

## Deferred Commencement Conditions

### DADCA01 – 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. 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 A

1. The following amendments shall be made to the architectural plans and driveway & civil plans, and **submitted to Council for approval**:
  - (a) The boundary levels shall be reviewed incorporating the standard layback. The longitudinal section shall include standard layback crossing (with a maximum of 100mm level difference from the invert of gutter to top of layback).
  - (b) Driveway & civil plans by Barker Ryan Stewart shall show the extent of kerb & gutter and footpath works required to achieve new driveway levels. A smooth transition from existing footpath to new works are to be achieved both side of the driveway. Services with the new works shall be adjusted to suit new levels.

### SCHEDULE B

#### General Conditions

#### 1. DAGCA01 - 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.

<b><i>Reference/Dwg No</i></b>	<b><i>Title/Description</i></b>	<b><i>Prepared By</i></b>	<b><i>Issue Date/s</i></b>
Project No. 15-030, Dwg. No. DA 0-001 Rev. B	Cover Sheet	Dickson Rothschild	10 April 2016
Project No. 15-030, Dwg. No. DA 0-002 Rev. B	Photomontage Sheet 1	Dickson Rothschild	10 April 2016
Project No. 15-030, Dwg. No. DA 0-003 Rev. B	Photomontage Sheet 2	Dickson Rothschild	10 April 2016
Project No. 15-030, Dwg. No. DA 0-004 Rev. C	Drawing List	Dickson Rothschild	6 September 2017
Project No. 15-030, Dwg. No. DA 0-005 Rev. C	Project Summary	Dickson Rothschild	6 September 2016
Project No. 15-030, Dwg.	Site Analysis 1	Dickson Rothschild	28 October 2016

<b><i>Reference/Dwg No</i></b>	<b><i>Title/Description</i></b>	<b><i>Prepared By</i></b>	<b><i>Issue Date/s</i></b>
No. DA 0-101 Rev. A			
Project No. 15-030, Dwg. No. DA 0-102 Rev. A	Site Analysis 2	Dickson Rothschild	28 October 2016
Project No. 15-030, Dwg. No. DA 0-103 Rev. A	Site Analysis 3	Dickson Rothschild	28 October 2016
Project No. 15-030, Dwg. No. DA 0-104 Rev. A	Site Analysis 4	Dickson Rothschild	28 October 2016
Project No. 15-030, Dwg. No. DA 0-104a Rev. A	Site Analysis 5	Dickson Rothschild	10 April 2016
Project No. 15-030, Dwg. No. DA 0-105 Rev. B	Site Plan 1	Dickson Rothschild	10 April 2016
Project No. 15-030, Dwg. No. DA 0-106 Rev. B	Site Plan 2	Dickson Rothschild	10 April 2016
Project No. 15-030, Dwg. No. DA 0-107 Rev. A	Demolition Plan	Dickson Rothschild	28 October 2016
Project No. 15-030, Dwg. No. DA 0-109 Rev. A	Amalgamation Plan	Dickson Rothschild	28 October 2016
Project No. 15-030, Dwg. No. DA 0-200 Rev. C	Basement 2 Plan	Dickson Rothschild	6 September 2017
Project No. 15-030, Dwg. No. DA 0-201 Rev. C	Basement 1 Plan	Dickson Rothschild	6 September 2017
Project No. 15-030, Dwg. No. DA 0-202 Rev. C	Ground Floor Plan	Dickson Rothschild	6 September 2017
Project No. 15-030, Dwg. No. DA 0-203 Rev. B	Level 1 Floor Plan	Dickson Rothschild	10 April 2016
Project No. 15-030, Dwg. No. DA 0-204 Rev. B	Level 2 Floor Plan	Dickson Rothschild	10 April 2016
Project No. 15-030, Dwg. No. DA 0-205 Rev. B	Level 3 Floor Plan	Dickson Rothschild	10 April 2016
Project No. 15-030, Dwg. No. DA 0-206 Rev. B	Level 4 Floor Plan	Dickson Rothschild	10 April 2016
Project No. 15-030, Dwg. No. DA 0-207 Rev. B	Level 5 Floor Plan	Dickson Rothschild	10 April 2016
Project No. 15-030, Dwg. No. DA 0-208 Rev. B	Level 6 Floor Plan	Dickson Rothschild	10 April 2016
Project No. 15-030, Dwg. No. DA 0-210 Rev. B	Communal Open Space	Dickson Rothschild	10 April 2016
Project No. 15-030, Dwg. No. DA 0-211 Rev. B	Roof Plan	Dickson Rothschild	10 April 2016
Project No. 15-030, Dwg. No. DA 0-212 Rev. A	Rooftop Lighting Plan	Dickson Rothschild	10 April 2016
Project No. 15-030, Dwg. No. DA 0-251 Rev. C	GFA Plans	Dickson Rothschild	6 September 2017
Project No. 15-030, Dwg. No. DA 0-301 Rev. C	North Elevation	Dickson Rothschild	6 September 2017
Project No. 15-030, Dwg. No. DA 0-302 Rev. A	South Elevation	Dickson Rothschild	28 October 2016
Project No. 15-030, Dwg. No. DA 0-303 Rev. B	West Elevation	Dickson Rothschild	10 April 2016
Project No. 15-030, Dwg. No. DA 0-304 Rev. C	East Elevation	Dickson Rothschild	6 September 2017
Project No. 15-030, Dwg.	Victoria Road	Dickson Rothschild	6 September 2017

<b><i>Reference/Dwg No</i></b>	<b><i>Title/Description</i></b>	<b><i>Prepared By</i></b>	<b><i>Issue Date/s</i></b>
No. DA 0-305 Rev. C	Elevation		
Project No. 15-030, Dwg. No. DA 0-401 Rev. C	Section AA	Dickson Rothschild	6 September 2017
Project No. 15-030, Dwg. No. DA 0-402 Rev. C	Section BB	Dickson Rothschild	6 September 2017
Project No. 15-030, Dwg. No. DA 0-403 Rev. C	Access Ramps	Dickson Rothschild	6 September 2017
Project No. 15-030, Dwg. No. DA 0-404 Rev. B	Façade Sections	Dickson Rothschild	10 April 2016
Project No. 15-030, Dwg. No. DA 0-601 Rev. B	Adaptable Units	Dickson Rothschild	10 April 2016
Project No. 15-030, Dwg. No. DA 0-602 Rev. A	Liveable Housing Design – Silver Level	Dickson Rothschild	10 April 2016
Project No. 15-030, Dwg. No. DA 0-901 Rev. B	Finishes Schedule	Dickson Rothschild	10 April 2016
Project No. 15-030, Dwg. No. DA 0-902 Rev. B	Shadow Analysis Sheet 1	Dickson Rothschild	10 April 2016
Project No. 15-030, Dwg. No. DA 0-903 Rev. B	Shadow Analysis Sheet 2	Dickson Rothschild	10 April 2016
Project No. 15-030, Dwg. No. DA 0-904 Rev. A	Shadow Analysis Sheet 3	Dickson Rothschild	28 October 2016
Project No. 15-030, Dwg. No. DA 0-905 Rev. A	DCP/ADG Envelope Diagram	Dickson Rothschild	10 April 2016
Project No. 15-030, Dwg. No. DA 0-911 Rev. B	Height Plane Diagram – Top of Parapet 1	Dickson Rothschild	10 April 2016
Project No. 15-030, Dwg. No. DA 0-912 Rev. A	Height Plane Diagram – Top of Parapet 2	Dickson Rothschild	10 April 2016
Project No. 15-030, Dwg. No. DA 0-913 Rev. A	Height Plane Diagram – Top of Parapet 3	Dickson Rothschild	10 April 2016
Project No. 15-030, Dwg. No. DA 0-914 Rev. A	View Analysis 1	Dickson Rothschild	10 April 2016
Project No. 15-030, Dwg. No. DA 0-915 Rev. A	View Analysis 2	Dickson Rothschild	10 April 2016
Project No. 15-030, Dwg. No. DA 0-921 Rev. B	Solar & CV Sheet 1	Dickson Rothschild	10 April 2016
Project No. 15-030, Dwg. No. DA 0-922 Rev. B	Solar & CV Sheet 2	Dickson Rothschild	10 April 2016
Project No. 15-030, Dwg. No. DA 0-923 Rev. B	Solar & CV Sheet 2	Dickson Rothschild	10 April 2016
Project No. 15-030, Dwg. No. DA 0-933 Rev. A	Future Built Form Analysis – Victoria Road 1	Dickson Rothschild	10 April 2016
Project No. 15-030, Dwg. No. DA 0-934 Rev. A	Future Built Form Analysis – Victoria Road 2	Dickson Rothschild	10 April 2016
Project No. 15-030, Dwg. No. DA 0-935 Rev. A	Future Built Form Analysis – Victoria Road 3	Dickson Rothschild	10 April 2016
Project No. 15-030, Dwg. No. DA 0-936 Rev. A	Future Built Form Analysis – Victoria Road 4	Dickson Rothschild	10 April 2016
Job No. SS16-3354, Dwg. No. 000 Rev. D	Landscape Cover Sheet	Site Image Landscape	4 November 2016

<b><i>Reference/Dwg No</i></b>	<b><i>Title/Description</i></b>	<b><i>Prepared By</i></b>	<b><i>Issue Date/s</i></b>
		Architects	
Job No. SS16-3354, Dwg. No. 101 Rev. B	Landscape Plan Ground Floor	Site Image Landscape Architects	4 November 2016
Job No. SS16-3354, Dwg. No. 102 Rev. D	Landscape Plan Level 1 & 2	Site Image Landscape Architects	4 November 2016
Job No. SS16-3354, Dwg. No. 103 Rev. D	Landscape Plan Level 8 Rooftop	Site Image Landscape Architects	4 November 2016
Job No. SS16-3354, Dwg. No. 501 Rev. D	Landscape Details	Site Image Landscape Architects	4 November 2016
Ref. 16-0855 Issue B	Thermal Comfort & BASIX Assessment	Efficient Living	30 November 2016
Project No. 162835 Dwg. No. H000 Rev. B	Drawing Schedule & Legend	Webb Australia	12 May 2017
Project No. 162835 Dwg. No. H101 Rev. B	Basement 2 Floor Plan	Webb Australia	12 May 2017
Project No. 162835 Dwg. No. H102 Rev. B	Basement 1 Floor Plan	Webb Australia	12 May 2017
Project No. 162835 Dwg. No. H103 Rev. B	Ground Floor Plan	Webb Australia	12 May 2017
Project No. 162835 Dwg. No. H104 Rev. A	Level 1 Floor Plan	Webb Australia	12 May 2017
Project No. 162835 Dwg. No. H105 Rev. B	Roof Plan	Webb Australia	12 May 2017
Project No. 162835 Dwg. No. SW001 Rev. A	Ground Floor Plan	Webb Australia	12 May 2017
Plan No. SY160154E1 Rev. B	Kerb & Gutter Design Plan	Barker Ryan Stewart	12 May 2017
Plan No. SY160154E1 Rev. B	Driveway Longitudinal Section and Details	Barker Ryan Stewart	12 May 2017
Plan No. SY160154E1 Rev. B	Erosion and Sediment Control Plan	Barker Ryan Stewart	12 May 2017
Ref. SY160154	Response to Council items – Traffic and Parking	Barker Ryan Stewart	May 2017
Ref. SY160154 Rev. 1	Construction Traffic Management Plan	Barker Ryan Stewart	April 2017
Ref. SY160028	Traffic and Parking Letter in Response to Matters Raised by Council	Barker Ryan Stewart	16 August 2017
Project No. 20161117.1, Document Ref. 20161117.1/2308A/R0/RL, Rev. 0	DA Acoustic Assessment	Acoustic Logic	23 August 2016
Project No. 15-030 Rev. C	Amended Clause 4.6 Variation (Height of	Dickson Rothschild	6 June 2017

<b><i>Reference/Dwg No</i></b>	<b><i>Title/Description</i></b>	<b><i>Prepared By</i></b>	<b><i>Issue Date/s</i></b>
	Buildings)		
Project No. 15-030 Rev. B	Amended Clause 4.6 Variation (FSR)	Dickson Rothschild	10 June 2017
N/A	Preliminary Site Investigation	Aargus Australia	13 April 2017
N/A	Contamination Remediation Action Plan	Aargus Australia	8 September 2017
N/A	Car Lift Service, including Technical Specification Total Move: Smart Solutions for Vehicle Parking & Car Storage and Lift Service	LevantaPark	6 September 2017

**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. Roads and Maritime Requirements**

1. Roads and Maritime has previously acquired a strip of land for road along the Victoria Road frontage of the subject property, as shown by blue colour on the attached Aerial —"X". Therefore all buildings and structures other than pedestrian footpath awnings together with any improvements integral to the future use of the site are to be wholly within the freehold property unlimited in height or depth along the Victoria Road boundary.



2. The design and construction of the kerb and gutter crossing on Victoria Road shall be in accordance Roads and Maritime requirements. Details of these requirements should be obtained from Roads and Maritime Services, Manager Developer Works, Statewide Delivery, Parramatta (telephone 9598 7798). Detailed design plans of the proposed kerb and gutter are to be submitted to Roads and Maritime for approval prior to the issue of a Construction Certificate and commencement of any road works. A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by Roads and Maritime.
3. All vehicles are to enter and exit the site in a forward direction.
4. All vehicles are to be wholly contained on site before being required to stop.
5. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works. Details should be forwarded to:

The Sydney Asset Management  
Roads and Maritime Services  
PO Box 973 Parramatta CBD 2124.

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

6. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime. The report and any enquiries should be forwarded to:

Project Engineer, External Works  
Sydney Asset Management  
Roads and Maritime Services  
PO Box 973 Parramatta CBD 2124.  
Telephone 8849 2114  
Fax 8849 2766

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

7. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted Victoria Road.
8. A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Victoria Road during construction activities.

*(Reason: Compliance and Street Management)*

### **3. Certification of Remedial Action Plan**

A Section B Site Audit Statement or letter of Interim advice must be obtained from a NSW EPA Accredited Site Auditor or experienced environmental consultant certified under the 'Certified Environmental Practitioner' (CEnvP) Scheme or equivalent and forwarded to the Council officer certifying that the RAP is practical and the site will be suitable after being remediated in accordance with the requirements of the submitted RAP.

*(Reason: To ensure the site is suitable for the proposed development)*

### **4. DAGCA03 - 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. DAGCA06 - Separate Approvals**

Separate Development Approval shall be obtained for the use of the commercial tenancy included in the approved development.

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

### **6. DAGCB01 - Australia Post Guidelines**

Mail deliveries are to be in accordance with Australia Post Guidelines, as set out in the Australia Post publication "General Post Guide - September 2007". A copy of this Guide can be obtained from

Australia Post's web page at [www.auspost.com.au](http://www.auspost.com.au). A copy of the brochure may be obtained from Australia Post. In general, a clearly marked mailbox (or group of mailboxes) shall be provided within 500mm of the footpath alignment.

*(Reason: To ensure compliance with mail delivery regulations)*

## **7. DAGCB02 - 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)*

## **8. DAGCB06 - Height**

The maximum height of the proposed development shall be A.H.D. 25.08m (RL57.38) as measured to the top of the architectural roof feature.

*(Reason: Compliance)*

## **9. DAGCB07 - 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)*

## **10. DAGCB10 - 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)*

### **11. DACGB12 - AVENUE Numbering of Lots and Units**

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

UNIT NUMBER	AVENUE NUMBER	AVENUE NAME	ROAD TYPE	LOCALITY
<b>Ground Floor Retail</b>				
01	227	VICTORIA	ROAD	DRUMMOYNE
<b>Level 1</b>				
101	227	VICTORIA	ROAD	DRUMMOYNE
102	227	VICTORIA	ROAD	DRUMMOYNE
103	227	VICTORIA	ROAD	DRUMMOYNE
104	227	VICTORIA	ROAD	DRUMMOYNE
105	227	VICTORIA	ROAD	DRUMMOYNE
106	227	VICTORIA	ROAD	DRUMMOYNE
<b>Level 2</b>				
201	227	VICTORIA	ROAD	DRUMMOYNE
202	227	VICTORIA	ROAD	DRUMMOYNE
203	227	VICTORIA	ROAD	DRUMMOYNE
204	227	VICTORIA	ROAD	DRUMMOYNE
<b>Level 3</b>				
301	227	VICTORIA	ROAD	DRUMMOYNE
302	227	VICTORIA	ROAD	DRUMMOYNE
303	227	VICTORIA	ROAD	DRUMMOYNE
304	227	VICTORIA	ROAD	DRUMMOYNE
<b>Level 4</b>				
401	227	VICTORIA	ROAD	DRUMMOYNE
402	227	VICTORIA	ROAD	DRUMMOYNE
403	227	VICTORIA	ROAD	DRUMMOYNE
<b>Level 5</b>				
501	227	VICTORIA	ROAD	DRUMMOYNE
502	227	VICTORIA	ROAD	DRUMMOYNE
503	227	VICTORIA	ROAD	DRUMMOYNE
<b>Level 6</b>				
601	227	VICTORIA	ROAD	DRUMMOYNE
602	227	VICTORIA	ROAD	DRUMMOYNE
603	227	VICTORIA	ROAD	DRUMMOYNE

Numbering of units/properties shall be conspicuously displayed at the front of the property and shall be maintained in accordance with Council's AVENUE 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)*

### **12. DAGCB15 - Telecommunications /TV Antennae**

No more than one telecommunications/TV antenna will be provided to the building.

*(Reason: Environmental amenity)*

### **13. DAGCC01 - 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)*

### **14. DAGCC05 - 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)*

### **15. DAGCC06 Fill Material**

#### **Imported Fills**

All fill imported onto the site shall be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported on to the site shall also be compatible with the existing soil characteristic for site drainage purposes.

Council may require details of appropriate validation of imported fill material to be submitted with any application for future development of the site. Hence all fill imported onto the site should be validated by either one or both of the following methods during remediation works:

1. Imported fill should be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
2. Sampling and analysis of the fill material shall be conducted in accordance with NSW EPA (1995) Sampling Design Guidelines.
3. Any fill material that is imported onto the site must be analysed and classified by an appropriately qualified and experienced environmental consultant in accordance with relevant NSW EPA guidelines, including the "Waste Classification Guidelines" 2014.

To ensure that fill material is suitable for the proposed [use], only material classified as Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM) is permitted to be imported onsite.

Any waste-derived material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifying Authority on request.

### **Classification of waste**

Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be classified in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the NSW EPA Waste Classification Guidelines, Part 1: Classification of Waste (November 2014). Testing is required prior to off-site disposal. In accordance with DECC Waste Classification Guidelines (2014) materials identified for off-site disposal must be removed by a suitably qualified contractor to an appropriately licensed waste facility.

**Note:** Attention is drawn to Part 4 of the NSW DECC Waste Classification Guidelines (2014) which makes particular reference to the management and disposal of Acid & Potential Acid Sulfate Soils. The classification of the material is essential to determine where the waste may be legally taken. The Protection of the Environment Operations Act 1997 provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the EPA.

Evidence that the requirements specified above have been satisfied must be provided to the Principle Certifying Authority prior to the issue of an Occupation Certificate. Where an Occupation Certificate is not required this evidence must be provided to the satisfaction of Council's Manager Health, Building & Environment.

*(Reason: To ensure that imported fill is of an acceptable standard for environmental protection purposes)*

### **Conditions which must be satisfied prior to the commencement of demolition of any building or structure**

#### **16. Residential Storage**

The architectural plans shall be amended and submitted to the Accredited Certifier **prior to the issue of a Construction Certificate** to demonstrate and confirm that the total volume of residential storage space required under *State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development* has been provided.

This includes a minimum of:

- 6m<sup>3</sup> for one-bedroom units
- 8m<sup>3</sup> for two-bedroom units
- 10m<sup>3</sup> for three-bedroom units

*(Reason: Amenity)*

## **17. DAPDB01 - Construction Certificate - Prior to the Commencement of any Demolition Works**

Where demolition is associated with the erection of a new structure, or an altered portion of or an extension to an existing building, the demolition of any part of a building is "commencement of erection of building" pursuant of section 81A(2) of the Act. In such circumstance all conditions of this consent must be satisfied prior to any demolition work. This includes, but is not limited to, the **issue of a Construction Certificate, appointment of a PCA and Notice of Commencement under the Act.**

*(Reason: Statutory Requirement)*

## **18. DAPDB02 - Demolition**

### **Demolition - General**

- a. That two (2) working days (i.e. Monday to Friday exclusive of public holidays) prior to the commencement of any demolition work, notice in writing is to be given to the Council. Such written notice is to include:
  - The date when demolition will commence,
  - Details of the name, address and business hours contact telephone number of the demolisher, contractor or developer.
  - The licence number of the demolisher, and relevant WorkCover licenses, (see minimum licensing requirements in (d) below, and
  - Copies of the demolisher's current public liability/risk insurance policy indicating a minimum cover of \$10,000,000.00.
- b. Demolition of buildings and structures must comply with all current and relevant Australian Standards.
- c. Demolition works are restricted as follows:
  - Monday to Saturday inclusive - 7:00am - 5:00pm
  - Sundays and Public Holidays - No work
- d. At least two (2) working days (i.e. Monday to Friday exclusive of public holidays), the developer or demolition contractor must notify adjoining residents prior to demolition commencing advising the following:
  - The date when demolition will commence;
  - Details of the name, address and business hours contact telephone number of the demolisher, contractor or developer;
  - The telephone number of WorkCover's Hotline 13 10 50.

### **Demolition Involving the Removal of Asbestos**

#### **General Information**

Homes built or renovated prior to 1987 are likely to contain asbestos. Asbestos is most commonly found within eaves, internal and external wall cladding, ceilings and walls (particularly within wet areas such as bathrooms and laundries), and fences. Unless properly handled, asbestos disturbed or removed during renovations can cause the development of asbestos related diseases, such as asbestosis, lung cancer and mesothelioma.

To ensure work does not cause undue risk please see the following site for further information:  
[www.asbestosawareness.com.au](http://www.asbestosawareness.com.au)

### **Asbestos to be removed by licensed asbestos removalist**

All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with WorkCover NSW, holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal License which ever applies AND a current WorkCover Demolition License where works involve demolition.

#### NOTE:

- Removal of asbestos by a person who does not hold a Class A or Class B asbestos removal license is permitted if the asbestos being removed is 10m<sup>2</sup> or less of non-friable asbestos (approximately the size of a small bathroom). Friable asbestos materials must only be removed by a person who holds a current Class A asbestos license.
- To find a licensed asbestos removalist please see [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)

#### Compliance with applicable Legislation, Policies and Codes of Practice

Asbestos removal works are to be undertaken in accordance with the following:

- NSW Work Health and Safety Act and Regulation 2011;
- Safe Work Australia Code of Practice for the Management and Control of Asbestos in the Workplace [NOHSC:2018(2005)]
- NSW Government WorkCover Code of Practice - How to Safely Remove Asbestos;
- NSW Government WorkCover Code of Practice - How to Manage and Control Asbestos in the Workplace; and

#### Clearance certificate

Following completion of asbestos removal works undertaken by a licensed asbestos removalist re-occupation of a workplace must not occur until an independent and suitably licensed asbestos removalist undertakes a clearance inspection and issues a clearance certificate.

#### Notification of asbestos removal works

At least two (2) working days (i.e. Monday to Friday exclusive of public holidays), the developer or demolition contractor must notify adjoining residents prior to the commencement of asbestos removal works. Notification is to include, at a minimum:

- The date and time when asbestos removal works will commence;
- The name, address and business hours contact telephone number of the demolisher, contractor and/or developer;
- The full name and license number of the asbestos removalist/s; and
- The telephone number of WorkCover's Hotline 13 10 50

Warning signs must be placed so they inform all people nearby that asbestos removal work is taking place in the area. Signs should be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs should be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs should be in

accordance with AS 1319-1994 Safety signs for the occupational environment for size, illumination, location and maintenance.

### Barricades

Appropriate barricades must be installed as appropriate to prevent public access and prevent the escape of asbestos fibres. Barricades must be installed prior to the commencement of asbestos removal works and remain in place until works are completed.

*(Reason: To ensure compliance with the relevant legislation and to ensure public and work safety)*

### **19. DAPDB03 - Site Safety Fencing - Demolition only**

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

The site shall be maintained in a clean and orderly condition during demolition 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)*

### **20. DAPDB05 - Erosion and Sediment Control During Demolition**

Erosion and sedimentation controls shall be in place prior to the commencement of demolition works and shall be maintained throughout the demolition of the building and any regrading of the ground levels, approved removal of vegetation etc. The controls shall be installed 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 during the demolition works and made available to Council officers on request.

*(Reason: Environmental protection)*

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

### **21. DACCA01 - 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)*

## **22. DACCB02 - Damage Deposit for Council Infrastructure**

A Damage Deposit (calculated in accordance with Council's adopted Fees and Charges) of **\$30,000.00** 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)*

## **23. DACCB03 - 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)*

## **24. DACCB04 - Section 94 Contributions –**

The following Section 94 Development Contributions are required towards the provision of public amenities and services in accordance with the City of Canada Bay s94 Development Contributions Plan.

Based on the following rates, as at September 2017 (CPI 112.5)

Infrastructure Type	Studio/One bedroom dwelling	Two bedroom dwelling	Three + bedroom dwelling	Additional Lot
Community Facilities	\$1,132.10	\$1,611.65	\$2,179.39	\$2,179.39
Civil Infrastructure	\$1,099.14	\$1,564.73	\$2,115.94	\$2,115.94
Plan Preparation and Administration	\$124.33	\$177.00	\$239.35	\$239.35
Open Space and Recreation	\$8,033.68	\$11,436.65	\$15,465.32	\$15,465.32
<b>TOTAL</b>	<b>\$10,389.25</b>	<b>\$14,790.03</b>	<b>\$20,000</b>	<b>\$20,000</b>

Based on the following number of Dwellings and Bedrooms:

No. of Dwellings	No. of Studio & One beds	No. of Two beds	No. of Three or more beds	No. of Additional lots
	7	16	-	-
	\$72,724.75	\$236,640.48		
<b>TOTAL</b>	<b>\$309,365.23</b>			

Any change in the Consumer Price Index between September 2017 (CPI 112.5) and the date that the Section 94 Development Contribution is paid, will be added/subtracted from the amount cited above.

Contributions must be receipted by Council and submitted to the Accredited Certifier prior to the issue of any Construction Certificate.

Please present a copy of this condition when paying the contribution at the Customer Service Centre so that it can be recalculated.

A copy of the City of Canada Bay Section 94 Development Contributions Plan may be obtained from Council's website.

*(Reason: To retain a level of service for the existing population and to provide the same level of service to the population resulting from new developments)*

#### **25. DACCB08 – Fees to be paid to Council prior to issue of the Construction Certificate**

Damage Deposit	<b>\$30,000.00</b>
Sect. 94 Contributions	<b>\$309,365.23</b>
<b>TOTAL</b>	<b>\$339,365.23 + CPI where applicable</b>

**PLEASE NOTE that other fees and charges may be applicable to the proposal.**

The applicant is advised to obtain a copy of Council's latest Fees and Charges schedule available at Council's Customer Services Section. Further information as to other fees and charges applicable to your development may be obtained by contacting Council's Customer Services Centre on 9911 6555 during office hours.

*(Reason: Statutory requirement and information)*

#### **26. DACCE01 - Amendments to Approved Plans**

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

- (a) The width of the pedestrian entry corridor from Victoria Road to the residential lobby shall be increased to a minimum of 1.814m by reducing the northern extent of the commercial tenancy.
- (b) An operable screen is to be provided to the bedroom window in Unit 1.04 (facing the atrium) to minimise noise impacts arising from the adjoining McDonald's drive through.



- (c) Fixed external privacy screens or opaque glazing shall be provided to a minimum height of 1.6m to the west-facing bedroom windows to Units 2.01 and 3.01.
- (d) Ceiling fans are to be provided to the bedrooms and living rooms of Units 1.01 – 1.06 inclusive.
- (e) The holding tank provided in the basement shall be adequately sized to collect the seepage inflow into the basement. A geotechnical investigation shall be undertaken to determine the seepage rate and the volume of the seepage tank shall be based on recommended seepage rate.
- (f) The solid cover on the discharge control chamber and overflow pit shall be replaced with grate openings to effectively maintain the system.

**Note:** This involves a change to the Development Application plans as submitted to and approved by Council. Any changes in this regard shall be reflected as amended plans to be submitted to the Accredited Certifier **prior to the issue of a Construction Certificate** for the proposed development.

*(Reason: To confirm and clarify the terms of Council's approval)*

## **27. DACCE02A - Construction Traffic Management Plan (CTMP)**

Prior to the issue of a Construction Certificate, the applicant shall submit and have approved 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) A detailed description and route map of the proposed truck/construction vehicle access routes.
- (b) The locations of any proposed Construction Works Zones along the site frontage.
- (c) Provide a construction schedule.
- (d) Tradesperson parking (parking shall be provided on-site where possible).
- (e) Provide relevant Traffic Control Plans (must be certified by a suitably qualified RMS ticket holder).
- (f) Provide relevant Pedestrian Management Plans.
- (g) 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.

*(Reason: Traffic safety and amenity during construction phase)*

## **28. DACCE03 - Continuous Awnings**

The awning over the footpath, 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 awning 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)*

### **29. DACCE04 - 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)*

### **30. DACCE05 - Waste Water Control**

The applicant shall contact Sydney Water, to determine the requirements for the disposal of wastewater and liquid trade waste (including grease traps or grease arrestors). The applicant must provide a copy of the Authority to connect to the sewer system prior to the issue of a Construction Certificate. There is to be no discharge of wastewater to the stormwater system.

*(Reason: Information)*

### **31. DACCF04 - 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)*

### **32. DACCG01 - Available Visitor Car Parking Signage**

A sign shall be erected in a suitable location on the property near the driveway entrance indicating where visitor parking is available on the site. Details shall be submitted **prior to the issue of the Construction Certificate.**

*(Reason: Adequate access and egress)*

### **33. DACCG02 - 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)*

### **34. DACCG03 - Car Parking Areas for Multiple Use Buildings**

The following car parking and service vehicle requirements apply:

- (a) 27 car spaces shall be provided on the development site. This shall comprise of:
  - 19 residential spaces (incl. 3 car parking spaces for people with mobility impairment, in accordance with AS 2890.1.);

- 5 visitor spaces (incl. 1 car parking space for people with mobility impairment, in accordance with AS 2890.1.);
  - 3 business/commercial/retail premises spaces.
- (b) All car spaces shall be allocated and marked according to this requirement.
- (c) If the development is to be strata subdivided, the car park layout must reflect the above allocation and thereafter be regarded as part of the entitlement of that strata lot. **Under no circumstances shall parking spaces be sold, let or otherwise disposed of for use other than in accordance with this condition.**
- (d) Each car parking space shall have minimum dimensions in accordance with the relevant Australian Standard and be provided on-site in accordance with the approved plans.
- (e) The parking bays shall be delineated by line marking.
- (f) Visitor spaces shall be clearly line marked and/or signposted and shall only be used by persons visiting residents of the property or commercial/business/retail premises located within the development. Visitor spaces shall not be allocated as permanent residential parking spaces. Access to visitor parking spaces shall not be restricted without development approval and a sign shall be erected at the vehicular entrance indicating the availability of visitor parking.

The following traffic control measures shall be implemented on site:

- (a) Signage indicating "Entry Only" shall be prominently displayed at the entrance to the development.
- (b) Signage indicating "Exit Only" shall be prominently displayed at the exit to the development.
- (c) One-Way directional arrows shall be painted on the driveway pavement to indicate the required vehicular directional movement through the car parking area. The above details shall be submitted to and approved by the Accredited Certifier **prior to the issue of the Construction Certificate.**

*(Reason: Parking and access)*

### **35. DACCG04 - Disabled Car Parking**

Four (4) of the spaces of the car parking spaces provided as part of the total requirement shall be reserved for disabled persons. These spaces shall be a minimum of 3.2m wide x 5.5m long and located near pedestrian access routes designed for disabled persons. Each space shall be clearly marked as such.

Car parking for people with disabilities shall be provided in accordance with 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.

The above details shall be submitted to and approved by the Accredited Certifier **prior to the issue of the Construction Certificate.**

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

### **36. DACCG06 - Maintaining Sight Lines (multi- unit development)**

All new walls adjacent to vehicular crossings must be lowered to a height of 600mm above the internal driveway level for a distance of 1.50m within the site or splayed 1.5 metre by 1.5 metre to provide satisfactory sight lines. Details are to be submitted to the Accredited Certifier **prior to the issue of a Construction Certificate** showing compliance with this condition.

*(Reason: Safety)*

### **37. DACCG10 - 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. DACCH00 - Obscure Glazing for Privacy in Wet Areas**

All bathroom, ensuite and toilet windows shall be installed with obscure glazing.

*(Reason: Amenity)*

### **39. DACCI01 - 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, and shall be filled out and signed by the Applicant and submitted to Council. This form is generally for “minor works” (as defined in the Driveways and Ancillary Works Application Form). For “major works”, a Dilapidation Report will be required.

This Form is used to assist Council in determining the refund of any damage deposits and any likely repairs necessary upon the completion of the development.

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)*

### **40. DACCI03 - 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)*

#### **41. DACCI05 - Vehicular Crossings**

Full-width, heavy-duty concrete vehicular crossing(s) shall be installed across the footpath at the entrance(s) and/or exit(s) to the site, subject to separate Council approval. In this regard the Applicant must obtain a copy of Council's "Engineering Requirements for Developments, Technical Specification" and lodge an application for vehicular crossing(s) (available from Council's Customer Services Centre or can be downloaded from Council's 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)*

#### **42. DACCJ01 - Hoardings**

A Hoarding Application for the erection of a Class A (fence type) or Class B (overhead type) hoarding along the street frontage(s) complying with WorkCover requirements must be obtained.

The relevant application form shall be submitted to Council with a footpath occupancy fee based on the area of footpath to be occupied according to Council's Schedule of Fees and Charges, and the application shall be approved before the commencement of work.

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 also provided to Council. The Policy is to note Council as an interested party. The copy is to be provided to Council **prior to the issue of a Construction Certificate**.

*(Reason: Safety & information)*

#### **43. DACCJ02 - 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 complete a Section 138 Civil Works in the Public Domain Area Application for major works, or for minor works (as defined in the Driveways & Ancillary Works Application) adjacent to the site, an application for "Driveway & Ancillary Works" and submit the application to Council for approval prior to the issue of a Construction Certificate. Both forms are available from Council's Customer Services Centre or can be downloaded from Council's website.

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 Utilities & Development Engineer, prior to the issue of the Occupation Certificate.

*(Reason: Public infrastructure maintenance)*

#### **44. DACCK01 - Application for a Construction Certificate**

The applicant must apply to Council or an Accredited Certifier for a Construction Certificate to carry out the relevant building works that are approved by this consent. The details to be included in the application for a Construction Certificate are:

- (a) Architectural plans and specifications complying with the Building Code of Australia (BCA), relevant Australian Standards, and the development consent and conditions.
- (b) If Council issues the Construction Certificate, engineering details must be submitted for approval for all structural elements, including but not limited to, piers, footings, reinforced concrete slab, first floor joist layout, roof trusses, steel beams and the like. The details must be prepared by a practising consulting structural engineer. Also a certificate from the engineer must be included certifying that the design fully complies with appropriate SAA Codes and Standards and the Building Code of Australia requirements. Note: The engineer/s undertaking certification must be listed on the National Professional Engineers Register under the appropriate category.
- (c) Geotechnical report for the site, prepared by a qualified geotechnical engineer detailing the foundation conditions of the site and solutions for consideration by a structural Engineer.
- (d) Essential services plan outlining the existing and proposed fire safety measures.
- (e) Disabled access provisions to common and public areas in accordance with AS1428.
- (f) If an alternative solution to the "deemed to satisfy" provisions of BCA is proposed, the following details must be lodged:
  - Performance requirements that the alternative solution intends to meet.
  - Assessment methods used to determine compliance with the performance requirements, including if and how each performance objective impacts on other requirements of the BCA; and
  - A statement about the person who prepared the alternate solution, indicating qualifications, experience, insurance details, and membership of an approved accreditation body

**Note:** The performance-based application may be required to be reviewed by a suitably qualified independent body at the applicant's expense. Any fees relating to any review are required to be paid **prior to the issue of the Construction Certificate**.

*(Reason: Statutory requirement)*

#### **45. DACCK02 - 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)*

#### **46. DACCK03 - 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)*

#### **47. DACCL02 - Certification of the Stormwater Drainage System Design**

The proposed stormwater design shall be certified by a suitably qualified person, in accordance with Council's "Engineering Requirements for Developments, Technical Specification", and shall be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate.**

Certification of the proposed stormwater design shall be obtained from a Chartered Professional Civil Engineer with Institution of Engineers, Australia Corporate Membership and registered on the National Engineers Register (NER) and shall be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate.**

*(Reason: Adequate stormwater management)*

#### **48. DACCL04 - 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)*

#### **49. DACCL05 - Grated Drain to Garage**

A grated trench drain shall be provided across the (garage entrance/driveway/street boundary). Unless otherwise designed by a Qualified Civil Engineer, the dimensions of the trench grate shall not be less than 200mm wide by 150mm deep at the shallow end, and have a “bottom” slope of 2 %. This trench drain shall be connected to an approved drainage system. The grated drain calculation shall be in accordance with AS/NZS3500.

The above information must be indicated on all relevant drawings to be submitted **with the Construction Certificate**.

*(Reason: Environmental protection)*

#### **50. DACCL06 - Rainwater Re-use**

A rainwater harvesting system shall be provided in accordance with either the BASIX minimum requirements, any relevant Council Rainwater Re-use Policy and/or “Engineering Requirement for Developments, Technical Specification”, 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)*

#### **51. DACCL07 - Silt Arrestors and Gross Pollutant Traps**

Silt and gross pollutant traps shall be fitted in all stormwater pits, designed in accordance with Council’s “Engineering Requirements for Developments, Technical Specification” 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 Protection)*

#### **52. DACCL08 - Installation of Temporary Rock Anchor**

Where rock anchors are proposed for the protection of Council’s land or assets such as utility services, footpaths, kerb and gutter and other ancillary infrastructure, “An Application to Install Temporary Rock Anchors” shall be submitted with the relevant fees & charges paid **prior to the issue of a Construction Certificate**. An Application for the use of temporary rock anchors will only be considered if there is no other alternative method of stabilization. In this regard, a statement from a qualified Structural or Geotechnical Engineer is required to be submitted with the application.

The Applicant/Developer must provide full details of the proposed installation design details and certification from a Qualified Civil, Structural or Geotechnical Engineer, for Council’s approval, **prior to the issue of a Construction Certificate**.



The Civil, Structural or Geotechnical Engineer must be a fully Qualified Chartered Professional Engineer with current Institution of Engineers, Australia Corporate Membership and registered on the National Engineers Register (NER).

*(Reason: Protection of Council Assets)*

### **53. DACCL09 - Control of Seepage Water**

A holding tank shall be provided to store seepage water for a period of 24 hours. The discharge of seepage water to the kerb is to be restricted between 11:00pm and 3:00am at a maximum discharge rate of 5.0 L/s. A minimum of seepage rate of 0.001 L/s per sqm shall be adopted to calculate the capacity of the holding tank unless a geotechnical report prepared by a qualified Geotechnical Consultant is submitted which provides a different seepage rate, **prior to the issue of a Construction Certificate.**

*(Reason: Prevention of public nuisance)*

### **54. DACCM01 - Dilapidation Report**

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 Chartered Professional Civil or Structural Engineer with current Institution of Engineers, Australia Corporate Membership and registered on the National Engineers Register (NER) 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 the owners of all properties inspected and 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)*

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

### **55. DAPCC01 - 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)*

#### **56. DAPCC02 - 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**

#### **57. DADWA01 - 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)*

#### **58. DADWA02 - 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)*

#### **59. DADWA03 - 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)*

#### **60. DADWA04 - 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 and shall be modified as directed by the City of Canada Bay Council should it fail to adequately control any dust nuisance.

##### **Major Works**

The following measures must be implemented (in part or in total) as directed by the City of Canada Bay Council 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 contaminated or 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 or as directed by the City of Canada Bay Council.

*(Reason: Environmental amenity)*

#### **61. DADWA05 - Excavation - Water**

All excavations must be kept free from the accumulation of water.

*(Reason: Health and safety)*

#### **62. DADWA06 - Prevention of Nuisance**

All possible and practical steps shall be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from windblown dust, debris, noise and the like during the demolition, excavation and building works.

*(Reason: Health and amenity)*

#### **63. DADWB02 - Acid Sulphate Soils**

Any excavation works carried out on site should be closely monitored to ensure no signs of Potential Acid Sulphate Soil (PASS) or Actual Acid Sulphate Soil (AASS) are observed. Indicators may include grey to greenish blue clays, unusual gold-yellow mottling or 'rotten egg' odours. If any of these indicators are observed, excavation of the site is to be stopped immediately, Council is to be notified and a suitably qualified environmental scientist should be contracted to further assess the site.

*(Reason: Environmental protection)*

#### **64. DADWB03 - 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)*

#### **65. DADWB04 - 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)*

#### **66. DADWB05 - 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)*

**67. DADWB06 - 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 unless prior separate approval from Council is obtained 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.)*

#### **68. DADWC01 Contaminated Land Unexpected Finds**

In the instance works cause the generation of odours or uncovering of unexpected contaminants works are to immediately cease, Council is to be notified and a suitably qualified environmental scientist appointed to further assess the site.

The contaminated land situation is to be evaluated by the supervising environmental consultant and an appropriate response determined in consultation with the applicant, which is agreed to by City of Canada Bay, Manager Health, Building and Environment.

Note: Council may also request that a NSW EPA accredited site auditor is involved to assist with the assessment of the contaminated land situation and review any new contamination information. The applicant must also adhere to any additional conditions which may be imposed by the accredited site auditor.

*(Reason: To ensure compliance with Statutory Requirements)*

#### **69. DADWC03 Construction Environmental Management Plan for Remediation**

A Construction Environmental Management Plan (CEMP) must be prepared for the proposed remedial works in accordance with the requirements of the approved Remedial Action Plan. The CEMP must be prepared by an appropriately qualified and experienced environmental consultant.

The CEMP for Remediation must include, but not be limited to, the following:

- 4.1 Site Information
- 4.2 Soil and Water Management
  - 4.2.1 Stockpiles
  - 4.2.2 Site Access
  - 4.2.3 Excavation Pump-out
  - 4.2.4 Landscaping/Rehabilitation
  - 4.2.5 Bunding
- 4.3 Noise
- 4.4 Vibration
- 4.5 Air Quality
  - 4.5.1 Dust Control
  - 4.5.2 Odour Control
- 4.6 Groundwater
- 4.7 Transport

- 4.8 Asbestos Management, Waste Management and Hazardous Materials
- 4.10 Containment/Capping of Contaminated Soil
- 4.11 Importation of Fill
- 4.12 Site Signage and Contact Numbers
- 4.13 Site Security
- 4.14 Occupational Health & Safety
- 4.15 Removal of Underground Storage Tanks

The CEMP must be prepared and implemented to the satisfaction of the supervising environmental consultant. The environmental site management measures must remain in place and be maintained throughout the period of the remediation works, until completion of site remediation and the site has been validated.

Note: An appropriately qualified and experienced environmental consultant may be certified under the 'Certified Environmental Practitioner' (CEnvP) Scheme or equivalent.

*(Reason: To ensure compliance with Statutory Requirements)*

#### **70. DADWC04 Site Validation Report**

Prior to the issue of an Occupation Certificate, on completion of the remedial works, a Site Validation Report is to be forwarded to Council for approval. The validation report is to be prepared by a suitably qualified environmental consultant with experience in land contamination in New South Wales, EPA contaminated land legislation and guidelines including the Contaminated Land Management Act. The report is to be satisfactorily documenting the following:

1. The extent of validation sampling, and the results of the validation testing,
2. That the remediation and validation of the site has been undertaken in accordance with Remedial Action Plan, prepared by Argus dated 8<sup>th</sup> of September reference ES6829/3
3. That the site is suitable for the proposed use.
4. The Validation Report must be submitted for review by a NSW EPA accredited site auditor prior to the commencement of construction and the issue of a construction certificate

*(Reason: To ensure compliance with Statutory Requirements)*

#### **71. DADWC05 Site Audit Statement -**

**Prior to the issue of an Occupation Certificate**, a Site Audit Statement (SAS) is to be obtained from a NSW EPA Accredited Site Auditor and submitted to Council. The SAS must confirm that the site has been remediated in accordance with the approved Remediation Action Plan and clearly state that site is suitable for the proposed use. Conditions on the Site Audit Statement shall form of the consent.

- a. Where the SAS is subject to conditions that require ongoing review by the Auditor or Council these should be reviewed and approved by Council before the SAS is issued. In circumstances where the SAS conditions (if applicable) are not consistent with the consent, a S96 application pursuant to the Environmental Planning & Assessment Act 1979 shall be submitted to ensure that they form part of the consent conditions.

- b. A Construction Certificate must not be issued by the PCA unless a Site Audit Statement has been submitted to the Council in accordance with this condition.

*(Reason: To ensure compliance with Statutory Requirements)*

## **72. DADWC06 Remediation**

**Prior to the issue of an Occupation Certificate**, the site is to be remediated in accordance with:

- (a) Remedial Action Plan, prepared by Aargus dated 8 September 2017 and
- (b) Council's Contaminated Land Policy, and
- (c) State Environmental Planning Policy No. 55 - Remediation of Land and
- (d) The guidelines in force under the Contaminated Land Management Act.
- (e) The applicant must engage an appropriately qualified and experienced supervising environmental consultant to supervise all aspects of site remediation and validation.

The environmental consultant must supervise all aspects of the remediation works in accordance with the approved Remedial Action Plan.

**Note:** An appropriately qualified and experienced environmental consultant should be certified by one of the following certification schemes; or equivalent: the EIANZ Contaminated Land Assessment Specialist Certified Environmental Practitioner (CLA Specialist CEnvP) scheme and Site Contamination Practitioners Australia – Certified Practitioner (SCPA).

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination must be immediately notified to the City of Canada Bay Council in writing and the Principal Certifying Authority.

Any variations to the approved Remediation Action Plan shall be approved in writing by the Accredited Site Auditor and Council prior to the commencement of such work.

*(Reason: Compliance with Statutory Requirements)*

## **73. DADWC08 Excavation Pump-out**

All excavation pump-out water must be analysed for suspended solid concentrations, pH and any contaminants of concern identified during a preliminary or detailed site investigation, prior to discharge to the stormwater system. The analytical results of any discharge must comply with relevant EPA and ANZECC standards for water quality and be made available to Council upon request. Any water to be discharged to Council's stormwater system shall not contain a concentration of suspended sediment exceeding 50mg/L, shall have a pH of between 6.5-8.0 and shall comply with the ANZECC Guidelines for Marine and Freshwater Quality for Protection of Aquatic Ecosystems (95% protection level for freshwater ecosystems); NSW Department of Housing, Managing Urban Stormwater – Soils and Construction).

Water testing shall be carried out to ensure water is appropriate for discharge to the stormwater system. This testing shall be undertaken by a suitably qualified environmental scientist. Water that

does not comply with the above standards shall not be discharged to the stormwater system, and shall be disposed of using alternative appropriate means.

Results of water testing (if required) shall be provided to Council or in the Validation Report for remediation projects as required by the conditions of this consent. Documentation for the off-site disposal of water shall be included in the Validation Report.

Other options for the disposal of excavation pump-out water include disposal to sewer with prior approval from Sydney Water, or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

*(Reason: Environmental Amenity)*

#### **74. DADWF01 - Noise - Construction**

All works carried out on site during construction/ demolition/ excavation/ earthworks shall comply with the NSW Protection of the Environment Operations Act 1997 and the Department of Environment and Climate Change 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) at the boundary.
- 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) at the boundary.
- Silencing - All possible steps should be taken to silence construction site equipment

Should complaints of a noise nuisance be substantiated, Council may require the acoustic treatment of the identified noise source/s to ensure compliance with Councils 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.

Council may also require the acoustic treatment of the premises to ensure compliance with the NSW Department of Environment and Climate Change 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)*

#### **75. DADWF02 - Noise - Plant**

All works carried out on site during construction/demolition/excavation or earthworks shall comply with the NSW 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 if required.

*(Reason: Safety and Amenity)*

#### **76. DADWF03 - 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)*

#### **77. DADWG01 - 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)*

#### **78. DADWG02 - 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)*

#### **79. DADWH01 - 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)*

#### **80. DADWH02 - 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)*

#### **81. DADWH04 - 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)*

#### **82. DADWH05 - Critical Stage Inspections for Building Work (Classes 5 ,6, 7, 8 or 9)**

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

- (a) Prior to covering any stormwater drainage connections; and
- (b) After the building work has been completed and prior to any occupation certificate being issued in relation to the building;
- (c) 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 (c), the inspections may be carried out by the PCA or, if the PCA agrees, by another certifying authority.

The final inspection detailed at subclause (c) 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)*

### **83. DADWH06 - Inspection Records & Compliance Certificates**

The PCA or accredited certifier undertaking each of the inspections must make a record of each inspection in accordance with Clause 162B of the Environmental Planning and Assessment Regulations 2000 and, if the person is not the PCA, forward a copy to the PCA.

A copy of any compliance certificates issued in respect of the building work and any documents referred to in the certificate must be provided to Council within two (2) days of the certificate being issued. A compliance certificate must be issued where:

- (a) Either:
  - (i) Council is appointed the PCA; or
  - (ii) Council is the PCA but agrees to an accredited certifier undertaking certain inspection/s, and
- (b) The PCA or accredited certifier is of the opinion that the stage of work he or she has inspected is satisfactory.

*(Reason: Statutory Requirement)*

### **84. DADWI01 - 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**

**85. DAOCB01 - Certification of Engineering Works**

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

- a) A Certificate from a Chartered Professional Engineer with Institution of Engineers, Australia Corporate Membership and registered on the National Engineers Register (NER) under the appropriate professional category, and
- b) “Work - As - Executed” drawings of the engineering works prepared by a Registered Surveyor or equivalent. The abovementioned Certificate is to certify that:
  - (i) the stormwater drainage system, and/or
  - (ii) the car parking arrangement and area including circulating ramps, and/or
  - (iii) any related footpath works, and/or
  - (iv) the basement mechanical 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 Council approved plans and details and satisfies the design intent and complies with the appropriate SAA Codes relevant Standards and Council’s Policies and Specifications.

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)*

**86. DAOCB02 - Strata Subdivision Approval**

This approval does not include approval to strata subdivide the subject property. Should strata subdivision of the property be sought, a separate development application must be submitted to Council for approval **prior to occupation and/or use of the building/s**.

*(Reason: Information)*

**87. DAOCB03 - Street Numbering Strategy**

The Principal Certifying Authority must be satisfied that the Council approved Street Numbering Strategy has been carried out on site **prior to the issue of any Occupation Certificate**. The approved Street Numbering Strategy must not be altered in any way without prior consent of Council. (Reason: Compliance)

**88. DAOCC01 - Civil Works on the Footway**

The Applicant is required to carry out the following works:

- Reconstruct sections of cracked or defective footpath along the full frontage of the site, and/or
- Reconstruct existing public drainage pit/pipe system, and/or
- Construct a new vehicular crossing, and/or

- 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.**

Note: The above works will require the submission of the relevant application for the works to be undertaken.

Where the Applicant nominates Council to undertake the civil and stormwater works, they must contact Council's Manager Construction, City Services in order to obtain an estimated cost for construction and contract to undertake the works.

*(Reason: To preserve Council's assets and amenity)*

### **89. DAOCC03 - Construction of Concrete Kerb and Gutter**

Standard 150mm high concrete kerb with gutter shall be constructed (to replace/across the) (damaged sections/full length) adjacent to the (front/front and side) of the property. The above works must be programmed and constructed **prior to the issuing of any Occupation Certificate.**

Note: The above works will require the submission of the relevant application for the works to be undertaken.

Where the Applicant would prefer Council to undertake the civil and stormwater works, they should contact Council's Manager Construction, City Services to obtain an estimated cost of construction and contract to undertake the works.

*(Reason: To preserve Council's assets and amenity)*

### **90. DAOCD01 - 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)*

### **91. DAOCD02 - Evidence of Lawful Asbestos Disposal**

An Occupation Certificate for a development involving the removal of asbestos must not be issued until such time the applicant provides the principal certifying authority with a copy of receipt/s confirming lawful disposal of asbestos waste.

NOTE: Asbestos waste must be disposed at a waste management facility licensed by the NSW Environment Protection Authority (EPA) to accept such waste. Please see Appendix F of City of Canada Bay's Asbestos Policy, Contact NSW EPA on 131 555 or visit [www.epa.nsw.gov.au](http://www.epa.nsw.gov.au) for a list of waste management facilities licensed to accept asbestos waste.

*(Reason: Health and Safety)*

## **Conditions which must be satisfied prior to the issue of a final Occupation Certificate**

### **92. DAFOA01 - 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)*

### **93. DAFOA02 - Certificate of Test of Mechanical Ventilation**

On the satisfactory completion of work and **prior to the issue of an Occupation Certificate**, a Certificate of Test of Mechanical Ventilation shall be supplied to the Principal Certifying Authority from an approved mechanical ventilation engineer.

*(Reason: To ensure compliance with approved plans)*

### **94. DAFOE01 - Certification of the Constructed Stormwater Drainage System**

The constructed stormwater drainage system shall be certified by a Chartered Professional Civil Engineer with Institution of Engineers, Australia Corporate Membership and registered on the National Engineers Register (NER), in accordance with Council's "Engineering requirements for Developments, Technical Specification", **prior to issue of the Final Occupation Certificate**.

*(Reason: Adequate stormwater management)*

### **95. DAFOE02 - 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 (in regards to the on-site stormwater detention system (OSD), mechanical pump-out system, charged lines (which are related to the OSD system), 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 of width as specified in Council's "Engineering requirements for Developments, Technical Specification", over the proposed stormwater 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 "Engineering requirements for Developments, Technical Specification" document.

*(Reason: Compliance and adequate maintenance of drainage system)*

#### **96. DAFOE03 - 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 On-site Stormwater Detention system (OSD). 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 the written consent of Council.

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)*

#### **97. DAFOF03 - De-stressing the Installed Rock Anchors**

Upon completion of works, the rock anchors are to be completely de-stressed or removed without damage to Council's assets or to existing utility services. Proof shall be provided in the form of certification from the Qualified Structural or Geotechnical Engineer **prior to the issue of an Occupation Certificate**.

**Important Note:** The Applicant/Developer will be liable for any current or future damage caused by the rock anchors during installation, whilst being installed, during de-stressing or during their removal including any damage to public land, and/or any impact on the public land that would prevent its future use or re-development or damage to existing services.

*(Reason: Protection of Public Asset)*

#### **98. DAFOG01 - Prospective Owners/Tenants - Ineligible for Parking Permits**

All owners, residents, tenants/occupiers of the development are not eligible to participate in any existing or proposed Council on-street Permit Parking Schemes. The owner of the property and/or any managing agent appointed by the owner to sell or lease the residential and commercial units on their behalf shall ensure that all prospective purchasers and/or tenants are advised in writing via any advertising material, lease documents, etc. that no on-street parking permits will be issued by Council for the use of owners, tenants or their visitors. Any strata manager/management company appointed following the strata subdivision of the development shall also be responsible for ensuring that all owners and their tenants are informed of this restriction on an ongoing basis.

*(Reason: To ensure that prospective residents and/or tenants are aware that on-site parking is available in the building and that no on-street parking permits will be issued by Council.)*

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

### **99. DAOUA14 - Loading**

All loading and unloading operations shall be carried out wholly within the confines of the site, at all times. All delivery vehicles shall enter and leave the site in a forward direction.

*(Reason: Adequate servicing)*

### **100. DAOUB01 - 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:

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

*(Reason: Fire safety)*

### **101. DAOUC12 - Acoustic Assessment**

All recommendations contained in the approved acoustic assessment report prepared by Acoustic Logic report number 2016117.1 dated 23rd August 2016 shall be adopted, implemented, and adhered to. The Principal Certifying Authority (PCA) shall obtain a certificate from an appropriately qualified acoustic consultant, stating that the recommendations outlined in the above stated report have been completed and that relevant noise criteria have been satisfied prior to the issue of any Occupational Certificate. Any changes made to the proposal that would alter the outcome will require a further assessment and a copy of this further report shall be provided to the PCA for approval and all recommendations of the report shall be adopted, implemented and available upon request of the Council.

*(Reason: Noise Control and Amenity)*

### **102. DAOUC13 - Further Acoustic Assessment**

Following occupation of the building/premises, should it be found that the measures recommended in the acoustic assessment are not sufficient, or have been incorrectly installed or a noise issue (relating to the development) not previously identified arises (through complaint or otherwise), the owner/occupier shall, upon request by Council, employ the services of a qualified acoustic consultant to undertake a post occupation assessment of the development and complete an assessment report with recommendations to rectify the situation. A copy of this report shall be submitted to Council for approval and from there noise attenuation works shall be implemented.

*(Reason: Noise Control and Amenity)*

### **103. DAOUC15 - Noise (General)**

- (a) The use of the premises shall comply with the requirements of the Environmental Pollution Authority's 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).



- (b) The emission of noise associated with the use of the premises including the operation of any mechanical plant and equipment shall comply with the following criteria:
  - (i) The LAeq, 15minute noise level emitted from the use must not exceed the background noise level LA90, 15minute by more than 5dB when assessed at the boundary of any affected residence.
  - (ii) The LAeq,15minute noise level shall be adjusted for modifying factors in accordance with Part 4 of the Environmental Protection Authority (EPA) NSW Industrial Noise Policy.
  - (iii) The background noise level shall be measured in the absence of noise emitted from the use in accordance with Australian Standard AS 1055.1-1997-Description and measurement of environmental noise.
- (c) An LAeq,15minute noise level emitted from the use must not exceed the LA90, 15minute noise level by more than 3dB in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) when assessed inside any habitable room of any affected residence provided that;
  - (i) Where the LA90, 15minute noise level is below the threshold of hearing Tf at any Octave Band Centre Frequency as defined in Table 1 of International Standard ISO 226 - Normal Equal-Loudness-Level Contours then the value of Tf corresponding to that Octave Band Centre Frequency shall be used instead.
  - (ii) The LAeq,15minute noise level and the LA90,15minute noise level shall both be measured with all external doors and windows of the affected residence closed;
  - (iii) The LA90,15minute noise level shall be measured in the absence of noise emitted from the use but with the ventilation equipment (excluding air-conditioning equipment) normally servicing the affected residence operating.
- (d) An LAeq,15minute noise level emitted from the use must not exceed the LA90, 15minute noise level by more than 3dB in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) when assessed inside any commercial premises provided that;
  - (i) The LAeq,15minute noise level and the LA90,15minute noise level shall both be measured with all external doors and windows of the commercial premises closed;
  - (ii) The LA90,15minute noise level shall be measured in the absence of noise emitted from the use but with the ventilation equipment (including air-conditioning equipment) normally servicing the commercial premises operating.
  - (iii) In this clause, the term “noise level emitted from the use” means the contributing noise level from the use in isolation to any other ambient noise and account must therefore be taken of the LAeq,15minute when the use is not in operation.
  - (v) In circumstances where this development application refers to a modification or addition to an existing use, the background noise level referred to in this clause pertains to the LA90, 15minute noise level measured in the absence of all noise from the site.

#### Compliance With Acoustic Report

- (e) All recommendations contained in the acoustic assessment report prepared by Acoustic Logic report number 2016117.1 dated 23<sup>rd</sup> August 2016 shall be adopted, implemented, and adhered to. The following recommendations contained in the report must be complied with at all

times:

#### **4.3.1 Recommended Treatments**

Internal noise levels were calculated based on the expected level and spectral characteristics of the external noise, the area of building elements exposed to the noise source, the absorption characteristics of the rooms and the noise reduction performance of the building elements.

##### **4.3.1.1 Recommended Glazing**

The table below summarises the minimum glazing constructions required to ensure compliance with the internal noise goals. Thicker glazing may be required for structural, safety or other purposes. Where it is required to use thicker glazing than scheduled, this will also be acoustically acceptable.

In addition to meeting the minimum glazing thickness requirements given, the design of the window mullions, perimeter seals and the installation of the windows/doors in the building openings shall not reduce the STC rating of the glazing assembly below the values nominated in the table above. All external windows and doors listed are required to be fitted with Q-lon type acoustic seals. **Note that mohair of fin type seals will not be acceptable for the windows requiring acoustic seals.**

The window/door suppliers should provide evidence that the systems proposed have been tested in a registered laboratory with the recommended glass thicknesses and comply with the minimum listed STC requirements. Also, the glazing installer should certify that the window/doors have been constructed and installed in a manner equivalent to the tested samples.

**Table 4 - Minimum STC/R<sub>w</sub> of Glazing (with Acoustic Seals)**

Façade	Space	Total Glazing Area	Glazing Assembly	Minimum STC/R <sub>w</sub> of Installed Window (with acoustic seals)
Victoria Road	Retail	All	6.38mm laminated	31
	Bedrooms	Up to 3 sqm	10.38 mm laminated	35
		Up to 5 sqm	12.38 mm laminated	37
	Living Rooms	Up to 8 sqm	12.38 mm laminated	37
		Up to 10 sqm	12.5 mm VLam Hush	38
North-western façade	Bedrooms	Up to 5 sqm	10.38 mm laminated	35
		Up to 7 sqm	12.38 mm laminated	37
	Living Rooms	Up to 4 sqm	6.38 mm laminated	31
		Up to 10 sqm	10.38 mm laminated	35
Rear façade	Bedrooms	Up to 5 sqm	10.38 mm laminated	35
		Up to 7 sqm	12.38 mm laminated	37
	Living Rooms	Up to 7 sqm	6.38 mm laminated	31
		Up to 18 sqm	10.38 mm laminated	35
All	Bathrooms	All	6mm float	29

#### **4.3.2 Ventilation and Air Conditioning**

AS 2021 - 2015 requires the installation of ventilation or air conditioning system where aircraft noise exposure exceeds ANEF 20. As internal noise levels cannot be achieved with windows open it is required that an alternative outside air supply system or air conditioning be installed in accordance with AS 1668.2 requirements. Any mechanical ventilation system that is installed should be acoustically designed such that the acoustic performance of the recommended constructions are not reduced by any duct or pipe penetrating the wall/ceiling/roof. Noise emitted to the property boundaries by any ventilation system shall comply with Council requirements.

*(Reason: Noise Control and Amenity)*

#### **104. DAOUC18 - Noise - Air Conditioners**

The air conditioner/s must comply with the requirements of Protection of the Environment Operations (Noise Control) Regulation 2008 and shall not:

- (a) emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
  - (i) before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
  - (ii) before 7.00am and after 10.00pm on any other day; and

- (b) emit a sound pressure level when measured at the boundary of any other residential property, at a time other than those specified in (i) and (ii) above, which exceeds the background (LA90, 15minutes) by more than 5dB(A). The source noise level must be measured as a LAeq 15 minute.

**105. DAOUC19 - Compliance with Noise Control Legislation**

The applicant shall ensure that all activities within the premises comply with the relevant sections of the Protection of the Environment Operations Act 1997 and Regulations; the NSW Environment Protection Authority Industrial Noise Policy (2000) and relevant Australian Standards on Noise Control on Construction, Maintenance and Demolition Sites.

*(Reason: Noise Control and Amenity)*

**106. DAOUD02B Survey of contaminated material containment area**

Prior to the placement of a visual marker layer as required by the RAP, the contaminated fill containment area must be delineated and surveyed by a Registered Surveyor and identified on a survey drawing.

This survey drawing must be submitted to the satisfaction of the supervising environmental consultant and be included in the Validation Report, prior to construction works and **prior to the issue of a construction certificate.**

**107. DAOUD03 - Visitor Parking Restriction**

All visitor parking spaces must not at any time be allocated sold or leased to an individual owner/occupier and must be strictly retained as common property by the Owners Corporation.

*(Reason: Compliance)*

**108. DAOUD04 - Australia Post Guidelines**

Mail deliveries are to be in accordance with Australia Post Guidelines, as set out in the Australia Post publication "General Post Guide - September 2007". A copy of this Guide can be obtained from Australia Post's web page at [www.auspost.com.au](http://www.auspost.com.au). A copy of the brochure may be obtained from Australia Post. In general, a clearly marked mailbox (or group of mailboxes) shall be provided within 500mm of the footpath alignment.

*(Reason: To ensure compliance with mail delivery regulations)*

**Advisory Notes**

**DAANN01 - 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](http://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.

#### **DAANN04 - 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.

#### **DAANN05 - Owner Builders**

Under the Home Building Act 1989 any property owner who intends undertaking construction work to a dwelling or dual occupancy over the value of \$5,000 must complete an approved education course and obtain an owner-builder permit from the Office of Fair Trading. See [www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au).

#### **DAANN06 - 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.

#### **DAANN07 - 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.

#### **DAANN08 - 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.

#### **DAANN09 - 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".

#### **DAANN10 - 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.

#### **DAANN11 - WorkCover Requirements**

The Work Health and Safety Act 2011 and subordinate regulations, codes of practice and guidelines control and regulate the development industry. Further information can be obtained from WorkCover NSW's website at <http://www.workcover.nsw.gov.au/newlegislation2012/your-industry/construction/Pages/default.aspx> or through their head office: WorkCover NSW, 92-100 Donnison Street, GOSFORD 2250 Postal address: WorkCover NSW, Locked Bag 2906, LISAROW 2252, Phone (02) 4321 5000, Fax (02) 4325 4145.