

Conditions of consent

DA2017/0040

The Development Application described above has been determined by the granting of a Deferred Commencement Consent subject to the conditions specified in this notice.

This Development Application is a Deferred Commencement Consent under Section 80(3) of the Environmental Planning and Assessment Act (as amended) 1979. Strict compliance is required with **all conditions appearing in Schedule 1** within **twelve (12) months from the Determination Date of this consent**. Upon confirmation in writing from Georges River Council that the Schedule 1 Conditions have been satisfied, the consent shall commence to operate as a Development Consent for a period of five (5) years from the **Determination Date of this consent**.

Schedule 1

A. DEF 1001 - Deferred Commencement Condition 1 – Planning Agreement

The applicant is to enter into a planning agreement under s93F of the Environmental Planning and Assessment Act 1979 with the Council on the terms of the Heads of Agreement entered into between the applicant and the Council on 1 November 2017 which constitutes the applicant's offer for the purposes of s93I(3) of the Environmental Planning and Assessment Act 1979 to enter into a planning agreement.

The applicant is to produce evidence to the Council sufficient to enable the Council to be satisfied as to the above matter within twelve (12) months from the Determination Date of this consent.

The consent is not to operate until evidence of planning agreement is provided to Council. Commencement of the approval cannot commence until written approval of the submitted information has been given by Council.

B. DEF 1001 - Deferred Commencement Condition 2 – Drainage Easement

The applicant is to undertake the following relating to the existing easement on the site:

- (a) Extinguishment of existing 2m wide stormwater drainage easement (DP451820) and creation of new stormwater drainage easement in lieu.
- (b) Submission of detailed hydraulic analysis of the proposed stormwater drainage pipe diversion within the easement.

Subject to A and B above being satisfied, a development consent be issued, subject to the following conditions:

Schedule 2

DEVELOPMENT CONSENT is granted to the Development Application described above, subject to the conditions in Schedules A, B and C.

Consent Operation - This consent operates from the date of determination set out in this notice and will lapse five (5) years after that date, unless development has commenced within that time, pursuant to the provisions of the Sections 83, and 95 of the Act.

Right of Review – If you are dissatisfied with this decision, you may request a review of the determination under Section 82A of the Environmental Planning and Assessment Act 1979. A request for review and the decision by Council of that request must be made within six (6) months of the date of this Notice of Determination and be accompanied by the relevant fee. You must ensure that an application for review of determination gives Council a reasonable period in which to review its decision having regard to the relevant issues and complexity of the application (Section 82A is not applicable to Integrated or Designated Development).

Right of Appeal – Alternatively, Section 97 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the NSW Land and Environment Court within six (6) months of the determination date on this notice.

Schedule A – Site Specific Conditions

GENERAL CONDITIONS

These conditions have been imposed to ensure that the development is carried out in accordance with the approved plans and to ensure that the appropriate fees and bonds are paid in relation to the development.

1. **GEN1001 Approved Plans**

The development must be implemented in accordance with the approved plans and supporting documentation listed below which have been endorsed by Council's approved stamp, except where marked up on the plans and/or amended by conditions of this consent:

Reference No.	Date	Description	Revision	Prepared by
A001	01.08.2017	Cover Sheet / Location Plan	C	Crawford Architects
A002	20.02.2017	Site Plan	A	Crawford Architects
A006	20.02.2017	Finishes Schedule	A	Crawford Architects
A100	20.02.2017	Basement B5 Plan	A	Crawford Architects
A101	20.02.2017	Basement B4	A	Crawford

		Plan		Architects
A102	20.02.2017	Basement Plan B3	A	Crawford Architects
A103	20.02.2017	Basement Plan B2	A	Crawford Architects
A104	07.07.2017	Basement Plan B1	B	Crawford Architects
A105	20.02.2017	Level 1 Plan	A	Crawford Architects
A106	20.02.2017	Level 2 Plan	A	Crawford Architects
A107	20.02.2017	Level 3 Plan	A	Crawford Architects
A108	20.02.2017	Level 4 Plan	A	Crawford Architects
A109	20.02.2017	Level 5 Plan	A	Crawford Architects
A110	20.02.2017	Level 6 Plan	A	Crawford Architects
A111	20.02.2017	Level 7 Plan	A	Crawford Architects
A112	20.02.2017	Level 8 Plan	A	Crawford Architects
A113	20.02.2017	Level 9 Plan	A	Crawford Architects
A200	20.02.2017	Basement Plan B5	A	Crawford Architects
A201	20.02.2017	Basement Plan B4	A	Crawford Architects
A202	20.02.2017	Basement Plan B3	A	Crawford Architects
A203	20.02.2017	Basement Plan B2	A	Crawford Architects
A204	07.07.2017	Basement Plan B1	B	Crawford Architects
A205	20.02.2017	Level 1 Plan	A	Crawford Architects
A206	20.02.2017	Level 2 Plan	A	Crawford Architects
A207	20.02.2017	Level 3 Plan	A	Crawford Architects
A208	20.02.2017	Level 4 Plan	A	Crawford Architects
A209	20.02.2017	Level 5 Plan	A	Crawford Architects
A210	20.02.2017	Level 6 Plan	A	Crawford Architects
A211	20.02.2017	Level 7 Plan	A	Crawford Architects

A212	20.02.2017	Level 8 Plan	A	Crawford Architects
A213	20.02.2017	Level 9 Plan	A	Crawford Architects
A300	07.07.2017	Elevation - Cross Street	B	Crawford Architects
A301	20.02.2017	Elevation - North	A	Crawford Architects
A310F	07.07.2017	Elevation - South	B	Crawford Architects
A311	20.02.2017	Elevation - North	A	Crawford Architects
A312	20.02.2017	Elevation - East	A	Crawford Architects
A320	20.02.2017	Section - A	A	Crawford Architects
A321	20.02.2017	Section - B	A	Crawford Architects
A322	20.02.2017	Section - C	A	Crawford Architects
A323	20.02.2017	Section - D	A	Crawford Architects
A324	20.02.2017	Section - E and F - Ramping	A	Crawford Architects
A325	20.02.2017	Section - G	A	Crawford Architects
A326	20.02.2017	Section - H	A	Crawford Architects
Job No SS16-3419, Drawing No 000	06.02.2017	Cover Sheet – Landscape plan	A	Site Image Landscape Architects
101	06.02.2017	Landscape Plan Level 4 Terrace	A	Site Image Landscape Architects
102	06.02.2017	Landscape Plan Level 4 Internal Courtyard	A	Site Image Landscape Architects
501	06.02.2017	Landscape Details	A	Site Image Landscape Architects
502	06.02.2017	Landscape Specification	A	Site Image Landscape Architects
C010	20.02.2017	Cover Sheet, Locality Plan & Drawing Register	A	Meichhardt
C020	20.02.2017	General Notes	A	Meinhardt
C100	20.02.2017	General	B	Meinhardt

		Arrangement Plan		
C101	20.02.2017	Vehicular Crossing Plan & Details	B	Meinhardt
C740	20.02.2017	OSD Plan & Details	B	Meinhardt
C030	20.02.2017	Erosion & Sediment Control Plan	A	Meinhardt
C031	20.02.2017	Erosion & Sediment Control Details	A	Meinhardt
-	21.02.2017	Accessibility Report	3	Morris Goding Accessibility Consulting
2016/2853	21.02.2017	BCA Assessment Report	2	Steve Watson and Partners
-	20.02.2017	Operational Waste Management Plan	A	Crawford Architects
14SYT0014	22.02.2017	Traffic Assessment	3	TTM
27433SB rpt Rev1	16.02.2017	Geotechnical Assessment	1	JK Geotechnics
610.1413-R01-v2.0	16.02.2017	Stage 1 Preliminary Site Investigation	2	SLR
6145-2.1R	01.06.2017	Environmental Noise Impact Assessment	Final	Day Design

2. **Planning Agreement** - Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979, the applicant must comply with the terms of the planning agreement that relates to the development application the subject of this consent.

3. **GEN1002 Fees to be paid**

The fees listed in the table below must be paid in accordance with the conditions of this consent and Council's adopted Fees and Charges applicable **at the time of payment.**

Payments must be made prior to the issue of the Construction Certificate or prior to the commencement of work (if there is no associated Construction Certificate).

Please contact council prior to the payment of S94 Contributions to

determine whether the amounts have been indexed from that indicated below in this consent and the form of payment that will be accepted by Council.

Form of payment for transactions \$500,000 or over - Council will only accept Bank Cheque or Electronic Funds Transfer (EFT) for transaction values of \$500,000 or over. Council must be contacted prior to payment to determine correct total amount to be paid and bank account details (if applicable)

(a) Fees to be paid:

Fee types, bonds and contributions

Fee Type
Long Service Levy (to Long Service Corporation)
Builders Damage Deposit
Inspection Fee for Refund of Damage Deposit
S94 Non-Residential Hurstville City Centre (Public Domain)

The following fees apply where you appoint Council as your Principal Certifying Authority (PCA). (If you appoint a private PCA, separate fees will apply)

PCA Services Fee	\$TBA
Construction Certificate Application Fee	\$TBA
Construction Certificate Imaging Fee	\$TBA

Fees and charges above are subject to change and are as set out in the version of Council's Schedule of Fees and Charges or as required by other Government Authorities, applicable at the time of payment.

3. **GEN1004 Section 94 – Non Residential Development in Hurstville City Centre (Public Domain)**

a. Amount of Contribution

Pursuant to Section 94 of the *Environmental Planning and Assessment Act, 1979* (as amended) and *Hurstville Section 94 Development Contributions Plan 2012* the following contribution towards the cost of providing public domain facilities shall be paid to Council:

Contribution Category	Amount
Public Domain Facilities	\$941,912.99.
Total:	\$941,912.99.

This condition and contribution is imposed to ensure that the development makes adequate provision for the demand it generates for public amenities

and public services within the area.

b. Indexing

The above contribution will be adjusted at the time of payment to reflect changes in the Consumer Price Index (All Groups Index) for Sydney, in accordance with the provisions of the *Hurstville Section 94 Development Contributions Plan 2012*.

c. Timing and Method of Payment

The contribution must be paid prior to the release of the Construction Certificate as specified in the development consent.

Please contact Council prior to payment to determine whether the contribution amounts have been indexed from that indicated above in this consent and the form of payment that will be accepted by Council.

Form of payment for transactions \$500,000 or over - Council will only accept Bank Cheque or Electronic Funds Transfer (EFT) for transaction values of \$500,000 or over. Council must be contacted prior to payment to determine correct total amount to be paid and bank account details (if applicable).

Contributions must be receipted by Council before a Construction Certificate is issued.

A copy of the *Hurstville Section 94 Development Contributions Plan 2012* may be inspected or a copy purchased at Council's offices (Civic Centre, MacMahon Street, Hurstville NSW 2220) or viewed on Council's website www.hurstville.nsw.gov.au/Strategic-Planning.html.

4. **GEN1014 Long service Levy**

Submit evidence of payment of the Building and Construction Industry Long Service Leave Levy to the Principal Certifying Authority. Note this amount is based on the cost quoted in the Development Application, and same may increase with any variation to estimated cost which arises with the Construction Certificate application. To find out the amount payable go to www.lspc.nsw.gov.au or call 131441. **Evidence of the payment of this levy must be submitted with the Construction Certificate application.**

5. **GEN1016 Damage Deposit – Major Works**

In order to insure against damage to Council property the following is required:

- (a) Payment to Council of a damage deposit for the cost of making good any damage caused to any Council property as a result of the development: **\$32,916.00** (\$1,200 per metre of street frontage property).
- (b) Payment to Council of a non refundable inspection fee to enable assessment of any damage and repairs where required: **\$260.00** (minimum of two (2) inspections required (\$130.00 per inspection))

(c) At the completion of work Council will:

- (i) review the dilapidation report prepared prior to the commencement works
- (ii) review the dilapidation report prepared after the completion of works;
- (iii) Review the Works –As-Executed Drawings (if applicable); and
- (iv) inspect the public works.

The damage deposit will be refunded in full upon completion of work where no damage occurs and where Council is satisfied with the completion of works. Alternatively, the damage deposit will be forfeited or partly refunded based on the damage incurred.

(d) Payments pursuant to this condition are required to be made to Council before the issue of the Construction Certificate.

SEPARATE APPROVALS REQUIRED UNDER OTHER LEGISLATION

These conditions have been imposed to ensure that the applicant is aware of any separate approvals required under other legislation, for example: approvals required under the Local Government Act 1993 or the Roads Act 1993.

6. **APR6001 Engineering - Section 138 Roads Act and Section 68 Local Government Act 1993 -**
Unless otherwise specified by a condition of this consent, this Development Consent does not give any approval to undertake works on public infrastructure.

A separate approval is required to be lodged and approved under **Section 138 of the Roads Act 1993** and/or **Section 68 of the Local Government Act 1993** for any of the following activities carried out in, on or over a public road (including the footpath):

- (a) Placing or storing materials or equipment;
- (b) Placing or storing waste containers or skip bins;
- (c) Erecting a structure or carrying out work
- (d) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;
- (e) Pumping concrete from a public road;
- (f) Pumping water from the site into the public road;
- (g) Constructing a vehicular crossing or footpath;
- (h) Establishing a “works zone”;
- (i) Digging up or disturbing the surface of a public road (e.g. Opening the road for the purpose of connections to utility providers);
- (j) Stormwater & ancillary works in the road reserve; and
- (k) Stormwater & ancillary to public infrastructure on private land
- (l) If any excavation is to be supported by the use of below ground (cable) anchors that are constructed under Council’s roadways/footways.

These separate activity approvals must be obtained and evidence of the approval provided to the Certifying Authority prior to the issue of the **Construction Certificate**.

The relevant Application Forms for these activities can be downloaded from Hurstville City Council's website www.hurstville.nsw.gov.au/I_want_to/Download_a_Council_Form. For further information, please contact Council's Customer Service Centre on (02)9330 6222.

7. **APR 6003 - Vehicular Crossing - Major Development –**

The following vehicular crossing and road frontage works will be required to facilitate access to and from the proposed development site:

- (c) Construct a new full width (boundary to kerb) footpath in paving material approved and specified by Council's Engineer for the full frontage of the site in Cross Street in accordance with Council's Specifications for footpaths.
- (b) Construct a 150mm thick concrete vehicular crossing reinforced with F72 fabric in accordance with Council's Specifications for vehicular crossings.
- (e) Any existing vehicular crossing and/or laybacks which are redundant must be removed. The kerb and gutter, any other footpath and turf areas shall be restored at the expense of the beneficiary of this consent and in accordance with Council's *Specification for Vehicular Crossings and Associated Works*. The work shall be carried out by a private contractor, subject to Council approval.

Constructing a vehicular crossing and/or footpath requires **separate approval** under **Section 138 of the Roads Act 1993**, prior to the issue of the **Construction Certificate**.

To apply for approval:

- (a) Complete the *Driveway Crossing on Council Road Reserve Application Form* which can be downloaded from Georges River Council's Website at www.georgesriver.nsw.gov.au.
- (b) In the Application Form, quote the Development Consent No. (eg. DA2017/0040) and reference this condition number (e.g. Condition 23).
- (c) Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Section P1 and P2, in Council's adopted *Fees and Charges* for the administrative and inspection charges associated with Vehicular Crossing applications.

Please note, that an approval for a new or modified vehicular crossing will contain the approved access and/or alignment levels which will be required to construct the crossing and/or footpath. Once approved, all work shall be carried out by a private contractor in accordance with Council's *Specification for Vehicular Crossings and Associated Works* prior to the issue of the

Occupation Certificate.

8. **DEV7.5 - Engineering - Road Opening Permit** - A Road Opening Permit must be obtained from Council, in the case of local or regional roads, or from the Roads and Maritime Services, in the case of State roads, for every opening of a public road reserve to access services including sewer, stormwater drains, water mains, gas mains, and telecommunications before the commencement of work in the road.

9. **APR7001 Building – Hoarding Application**

Prior to demolition of the buildings on the site or the commencement of work above ground level a separate application for the erection of an A class (fence type) or a B class (overhead type) hoarding or C type scaffold, in accordance with the requirements of Work Cover Authority of NSW, must be erected along that portion of the footways/roadway where the building is within 3.0 metres of the street boundary. An application for this work under Section 68 of the Local Government Act 1993 and the Roads Act 1993 must be submitted for approval to Council.

The following information is to be submitted with a Hoarding Application under Section 68 of the Local Government Act and Section 138 of the Roads Act 1993:

- (a) A site and location plan of the hoarding with detailed elevation, dimensions, setbacks, heights, entry and exit points to/from the site, vehicle access points, location of public utilities, electrical overhead wire protection, site management plan and builders sheds location; and
 - (b) Hoarding plan and details that are certified by an appropriately qualified engineer; and
 - (c) The 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 (available on our website) before the commencement of work; and
 - (d) 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 a copy provided to Council. The Policy is to note Council as an interested party.
10. **APR7003 Building – Below ground anchors – Information to be submitted with s68 Application under LGA 1993 and s138 Application under Roads Act 1993**
- In the event that the excavation associated with the basement carpark is to be supported by the use of below ground (cable) anchors that are constructed under Council's roadways/footways, an application must be lodged with Council under Section 68 of the Local Government Act 1993 and the Roads Act 1993 for approval, prior to commencement of those works. In this regard the following matters are noted for your attention and details must

be submitted accordingly: Included as Subpoint "(l)" under condition APR6001.

- (a) Cable anchors must be stressed released when the building extends above ground level to the satisfaction of Council.
- (b) The applicant must indemnify Council from all public liability claims arising from the proposed works, and provide adequate insurance cover to the satisfaction of council.
- (c) Documentary evidence of such insurance cover to the value of ten (10) million dollars must be submitted to Council prior to commencement of the excavation work.
- (d) The applicant must register a non-terminating bank guarantee in favour of Council for the amount of \$50,000.00.
The guarantee will be released when the cables are stress released. In this regard it will be necessary for a certificate to be submitted to Council from a structural engineer at that time verifying that the cables have been stress released.
- (e) In the event of any works taking place on Council's roadways/footways adjoining the property while the anchors are still stressed, all costs associated with overcoming the difficulties caused by the presence of the 'live' anchors must be borne by the applicant.

REQUIREMENTS OF CONCURRENCE, INTEGRATED & OTHER GOVERNMENT AUTHORITIES

These conditions have been imposed by other NSW Government agencies either through their role as referral bodies, concurrence authorities or by issuing General Terms of Approval under the Integrated provisions of the Environmental Planning and Assessment Act 1979.

11. GOV1001 NSW Transport, Roads & Maritime Services – Redundant driveways on Main Roads

Any redundant driveways on Cross Street shall be removed and replaced with kerb and gutter to match existing. The proposed kerb and gutter shall also be designed and constructed to Transport, Roads & Maritime Services requirements.

12. GOV1002 NSW Transport, Roads & Maritime Services – Kerb and gutter works to Main Roads

The design and construction of the kerb and gutter works and vehicular crossing on Cross Street shall be in accordance with TRMS requirements. Details of these requirements should be obtained from TRMS's Project Services Manager, Traffic Projects Section, Parramatta, telephone 8849 2496.

Detailed design plans of the proposed gutter crossing are to be submitted to the TRMS for approval prior to the commencement of any roads 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 the TRMS.

13. **GOV1003 NSW Transport, Roads & Maritime Services – Stormwater discharge to Main Roads**

The post development stormwater discharge from the subject site into the TRMS drainage system must not exceed the pre-development discharge.

Should there be any changes to the TRMS drainage system then detailed design plans and hydraulic calculations of the stormwater drainage system are to be submitted to the TRMS for approval, prior to the commencement of works.

Details should be forwarded to:
The Sydney Asset Management
Transport, Roads & Maritime Services
PO BOX 973 Parramatta CBD 2124.

A plan checking fee will be payable and a performance bond may be required before the TRMS's approval is issued. With regard to Civil Works requirement, please contact the TRMS's Project Engineer, External Works Ph: 8849 2114 or Fax: 88142107.

14. **GOV1004 NSW Transport, Roads & Maritime Services – Road Occupancy Licence**

A Road Occupancy Licence must be obtained from the TRMS for any works that may impact on traffic flows on Cross Street Hurstville during construction activities. Any new vehicular crossings within the RMS specified distance from a Traffic Signal Intersection will require a Road Occupancy Licence It is the responsibility of the beneficiary of this consent to ascertain whether such a licence is required.

15. **GOV1006 Sydney Water – Trade Waste Agreements**

A Trade Waste Agreement with Sydney Water may be required. Details of any work required to comply with the agreement must be detailed on the plans lodged with the Construction Certificate. If no trade waste agreement or grease trap is required, a letter from Sydney Water to this effect must be submitted with the application for the **Construction Certificate**.

16. **GOV1007 - Sydney Water - Quick Check** - The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Care Centre to determine whether the development application will affect Sydney Water's sewer and water mains, storm water drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately stamped. For Quick Check agent details please refer to Sydney Water's website: www.sydneywater.com.au.

17. **GOV1008 Sydney Water- Section 73 Certificate**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site

www.sydneywater.com.au then refer to "Water Servicing Co-ordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, as it can take some time to build water/sewer pipes and this may impact on other services and building, driveway or landscape design. The Notice of requirements must be submitted prior to the commencement of work.

18. **GOV1009 Sydney Water – Section 73 Compliance Certificate**

A Section 73 Compliance Certificate under the Sydney Water Act must be submitted to the Principal Certifying Authority prior to the issue of the Occupation/Subdivision or Strata Certificate.

19. **GOV1010 Ausgrid – Substation or Kiosk**

Ausgrid shall be consulted to determine if an electricity distribution substation is required. If so, it will be necessary for the final film survey plan to be endorsed with an area, having the required dimensions as agreed with Ausgrid, indicating the location of the proposed electricity distribution substation site. The substation must be located within the boundary of the development site, or within the building, subject to compliance with the Building Code of Australia. The substation site to be dedicated to Council as public roadway, or as otherwise agreed with Ausgrid. For details visit www.ausgrid.com.au or call 131365.

- (a) written confirmation of Ausgrid's requirements is to be submitted **prior to the issue of the Construction Certificate**; and
- (b) Ausgrid's requirements are to be met before the issue of the Occupation Certificate.

20. **GOV1011 Ausgrid – Underground electrical conduits**

Ausgrid is to be consulted to determine if underground electricity conduits are to be installed in the footway. If so, the developer is to install the conduits within the footway across the frontage/s of the development site, to Ausgrid's specifications. Ausgrid will supply the conduits at no charge. The developer is responsible for compaction of the trench and restoration of the footway in accordance with Council direction. . For details visit www.ausgrid.com.au or call 131365.

- (a) a copy of Ausgrid's requirements is to be submitted to Council **before issue of the Construction Certificate**;
- (b) Where conduits are to be installed, evidence of compliance with Ausgrid's requirements is to be submitted **before the issue of the Occupation Certificate**.

Where works within the road reserve are to be carried out by the beneficiary of this consent, a Road Opening Permit Application must be submitted to, and approved by, Council **before the issue of the construction Certificate**.

21. **GOV1012 Ausgrid – Clearances to electricity mains**

If any part of the proposed structure, within 5m of a street frontage, is higher than 3m above footway level, Ausgrid is to be consulted to determine if

satisfactory clearances to any existing overhead High Voltage mains will be affected. If so, arrangements are to be made, at your cost, with Ausgrid for any necessary modification to the electrical network in question. For details visit www.ausgrid.com.au or call 131365.

22. GOV1013 Ausgrid – Undergrounding electricity mains (Hurstville CBD area)

Arrangements are to be made with Ausgrid to install underground all low voltage street mains in that section of the street/s adjacent to the development and to provide conduits for the future undergrounding of high voltage mains. This shall include any associated services and the installation of underground supplied street lighting columns where necessary. These works to be carried out at the expense of the beneficiary of the consent. For details visit www.ausgrid.com.au or call 131365.

- (a) A copy of confirmation of Ausgrid's requirements is to be submitted to Council before issue of the Construction Certificate; and
- (b) Ausgrid's requirements are to be met prior to the issue of an Occupation Certificate.

Where works within the road reserve are to be carried out by the developer, a Road Opening Permit must be obtained from Council's Customer Service Centre **before commencement of work.**

PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

These conditions either require modification to the development proposal or further investigation/information prior to the issue of the Construction Certificate to ensure that there is no adverse impact.

23. CC2004 - Development Assessment - Design Change - The following design changes are required and are to be incorporated into the plans to be lodged with the Construction Certificate application.

- (a) The development is to be amended so that there is no overhang of the building or any building element onto Cross Street or other site boundaries. The development is to be located wholly within the property boundaries.

24. CC2003 Development Assessment – Construction Site Management Plan – Major Development

A Site Management Plan must be submitted with the application for the Construction Certificate, and must include the following measures:

- location of protective site fencing;
- location of site storage areas/sheds/equipment;
- location of building materials for construction, e.g. stockpiles
- provisions for public safety;
- dust control measures;
- method used to provide site access location and materials used;
- details of methods of disposal of demolition materials;
- method used to provide protective measures for tree preservation;
- provisions for temporary sanitary facilities;

- location and size of waste containers/skip bins;
- details of proposed sediment and erosion control measures;
- method used to provide construction noise and vibration management;
- construction traffic management details.

The site management measures are to be implemented prior to the commencement of any works including demolition and excavation. The site management measures are to be maintained throughout the works, to maintain reasonable levels of public health, safety and amenity. A copy of the Site Management Plan must be retained on site and is to be made available upon request.

25. CC2009 Development Assessment – Pre-Construction Dilapidation Report – Private Land

A qualified structural engineer shall prepare a Pre-Construction Dilapidation Report detailing the current structural condition of adjoining premises including but not limited to:

- (a) All properties with a common boundary to the subject site.

The report shall be prepared at the expense of the beneficiary of the consent and submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

A copy of the pre-construction dilapidation report is to be provided to the adjoining properties (subject of the dilapidation report), a minimum of five (5) working days prior to the commencement of work. Evidence confirming that a copy of the pre-construction dilapidation report was delivered to the adjoining properties must be provided to the Principal Certifying Authority.

26. CC3001 Development Engineering - Stormwater System

Reference No.	Date	Description	Revision	Prepared by
C100	30.08.2017	General Arrangement Plan	E	Meinhardt Australia P/L
DWG S2	21.02.2017	OSD plan & Details	B	Meinhardt Australia P/L

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

- (a) Stormwater drainage plans together with stormwater drainage calculations prepared by a qualified hydraulic engineer shall be submitted to the approval of the Principal Certifying Authority, prior to the issue of the Construction Certificate.
- (b) Council's infrastructure unit approval shall be obtained for all the proposed stormwater drainage works within the public area, **prior to**

issue of the Construction Certificate. In this regard, detailed drawings, and calculations are to be submitted to Council's infrastructure unit for their assessment.

- (c) All stormwater shall drain by gravity to the upper level of proposed kerb inlet pit located within the property frontage of Cross Street in accordance with the Australian/New Zealand Standard AS/NZS 3500.3: 2003 (as amended).
- (d) All overflows from any rainwater tank shall drain to the OSD tank in accordance with the Australian/New Zealand Standard AS/NZS 3500.3: 2003 (as amended).
- (e) All stormwater drainage from the basement car parks shall be pumped out to the proposed OSD tank by a suitably designed sump and pump system;

The design of this proposed drainage system must be prepared by a qualified practising hydraulics engineer (with details of qualifications being provided) and be submitted for approval **with the Construction Certificate application.**

27. CC3002 Development Engineering - Stormwater Systems with Basement

The stormwater drainage from the underground basement car parks must pump to the OSD tank by suitably design sump and pump system.

The design of the proposed drainage system must be prepared by a qualified practising hydraulics engineer (with details of qualifications being provided) and be submitted for approval **with the Construction Certificate application.**

28. CC3003 - Development Engineering - Stormwater – Protection of basement from inundation of stormwater waters

The construction of the building shall de designed conform to the recommendations and conclusions of Geotechnical assessment dated 16 February 2017 prepared by JK Geotechnics in regards to the protection of the underground basement from any possible inundation of surface waters.

Evidence from an appropriately qualified person that this design requirement has been adhered to shall be submitted with the Construction Certificate application

29. CC3004 - Development Engineering -Stormwater Drainage Plans (By Engineer Referral Only)

Reference No.	Date	Description	Revision	Prepared by
C100	21.02. 2017	General Arrangement Plan	E	Meinhardt Australia P/L
DWG S2	21.02.	OSD plan & Details	B	Meinhardt

	2017			Australia P/L
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The above submitted stormwater plan has been assessed as a concept plan only and no detailed assessment of the design has been undertaken.

Stormwater drainage plans including pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits prepared by a qualified practising hydraulics engineer (with details of qualifications being provided) in accordance with the Australian Institute of Engineers Australian Rainfall and Runoff (1987) and Council's Stormwater Drainage Guidelines, **shall accompany the application for the Construction Certificate.**

30. **CC3005 - (On Site Detention)**

Reference No.	Date	Description	Revision	Prepared by
C100	21.02.2017	General Arrangement Plan	E	Meinhardt Australia P/L
DWG S2	21.02.2017	OSD plan & Details	B	Meinhardt Australia P/L

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

An on-site detention (OSD) facility designed by a professional hydrological/hydraulic engineer, shall be installed. The design must include the computations of the inlet and outlet hydrographs and stage/storage relationships of the proposed OSD using the following design parameters:

- (a) Peak flow rates from the site are to be restricted to a permissible site discharge (PSD) equivalent to the discharge when assuming the site contained a single dwelling, garage, lawn and garden, at Annual Recurrence Intervals of 2 years and 100 years.

Refer to Flow Controls in Council's Draft/Adopted Stormwater Drainage Policy.

- (b) The OSD facility shall be designed to meet all legislated safety requirements and childproof safety fencing around the facility must be provided where the OSD facility is open or above ground when the design peak storage depth is greater than 300mm. A durable metal plate or similar sign is to be placed at the OSD facility and must bear the words:

"This is an on-site detention basin/tank and is subject to possible surface overflow during heavy storms."

Full details shall accompany the application for **the Construction Certificate**

31. **CC3012 - Development Engineering - Pump-Out System Design for Stormwater Disposal** - The design of the pump-out system for storm water disposal will be permitted for drainage of basement areas only, and must be designed in accordance with the following criteria: -

- (a) The pump system shall consist of two (2) pumps, connected in parallel, with each pump being capable of emptying the holding tank at the rate equal to the rate of inflow for the one (1) hour duration storm. The holding tank shall be capable of holding one hour's runoff from a one (1) hour duration storm of the 1 in 20 year storm;
- (b) The pump system shall be regularly maintained and serviced, every six (6) months; and
- (c) Any drainage disposal to the street gutter from a pump system must have a stilling sump provided at the property line, connected to the street gutter by a suitable gravity line.

Engineering details demonstrating compliance and certification from an appropriately qualified and practising civil engineer shall be provided with the application for the Construction Certificate.

32. **CC3014 - Development Engineering - Allocation of car parking and storage areas**

A plan showing the allocation of each car space and storage area to each individual unit in accordance with the conditions of the development consent shall be prepared. **This plan shall accompany the application for the construction Certificate.**

33. **CC3015 Development Engineering – Engineering Plans (General)**

Four (4) copies of detailed engineering plans are to be provided to Council with the Construction Certificate application. The detailed plans may include, but not be limited to, details of the earthworks, road works, road pavements, retaining wall details, stormwater drainage, landscaping and erosion control works.

34. **CC3016 Development Engineering – Driveway Construction Plan Details**

Engineer's details shall be submitted with the Construction Certificate application regarding the proposed construction of the basement driveway. These details shall show longitudinal and cross sections, gradients.

35. **CC4002 Health – Construction and fit-out of Smoke Area**

Details and plans of the construction and fit-out of the smoking area must be submitted to the Principal Certifying Authority. The plans must be prepared by a suitably qualified person and demonstrate compliance with the following:

- Smoke Free Environment Act 2000 (as amended)
- Smoke Free Environment Regulation 2007 (as amended)

- NSW Ministry of Health – Smoke-free guide: Determining an enclosed public place.

36. **CC4003 Health – Regulated Systems – Details & Fit out**

Details of the regulated system must be submitted to the Principal Certifying Authority. Such details must demonstrate compliance with the following:

- *Public Health Act 2010* (as amended)
- *Public Health Regulation 2012* (as amended)
- *AS/NZS 3666.1:2002 Air-handling and water systems of buildings-Microbial control-Design, installation and commissioning* (as amended)

37. **CC4007 Health – Acoustic Certification – Rooftop Mechanical Equipment**

The Construction Certificate plans must be accompanied by a certificate from a professional acoustic engineer certifying that noise from the operation of outdoor gaming area and mechanical plant and equipment will not give rise to offensive noise as defined under the provision of the *Protection of the Environment Operations Act 1997* (as amended) and will comply with the noise intrusion criteria as defined under the NSW Industrial Noise Policy published by the NSW Environment Protection Authority. If sound attenuation is required, this must be detailed on the plans lodged with the Construction Certificate.

38. **CC4019 Health – Food Premises – Plans & Specifications**

Details of the construction and fit out of food premises must be submitted to Council's Environmental Health Officer. The plans and specifications must demonstrate compliance with the:

- *Food Act 2003* (as amended),
- *Food Regulation 2010* (as amended);
- *Food Standards Code* as published by Food Standards Australia;
- New Zealand and Australian Standard AS4674:2004 *Design, Construction and fit out of food premises* (as amended);
- Sydney Water – trade Waste Section

Council's Environmental Health Officers' must advise in writing that the plans and specification are considered satisfactory prior to the issue of any Construction Certificate.

39. **CC4022 Health – Food Premises – Waste Facility**

Details of the construction and fit out of the waste facility of the food premises must be submitted to Council's Environmental Health Officers for approval. Such details must demonstrate compliance with the *Food Act 2003* (as amended), *Food Regulation 2010* (as amended); the *Food Standards Code* as published by Food Standards Australia and New Zealand and Australian Standard AS 4674:2004 *Design, construction and fit out of food premises* (as amended.) and must be:

- (a) provided with a hose tap connected to the water supply;

- (b) paved with impervious floor materials;
- (c) coved at the intersection of the floor and the walls;
- (d) graded and drained to a waste disposal system in accordance with the requirements of the relevant regulatory authority (Sydney Water);
- (e) adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour as defined by the Protection of the Environment Operations Act 1997;
- (f) fitted with appropriate interventions to meet fire safety standards in accordance with the Building Code of Australia.

Council's Environmental Health Officers' must advise in writing that the plans and specification are considered satisfactory prior to the issue of any Construction Certificate.

40. **CC4023 Health – Food Premises – Above Ground Grease Trap - Bunding**

The above ground grease trap must be located in a bunded area. The 'size of the area' is to be bunded and shall be calculated as follows as a minimum:

- 110% of the volume of the above ground grease trap tank.

The bund is to be constructed of a material, which is impervious to the liquid being stored. All pipework from the enclosed tanks and/or pumps shall be directed over the bund wall and not through it. Hose couplings for the tanks enclosed within the bund shall be placed in such a position that leaks or spillages are contained within the bund. The bunded area shall be roofed.

After completion, the bund shall be maintained in such a condition, that all spillages or leaks will be retained within the bund, until disposed of by means that do not pollute waters. Details of the above ground grease trap and bunding details must be included with the application for the Construction Certificate.

41. **CC4024 Health – Colour of finishes**

All walls, floor and ceiling in all food preparation, food storage and waste storage areas shall be finished with a light colour. No black or dark colour surface finish is permitted in these areas.

Details of colour of finishes in the mentioned areas must be submitted with the plans for satisfactory approval prior to the issue of any Construction Certificate.

42. **CC4025 Health – Hand wash basins**

Hand wash basins shall be provided in all parts of premises where open food is handled, in utensils / equipment washing areas and in toilet cubicles or immediately adjacent to toilet.

Hand wash basins shall be located and installed so that they are not obstructed, are at bench height either permanently fixed to the wall, to a

sporting frame or set in a bench top and accessible no further than 5 meters from any place where food handlers are handling open food.

43. **CC6003 Engineering –Council Property Shoring**

Prior to the issue of the Construction Certificate, plans and specifications prepared by a qualified and practising structural engineer must detail how Council's property shall be supported at all times.

Where any shoring is to be supporting, or located on Council's property, certified structural engineering drawings detailing; the extent of the encroachment, the type of shoring and the method of removal, shall be included on the plans. Where the shoring cannot be removed, the plans must detail that the shoring will be cut to 150mm below footpath level and the gap between the shoring and any building shall be filled with a 5Mpa lean concrete mix.

44. **CC6004 Engineering – Traffic Management – Compliance with AS2890**

All driveways, access ramps, vehicular crossings and car parking spaces shall be **designed and** constructed in accordance with the current version of Australian Standards, AS 2890.1 (for car parking facilities) and AS 2890.2 (for commercial vehicle facilities).

45. **CC6005 Engineering – Traffic Management – Construction Traffic Management Plan (Large Developments only) - A Construction Traffic Management Plan detailing:**

- (a) construction vehicle routes;
- (b) anticipated number of trucks per day;
- (c) hours of construction;
- (d) Access arrangements; and
- (e) Proposed traffic measures to minimise impacts of construction vehicles

must be submitted to the satisfaction of Council's Engineers prior to the issue of the Construction Certificate. Council's Engineers must specify in writing that they are satisfied with the Traffic Management Plan prior to the issue of the Construction Certificate.

46. **CC6006 Engineering – Pedestrian Crossing Facility**

A pedestrian crossing facility in Cross Street must be provided. The design of the facility is to be submitted to Council's traffic section (for approval by the traffic committee and by Council) prior to the issue of a Construction Certificate. Construction of the approved final design is to be paid for by the developer.

47. **CC6007 Engineering – Vehicular crossing sightlines**

Any wall or fence or solid object on either side of the vehicular crossing where it meets Council's road reserve at the boundary must comply with sight distance requirements stipulated in the current version of Australian Standards AS2890.1.

48. **CC7002 Building – Fire Safety Measures**

Prior to the issue of a construction certificate a list of the essential fire safety measures that are to be provided in relation to the land and any building on the land as a consequence of the building work must accompany an application for a construction certificate, which is required to be submitted to either Council or a Certifying Authority. Such list must also specify the minimum standard of performance for each essential fire safety measure included in the list. The Council or Certifying Authority will then issue a Fire Safety Schedule for the building.

49. **CC7004 - Building - Structural details** - Structural plans, specifications and design statement prepared and endorsed by a suitably qualified practising structural engineer who holds the applicable Certificate of Accreditation as required under the Building Professionals Act 2005 shall be submitted along with the Construction Certificate application to the Certifying Authority for any of the following, as required by the building design:

- (a) piers
- (b) footings
- (c) slabs
- (d) columns
- (e) structural steel
- (f) reinforced building elements
- (g) swimming pool design
- (h) retaining walls
- (i) stabilizing works
- (j) structural framework

50. **CC7006 Building – Vibration Damage**

To minimise vibration damage and loss of support to the buildings in close proximity to the development, any excavation is to be carried out by means of a rock saw and if available, in accordance with the guidelines of the Geotechnical Engineer's report.

Alternatively where a hydraulic hammer is to be used within 30 metres of any building (other than a path or a fence) a report from a qualified geotechnical engineer detailing the maximum size of hammer to be used is to be obtained and the recommendations in that report implemented during work on the site.

The report shall be submitted with the Construction Certificate application.

51. **CC7008 Building – Access for Persons with a Disability**

Access for persons with disabilities must be provided to the premises/building in accordance with the requirements of the Premises Standards, the Building Code of Australia, and AS 1428.1. Details must be submitted with the Construction Certificate Application.

52. **CC7010 Building – Geotechnical report**

Geotechnical Reports - The applicant must submit a Geotechnical Report, prepared by a suitably qualified Geotechnical Engineer who holds the

relevant Certificate of accreditation as required under the *Building Professionals Act 2005* in relation to dilapidation reports, all site works and construction. This is to be submitted **before the issue of the Construction Certificate** and is to include:

- (a) Investigations certifying the stability of the site and specifying the design constraints to be placed on the foundation, any earthworks/stabilization works and any excavations.
- (b) Dilapidation Reports on the adjoining properties including, but not limited to properties with a common boundary to the subject site prior to any excavation of site works. The Dilapidation Report is to include assessments on, but not limited to, the dwellings at those addresses and any external paths, grounds etc. This must be submitted to the Certifying Authority and the adjoining residents as part of the application for the Construction Certificate. Adjoining residents are to be provided with the report five (5) working days prior to any works on the site.
- (c) On-site guidance by a vibration specialist during the early part of excavation.
- (d) Rock breaking techniques. Rock excavation is to be carried out with tools such as rock saws which reduce vibration to adjoining buildings and associated structures.
- (e) Sides of the excavation are to be pierced prior to any excavation occurring to reinforce the walls of the excavation to prevent any subsidence to the required setbacks and neighbouring sites.

53. CC7011 Building – Slip Resistance – Commercial, Retail & Residential Developments

All pedestrian surfaces in areas such as foyers, public corridors/hallways, stairs and ramps as well as floor surfaces in the wet rooms in any commercial/retail/residential units must have slip resistance classifications, as determined using test methods in either wet or dry conditions, appropriate to their gradient and exposure to wetting. The classifications of the new pedestrian surface materials, in wet or dry conditions, must comply with AS/NZS4586:2004 - Slip Resistance Classifications of New Pedestrian Materials and must be detailed on the plans lodged with the application for the Construction Certificate.

54. CC7020 Building – Evacuation

Evacuation diagrams complying with the relevant requirements of AS 3745-2010 shall be prepared in conjunction with an appropriately qualified person or firm. The evacuation diagrams shall be located in prominent locations throughout the common areas of the building including on the inside of each door providing access to each bedroom or sole-occupancy unit. Details of the evacuation diagrams shall be submitted with the Construction Certificate Application.

55. **CC8001 Waste – Waste Management Plan**

A Waste Management Plan incorporating all requirements in respect of the provision of waste storage facilities, removal of all materials from the site that are the result of site, clearing, extraction, and, or demolition works and the designated Waste Management Facility shall be submitted to the Principal Certifying Authority and copy provided to the Manager - Environmental Services, Georges River Council prior to the issue of any Construction Certificate.

56. **CC8006 Waste –Waste Storage Containers – Commercial/Industrial**

Appropriate waste and recycling containers and facilities will need to be provided for all specific end use businesses in accordance with the following waste generation rates:-

- (a) Retail Trading - shops, to 100 square metres - 0.1-0.2 cubic metres per 100 square metres of floor area per day;
- (b) Restaurants and Food Shops - 0.3-0.6 square metres per 100 meals, plus up to 0.15 cubic metres of beverage containers per 100 meals; and,
- (c) Office - 0.01-0.03 cubic metres per 100 square metres of floor area per day.
- (d) 60L per room per day of waste.

The development will require 8 X 1100L bins collected weekly. These bins must be emptied on the property and placed back into the bin room immediately after collection.

All waste and recycling containers shall be stored in an approved waste storage area that is large enough to store the required number of bins, appropriate for the number of units and intended uses of the building, and is to be located in an area of the building that can be adequately serviced by waste collection vehicles.

If the Waste Storage Area is located in a part of the building that cannot be easily accessed by service providers, it will be the responsibility of the Owners Corporation to present the bins for collection to the kerb-side.

Details of the Waste Storage Area must be illustrated on the plans submitted with the application for the Construction Certificate.

57. **CC8008 Waste – Waste Handling Systems**

All waste handling equipment and systems used in conjunction with the provision of waste and recycling services shall be manufactured, installed and maintained in accordance with any applicable regulatory requirements, relevant Australian Standards, and relevant manufacturer's specifications.

PRIOR TO THE COMMENCEMENT OF WORK (INCLUDING DEMOLITION AND EXCAVATION)

These conditions have been imposed to ensure that all pre-commencement matters are dealt with and finalised prior to the commencement of work.

58. PREC2001 Development Assessment -Site sign – Soil & Erosion Control Measures

Prior to the commencement of works (including demolition and excavation), the durable site sign issued by Hurstville City Council in conjunction with this consent must be erected in a prominent location on site. The site sign warns of the penalties which apply to pollution, storing materials on road or footpath and breaches of the conditions relating to erosion and sediment controls. The sign must remain in a prominent location on site up until the completion of all site and building works.

59. PREC2002 Development Assessment – Demolition and Asbestos

The demolition work shall comply with the provisions of Australian Standard AS2601:2001 – Demolition of Structures, *NSW Work Health & Safety Act 2011* and the *NSW Work Health & Safety Regulation 2011*. The work plans required by AS2601:2001 shall be accompanied by a written statement by a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the safety statement shall be submitted to the Principal Certifying Authority prior to the commencement of works.

For demolition work which involves the removal of asbestos, the asbestos removal work must be carried out by a licensed asbestos removalist who is licensed to carry out the work in accordance with the *NSW Work Health & Safety Act 2011* and the *NSW Work Health & Safety Regulation 2011* unless specified in the Act and/or Regulation that a license is not required.

The asbestos removal work shall also be undertaken in accordance with the *How to Safely Remove Asbestos: Code of Practice* published by Work Cover NSW.

Copies of the Act, Regulation and Code of Practice can be downloaded free of charge from the Work Cover NSW website: www.workcover.nsw.gov.au

60. PREC2008 Development Assessment – Demolition Notification Requirements

The following notification requirements apply to this consent:

- a) The developer /builder must notify adjoining residents five (5) working days prior to demolition. Such notification is to be a clearly written note giving the date demolition will commence, contact details of the developer/builder, licensed asbestos demolisher and the appropriate regulatory authority. Notification is to be placed in the letterbox of every premises (including every residential flat or unit, if any) either side and immediately at the rear of the demolition site.
- b) Five (5) working days prior to demolition, the developer/builder is to provide written notification to Hurstville City Council advising of the demolition date, details of the WorkCover licensed asbestos demolisher and the list of residents advised of the demolition.

- c) On demolition sites where buildings to be demolished contain asbestos, a standard commercially manufactured sign containing the words “DANGER ASBESTOS REMOVAL IN PROGRESS” measuring not less than 400mm x 300mm is to be erected in a prominent visible position (from street frontage) on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site to an approved waste facility.

61. **PREC6001 - Engineering - Dial before your dig** - The applicant shall contact “Dial Before You Dig on 1100” to obtain a Service Diagram prior to the issuing of the Construction Certificate. The sequence number obtained from “Dial Before You Dig” shall be forwarded to Council’s Engineers for their records.

62. **PREC6002 - Engineering - Dilapidation Report on Public Land - Major Development Only** - Prior to the commencement of works (including demolition and excavation), a dilapidation report must be prepared on Council infrastructure adjoining the development site, including:

- (a) All Council infrastructure adjoinign the subject site.

The Dilapidation Report must be prepared by a qualified structural engineer. The report must be provided to the Principal Certifying Authority and a copy provided to the Council.

The report must include the following:

- (a) Photographs showing the existing condition of the road pavement fronting the site,
- (b) Photographs showing the existing condition of the kerb and gutter fronting the site,
- (c) Photographs showing the existing condition of the footpath pavement fronting the site,
- (d) Photographs showing the existing condition of any retaining walls within the footway or road, and
- (e) Closed circuit television/video inspection (in DVD format) of public stormwater drainage systems fronting, adjoining or within the site, and
- (f) The full name and signature of the structural engineer.

The reports are to be supplied in electronic format in Word or PDF. Photographs are to be in colour, digital and date stamped.

Council will use this report to determine whether or not to refund the damage deposit after the completion of works.

63. **PREC7001 Building – Registered Surveyors Report - During Development Work**

A report must be submitted to the Principal Certifying Authority at each of the following applicable stages of construction:

- (a) Set out before commencing excavation.

- (b) Floor slabs or foundation wall, before formwork or commencing brickwork.
- (c) Completion of Foundation Walls - Before any construction of flooring, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans.
- (d) Completion of Floor Slab Formwork - Before pouring of concrete/walls construction, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans. In multi-storey buildings a further survey must be provided at each subsequent storey.
- (e) Completion of any Pool Formwork - Before concreting of pool shell, detailing the location of the pool relative to the adjacent boundaries and its height relative to the datum shown on the approved plans.
- (f) Completion of any Roof Framing - Before roof covered detailing eaves/gutter setback from boundaries.
- (g) Completion of all Work - Detailing the location of the structure (including eaves/gutters) relative to adjacent boundaries and its height relative to the datum shown on the approved plans. A final Check Survey must indicate the reduced level of the main ridge.
- (h) Other.

Work must not proceed beyond each stage until the Principal Certifying Authority is satisfied that the height and location of the building is proceeding in accordance with the approved plans.

64. **PREC7002 - Building - Utility Arrangements** - Arrangements are to be made with utility authorities in respect to the services supplied by those authorities to the development. The cost associated with the provision or adjustment of services within the road and footway areas is to be at the developer's expense.

65. **PREC7004 Building – Structural Engineers Details – Supporting Excavation and Adjoining Land**

Prior to the commencement of work in connection with the excavation of the site associated with the basement carpark, structural engineer's details relating to the method of supporting adjoining land must be submitted to the satisfaction of Council's Building Control Department.

DURING CONSTRUCTION

These conditions have been imposed to ensure that there is minimal impact on the adjoining development and surrounding locality during the construction phase of the development.

66. **CON2001 Development Assessment – Hours of construction for demolition and building work**

Any work activity or activity associated with the development consent that requires the use of any tools (including hand tools) or any power operated plant and machinery that creates noise on or adjacent to the site shall not be performed, or permitted to be performed, except between the hours of 7.00 am to 5.00 pm, Monday to Saturday inclusive. No work or ancillary activity

shall be permitted to be performed on any Sunday, Good Friday, Christmas Day or any Public Holiday. A penalty infringement notice may be issued for any offence.

In addition to the foregoing requirements, construction work on all buildings (except that on single dwelling houses and associated structures on the site of a single dwelling house) shall be prohibited on Saturdays and Sundays on weekends adjacent to a public holiday.

67. **CON7001 Building - Structural Engineer's Certification during construction**

The proposed building must be constructed in accordance with details designed and certified by the practising qualified structural engineer. All structural works associated with the foundations, piers, footings and slabs for the proposed building must be inspected and structurally certified for compliance by an independent practising geotechnical and structural engineer. In addition a Compliance or Structural Certificate, to the effect that the building works have been carried in accordance with the structural design, must be submitted to the Principal Certifying Authority at each stage of Construction or prior issue of the Occupation Certificate.

68. **CON6001 Engineering – Cost of work to be borne by the applicant**

The applicant shall bear the cost of all works associated with the construction of the development that occurs on Council property. Care must be taken to protect Council's roads, including the made footway, kerbs, etc, and, where plant and vehicles enter the site, the footway shall be protected against damage by deep-sectioned timber members laid crosswise, held together by hoop iron straps and chamfered at their ends. This construction shall be maintained in a state of good repair and condition throughout the course of construction.

69. **CON6002 Engineering – Obstruction of Road or Footpath**

The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste or skip bins, or any other matter is not permitted unless separately approved by Council under Section 138 of the Roads Act and/or under Section 68 of the Local Government Act 1993. Penalty infringement Notices may be issued for any offences and severe penalties apply.

70. **CON8001 Waste – Waste Management Facility**

All materials removed from the site as a result of demolition, site clearing, site preparation and, or excavation shall be disposed of at a suitable Waste Management Facility. No vegetation, article, building material, waste or the like shall be ignited or burnt whatsoever or in association with the work on site. Copies of all receipts for the disposal, or processing of all such materials shall be submitted to the Principal Certifying Authority and a copy provided to the Manager Environmental Services, Hurstville City Council.

PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

These conditions have been imposed to ensure that all works have been completed in accordance with the Development Consent prior to the issue of the Occupation Certificate.

71. OCC2005 Development Assessment – Completion of Landscape Works

All landscape works must be completed before the issue of the Final occupation certificate.

72. OCC2006 Development Assessment – Post Construction Dilapidation report – Private Land

At the completion of the construction works, a suitably qualified person is to be engaged to prepare a post-construction dilapidation report. This report is to ascertain whether the construction works associated with the subject development created any structural damage to the following adjoining premises:

(a) All properties with a common boundary to the subject site.

The report is to be prepared at the expense of the beneficiary of the consent and submitted to the Principal Certifying Authority (PCA) prior to the issue of the Occupation Certificate. In ascertaining whether adverse structural damage has occurred to the adjoining premises, the PCA, must compare the post-construction dilapidation report with the pre-construction dilapidation report required by conditions in this consent.

Evidence confirming that a copy of the post-construction dilapidation report was delivered to the adjoining properties subject of the dilapidation report must be provided to the PCA prior to the issue of the Occupation Certificate.

73. OCC3001 - Development Engineering - Positive Covenant for On-site Detention Facility - A Positive Covenant is to be created over any on-site detention facility.

This covenant is to be worded as follows:

"It is the responsibility of the lots burdened to keep the "On-Site Detention" facilities, including any ancillary pumps, pipes, pits etc, clean at all times and maintained in an efficient working condition. The "On-Site Detention" facilities are not to be modified in any way without the prior approval of Council."

Georges River Council is to be nominated as the Authority to release, vary or modify this Covenant.

The Positive Covenant shall be registered at the NSW Department of Lands prior to the issue of a Final Occupation Certificate.

74. **OCC3011 Development Engineering - Requirements prior to the issue of the Occupation Certificate**

The following shall be completed and or submitted to the Principal certifying Authority (PCA) prior to the issue of the Occupation Certificate:

- (a) All the stormwater/drainage works shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
- (b) The internal driveway construction works, together with the provision for all services (conduits and pipes laid) shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
- (c) Construct any new vehicle crossings required.
- (d) Replace all redundant vehicle crossing laybacks with kerb and guttering, and replace redundant concrete with turf.
- (e) A Section 73 (Sydney Water) Compliance Certificate for the Subdivision shall be issued and submitted to the PCA prior to the issue of the Occupation Certificate.
- (f) Work as Executed Plans prepared by a Chartered Professional Engineer or a Registered Surveyor when all the site engineering works are complete shall be submitted to the PCA prior to the issue of the Occupation Certificate.

75. **OCC4001 - Health - Noise Domestic Air conditioner** - Prior to the issue of any Occupation Certificate, a report prepared by a professional acoustic engineer must be submitted to the Principal Certifying Authority to certify that the design and construction of the air conditioner shall not produce a sound level exceeding 5 dB(A) above the ambient background level at the closest neighbouring boundary between the hours of 8:00am and 10:00pm on Saturdays, Sundays and Public Holidays and between the hours of 7:00am and 10:00pm on any other day. Outside the specified hours, the sound level output for the running of air conditioner shall not exceed the ambient background noise level.

76. **OCC4004 - Health - Noise from mechanical plant and equipment - CBD Only** - Noise from the operation of mechanical equipment, ancillary fittings, machinery, mechanical ventilation system and / or refrigeration systems must not exceed background noise when measured at the nearest lot boundary of the site. Where noise sensitive receivers are located within the site, noise from the operation of mechanical plant & equipment must not exceed background noise when measured at the nearest strata, stratum or community title boundary.

A professional engineer (acoustic) shall be engaged to certify that the design and construction of the all sound producing plants and equipment associated with the building complies with the above requirements. Certification shall be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

77. **OCC4006 Health – Noise from Mechanical plant and equipment**

Noise from the operation of the outdoor gaming area and mechanical plant and equipment must not give rise to offensive noise as defined under the *Protection of the Environment Operations Act 1997* (as amended) and will comply with the noise intrusion criteria as defined under the *NSW industrial Noise Policy* published by the Environment Protection Authority.

A professional acoustic engineer shall be engaged to certify that the design and construction of the outdoor gaming area and all sound producing plans and equipment associated with the building complies with the above requirements. Certification shall be submitted to the principal Certifying Authority prior to the issue of any Occupation Certificate.

78. **OCC4013 Health – Food Premises – Inspection & Registration**

Prior to the issue of any *Occupation Certificate* or occupation or use of any food premises:

- (a) An inspection of the fit out of the Food Premises must be arranged with Council's Environmental Health Officer;
- (b) A satisfactory final inspection must have been undertaken by Council's Environmental Health Officer; and
- (c) The Food Premises must notify and register with Hurstville City Council its business details.

79. **OCC6002 Engineering – Vehicular crossing & Frontage work – Major development**

The following road frontage works shall be constructed in accordance with Council's, Specification for Vehicular Crossings and Associated Works together with the Vehicular Crossing Approval issued by Council's Engineering Services Division:

- (a) Construct a new full width (boundary to kerb) footpath in paving material approved and specified by Council's Engineer for the full frontage of the site in Cross Street in accordance with Council's Specifications for footpaths.
- (b) Construct a 150mm thick concrete vehicular crossing reinforced with F72 fabric in accordance with Council's Specifications for vehicular crossings.
- (c) Any existing vehicular crossing and/or laybacks which are redundant must be removed. The kerb and gutter, any other footpath and turf areas shall be restored at the expense of the beneficiary of this consent and in accordance with Council's Specification for Vehicular Crossings and Associated Works. The work shall be carried out by a private contractor, subject to Council approval. A private contractor shall carry out the above work, at the expense of the beneficiary of this consent and in accordance with Council's *Specification for Vehicular Crossings and Associated Works*.

The driveway and road frontage works are to be completed **before the issue**

of the Occupation Certificate.

80. OCC6005 Engineering – Completion of Major Works

Prior to the issue of a Final Occupation Certificate, the following works must be completed at the applicant's expense to the satisfaction of Council's Engineering Services section:

- (a) Stormwater pipes, pits and connections to public stormwater systems within the *road related area*;
- (b) Driveways and vehicular crossings within the *road related area*;
- (c) Removal of redundant driveways and vehicular crossings;
- (d) New footpaths within the *road related area*;
- (e) Relocation of existing power/light pole
- (f) Relocation/provision of street signs
- (g) New or replacement street trees;
- (h) New footway verges, where a grass verge exists, the balance of the area between the footpath and the kerb or site boundary over the full frontage of the proposed development must be turfed. The grass verge must be constructed to contain a uniform minimum 75mm of friable growing medium and have a total cover of turf predominant within the street.
- (i) New or reinstated kerb and guttering within the *road related area*; and
- (j) New or reinstated road surface pavement within the *road*.

Council's Engineering Services Section must advise in writing that the works have been completed to their satisfaction prior to the issue of the Occupation Certificate. Further the damage deposit paid to Council will not be released until the works have been completed to Council's satisfaction.

81. OCC6006 Engineering – Wheel Stops

Wheel stops must be installed in accordance with *Section 2.4.5.4 of the Australian Standards AS/NZS 2890.1, Parking Facilities - Part 1 Off-Street Car Parking*. Wheel stops shall be painted with reflective white paint to ensure night-time visibility.

82. OCC6007 Engineering – Compliance with AS1742 Traffic Control Devices

The internal road network, pedestrian facilities and parking facilities (including visitor parking and employee parking) shall be designated and line marked in accordance with *Australian Standards, AS1742, Manual of Uniform Traffic Control Devices* and NSW Road Transport (Safety and Traffic Management) Regulations 1999.

If an exit from car park utilises a pedestrian footpath, then a warning system, such as flashing light and/or "alarm sound" must be installed on the subject property to alert pedestrians of vehicles exiting the car park. The Alarm System must be designed and installed in accordance with AS2890.1 -2004.

82. OCC6008 - Engineering - Dilapidation Report on Public Land for Major Development Only - Upon completion of works, a follow up dilapidation

report must be prepared on Council infrastructure adjoining the development site, including:

- (a) All Council infrastructure adjoining the subject site

The dilapidation report must be prepared by a qualified structural engineer. The report must be provided to the Principal Certifying Authority and a copy provided to the Council.

The report must include the following:

- (a) Photographs showing the condition of the road pavement fronting the site,
- (b) Photographs showing the condition of the kerb and gutter fronting the site,
- (c) Photographs showing the condition of the footway including footpath pavement fronting the site
- (d) Photographs showing the condition of retaining walls within the footway or road, and
- (e) Closed circuit television/video inspection (in DVD format) of public stormwater drainage systems fronting, adjoining or within the site, and
- (f) The full name and signature of the professional engineer.

The reports are to be supplied in electronic format in Word or PDF. Photographs are to be in colour, digital and date stamped.

Council's Engineering Services Section must advise in writing that the works have been completed to their satisfaction prior to the issue of the Occupation Certificate. Further, Council will use this report to determine whether or not to refund the damage deposit.

83. OCC6009 Engineering – Stormwater drainage works – Works As Executed

Prior to the issue of the Occupation Certificate, storm water drainage works are to be certified by a qualified storm water engineer, with Works-As-Executed drawings supplied to Council detailing:

- (a) Compliance with conditions of development consent relating to stormwater;
- (b) The structural adequacy of the On-Site Detention system (OSD);
- (c) That the works have been constructed in accordance with the approved design and will provide the detention storage volume and attenuation in accordance with the submitted calculations;
- (d) Pipe invert levels and surface levels to Australian Height Datum;
- (e) Contours indicating the direction in which water will flow over land should the capacity of the pit be exceeded in a storm event exceeding design limits.

Council's Engineering Services section must advise in writing that they are satisfied with the Works-As-Executed prior to the issue of the Occupation Certificate.

84. **OCC7001 Building – Fire Safety Certificate before Occupation or Use**
In accordance with Clause 153 of the Environmental Planning and Assessment Regulation 2000, on completion of building works and prior to the issue of an Occupation Certificate, the owner must cause the issue of a Final Fire Safety Certificate in accordance with Clause 170 of the aforesaid Regulation. The Fire Safety Certificate must be in the form or to the effect of Clause 174 of the Environmental Planning and Assessment Regulation, 2000. In addition, in relation to each essential fire or other safety measure implemented in the building or on the land on which the building is situated, such a Certificate is to state:

- (a) That the measure has been assessed by a person (chosen by the owner of the building) who is properly qualified to do so.
- (b) That as at the date of the assessment the measure was found to be capable of functioning at a standard not less than that required by the attached Schedule.

A copy of the certificate is to be given (by the owner) to the Commissioner of Fire & Rescue NSW and a further copy is to be displayed in a frame and fixed to a wall inside the building's main entrance.

85. **OCC7002 Building – Slip Resistance**
At completion of work an in-situ (on-site) test, in wet and dry conditions, must be carried out on the pedestrian floor surfaces used in the foyers, public corridors/hallways, stairs and ramps as well as the floor surfaces in wet rooms in any commercial/retail/residential units to ascertain the actual slip resistance of such surfaces taking into consideration the effects of grout, the gradients of the surface and changes from one material to another. The in-situ test must be carried out in accordance with AS/NZS 4663:2002. Details of compliance must be submitted with the application for the Occupation Certificate.

86. **OCC2007 - Development Assessment - Allocation of car parking spaces**
- Car parking associated with the development is to be allocated as follows:

- (a) Hotel component: 25 car spaces
- (b) Retail component: 4 car spaces
- (c) Commercial component: 4 car spaces
- (d) Registered club component: 98 car spaces
- (e) Loading/Unloading area: as shown on the approved plan

ONGOING CONDITIONS

These conditions have been imposed to ensure that the use or operation of the development does not adversely impact on the amenity of the neighbourhood or environment.

87. **ONG2003 Development Assessment – Maintenance of Landscaping**
All trees and plants forming part of the landscaping must be maintained on an on-going basis. Maintenance includes watering, weeding, removal of rubbish

from tree bases, fertilizing, pest and disease control and any other operations required to maintain healthy trees, plants and turfed areas.

88. ONG3006 Development Engineering – On-going maintenance of the on-site detention system

The Owner(s) must in accordance with this condition and any positive covenant:

- (a) Permit stormwater to be temporarily detained by the system;
- (b) Keep the system clean and free of silt rubbish and debris;
- (c) If the car park is used as a detention basin, a weather resistant sign must be maintained in a prominent position in the car park warning residents that periodic inundation of the car park may occur during heavy rain;
- (d) Maintain renew and repair as reasonably required from time to time the whole or part of the system so that it functions in a safe and efficient manner and in doing so complete the same within the time and in the manner reasonably specified in written notice issued by the Council;
- (e) Carry out the matters referred to in paragraphs (b) and (c) at the Owners expense;
- (f) Not make any alterations to the system or elements thereof without prior consent in writing of the Council and not interfere with the system or by its act or omission cause it to be interfered with so that it does not function or operate properly;
- (g) Permit the Council or its authorised agents from time to time upon giving reasonable notice (but at anytime and without notice in the case of an emergency) to enter and inspect the land with regard to compliance with the requirements of this covenant;
- (h) Comply with the terms of any written notice issued by Council in respect to the requirements of this clause within the time reasonably stated in the notice;
- (i) Where the Owner fails to comply with the Owner's obligations under this covenant, permit the Council or its agents at all times and on reasonable notice at the Owner's cost to enter the land with equipment, machinery or otherwise to carry out the works required by those obligations;
- (j) Indemnify the Council against all claims or actions and costs arising from those claims or actions which Council may suffer or incur in respect of the system and caused by an act or omission by the Owners in respect of the Owner's obligations under this condition.

89. **ONG4002 Health – Final Acoustic Report – Verification of Noise report**

Within three months from the issue of an occupation certificate, an acoustical assessment is to be carried out by an appropriately qualified person, in accordance with the Environment Protection Authority's *Industrial Noise Policy* and submitted to Council for consideration. This report should include but not be limited to, details verifying that the noise control recommended in the acoustic report submitted with the construction certificate are effective in attenuating noise to an acceptable noise level and that the use of the outdoor gaming room and mechanical plant and equipment does not give rise to "offensive noise" as defined under the provision of the Protection of the Environment Operation Act 1997 (as amended).

90. **ONG4004 Health – Operation of Regulated Systems**

The occupier must operate *regulated systems* in compliance with Part 2 of the Public Health Regulation 2012 (as amended). Where there is any change in the regulated system the occupier must register the changes in the *regulated systems* with Council. Water cooling system must be certified by a *competent person* annually as being an effective process of disinfection under the range of operating conditions that could ordinarily be expected.

91. **ONG4011 Health – Noise Control**

The use of the premises must not give rise to the transmission of *offensive noise* to any place of different occupancy. *Offensive noise* is defined in the *Protection of the Environment Operations Act 1997* (as amended).

92. **ONG4017 Health – Lighting – General Nuisance**

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.

93. **ONG4018 Health – Amenity of the neighbourhood**

The implementation of this development shall not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, dust, waste water, waste products, grit, oil or other harmful products.

94. **ONG4019 Health – Storage of goods outside buildings**

There shall be no storage of any goods external to the building with the exception of waste receptacles.

95. **ONG4041 Health – Food Premises – Adequate waste receptacles (Restaurants, takeaway/cafe)**

Appropriate waste and recycling containers must be provided in accordance with the following waste generation rates:

- Restaurants and Food Shops – 0.3-0.6 square metres per 100 meals, plus up to 0.15 cubic metres of beverage containers per 100 meals

All waste and recycling containers shall be stored in the approved waste storage area that is large enough to store the required number of bins and must be adequately serviced by waste collection vehicles.

96. **ONG4043 Health – Food premises – maintenance of food premises**

The food premises must be maintained in accordance with the *Food Act 2003* (as amended), *Food Regulation 2010* (as amended); the Food Standards Code as published by Food Standards Australia & New Zealand and Australian Standard AS 4674-2004: *Construction and fit out of food premises (as amended)*.

97. **ONG4046 Health – Food premises – Garbage Odour**

A waste contractor shall be engaged to remove all waste from the garbage storage area on a regular basis so that no overflow of rubbish will occur. Practical measures are also to be taken to ensure that odour emission from the garbage storage area does not cause offensive odour as defined under the provision of the Protection of the Environment Operations Act, 1997 (as amended).

98. **ONG4047 Health – Food premises – Storage of goods**

There shall be no storage of any goods external to the building with the exception of waste receptacles.

99. **ONG4048 Health – Food premises – Storage of waste –used cooking oil**

Used oil shall be contained in a leak proof container and stored in a covered and bunded area prior to off-site disposal. Copies of receipts for the disposal of used cooking oil shall be kept on-site and made available to Council Officers upon request.

100. **ONG4049 Health – Restricted use**

No amplified equipment or live bands is permitted in the outdoor gaming area at any time.

101. **ONG4050 Health – Restricted hours of operation – outdoor gaming area**

The operation of the outdoor gaming area shall be restricted to Monday to Sunday – 10am to 12 midnight.

102. **ONG6002 Engineering – Loading & Unloading of vehicles**

All loading and unloading of vehicles in relation to the use of the premises shall take place wholly within a dedicated loading dock/area.

103. **ONG6003 Engineering – Entering & Exiting of vehicles**

All vehicles shall enter and exit the premises in a forward direction.

104. **ONG6004 Engineering – Small Rigid Vehicle**

The maximum size of truck using the proposed development shall be limited to Small Rigid Vehicle (SRV) with a maximum length of 6.4 metres.

105. **ONG6009 Engineering – Deliveries**

No deliveries to the premises shall be made direct from a public place or street inclusive of footpaths, nature strip, roadway and car parks.

106. **ONG7002 Building – Annual Fire Safety Statement**

In accordance with Clause 177 of the Environmental Planning and Assessment Regulation, 2000 the owner of the building premises must cause the Council to be given an annual fire safety statement in relation to each essential fire safety measure implemented in the building. The annual fire safety statement must be given:

- (a) Within 12 months after the date on which the fire safety certificate was received.
- (b) Subsequent annual fire safety statements are to be given within 12 months after the last such statement was given.
- (c) An annual fire safety statement is to be given in or to the effect of Clause 181 of the Environmental Planning and Assessment Regulation, 2000.
- (d) A copy of the statement is to be given to the Commissioner of Fire & Rescue NSW, and a further copy is to be prominently displayed in the building.

107. **ONG7002 - Building - Annual Fire Safety Statement** - In accordance with Clause 177 of the Environmental Planning and Assessment Regulation, 2000 the owner of the building premises must cause the Council to be given an annual fire safety statement in relation to each essential fire safety measure implemented in the building. The annual fire safety statement must be given:

- (a) Within twelve (12) months after the date on which the fire safety certificate was received.
- (b) Subsequent annual fire safety statements are to be given within twelve (12) months after the last such statement was given.
- (c) An annual fire safety statement is to be given in or to the effect of Clause 181 of the Environmental Planning and Assessment Regulation, 2000.
- (d) A copy of the statement is to be given to the Commissioner of Fire and Rescue NSW, and a further copy is to be prominently displayed in the building.

ADVICE

This advice has been included to provide additional information and where available direct the applicant to additional sources of information based on the development type.

108. **ADV2001 Development Assessment – Disability Discrimination Act**

This application has been assessed in accordance with the *NSW Environmental Planning and Assessment Act 1979*. *No guarantee is given that the proposal complies with the Disability Discrimination Act 1992*. The beneficiary of this consent is responsible to ensure compliance with this and other anti-discrimination legislation. The *Disability Discrimination Act 1992*

covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which refers to AS1428.1-Design for Access and Mobility. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the Disability Discrimination Act 1992 currently available in Australia.

109. **ADV2002 Development Assessment – Site Safety Fencing**

Site Safety Fencing - Site fencing must be erected in accordance with WorkCover Guidelines, to exclude public access to the site throughout the demolition and/or construction work, except in the case of alterations to an occupied dwelling. The fencing must be erected before the commencement of any work and maintained throughout any demolition and construction work.

For more information visit www.workcover.nsw.gov.au

110. **ADV2009 Development Assessment – Security deposit administration & compliance fee**

Under Section 97 (5) of the Local Government Act 1993, a security deposit (or part) if repaid to the person who provided it is to be repaid with any interest accrued on the deposit (or part) as a consequence of its investment.

Council must cover administration and other costs incurred in the investment of these monies. The current charge is \$50.00 plus 2% of the bond amount per annum.

Interest rate applied to bonds is set at Council's business banking facility rate as at 1 July each year. Council will accept a bank guarantee in lieu of a deposit.

All interest earned on security deposits will be used to offset the Security Deposit Administration and Compliance fee. Where interest earned on a deposit is not sufficient to meet the fee, it will be accepted in full satisfaction of the fee.

111. **ADV4003 Health – Acoustical Engineer Contacts & Reference Material**

Further information including lists of Acoustic Engineers can be obtained from:

- **Australian Acoustical Society**—professional society of noise-related professionals (www.acoustics.asn.au)
- **Association of Australian Acoustical Consultants**—professional society of noise related professionals (www.aaac.org.au)
- NSW Industrial Noise Policy – Office of Environment & Heritage (www.environment.nsw.gov.au)

112. **ADV4005 Health – Food Premises – Advice**
Copies of food related documents and Standards:

- Copies of the Australian Standards can be obtained from *Standards Australia Customer Service* on telephone 1300 654646 or by visiting the website: www.standards.com.au
- Copies of the Food Safety Standards Code (Australia) may be obtained by contacting the Food Standards Australia New Zealand Authority on Telephone: (02) 6271-2222, e-mail: info@foodstandards.gov.au or by visiting the website: www.foodstandards.gov.au Copies of the NSW Standards for Construction & Hygienic Operation of Retail Meat Premises may be obtained by contacting the NSW Food Authority on 1300 552 406, e-mail: contact@foodauthority.nsw.gov.au or by visiting the website www.foodauthority.nsw.gov.au

Notification of Food Business

Section 100 of the *Food Act* 2003 requires:

100 Notification of conduct of food business

“(1) The proprietor of a food business must not conduct the food business unless the proprietor has given written notice, in the approved form, of the information specified in the Food Safety Standards that is to be notified to the appropriate enforcement agency before the business is conducted. Maximum penalty: 500 penalty units in the case of an individual and 2,500 penalty units in the case of a corporation”.

Notification can be done on-line at www.foodnotify.nsw.gov.au

The provisions of the Food Act 2003 may change over time and irrespective of the conditions of consent, compliance with this *Act*, regulations, food standards and other standards adopted under the Food Act (as amended) are mandatory. The *Food Act* and applicable regulations can be accessed free of charge at www.legislation.nsw.gov.au.

113. ADV4006 Health – Noise – Advice

Noise related conditions

Council will generally enforce noise related conditions in accordance with the *Noise Guide for Local Government* (<http://www.environment.nsw.gov.au/noise/nlg.htm>) and the *Industrial Noise Guidelines* (<http://www.environment.nsw.gov.au/noise/industrial.htm>) publish by the Department of Environment and Conservation. Other state government authorities also regulate the *Protection of the Environment Operations Act* 1997.

Useful links relating to Noise:

- **Community Justice Centres**—free mediation service provided by the NSW Government (www.cjc.nsw.gov.au).
- **Department of Environment and Conservation NSW**, Noise Policy Section web page (www.environment.nsw.gov.au/noise).
- **New South Wales Government Legislation** home page for access to all NSW legislation, including the *Protection of the Environment Operations Act* 1997 and the *Protection of the Environment Noise Control Regulation* 2000 (www.legislation.nsw.gov.au).

- **Australian Acoustical Society**—professional society of noise-related professionals ([www.acoustics.asn.au /index.php](http://www.acoustics.asn.au/index.php)).
- **Association of Australian Acoustical Consultants**—professional society of noise related professionals (www.aaac.org.au).
- **Department of Gaming and Racing** - (www.dgr.nsw.gov.au).

114. ADV7001 Building – Council as PCA – Deemed to Satisfy Provisions of BCA

Should the Council be appointed as the Principal Certifying Authority in determining the Construction Certificate, the building must comply with all the applicable deemed to satisfy provision of the BCA. However, if an alternative solution is proposed it must comply with the performance requirements of the BCA, in which case, the alternative solution, prepared by an appropriately qualified fire consultant, accredited and having specialist qualifications in fire engineering, must justifying the non-compliances with a detailed report, suitable evidence and expert judgement. Council will also require if deemed necessary, for the alternative solution to undergo an independent peer review by either the CSIRO or other accredited organisation. In these circumstances, the applicant must pay all costs for the independent review.

Note: A fire upgrade is required of all services within the existing Club Central building in accordance with Clauses 94 and 143 of the Environmental Planning & Assessment Regulation 2000.

115. ADV7004 Building – Council as PCA – Compliance with the BCA

Should the Council be appointed as the Principal Certifying Authority, the Construction Certificate Application must be accompanied by the following details, with plans prepared and certified by an appropriately qualified person demonstrating compliance with the BCA:

- Mechanical ventilation, to all bathroom, laundrette and basement areas not afforded natural ventilation.
- Fire-fighting services and equipment including control centre facility, hydrant systems, sprinkler systems, hose reels, mechanical air handling and stair pressurization systems, portable fire extinguishers, smoke hazard management systems, zoned smoke control systems for non-residential areas and sound & warning systems.
- Emergency lighting and exit signs throughout the premises including common room/areas, lobby and basement areas.
- Fire resistance levels of building elements including walls, floors, roof tops, columns, and separation of electrical supply systems etc.
- Protection of opening in external walls, in accordance with C3.4, at the north-east corner of the premises.
- Construction of all fire doors and smoke doors including operational and warning signage.
- Public corridors must be divided at intervals of not more than 40m by smoke proof walls complying with Clause 2 of Specification C2.5.

- Fire compartmentation and fire wall separation details including all stairway, lift and service shafts. And services passing through fire rated elements must be treated in accordance with Part C3
- Separation of Entertainment Venue portions of the building from non-Entertainment Venue portions and the separation of classifications.
- Egress widths and exit travel distances accounting for the population on the club floor levels and the distances between available exits on the hotel room levels.
- Consistent Handrail Heights for all stairways in accordance with D2.17
- Access grades including the number of required exits, smoke separation of public corridors and installations within exits must demonstrate compliance with the BCA.
- Re-entry facilities from fire isolated exit stairways.
- Sound transmission and insulation details.
- Stretcher facility and emergency lift installation.
- Disabled access that complies with the BCA and with AS 1428.1.2009
- Location, design/fit-out and dimension of basement parking areas for people with disabilities.
- Window schedule is to include the protection of openable windows.
- Toilet facilities are required in appropriate numbers based on the number of persons accommodated.

In this regard, detailed construction plans and specifications that demonstrate compliance with the above requirements of the BCA must be submitted to the Principal Certifying Authority with the Construction Certificate Application. Should there be any non-compliance, an alternative method of fire protection and structural capacity must be submitted, with all supporting documents prepared by a suitably qualified person.

In the event that full compliance with the BCA cannot be achieved and the services of a fire engineer are obtained to determine an alternative method of compliance with the BCA, such report must be submitted to and endorsed by the Principal Certifying Authority prior to issue of the Construction Certificate.

116. **ADV7005 Building – Energy Efficiency Provisions**

Should Council be appointed as the Principal Certifying Authority, a report prepared and endorsed by an Energy Efficiency Engineer or other suitably qualified person must be submitted, detailing the measures that must be implemented in the building to comply with Section J of the BCA. The proposed measures and feature of the building that facilitate the efficient use of energy must be identified and detailed on the architectural plans. At completion of the building and before the issue of an Occupation Certificate, a certificate certifying that the building has been erected to comply with the energy efficiency provisions must be submitted to the Principal Certifying Authority. (*Note: Energy efficiency provisions relate only to new building work or the installation of new measure. Existing building fabric and measures may not be upgraded*).

117. ADV7006 Building – Compliance with Access, Mobility and AS4299 – Adaptable Housing

Should the Council be appointment as the Principal Certifying Authority, the Construction Certificate Application must be accompanied by detailed working plans and a report or a Certificate of Compliance from an Accredited Access Consultant certifying that the building design and access to the adaptable units complies with DCP No.1- Access and Mobility and AS 4299 Adaptable Housing.

Schedule B – Prescribed Conditions

Prescribed conditions are those which are mandated under Division 8A of the *Environmental Planning and Assessment Regulation 2000* and given weight by Section 80A (11) of the Environmental Planning and Assessment Act 1979.

Detailed below is a **summary** of all the prescribed conditions which apply to development in New South Wales. Please refer to the full details of the prescribed conditions as in force, at www.legislation.nsw.gov.au.

118. PRES1001 Clause 97A – BASIX Commitments

This Clause requires the fulfilment of all BASIX Commitments as detailed in the BASIX Certificate to which the development relates.

119. PRES1002 Clause 98 – Building Code of Australia & Home Building Act 1989

Requires all building work to be carried out in accordance with the Building Code of Australia. In the case of residential building work to which the *Home Building Act 1989* relates, there is a requirement for a contract of insurance to be in force before any work commences.

120. PRES1003 Clause 98A – Erection of Signs

Requires the erection of signs on site and outlines the details which are to be included on the sign. The sign must be displayed in a prominent position on site and include the name and contact details of the Principal Certifying Authority and the Principal Contractor.

121. PRES1004 Clause 98B – Home Building Act 1989

If the development involves residential building work under the *Home Building Act 1989*, no work is permitted to commence unless certain details are provided in writing to Council. The name and licence/permit number of the Principal Contractor or Owner Builder and the name of the Insurer by which work is insured under Part 6 of the *Home Building Act 1989*.

122. PRES1005 Clause 98C- Entertainment Venues

Schedule 3A of the *Environmental Planning and Assessment Act 1979* outlines the prescribed conditions which apply to Entertainment Venues.

123. PRES1006 Clause 98D – Erection of sign for maximum number of persons

This prescribed condition applies to entertainment venues, function centres, pubs, registered clubs and restaurants. This condition requires the erection of a sign which states the maximum number of persons (as specified in the consent) that are permitted in the building.

124. PRES1007 Clause 98E – Protection & support of adjoining premises

If the development involves excavation that extends below the level of the base of the footings of a building on adjoining land, this prescribed condition requires the person who benefits from the development consent to protect and support the adjoining premises and where necessary underpin the adjoining premises to prevent any damage.

Schedule C – Operational & Statutory Conditions

These conditions comprise the operational and statutory conditions which must be satisfied under the Environmental Planning and Assessment Act 1979 and the Environmental Planning & Assessment Regulation 2000. Please refer to the full details of the Act and Regulations as in force, at www.legislation.nsw.gov.au.

It is the responsibility of the beneficiary of this consent to determine which operational and statutory conditions apply.

125. OPER1001 Requirement for a Construction Certificate

The erection of a building must not commence until a Construction Certificate has been issued by the consent authority, the Council (if the Council is not the consent authority) or an accredited certifier.

An application form for a **Construction Certificate** is attached for your convenience.

126. OPER1002 Appointment of a Principal Certifying Authority

The erection of a building must not commence until the beneficiary of the development consent has:

- (a) appointed a Principal Certifying Authority (PCA) for the building work; and
- (b) if relevant, advised the PCA that the work will be undertaken as an Owner-Builder.

If the work is not going to be undertaken by an Owner-Builder, then the beneficiary of the consent must:

- (a) appoint a Principal Contractor to undertake the building work. If residential building work (within the meaning of the *Home Building Act 1989*) is to be undertaken, the Principal Contractor must be a holder of a contractor licence; and
- (b) notify the PCA of the details of any such appointment; and
- (c) notify the Principal Contractor of any critical stage inspections or other inspections that are required to be carried out in respect of the building work.

An **Information Pack** is attached for your convenience should you wish to appoint Hurstville City Council as the Principal Certifying Authority for your development.

127. OPER1003 Notification of Critical Stage Inspections

No later than two (2) days before the building work commences, the PCA must notify:

- (a) the consent authority and the Council (if not the consent authority) of his or her appointment; and
- (b) the beneficiary of the development consent of the critical stage inspections and other inspections that are to be carried out with respect to the building work.

128. OPER1004 Notice of Commencement

The beneficiary of the development consent must give at least two (2) days notice to the Council and the PCA of their intention to commence the erection of a building.

A **Notice of Commencement Form** is attached for your convenience.

129. OPER1007 Critical Stage Inspections

The last critical stage inspection must be undertaken by the Principal Certifying Authority. The critical stage inspections required to be carried out vary according to Building Class under the Building Code of Australia and are listed in Clause 162A of the *Environmental Planning and Assessment Regulation 2000*.

130. OPER1008 Notice to be given prior to critical stage inspections

The principal contractor for a building site, or the owner-builder, must notify the principal certifying authority at least 48 hours before each required inspection needs to be carried out.

Where Hurstville City Council has been appointed PCA, Forty-eight (48) hours notice in writing, or alternatively twenty-four (24) hours notice by facsimile or telephone, must be given to when specified work requiring inspection has been completed.

131. OPER1009 Occupation Certificate

A person must not commence occupation or use of the whole or any part of a new building unless an Occupation Certificate has been issued in relation to the building or part.

Only the Principal Certifying Authority appointed for the building work can issue the Occupation Certificate.

An **Occupation Certificate** Application Form is attached for your convenience.