to the issue of the Construction Certificate**.

(Reason: Adequate stormwater management)

51. Construction or Re-direction of a Stormwater Pipeline

No line of natural drainage nor any drainage channel, pipeline or other work shall be filled in, diverted or otherwise interfered with, except by the construction of a pipeline of a specific size, material and location approved by Council. Engineering Plans in accordance with Council's "Specification for the Management of Stormwater" **shall be submitted prior to the issue of a Construction Certificate**.

(Reason: Protection of existing drainage infrastructure)

52. Erosion and sedimentation controls

Erosion and sedimentation controls must be provided to ensure:

- (a) Compliance with the approved Soil and Water Management Plan
- (b) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval)
- (c) All uncontaminated run-off is diverted around cleared or disturbed areas
- (d) Silt fences or other devices are installed to prevent sediment and other debris escaping from the cleared or disturbed areas into drainage systems or waterways
- (e) All erosion and sediment controls are fully maintained for the duration of demolition/ development works
- (f) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadways
- (g) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar

- (h) All water pumped or otherwise removed from excavations or basement areas is filtered to achieve suspended solids/non filterable residue levels complying with the *Australian Water Quality guidelines for Fresh and Marine Waters*
- (i) Pumped or overland flows of water are discharged so as not to cause, permit or allow erosion before the commencement of work (and until issue of the occupation certificate).

Details of the proposed soil erosion and sedimentation controls to be implemented on site must be submitted **with the Construction Certificate Application**. Under no circumstances may any works commence prior to these details being approved by the Accredited Certifier and the controls being in place on the site

(Reason: Environmental protection)

53. Rainwater Re-use

A rainwater re-use system shall be provided in accordance with either the BASIX minimum requirements, any relevant Council Rainwater Policy and/or "Specification of the Management of Stormwater", whichever is applicable. A detailed stormwater plan showing the proposed re-use system shall be submitted and approved by Council or an Accredited Certifier **prior to the issue of the Construction Certificate**.

(Reason: Compliance and Amenity)

54. Silt Arrestors and Gross Pollutant Traps

Silt and gross pollutant traps shall be fitted in all new stormwater pits, designed in accordance with Council's "Specification for the Management of Stormwater" and to the satisfaction of Council or an Accredited Certifier. Details are to be submitted with the design **prior to the issue of the Construction Certificate**.

(Reason: Environmental)

55. Dilapidation Report

Subject to access being granted, a Dilapidation Report is to be undertaken on all properties, which in the opinion of a suitably qualified engineer, could be potentially affected by the construction of the project. The Dilapidation Report shall be carried out **prior to the issue of the Construction Certificate**.

The Dilapidation Report is to be prepared by a suitably Qualified Engineer with current Corporate Membership with the Institution of Engineers, Australia or Geotechnical Practitioner.

The Report shall cover structural and geotechnical factors likely to arise from the development.

A copy of this Report shall be submitted to Council as a record.

The person having the benefit of the development consent must, at their own cost, rectify any damage caused to other properties during the construction of the project.

(Reason: Safety)

56. Acid Sulfate Soils - Detailed Assessment

A detailed acid sulfate soil assessment is required. This is to be carried out by a suitably qualified person and in accordance with the acid sulfate soils assessment guidelines (ASSMAC August 1998). The detailed assessment shall be submitted to Council **prior to the issue of a Construction Certificate**.

(Reason: Compliance and Environmental Protection)

57. Acid Sulphate Soils

All recommendation made in the Comments on Geotechnical Conditions dated 15th December 2015 prepared by Douglas Partners Project 84804.00 must be implemented. Any change made to the site will require a further assessment and is to be provided to Council prior to the commencement of works.

(Reason: Environmental Protection)

58. Electricity Substation

Any required electricity substation must be located within the boundaries of the site.

Documentary evidence of compliance, including correspondence from the energy authority is to be provided to the Accredited Certifier **prior to the issue of a Construction Certificate** detailing the energy authority's requirements.

Note: Where an electricity substation is required but no provision has been made to place it within the approved building or its site and no details are provided on the approved development consent plans, a section 96 application is required to be submitted to Council for approval of an appropriate location for the required electricity substation.

(Reason: Access to utility)

59. Telecommunications

Provision must be made for relocation of telecommunications network assets including underground placement of any existing aerial cables and infrastructure. Any costs associated with the relocation of the above are at the requestor's expense.

Should you need to discuss access to or relocation of any Telstra assets please contact Telstra's Network Integrity team by email F1102490@team.telstra.com or by phone: 1800 810 443 (opt1).

Details are to be submitted **with the application for a Construction Certificate**.

(Reason: Environmental Amenity)

Conditions which must be satisfied prior to the commencement of any development work

60. Appointment of Principal Certifying Authority

No work shall commence in connection with this Development Consent until:

- (a) A construction certificate for the building work has been issued by:
 - (i) the consent authority; or
 - (ii) an accredited certifier; and
- (b) the person having the benefit of the development consent has:
 - (i) appointed a principal certifying authority for the building work, and
 - (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
- (b1) the principal certifying authority has, no later than 2 days before the building work commences:
 - (i) notified the Council of his or her appointment, and
 - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- (b2) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
 - (ii) notified the principal certifying authority of such appointment, and
 - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- (c) the person having the benefit of the development consent has given at least 2 days notice to the Council of the person's intention to commence the erection of the building.

Note: If the principal certifying authority is the Council, the nomination will be subject to the payment of a fee for the service to cover the cost of undertaking all necessary inspections and the issue of the appropriate certificates.

Under the Environment Planning and Assessment (Quality of Construction) Act, 2003, a sign must be erected in a prominent position on the work site showing the name, address and telephone number of the principal certifying authority; the name of the principal contractor (if any) for the building work and a telephone number at which that person may be contacted outside working hours. That sign must also state that unauthorised entry is prohibited. The sign must not be removed until all work has been completed. *(Reason: Statutory requirements)*

61. Construction Certificate

No work shall commence until you:

- (a) Obtain a Construction Certificate from either the City of Canada Bay Council or an Accredited Certifier - a fee applies for this service; and
- (b) Lodge with the City of Canada Bay Council any Construction Certificate obtained from an Accredited Certifier (together with associated plans and documents) - a fee applies for this service

(Reason: Statutory Requirement)

62. Notice of commencement

No work shall commence until you submit a notice of commencement (form will be attached with issue of a Construction Certificate or available from our website) giving Council:

- (a) Not less than two (2) days' notice of the date on which it is proposed to commence work associated with this Development Consent;
- (b) Details of the appointment of a Principal Certifying Authority (either Canada Bay Council or another Accredited Certifier)
- (c) Details of the name, address and licence details of the Builder.

(Reason: Statutory Requirement)

63. Site Safety Fencing

Erect site fencing to a minimum height of 1.8m complying with WorkCover Guidelines, to exclude public access to the site throughout the construction works. The fencing **must be erected before the commencement of any work and maintained.**

The site shall be secured in accordance with Clause 146 of the Environmental Planning and Assessment Regulation 2000. The site shall be maintained in a clean and orderly condition during demolition and construction works.

Hoardings

If applicable, a separate Hoarding Application for the erection of an A class (fence type) or B class (overhead type) hoarding along the street frontage(s) complying with WorkCover requirements must be obtained including:

- payment to Council of a footpath occupancy fee based on the area of footpath to be occupied and Council's Schedule of Fees and Charges before the commencement of work; and
- provision of a Public Risk Insurance Policy with a minimum cover of \$10 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained with a copy provided to Council.

(Reasons: Statutory Requirement and health and safety)

64. Principal Certifying Authority (PCA) Sign

Prior to commencement of any work, signage must be erected in a prominent position on the work site identifying:

- The Principal Certifying Authority (PCA) by showing the name, address and telephone number of the PCA;
- The Principal Contractor by showing the Principal Contractor's name, address and telephone number (outside of work hours) for that person.
- The sign must state that unauthorised entry to the work site is prohibited.

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

This clause does not apply to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

(Reason: Statutory Requirement)

65. Sydney Water Tap in Approvals

The approved plans must be submitted through the Sydney Water 'Tap in' portal to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Sydney Water 'Tap in' customers will receive an approval receipt. For

further details please refer to “Your Business” section of Sydney Water’s web site at www.sydneywater.com.au then see Building and Renovating under the heading Building and Developing, or telephone 13 20 92.

The Accredited Certifier must ensure that the plans have been approved through Sydney Water ‘Tap in’ process and an approval receipt issued **prior to the commencement of works**.

(Reason: Statutory Requirement)

66. Toilet Amenities on Construction Site

Prior to commencement of any building works, toilet facilities for employees must be provided in accordance with WorkCover NSW requirements.

Where female workers are present on site, appropriate measures for sanitary item disposal should be made, such as a disposal unit provided in the portable toilet or sewer connected toilet closet.

(Reason: Statutory Requirement - Health and amenity)

67. Notice of Requirements from Sydney Water

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. For details refer to Sydney Water’s website at www.sydneywater.com.au.

Following application a “Notice of Requirements” will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Notice of Requirements must be submitted to the Accredited Certifier **before the commencement of works**.

(Reason: To comply with statutory requirements)

68. Erosion & Sediment Control: Minor works - Prior to construction

Erosion and sedimentation controls shall be in place **prior to the commencement of site works**; and maintained throughout construction activities until the site is landscaped and/or suitably revegetated. The controls shall be in accordance with the details approved by Council and/or as directed by Council Officers. These requirements shall be in accordance with Managing Urban Stormwater - Soils and Construction produced by Landcom (Blue Book).

A copy of the Erosion and Sediment Control Plan must be kept on site at all times during construction and made available to Council officers on request.

Erosion and sediment control measures as detailed in the submitted Erosion and Sediment Control Plan must be installed and operating **prior to and during all construction works**.

(Reason: Environmental protection)

69. Soil & Water Management during Construction

Landcom’s “Managing Urban Stormwater - Soil and Conservation” August 1998 outlines the general requirements for the preparation of a soil and water management plan. All works shall be conducted in accordance with a soil and water management plan that has been submitted and approved by the Accredited Certifier **prior to the commencement of works**. A copy of the plan shall be kept on-site and made available to Council’s Officers on request. All erosion and sediment control measures must be maintained in a functional condition throughout the duration of the works.

(Reason: Environmental protection)

Conditions which must be satisfied during any development work

70. Burning and Burying of Waste

No materials or rubbish resulting from the land clearing, demolition and building works must be burnt or buried on the site.

(Reason: Health and amenity)

71. Construction Hours

No construction or any other work related activities shall be carried out on the site outside the hours of 7.00 am to 5.00 pm Mondays to Saturdays. No work to occur on Sundays and public holidays.

Where the development involves the use of jackhammers/ rock breakers and the like or other heavy machinery, such equipment may only be used between the hours of 7.00 am - 5.00 pm Monday to Friday only.

(Reason: Safety and amenity)

72. Disruption of Traffic

During any construction works on the public road that is associated with this approval, the Applicant must provide appropriate signage and traffic control facilities as per the requirements of AS 1742.3 and the RTA "Traffic Control at Works Sites" manual.

(Reason: Safety and information)

73. Dust Control

Small Works

Where a dust nuisance is likely to occur, suitable screens and/or barricades shall be erected during the demolition, excavation and building works. If necessary, water sprays shall be used on the site to reduce the emission of dust. Screening shall consist of minimum 2 metres height of shade cloth or similar material secured to a chain wire fence of the like.

Major Works

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) 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 stormwater system.
- (c) All stockpiles of materials that are likely to generate dust must be kept damp or covered.
- (d) All stockpiles of soil or other materials shall be placed away from drainage lines, gutters or stormwater pits or inlets.
- (e) All stockpiles of soil or other materials likely to generate dust or odours shall be covered.
- (f) All stockpiles of contaminated soil shall be stored in a secure area and be covered if remaining more than 24 hours

(Reason: Environmental amenity)

74. Construction Management Plan

All development activities and traffic movements must be carried out in accordance with the approved Construction Management Plan.

All controls in the Plan must be maintained at all times. A copy of the Plan must be kept on site at all times and made available to the Accredited Certifier and Council on request.

(Reason: Compliance with condition of consent)

75. Damage to Adjoining Properties

All precautions must be taken to prevent any damage likely to be sustained to adjoining properties. Adjoining owner property rights must be observed at all times. Where damage occurs to adjoining property all necessary repair or suitable agreement for necessary repairs are to be undertaken by the applicant in consultation with, and with the consent of, the affected property owner.

(Reason: Structural safety)

76. Stamped Plans

Stamped plans, specifications, documentation and the consent shall be available on site at all times during construction.

(Reason: To ensure compliance with approved plans)

77. Site requirements during demolition and construction

All of the following are to be satisfied/complied with during demolition, construction and any other site works:

- (a) All demolition is to be carried out in accordance with Australian Standards AS 2601-2001.
- (b) Demolition must be carried out by a registered demolition contractor.
- (c) A single entrance is permitted to service the site for demolition and construction. The footway and nature strip at the service entrance must be planked out with close boarded, hardwood timber footpath protection pads. The pad shall cover the entire width of the footpath opening for the full width of the fence.
- (d) No blasting is to be carried out at any time during construction of the building.
- (e) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- (f) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
- (g) Any demolition and excess construction materials are to be recycled wherever practicable.
- (h) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- (i) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997. All excavated material should be removed from the site in the approved manner and be disposed of lawfully to a tip or other authorised disposal area.
- (j) Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
- (k) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
- (l) Details as to the method and location of disposal of demolition materials (weight dockets, receipts etc.) should be kept on site as evidence of approved methods of disposal and recycling.
- (m) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
- (n) Public footways and roadways adjacent to the site must be fully maintained and cleared of obstructions during construction. No building materials, waste containers or skips may be stored on the road reserve or footpath without prior separate approval from Council including payment of relevant fees.
- (o) Building operations such as brick cutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
- (p) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.

(Reason: To ensure that demolition, building and any other site works are undertaken in accordance with relevant legislation and policy and in a manner which will be non-disruptive to the local area.)

78. Road Opening Permit

Pursuant to Section 138 of the Roads Act, should any work on the verge, footpath, public road reserve or public reserve (open space) be required, approval will need to be obtained from Council. In this regard the Applicant is to contact Council's Customer Services Centre. A Road Opening Permit is to be obtained **prior to any works on the verge, footpath, public road reserve or public reserve being undertaken.**

Note: Road Opening Permits do not include driveway and layback construction.

(Reason: Maintain public asset)

79. Noise - Construction

All works carried out on site during construction/ demolition/ excavation/ earthworks shall comply with the NSW DECC Protection of the Environment Operations Act 1997 and the DECC Noise Control Guideline - Construction Site Noise and AS 2436-1981 - "Guide to Noise Control on Construction, Maintenance and Demolition Sites" for the control of construction noise which specifies that:

- Construction period of 4 weeks and under - The L₁₀ level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 20 dB(A).
- Construction period greater than 4 weeks and not exceeding 26 weeks - The L₁₀ level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 10 dB(A).
- Silencing - All possible steps should be taken to silence construction site equipment.

Should complaints of a noise nuisance be justified, Council will require the acoustic treatment of the identified noise source/s to ensure compliance with Council's requirements on noise. An acoustic assessment & report will be required to ensure that the intrusive noise from the plant does not exceed 5 dB (A) above the background noise.

Should complaints of a noise nuisance be justified, Council will require the acoustic treatment of the premises to ensure compliance with the NSW DEC Industrial Noise Policy. A further acoustic assessment & report will be required to be provided to Council assessing the premises in working order.

(Reason: Noise Attenuation)

80. Noise - Plant

All works carried out on site during construction/demolition/excavation or earthworks shall comply with the NSW DECC Protection of the Environment Operations Act 1997. Approved and effective silencing measures shall be provided and maintained on all power-operated plant used on site.

(Reason: Safety and Amenity)

81. Noise & Vibration

The construction of the development and preparation of the site, including operation of vehicles, must be conducted so as to avoid unreasonable noise or vibration and cause no interference to adjoining or nearby occupations. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like.

In the event of a noise or vibration problem arising, the person in charge of the premises must, when instructed by City of Canada Bay Council or the Accredited Certifier, cease work and carry out an acoustical survey and/or investigation by an appropriate acoustical engineer or consultant and submit the results to Council. The person in charge of the site must implement any or all of the recommendations of the consultant and any additional requirements of Council. Any requirements of Council in this regard must be complied with immediately.

(Reason: Noise attenuation)

82. Obstruction of Road or Footpath

The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste bins or any other matter is not permitted unless approved in accordance with Council's Waste Skip Bin Policy. A Penalty Infringement Notice may be issued for any offence.

(Reason: Protection of infrastructure, safety & information)

83. Protection of Public Places

If the work involved in the demolition or construction of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves the closure of a public place, a hoarding or fence shall be erected. Hoardings shall be erected to comply with the requirements of WorkCover and the Principal Certifying Authority.

(Reason: Safety)

84. Protection of Footpath

The footpath must be protected against damage by means of close boarding with chamfered ends.

(Reason: Protection of infrastructure and the environment)

85. Compliance with Building Code of Australia

All building work must be carried out in accordance with the provisions of the Building Code of Australia. Note: Applicants who have lodged an objection and who have been granted exemption under clause 187(6) & 188(4) of the *Environmental Planning and Assessment Regulation 2000*, must comply with the Building Code of Australia in all other respects.

(Reason: Prescribed statutory control)

86. Critical Stage Inspections - General

Critical stage inspections must be called for by the Principal Contractor or Owner Builder as required by the Principal Certifying Authority (PCA), any PCA Service Agreement, the Act and the Regulation.

Work must not proceed beyond each critical stage until the PCA is satisfied that work is proceeding in accordance with this consent, the Construction Certificate(s) and the Act. 'Critical Stage Inspections' means the inspections prescribed by the Regulations for the purposes of section 109E(3)(d) of the Act or as required by the PCA and any PCA Service Agreement.

Note 1: The PCA may require additional inspections beyond mandatory critical stage inspections in order that the PCA be satisfied that work is proceeding in accordance with this consent.

Note 2: The PCA may, in addition to inspections, require the submission of Compliance Certificates, survey reports or evidence of suitability in accordance with Part A2.2 of the BCA in relation to any matter relevant to the development.

(Reason: Statutory requirement)

87. Inspections for Building Work - Critical Stages (Classes 2,3 or 4)

Where applicable inspections of the development site may be required to be undertaken at the following stages:

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

If the person having the benefit of the development consent appoints Council as the PCA, Council will give written advice as to what critical stage inspections apply.

Prior to issuing an occupation certificate or subdivision certificate the PCA must be satisfied that the work has been inspected on the above occasions.

Except as provided by subclause (d), the inspections may be carried out by the PCA or, if the PCA agrees, by another certifying authority.

The final inspection detailed at subclause (d) may only be carried out by the PCA.

For each inspection the principal contractor (*or owner-builder*) must notify the PCA at least forty eight (48) hours in advance that the site is ready to be inspected prior to the commencement of work on the next stage.

(Reason: Statutory Requirements)

88. Progress Survey - Major Development (greater than two stories)

In order to ensure compliance with approved plans, a Survey Certificate, prepared to Australian Height Datum, shall be prepared by a Registered Surveyor showing the following:

- (a) At the completion of excavation, prior to the placement of any footings, showing the completed level of the excavation and its relationship to the boundaries;
- (b) Prior to placement of concrete, the ground floor level, showing the level of the form work and its relationship to boundaries including relevant footpath and roadway levels;
- (c) Prior to placement of concrete at each second floor level showing the principal level of the formwork and the intended relationship of the completed works to the boundary;
- (d) Prior to roofing, or completion of the highest point of the building, showing the anticipated level of the completed work and the relationship to the boundary; and
- (e) At completion, works showing the relationship of the building to the boundary.

Progress certificates in response to points (a) through to (e) shall be produced to the Council or the Principal Certifying Authority at the time of carrying out relevant progress inspections. Under no circumstances will work be allowed to proceed should such survey information be unavailable or reveals discrepancies between the approved plans and the proposed works.

(Reason: To ensure compliance with approved plans)

Conditions which must be satisfied prior to the issue of any Occupation Certificate relating to the use of the building or part

89. Certification of Engineering Works

Prior to occupation, the following documents must be submitted to the Principal Certifying Authority. These documents are:

- a) A Certificate from a suitably Qualified Engineer, with Corporate Membership standing in the Institution of Engineers, Australia, and registered on the National Professional Engineers Register (NPER) under the appropriate professional category, and
- b) A "Work - As - Executed" plan of the engineering and/or drainage works.

The abovementioned Certificate is to certify that:

- (i) the stormwater drainage system, and/or
- (ii) the car parking arrangement and area, and/or
- (iii) any related footpath crossing works, and/or
- (iv) the proposed basement pump and well system, and/or
- (v) the proposed driveway and layback, and/or
- (vi) other civil works have been constructed in accordance with the approved plans and details, satisfies the design intent and complies with appropriate SAA Codes relevant Standards and Council's Policies and Specifications.

For major works, such as subdivisions, works within the road reserve (requiring separate S138 approval) and as where specified by Council, a Part 4A Certificate will be required. It is strongly recommended that the Engineer supervise the works.

Where Council is not the Principal Certifying Authority, two (2) copies of the above documents are to be provided to Council **prior to the issue of any Occupation Certificate**. These documents are to be retained on Council's Construction Certificate file.

(Reason: Asset management)

90. Civil Works on the Footway

The Applicant is required to carry out the following works:

- Reconstruct any bays of cracked concrete footpath along the full frontage of the site.
- Reconstruct existing public drainage pit/pipe system
- Provide a new vehicular crossing.
- Remove any redundant vehicular crossings and replace with kerb and gutter to match the adjoining.

The above works must be completed to the written satisfaction of Council **prior to issue of any Occupation Certificate**. Where the Applicant nominates Council to undertake the civil and stormwater works, they must contact Council's Manager, City Construction and Fleet in order to obtain an estimated cost for construction and contract to undertake the works.

(Reason: Preserve Council asset and amenity)

91. Occupation Certificate (section 109M of the Act)

A person must not commence occupation or use (*or change of use where an existing building*) of the whole or any part of a new building (within the meaning of section 109H (4) of the Act) unless an Interim Occupation Certificate or Final Occupation Certificate has been issued in relation to the building or part.

The Principal Certifying Authority is required to be satisfied, amongst other things, that:

- All required inspections (including each applicable mandatory critical stage inspection) have been carried out; and
- Any preconditions to the issue of the certificate required by a development consent have been met.

Note: New building includes an altered portion of, or an extension to, an existing building.

(Reason: Statutory requirement)

Conditions which must be satisfied prior to the issue of any Subdivision Certificate

92. Prior to Issue of Subdivision Certificate

Prior to the issuing of any Subdivision Certificate under section 37A of the *Strata Schemes (Freehold Development) Act 1973*, and section 66A of the *Strata Schemes (Leasehold Development) Act 1986*, and in accordance with section 29A of the *Strata Schemes (Freehold Development) Regulation 2007* and section 30A of the *Strata Schemes (Leasehold Development) Regulation 2007*, the PCA is required to be satisfied that:

- (a) the floors, external walls and ceilings depicted in the proposed strata plan for the building correspond to those of the building as constructed, and
- (b) the floors, external walls and ceilings of the building as constructed correspond to those depicted in the building plans that accompanied the construction certificate for the building, and
- (c) any facilities required by the relevant development consent (such as parking spaces, terraces and courtyards) have been provided in accordance with those requirements.

As construction of the building nears completion, or after it has been completed, a Council or accredited certifier must inspect the building, and the common property areas around the building, so as to be satisfied, as required by section 66AA of the Act, that the above requirements have been met.

The Council or accredited certifier should also be satisfied that:

- (d) All required inspections (including each applicable mandatory critical stage inspection) have been carried out; and
- (e) Any preconditions to the issue of the certificate required by a development consent or complying development certificate have been met.

(Reason: Statutory Requirements)

93. Application for Subdivision Certificate

An application for a Subdivision Certificate shall be lodged with Council or an Accredited Certifier for approval to enable the subdivision plans to be submitted to and registered with Land and Property Information (formerly Land

Titles Office). Should the Subdivision Certificate application be lodged with Council, a final plan of subdivision and six (6) copies shall be included with the application.

(Reason: To comply with statutory requirements)

94. Section 73 Certificate from Sydney Water

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained before the issue of the Subdivision Certificate. **Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's website at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92.**

Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

Sydney Water written advice that you have obtained the Notice of Requirements must be submitted to the Accredited Certifier **before the issue of the Construction Certificate**.

(Reason: To comply with statutory requirements)

Conditions which must be satisfied prior to the issue of a Final Occupation Certificate

95. Fire Safety Certificate

A final Fire Safety Certificate shall be obtained in accordance with Part 9, Division 4 of the Environmental Planning and Assessment (Amendment) Regulation 2000, **prior to the issue of the Final Occupation Certificate** for the building.

A copy of the Fire Safety Certificate and fire safety schedule shall be:-

1. Forwarded to City of Canada Bay Council;
2. Forwarded to the Commissioner of the New South Wales Fire Brigade; and
3. Prominently displayed in the building.

(Reason: Fire safety)

96. Certification of the Constructed Stormwater Drainage System

The constructed stormwater system shall be certified by a suitably qualified person, in accordance with Council's "Specification for the Management of Stormwater", **prior to issue of the Final Occupation Certificate**.

(Reason: Adequate stormwater management)

97. Covenant & Restriction as to User for Stormwater Controlled Systems

Prior to occupation and the issuing of an Occupation Certificate, the Applicant shall register a Positive Covenant and a Restriction as to User, under section 88E and or section 88B of the Conveyancing Act as appropriate in favour of Council ensuring the ongoing retention, maintenance and operation of the stormwater facility (on-site detention, pump-out, charged lines, etc.).

Easement Registration

Where any drainage line or service conduit is to traverse any property other than that which it serves, an appropriate easement will be required. In this case, the applicant shall register an easement not less than 1200mm wide over the proposed drainage line or service concurrently with any subdivision registration.

The wording on the 88B Instrument is to make reference to the Council file where the Construction plans and the "Work-as-Executed", (as built), plans are held. Typical wording can be obtained from Council's "Specification for the Management of Stormwater" document.

(Reason: Compliance and adequate maintenance of drainage system)

98. OSD Identification Plate

Prior to issue of Final Occupation Certificate, the applicant shall install an identification plate near or onto the control structure of the OSD system, this is to advise the registered proprietor of their responsibility to maintain the OSD facility and not to tamper with it in any manner without written consent.

The applicant can obtain the OSD identification plate from the Council at a cost.

(Reason: To ensure that the OSD system is installed and identified in accordance with this approval)

Conditions which must be satisfied during the ongoing use of the development

99. Annual Fire Safety Statement

Pursuant to Part 9, Division 5 of the Environmental Planning and Assessment Regulation (as amended) the owner of the building shall furnish Council with an Annual Fire Safety Statement from a competent person so as to certify the essential fire safety measures in the building. The Annual Fire Safety Statement shall be within 12 months of the issue of the fire safety certificate, and then on an annual basis.

A copy of the Fire Safety Statement obtained and Fire Safety Schedule shall also be:-

1. Forwarded to the Commissioner of the New South Wales Fire Brigade; and
2. Prominently displayed in the building

(Reason: Fire safety)

100. Acoustic Assessment

All recommendations contained in the approved acoustic assessment report shall be adopted, implemented, and adhered to.

The Principal Certifying Authority (PCA) shall obtain a statement from an appropriately qualified acoustic consultant, certifying that the acoustic mitigation measures outlined in the above stated report have been suitably incorporated into the development and that relevant noise criteria have been satisfied prior to the issue of any Occupation Certificate.

Any changes made to the proposal that would alter the acoustic assessment will require a further acoustic assessment and a copy of this further report shall be provided to Council **for approval prior to the commencement of works.**

(Reason: Noise Control and Amenity)

101. Noise (General)

The use of the premises shall comply with the requirements of the DECC Industrial Noise Policy 2000 and shall not give rise to the transmission of offensive noise as defined in the Protection of the Environment Operation Act 1997 (NSW)

(Reason: Noise Control and Amenity)

Advisory Notes (ANN)

1. Dial Before You Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.



Telecommunications Act 1997 (Commonwealth)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's mobile network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800 810 443.

2. Lapsing of Consent

In accordance with Section 95 of the Environmental Planning and Assessment Act 1979 (as amended), this Development Consent lapses five (5) years after the date from which it operates unless building, engineering or construction work has physically commenced. **A Construction Certificate must be obtained and the works commenced in accordance with the approved plans and specifications within five (5) years from the date of this Development Consent.**

3. Process for Modification

The plans and/or conditions of this Consent are binding and may only be modified upon written request to Council under Section 96 of the Environmental Planning and Assessment Act, 1979 (as amended). The request shall be accompanied by the appropriate fee and application form. You are not to commence any action, works, contractual negotiations, or the like, on the requested modification unless and until the written authorisation of Council is received by way of an amended consent.

4. Review of Determination

In accordance with the provisions of Section 82A of the Environmental Planning and Assessment Act 1979 (as amended) the applicant can request Council to review this determination. The request must be made within a period of 6 months from the date shown on this determination. A fee, as prescribed under Council's current Management Plan - Fees and Charges, is payable for such a review.

5. Right of Appeal

Section 97 of the Environmental Planning and Assessment Act 1979 (as amended), gives the applicant the right to appeal to the Land and Environment Court within six (6) months after the date on which you receive this notice. Section 97 does not apply to the determination of a development application for State significant development or local designated development that has been the subject of a Commission of Inquiry.

6. Signage Approval

A **separate development application** for any proposed signs which are either externally fitted or applied must be submitted for the approval of Council, prior to the erection or display of any such signs. This does not apply to signs which are classified as being 'Exempt Development'.

7. Skips on Council Footpath

The applicant must apply to Council's Customer Services Centre and pay the respective minimum ten (10) day application fees and deposit, should a mini-skip type or larger builder's waste container be required to be left on Council's footpath, nature strip or roadway for the removal of any builder's waste etc. These fees must be paid

prior to the container's placement. In the event of the container being removed within the ten day period, and the Council being notified, a pro-rata refund will be made. If the container is to remain at the site for longer than ten days, a further fee must be paid before the ten day period expires. No consultation is necessary if placing the container within the property to which this application is related. However, caution should be exercised in placing the bin to ensure no damage occurs to Council property.