

## DRAFT CONDITIONS OF DEVELOPMENT CONSENT

**DA No:** DA-230/2017  
**Property:** 62 Ferndell Street, SOUTH GRANVILLE NSW 2142  
**Description:** Construction of 3 x new industrial buildings for use as warehouse and distribution centres, internal fitout of the existing office building, tree removal and associated landscaping and stormwater works

### 1. Approved Plans

The development is to be carried out in accordance with the approved stamped plans as numbered below:

<i>Plan Number</i>	<i>Prepared By</i>	<i>Revision No.</i>	<i>Dated</i>
<b>Architectural Plans</b>			
10248_DA-002 Site Plan	Nettleton Tribe Partnership Pty Ltd	7	27.04.17
10248_DA-003 Master Plan	Nettleton Tribe Partnership Pty Ltd	5	27.04.17
10248_DA-011 Ground Floor Plan	Nettleton Tribe Partnership Pty Ltd	4	11.04.17
10248_DA-012 L1 Floor Plan	Nettleton Tribe Partnership Pty Ltd	4	11.04.17
10248_DA-013 Roof Plan	Nettleton Tribe Partnership Pty Ltd	3	11.04.17
10248_DA-014 Stage 2 GF Plan	Nettleton Tribe Partnership Pty Ltd	4	27.04.17
10248_DA-016 Stage 2 Roof Plan	Nettleton Tribe Partnership Pty Ltd	3	11.04.17
10248_DA-017 Basement Carpark Plan	Nettleton Tribe Partnership Pty Ltd	7	18.10.17
10248_DA-018 Office Plans	Nettleton Tribe Partnership Pty Ltd	4	11.04.17
10248_DA-019 Existing Office Plans	Nettleton Tribe Partnership Pty Ltd	2	11.04.17
10248_DA-021 Stage 1 Elevations	Nettleton Tribe Partnership Pty Ltd	3	11.04.17
10248_DA-022 Stage 1 Elevations	Nettleton Tribe Partnership Pty Ltd	3	11.04.17
10248_DA-023 Stage 2 Elevations	Nettleton Tribe Partnership Pty Ltd	4	11.04.17
10248_DA-024 Stage 2 Elevations	Nettleton Tribe Partnership Pty Ltd	3	11.04.17
<b>Concept Stormwater Management Plan</b>			
DA1.01 Cover Sheet, Locality Plan, and Drawing Schedule	Sparks + Partners	3	08.11.17
DA2.01 Sediment and Erosion Control Plan and Details (as amended in red)	Sparks + Partners	4	08.11.17

DA4.01 Siteworks and Stormwater Management Plan Sheet 1	Sparks + Partners	8	08.11.17
DA4.02 Siteworks and Stormwater Management Plan Sheet 2	Sparks + Partners	8	08.11.17
DA4.03 Siteworks and Stormwater Management Plan Sheet 3	Sparks + Partners	9	25.07.18
DA4.04 Siteworks and Stormwater Management Plan Sheet 4	Sparks + Partners	8	08.11.17
DA4.06 Stormwater Management OSD Catchment Plan	Sparks + Partners	1	08.11.17
DA4.07 Stormwater Management	Sparks + Partners	3	08.11.17
DA4.12 Box Culvert Sections and Stormwater Dissipater Details	Sparks + Partners	3	08.11.17
DA4.13 OSD Plan and Details	Sparks + Partners	2	08.11.17
DA4.14 OSD Plan and Details	Sparks + Partners	2	08.11.17
DA4.15 OSD Plan and Details	Sparks + Partners		08.11.17
<b>Landscape Plans</b>			
L00 Cover Sheet	Cabbage Tree Landscape	DA-01	April 2017
L01 Landscape Plan	Cabbage Tree Landscape	DA-01	April 2017
L02 Landscape Plan (as amended in red)	Cabbage Tree Landscape	DA-01	April 2017
<b>Contamination Report</b>			
Targeted Environmental Investigation 54-68 Ferndell Street, South Granville	KPMG SGA Project Property Consultancy Pty Ltd	02	4 August 2017
<b>Acoustic Report</b>			
Noise Emission Assessment 54-68 Ferndell Street, South Granville	Acoustic Logic	2	27/4/2017

except as otherwise provided by the conditions of this determination (Note:- modifications to the approved plans will require the lodgement and consideration by Council of a modification pursuant to Section 4.55 of the Environmental Planning and Assessment Act (as amended)).

Reason:- to confirm and clarify the terms of Council's approval.

2. **Time period of consent**

This consent shall lapse five (5) years from the date of determination unless the approved building, engineering or construction work has been physically commenced in accordance with this consent.

Development consent for the use of land does not lapse if the approved use of any land, building or work is actually commenced prior to the date on which the consent would otherwise lapse.

Reason:- to satisfy the requirements of Section 4.53 of the Environmental Planning and Assessment Act (as amended).

3. **Approval under Water Management Act 2000**

Approval from NSW Water shall be obtained in accordance with the *Water Management Act 2000* **prior to issue of any Construction Certificate.**

Reason:- to ensure that the necessary approvals are obtained for works to the drainage channel.

4. **Compliance with acoustic report**

The recommendations of the acoustic report submitted by Acoustic Logic Consultancy Pty Ltd (ref: 20161678.1/0406A/R1/TT) dated 27/4/2017 are required to be implemented and adhered to for the proposed use. In this regard:

- a) Truck movements (articulated/b-double) to be limited as follows:
  - i. Limit of no more than four per hour (if using the southern driveway); or
  - ii. Limit of no more than twelve per hour (if using the main driveway).
- b) Truck movements (large rigid) to be limited as follows:
  - i. Limit of no more than eight per hour (if using the southern driveway); or
  - ii. Limit of no more than twenty four per hour (if using the main driveway).
- c) The southern driveway is not be used before 7.00am.
- d) The maximum no. of vehicles to use the northern driveway is not to exceed that detailed in Section 6.2 of the report.
- e) Forklifts:
  - i. Electric, not diesel forklifts, are to be used on site;

(NB: Recommendations made with regards to the use of forklifts between 11.00 p.m. and 6.00 a.m. are outside of the approved hours of operation.)

- f) Building shell – there are to be no ventilation louvres or other openings in the eastern façade of the Warehouse 1. The eastern façade is to be constructed of, at a minimum 0.4mm thick sheet metal or material of equal or higher surface density.

Details demonstrating compliance shall be submitted to the Principal Certifying Authority for approval **prior to issue of the Construction Certificate**.

Reason:- to protect the amenity of nearby residential properties.

5. **Compliance with Targeted Environmental Investigation**

The recommendations of the Targeted Environmental Investigation prepared by KPMG SGA Property Consultancy Pty Ltd (Project No: 314465.01) dated 20 June 2017 are required to be followed during both construction and use of the premises. In this regard:

- a) **Prior to the issuing of the Construction Certificate** a report validating that the construction design will not cause a preferential vapour pathway to the newly constructed building is required to be submitted to the Manager Development Assessment, Cumberland Council for approval. If this cannot be demonstrated, a more detailed risk assessment will be required to assess the appropriate vapour controls for the building/warehouse;
- b) **Prior to the issuing of the Construction Certificate** a Construction Management Plan is required to be submitted to the Manager Development Assessment, Cumberland Council for approval. The Plan is to be prepared by an environmental consultant and is to include:
- i. An unexpected findings protocol specifying how to manage identification of potential contamination (such as asbestos) during the development works;
  - ii. Soil management including separation, stockpiling, testing, classification, and offsite disposal in accordance with the NSW EPA *Waste Classification Guidelines*; and
  - iii. Groundwater management in the event that groundwater is encountered during the development.
- c) **Prior to the issuing of the Occupation Certificate** a report is required to be submitted to the Manager Development Assessment, Cumberland Council for approval containing details of ambient air testing of the building to validate that the CoC vapour intrusion is not entering the building; and
- d) Annual groundwater monitoring of wells BRW2, BRW3, BRW4 and BRW5 are required to be undertaken to assess the trends of the chlorinated benzene plume. Copies of these reports are required to be submitted to the Contamination Consultant for assessment and comment with an annual report of these submitted to the Manager Development Assessment, Cumberland Council.

Reason:- to ensure that the site contamination is dealt with appropriately.

## 6. **Vegetation Management Plan**

A Vegetation Management Plan (VMP) shall be prepared by a suitably qualified professional in accordance with *How to Prepare a Vegetation Management Plan* (Department of Infrastructure, Planning and Natural Resources) for the Biodiversity area, drainage channel and adjoining banks. The VMP is to address such matters as bush regeneration, weed control and suppression, and bank stabilisation and is to include detailed planting plans. The recommendations of the "Biodiversity consideration –proposed stormwater storage area, 62 Ferndell Street, South Granville, NSW" prepared by Lesryk Environmental Pty Ltd and dated 29 March 2018 shall be incorporated in the VMP.

The VMP shall be submitted to and approved by the Manager Development Assessment, Cumberland Council, **prior to the issue of any Construction Certificate**.

Quarterly inspections of works undertaken in the Biodiversity area, channel and adjoining banks shall occur by the bush regeneration contractor **for a minimum period of 2 years from the date of issue of the Final Occupation Certificate**. At the conclusion of the 2 year period, a final report from the author of the Vegetation Management Plan, which includes all quarterly inspections, shall be submitted to the Manager Development Assessment, Cumberland Council verifying that the requirements of the VMP have been implemented.

**Reason:-** To ensure that disturbed areas are suitable vegetated and maintained.

## 7. **Salinity Management Plan**

**Prior to issue the Construction Certificate** investigations and a Salinity Management Plan shall be prepared in accordance with the *Western Sydney Salinity Code of Practice 2003* and submitted to the Principal Certifying Authority for approval.

**Reason:-** To ensure that protection measures are implemented to mitigate the impact of soil salinity to prevent structural damage to the development.

## 8. **Energy Efficiency Report**

An Energy Efficiency Report shall be prepared by a suitably qualified professional to demonstrate a commitment to achieving the minimum rating under the Australian Building Greenhouse Rating Scheme or equivalent.

Details demonstrating compliance shall be submitted to the Principal Certifying Authority for approval **prior to issue of the Construction Certificate**.

**Reason:-** to ensure compliance with Parramatta DCP 2011.

## 9. **Energy efficiency**

Energy efficient fixtures and fittings are implemented throughout the development. This is to include, but not be limited to:

- a) Low energy and zoned lighting and appliances;
- b) Water efficient taps, showerheads and toilet flushing systems, with a minimum 3 star rating;
- c) Zoned air conditioning; and
- d) Zoned irrigation.

Details demonstrating compliance shall be submitted to the Principal Certifying Authority for approval **prior to issue of the Construction Certificate**.

Reason:- to comply with the requirements of Parramatta DCP 2011.

10. **Schedule of external finishes**

A detailed schedule of external finishes for all buildings shall be submitted to the Manager Development Assessment, Cumberland Council for approval **prior to issue of the Construction Certificate**. The schedule of finishes shall consist of original swatches and is to be shown in the form of coloured building elevations, cross-referenced with the colour sample chart.

Reason:- to ensure that the external finishes and colour scheme of the buildings are robust, durable and appropriate to the locality.

11. **Erosion & Sediment Control Plan**

The Erosion and Sediment Control Plan, Drawing No.DA2.01 Revision 4 prepared by Sparks + Partners and dated 808.11.2017, shall be amended to include erosion and sediment control measures for the works within the drainage channel and associated banks. The Plan is to be prepared in accordance with the NSW Department of Housing, managing Urban Stormwater, Sols and Construction Manual dated March 2004.

Details demonstrating compliance shall be submitted to the Principal Certifying Authority **prior to issue of the Construction Certificate**.

Reason:- to prevent sediment and polluted waters discharging for the site.

12. **Section 7.12 Contribution**

A monetary contribution comprising **\$215,827.53** is payable to **Cumberland Council** in accordance with Section 7.12 of the Environmental Planning and Assessment Act 1979 (as amended) and the Parramatta Section 7.12 Development Contributions Plan (Amendment No. 5).

***The contribution is to be paid to Council prior to the issue of a Construction Certificate.***

The contribution levy is subject to indexation on a quarterly basis in accordance with movements in the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician. At the time of payment, the contribution levy may have been the subject of indexation.

Parramatta Section 7.12 Development Contributions Plan (Amendment No. 5) can be viewed on Cumberland Council's website at: [www.cumberland.nsw.gov.au](http://www.cumberland.nsw.gov.au)

Reason:- To comply with legislative requirements.

13. **Submission of Construction Certificate**

Construction works are not to commence until such time that a construction certificate for the proposed works has been issued by Council or an Accredited Certifier.

Where an Accredited Certifier issues a construction certificate, a copy of the following documents must be forwarded to Council within 2 days of issue, together with payment of the Council's adopted registration fee: determination; application to which it relates; construction certificate issued; plans and specifications; any fire safety schedule; and any other documents lodged with the certificate.

Any modification involving building works to the approved development made under Section 4.55 of the Environmental Planning and Assessment Act 1979 (as amended) requires the submission of an amended construction certificate.

Reason:- to comply with the requirements of Section 4.19, 6.6, 6.7, 6.12, 6.13, 6.14 of the Environmental Planning and Assessment Act (as amended) and clause 142 of the Environmental Planning and Assessment Regulation 2000.

14. **No alteration without prior Council approval**

The completed building is not to be altered externally in character or colour without the prior consent of Council.

Reason:- to ensure the external appearance of the development is not obtrusive or offensive and does not degrade the visual quality of the surrounding area.

15. **Appointment of Principal Certifying Authority/Notice of Commencement of Work**

Site works are not to commence until:-

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

- c) the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the erection of the building.

Reason:- to comply with the requirements of Section 4.19, 6.6, 6.7, 6.12, 6.13, 6.14 of the Environmental Planning and Assessment Act (as amended).

16. **Principal Certifying Authority**

- 1) The person having the benefit of a development consent or complying development certificate for development involving building work or subdivision work may appoint the consent authority, the council or an accredited certifier as the principal certifying authority for the development.
- 1A) Despite subsection (1), such an appointment may not be made by any contractor or other person who will carry out the building work or subdivision work unless the contractor or other person is the owner of the land on which the work is to be carried out.
- 2) Despite subsection (1), an accredited certifier must not be appointed as the principal certifying authority for development involving subdivision work unless the subdivision to which the work relates is of a kind identified by an environmental planning instrument as one in respect of which an accredited certifier may be a certifying authority.
- 3) A principal certifying authority for building work or subdivision work to be carried out on a site is required to be satisfied:-
  - a) that a construction certificate or complying development certificate has been issued for such of the building work or subdivision work as requires development consent and over which the principal certifying authority has control, before the work commences on the site, and
  - b) that the principal contractor for the work is the holder of the appropriate licence and is covered by the appropriate insurance, in each case if required by the *Home Building Act 1989*, before any residential building work over which the principal certifying authority has control commences on the site, unless the work is to be carried out by an owner-builder, and
  - c) that the owner-builder is the holder of any owner-builder permit required under the *Home Building Act 1989*, before an owner-builder commences on the site any residential building work over which the principal certifying authority has control, and
  - d) that building work or subdivision work on the site has been inspected by the principal certifying authority or another certifying authority on such occasions (if any) as are prescribed by the regulations and on such other occasions as may be required by the principal certifying authority, before the principal certifying authority issues an occupation certificate or subdivision certificate for the building or work, and
  - e) that any preconditions required by a development consent or complying development certificate to be met for the work before the issue of an occupation certificate or subdivision certificate have been met, before the principal certifying authority issues the occupation certificate or subdivision certificate.
- 4) A principal certifying authority must also comply with such other requirements of a like or different nature as may be imposed on principal certifying authorities by the regulations.



Reason:- to comply with the requirements of Section 6.5 of the Environmental Planning and Assessment Act (as amended).

17. **Compliance with the Building Code of Australia**

All building work must be carried out in accordance with the requirements of the Building Code of Australia.

Reason:- to ensure compliance with the requirements of the Building Code of Australia and to comply with Clause 98 of the Environmental Planning and Assessment Regulation 2000.

18. **Disabled Access & Facilities**

Access and facilities for people with disabilities must be provided in accordance with the relevant requirements of the Building Code of Australia (for all new building work) and in addition, with the relevant requirements of the 'Disability (Access to Premises – Building) Standards 2010' (including for existing buildings, whether or not any works are proposed). Details of the proposed access, facilities and car parking for people with disabilities are to be included in the plans/specifications for the **construction certificate**.

Reason: to ensure compliance with the requirements of the Building Code of Australia

19. **Commonwealth Disability Discrimination Act**

The Commonwealth Disability Discrimination Act 1992 commenced the 'Disability (Access for Premises – Buildings) Standards 2010' on 1 May 2011 and now applies to all new buildings and affected parts of existing buildings. Submission and/or approval of this application does not imply or confer compliance with either the Act or the new Access Standard. Applicants should satisfy themselves and make their own inquiries to the Human Rights and Equal Opportunity Commission.

Reason: to provide advice on the requirements of the Commonwealth Disability Discrimination Act 1992

20. **Replacement of Principal Certifying Authorities**

Unless the relevant authority so approves in writing, a person may not be appointed to replace another person as the principal certifying authority for development.

A principal certifying authority appointed to replace another principal certifying authority must ensure that notice of the appointment and of the approval of that appointment is given to the consent authority (and, if the consent authority is not the council, to the council) within 2 days of the appointment.

Reason:- to comply with the requirements of Section 6.5 of the Environmental Planning and Assessment Act (as amended) and clause 162 of the Environmental Planning and Assessment Regulation.

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21. **Notice to Allow Inspections**

To allow a principal certifying authority or another certifying authority time to carry out critical stage inspections or any other inspections required by the principal certifying authority, the principal contractor for a building site, or the owner-builder, must notify the principal certifying authority at least 48 hours before building work is commenced at the site if a critical stage inspection is required before the commencement of the work.

Reason:- to comply with the requirements of Clause 163 of the Environmental Planning and Assessment Regulation.

22. **Erection of Signs**

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

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

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

Note: Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of \$1,100.

Reason:- to comply with the requirements of Clause 98A and 136B of the Environmental Planning and Assessment Regulations.

23. **Traffic Management**

A traffic management plan shall be submitted to and approved by Council for all demolition, excavation and construction activities associated with the development **prior to commencement of work.**

Reason:- to minimise the impact on street traffic.

24. **Construction/Demolition Hours**

Site works, building works and demolition works, including the delivery of materials or equipment to and from the property are to be carried out between the hours of 7.00 am and 6.00 p.m. only from Mondays to Fridays and between 8.00 am and 4.00 p.m. only on Saturdays. No construction works or deliveries for the construction are to take place on Sundays or public holidays.

Prior to commencement of any demolition or construction work the applicant is to erect signs on the site, which are clearly visible from the footpaths adjoining the site boundaries, which state the permitted construction/demolition hours. These signs must also state "Any instances of site works, building works, demolition works or deliveries outside the permitted hours can be reported to Cumberland Council on 8757 9000 during office hours or 0417-287-113 outside office hours".

Reason:- to reduce nuisance to the surrounding properties during the construction period.

25. **Information required prior to the issue of Construction Certificate**

The following documentation (where applicable) is to be submitted to Council or the accredited certifier, **prior to the granting of the construction certificate**:

- a) Detailed building plans and specifications containing sufficient information to verify that the completed building will comply with the Building Code of Australia.
- b) A list of any proposed fire safety measures provided in relation to the land or any existing building on the land (*not applicable to dwellings or outbuildings*)

Reason:- to ensure that adequate information is submitted to enable assessment or that the development can proceed with the concurrence of others.

26. **Infrastructure Fee**

The infrastructure inspection fee in accordance with Councils Fees and Charges Schedule shall be paid prior to the issue of the Construction Certificate.

Reason: to contribute to the cost of inspection and identification of any damage to Council's infrastructure as a result of the development.

27. **Maintain plans on-site**

A copy of the construction certificate, the approved plans & specifications and development consent conditions must be kept on the site at all times and be available to the Council officers upon request.

Reason:- to ensure a record of the approved plans are readily available.

28. **PCA – Inspection of works – general & site management**

The building works are to be inspected by the principal certifying authority (or other suitably qualified person on behalf of the applicant if permitted by the PCA) to monitor compliance with Council's approval and the relevant standards of construction.

Documentary evidence of compliance with Council's approval and relevant standards of construction is to be maintained by the principal certifying authority.

Upon inspection of each stage of construction, the principal certifying authority (or other suitably qualified person on behalf of the applicant) is also required to ensure that adequate provisions are made for the following measures (*as applicable*), to ensure compliance with the terms of Council's approval:

- Sediment control measures
- Provision of perimeter fences or hoardings for public safety and restricted access to building sites.
- Maintenance of the public place free from unauthorised materials, waste containers or other obstructions.

Reason:- to ensure the development is adequately monitored during the construction phase.

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29. **Items not to be placed on roadway**

The following items must not be placed on the footpath, roadway or nature strip at any time:-

- a) Building materials, sand, waste materials or construction equipment;
- b) Bulk bins/waste skips/containers; or
- c) Other items that may cause a hazard to pedestrians.

Reason:- to ensure the public is not inconvenienced, placed in danger and to prevent harm to the environment occurring.

30. **Sign to be erected concerning unauthorised entry to the site**

A sign must be erected in a prominent position stating that unauthorised entry to the site is not permitted. The sign must also name the builder or other person responsible for the site and a telephone number at which the builder or other person can be contacted outside working hours. Where Council is not the Principal Certifying Authority, the sign shall also display the name and contact details of the nominated Principal Certifying Authority. The sign is to be removed when the building works have been completed.

Reason:- to restrict public access to the site and to provide suitable contact details in a clear and conspicuous position.

31. **Toilet accommodation for people working at the site**

Suitable toilet accommodation is to be provided at the work site at all times. If temporary toilet accommodation is proposed, it must:-

- Have a hinged door capable of being fastened from both inside and outside,
- Be constructed of weatherproof material,
- Have a rigid and impervious floor; and
- Have a receptacle for, and supply of, deodorising fluid.

Reason:- to ensure suitable toilet accommodation is provided for workers.

32. **Survey Report**

A Registered Surveyors check survey certificate is to be forwarded to the Principal Certifying Authority (and a copy is to be forwarded to the Council, if the Council is not the principal certifying authority), detailing compliance with Council's approval at the **following stage/s of construction:**

- a) Prior to construction of the first completed floor/floor slab (prior to pouring of concrete), showing the area of land, building and boundary setbacks and verifying that the building is being constructed at the approved levels.
- b) On completion of the erection of the building showing the area of the land, the position of the building and boundary setbacks and verifying that the building has been constructed at the approved levels.

Reason:- to ensure each stage of the development complies with the approved plans.

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**33. Excavated and Filled Areas**

All excavated and filled areas shall be battered to a slope not steeper than two (2) horizontal to one (1) vertical and the fill area shall continue a minimum of one metre past the edge of the house, or similarly be retained in accordance with a retaining wall detail approved by Council. In the event that the retaining wall exceeds 600 mm when measured vertically from the base of the cut, the wall shall be designed by a practicing Structural Engineer, the details submitted to Council, and approved prior to work commencing.

Reason:- to adequately retain excavated and filled areas and prevent soil movement, which may be detrimental to the subject or adjoining premises.

**34. Fencing of Construction Sites – Rental details to be provided to the PCA**

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

A temporary hoarding or fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5 metres). Hoardings or fences are to have a minimum height of 1.8 metres and be constructed of solid plywood sheeting (painted white) or of cyclone wire fencing with geotextile fabric attached to the inside of the fence, to provide dust control.

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

The public safety provisions and temporary fences must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction.

**NOTE: Should ANY part of the fence or hoarding encroach beyond the boundaries of the site, it will be necessary to:-**

- **Make payment to Council for the rental of the road reserve area in accordance with Council's adopted charges (per metre per month – minimum 3 months) BEFORE the fence/hoarding is erected.**
- **Supply evidence that the road reserve rental fee has been paid to the PCA and to any authorised Council officer.**
- **Comply with Council's specifications for the erection of Class A Hoardings.**

Reason:- to provide protection to public places and to prevent unauthorised access to the site.

**35. Sedimentation Control**

Prior to the commencement of site works, the following measures are to be implemented on the site to assist with sedimentation control during the construction phase of the project:-

- a) A dish shaped diversion drain or similar structure will be constructed above the proposed building works to divert run-off to a stable discharge area such as dense ground cover. This diversion drain is to be lined with turf or otherwise stabilised.

- b) A sediment-trapping fence using a geotechnical fabric specifically designed for such purpose and installed to manufacturer's specifications is to be placed below the construction area.
- c) Vegetation and/or existing building structures will be cleared from the construction site only, other areas to remain undisturbed.
- d) Restricting vehicle access to one designated point and having these driveways adequately covered at all times with blue metal or the like.
- e) A vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be installed prior to commencement of any site works or activities, to prevent mud and dirt leaving the site and being deposited on the street.
- f) Building operations such as brick cutting, washing tools or brushes and mixing mortar are not permitted on public roadways or footways or in any other locations which could lead to the discharge of materials into the stormwater drainage system.
- g) Stockpiles of topsoil, sand, aggregate, soil or other material shall not be located on any drainage line or easement, natural watercourse, footpath or roadway and shall be protected with adequate sediment controls.
- h) The installation of gutters, downpipes, and the connection of downpipes to the stormwater disposal system prior to the fixing of the roof cladding.

Such measures are to be maintained at all times to the satisfaction of Council and the PCA. **Failure to do so may result in the issue of penalty infringement notices.**

Reason:- to minimise soil erosion and control sediment leaving the site during construction and to prevent water pollution from occurring.

36. **Display of a warning sign for soil and water management**

Throughout the construction/remediation/demolition period, a warning sign for soil and water management must be displayed on the most prominent point of the building site, visible to both the street and site works.

Reason:- to ensure all building workers are aware of the need to maintain the sediment and erosion control devices.

37. **Engineering Design – Basement Excavation**

The following engineering details or design documentation (where appropriate) shall be submitted to the Principal Certifying Authority (Council or accredited certifier) **prior to the issuing of a construction certificate:-**

- a) Documentary evidence prepared by a suitably qualified *professional geotechnical engineer* shall be submitted to the certifying authority, that confirms the suitability and stability of the site for the proposed excavation and building as well as certifying the suitability and adequacy of the proposed design and construction of the building for the site.
- b) A report shall be prepared by a *professional engineer* and submitted to the certifying authority prior to the issuing of a construction certificate, detailing the proposed methods of excavation, shoring or pile construction, including details of vibration emissions and detailing any possible damage which may occur to adjoining or nearby premises that may be caused by the proposed building and excavation works.

Any practices or procedures specified in the engineer's report in relation to the avoidance or minimisation of structural damage to nearby premises, are to be fully complied with and incorporated into the plans and specifications for the **construction certificate**.

A copy of the engineer's report is to be submitted to the Council, if the Council is not the certifying authority.

- c) Driven type piles/shoring **must not be provided** unless a geotechnical engineer's report is submitted to the certifying authority, **prior to the issuing of a construction certificate**, which states that damage should not occur to any adjoining premises and public place as a result of the works.
- d) The installation of ground or rock anchors underneath any adjoining premises including (a public roadway or public place) must not be carried out without the specific written consent of the owners of the affected adjoining premises and (where applicable) details of compliance must be provided to the certifying authority **prior to the commencement of any excavation or building works**.

Reason:- to ensure the proposed method of excavation is suitable for the site and to prevent damage from occurring to adjoining premises.

### 38. **Excavations extending below the base of footings of adjoining development**

Where excavations extend below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must preserve and protect the building from damage and, if necessary, underpin and support the adjoining building in an approved manner. The person causing the excavation must give the owner of the adjoining property at least seven (7) days written notice of its intention to excavate below the level of the base of the footing. The person must also furnish the adjoining property owner with particulars of the proposed work.

Reason:- to ensure the support for neighbouring buildings.

### 39. **Fencing of construction sites – Rental details to be provided to the PCA (A & B Type Hoardings)**

A separate application is to be made to Council for Approval under Section 68 of the Local Government Act 1993 to erect any hoarding or scaffolding in a public place and such application is to include:

- A payment to Council for the following fees in accordance with Council's adopted charges:
  - Hoarding/Structure Application Fee
  - Rental of Footpath Area (per metre per month – minimum 3 months rental)
  - Footpath Bond
- Submit the following documents to Council with your application:
  - Certificate of Currency for Public Liability Insurance
  - Certificate of Currency for Worker's Compensation Insurance
  - Letter indemnifying Council against claims and expenses made in relation to the existence of the structure and/or traffic provisions
  - Traffic/Pedestrian Control Plan
  - In respect to any required Type B Hoarding, structural certification prepared and sign by an appropriately qualified practising Structural Engineer
- Comply with Council's specifications for the erection of Class A Hoardings.

- Supply evidence to the PCA and to any authorised Council officer that the road reserve rental fee has been paid.

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

A temporary hoarding or fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5 metres). Hoardings or fences are to have a minimum height of 1.8 metres and be constructed of solid plywood sheeting (painted white) or of cyclone wire fencing with geotextile fabric attached to the inside of the fence, to provide dust control.

Note: A “B Class” overhead type hoarding is required to be provided to protect the public, located adjacent to the development, prior to the commencement of any works on the site which comprise:

- Any works or hoisting of materials over a public footway or adjoining premises, or
- Any building or demolition works on buildings which are over 7.5 metres in height and located within 3.6 metres of the street alignment.

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

The public safety provisions and temporary fences must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction. Details of the proposed hoardings or fences located upon the site are to be submitted to the PCA and the public safety provision and temporary fences must be in place prior to the commencement of any site works, demolition, excavation or building works and maintained throughout construction.

Reason: to provide protection to public places, prevent unauthorised access to the site and a safe working environment.

#### 40. **Dial before you dig (advisory)**

Dial Before You Dig is a free national community service designed to prevent damage and disruption to the vast pipe and cable networks which provides Australia with the essential services we use everyday – electricity, gas, communications and water.

Before you dig call “Dial before you dig” on 1100 (listen to the prompts) or facsimile 1300 652 077 (with your street no./name, side of street and the distance to the nearest cross street) or register on line at [www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au) for underground utility services information for any excavation areas.

The Dial Before You Dig service is also designed to protect Australia’s excavators. Whether you are a back yard renovator, an individual tradesman or a professional excavator the potential for injury, personal liability and even death exists every day. Obtaining accurate information about your work site significantly minimises these risks.

Reason: To ensure that essential services such as electricity, gas, communications and water are not affected by excavation or construction.



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41. **Noise from construction activities**

Noise from construction activities associated with the development shall comply with the NSW Interim Construction Noise Guidelines (DECCW) 2009.

Reason:- to ensure noise arising from construction activities is in accordance with relevant legislation and Environment Protection Authority requirements.

42. **Off-site soil disposal**

Any soil disposed of offsite shall be classified in accordance with the procedures in the NSW EPA Environmental Guidelines: Assessment, Classification & Management of Liquid & Non-Liquid Wastes (1999).

Reason:- to ensure soil disposed off-site is classified in accordance with relevant EPA requirements.

43. **Building design to provide adequate clearance to Council's existing stormwater pipe**

**Prior to the commencement of any construction works** (other than demolition works), a clearance letter from Cumberland Council's Manager Engineering and Traffic with respect to the required set back to the existing Council's stormwater pipe shall be obtained. In this regard:

- a) Council's existing stormwater pipes within the site shall be located and marked on the ground. An inspection shall be arranged with Council's Development Engineer;
- b) Accurate pipe location and proposed building setback from Council's existing stormwater pipe shall be marked on the plan; and
- c) The proposed building/s shall be clear of the easement and a minimum 1000mm from the Council's existing stormwater pipe.

Note: If a minimum 1000mm setback is not available for the approved building then the proposed building shall be relocated to provide a minimum 1000mm from Council's existing stormwater pipe. The amended plan shall also ensure that the minimum setback to boundaries are provided.

Reason:- to ensure the building is clear of the easement and a minimum 1000mm clearance is provided to Council's existing stormwater pipe.

44. **Principal Certifying Authority's critical inspections**

**Prior to carrying out any critical inspections** the Principal Certifying Authority shall ensure a clearance letter from Cumberland Council's Manager Development Assessment with respect to the required set back to Council's existing stormwater pipe has been obtained in accordance with the condition above.

Reason:- to ensure that the Principal Certifying Authority is aware of the building setback requirements from Council's existing stormwater pipe.

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45. **Driveway design**

**Prior to issue of any construction certificate** detailed driveway alignment designs shall be submitted to and approved by Cumberland Council's Manager Engineering and Traffic. In this regard:

- a) Driveway design shall comply with Council's requirements;
- b) Driveways shall be perpendicular to the street kerb alignment; and
- c) The area adjacent to the exit of all driveways, for a distance of 2m from the edge of the driveway, and 2.5m inside the boundary, shall be kept clear of any obstructions over 600mm in height including vegetation.

Note: B-double access has not been approved as part of this consent.

Reason:- to ensure driveways comply with Council's requirements.

46. **Hydraulic engineering design certificate**

A written verification from a suitably qualified hydraulic engineer shall be obtained, stating that:

- a) Construction Certificate plans comply with the approved Overland Flow Flood Study Report dated 6 April 2018 prepared by Sparks and Partners; and
- b) The development has no adverse impact on flood levels and/or adjoining properties.

**Prior to the issue of any Construction Certificate** the written verification shall be submitted to and approved by Principal Certifying Authority

Reason:- to ensure construction plans comply with the flood report.

47. **Hydraulic engineering construction certificate**

A written verification from a suitably qualified hydraulic engineer shall be obtained, stating that:

- a) Development complies with the approved Overland Flow Flood Study Report dated 6 April 2018 prepared by Sparks and Partners; and
- b) The development has no adverse impact on flood levels and/or adjoining properties.

**Prior to the issue of any Occupation Certificate** the written verification shall be submitted to and approved by Principal Certifying Authority

Reason: to ensure construction complies with the flood report.

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48. **Flood Risk Management**

The subject development shall comply with Table 2.4.2.1.2 of Parramatta City Council's Development Control Plan 2011. In this regard:

- a) Supporting documents shall be prepared in order to ensure that the development complies with the controls for a medium flood risk precinct nominated in Table 2.4.2.1.2 of Parramatta City Council's Development Control Plan 2011; and
- b) Details shall be submitted to and approved by Principal Certifying Authority **prior to the issue of any Construction Certificate.**

Reason:- to reduce flood risk to the people and properties.

49. **Flood Risk Evacuation Plan**

A flood risk evacuation plan shall be prepared by a suitably qualified person in conjunction with Council's floodplain risk management plan. The flood risk management plan shall be in force at all times.

The evacuation plan shall be submitted to and approved by Principal Certifying Authority **prior to the issue of any Occupation Certificate.**

Reason:- to ensure adequate evacuation procedures are implemented on the premises in the event of flooding occurring on the site.

50. **Floodplain access control**

'Pool type' vertical bar fencing and access gates, all to Australian Standards, shall be installed and maintained in perpetuity to prevent casual access by children to any of the ground levels of the site adjacent to the channel and also to the flood storage cavity beneath the ground floor slab. Maintenance of this fencing shall be the subject of covenants and instruments in terms satisfactory to Council which shall be placed on the title of the subject land **prior to issue of any Occupation Certificate.**

Reason: To ensure protection of public safety and property, securing the safety of residents, and managing risk from flooding,

51. **Detail drainage design – connection to Council's drainage system**

**Prior to the issue of any Construction Certificate** detailed designs for the following shall be submitted to and approved by Cumberland Council's Manager Engineering and Traffic:

- a) Stormwater outlets to the open channel;
- b) Proposed box culvert and inlet and outlet controls and

Details shall be prepared in consultation with Council's stormwater engineers.

Reason:- to ensure Council's assets are designed to Council's requirements.

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52. **Construction of box culvert and works affecting open channel and Council's pipes**

**Prior to the commencement of any stormwater connection works and culvert construction** works Council approval shall be obtained for the construction. In this regard:

- a) Separate construction approval shall be obtained from Council's Engineering Section.
- b) Inspections will be required for the works related to the proposed connection to Council's stormwater drainage system at following stages:
  - i) After the excavation of pipeline trenches.
  - ii) After the laying of all pipes prior to backfilling.
  - iii) After the completion of all pits and connection points.
- c) A minimum of 48 hours' notice shall be given to Council to inspect works. Inspections may be arranged by telephoning Council's Works and Services Section during office hours.
- d) Work is not to proceed until the works are inspected and approved by Council.

**Reason:-** to ensure Council's assets are constructed to Council's requirements.

53. **Stormwater disposal**

Stormwater runoff generated from OSD 1 and OSD2 Catchments of the development shall be directed to the On Site Detention system prior to being discharged to the open channel subject to Sydney Water approval within the site and OSD 3 Catchment shall be discharged to Council's stormwater pipe within the site.

Stormwater shall be drained by means of a water quality system prior to discharge into Council system. Details of the design, construction and long term operation of this stormwater management system shall be submitted to Council's Manager Technical Assessment for approval which must be granted **prior to issue of the Construction Certificate**. Details are to be shown on the plans and documentation accompanying the application for a Construction Certificate.

**Reason:** To ensure satisfactory stormwater disposal.

54. **Submission of full stormwater disposal details**

Full stormwater drainage details showing the proposed method of stormwater collection and disposal are to be submitted to Council or the Accredited Certifier to ensure the approved stormwater plans are incorporated with the Construction Certificate.

The details shall be prepared by a suitably qualified person and must be in accordance with the Upper Parramatta River Catchment Trust "On-Site Detention Handbook" and Stormwater drainage Guidelines and "Australian Rainfall & Runoff 1987". In this regard:

- a) The proposed stormwater system shall be generally in accordance with the stormwater concept plans Concept Stormwater Management Plans DA1.01 to DA 4.15 dated 08. 11. 2017 prepared by Sparks + Partners;
- b) All the access covers in the OSD tank shall be a minimum 900x900 in size with double (2/900x450) hinged grates;

- c) Overland flow from upstream sites shall be maintained. Allowances shall be made for surface runoff from adjacent properties, and to retain existing surface flow path systems through the site;
- d) The overflow system from the rainwater tank shall be modified in order to prevent overflow from the OSD system entering the rainwater tank;
- e) Maximum spacing between the grated access pits in the OSD shall not exceed 6.0m;
- f) Stormwater runoff from access ways will have to undergo some form of industrial standard primary treatment/separation prior to disposal into the stormwater system. In this regard, a stormwater treatment device capable of removing litter, oil, grease and sediment shall be provided prior to discharge to the stormwater system.

Reason:- to ensure the stormwater is suitably discharged.

55. **Structural Engineering Certificate**

The applicant shall submit a structural engineer's certificate of adequacy verifying that the works as detailed on the approved plans for the storage tank have been completed under his/her supervision and that the design is adequate to support the anticipated design loads. **The certificate shall be submitted to Council with the works-as-executed plan.**

Reason:- to ensure the construction is structurally adequate.

56. **Water Reuse**

The stormwater generated from the roof area shall be reused for the irrigation of the landscape area within the subject development site.

Full details of the Water reuse facilities shall be submitted to Council or the Accredited Certifier **with the Construction Certificate.**

On completion, a certificate from a registered plumber shall be submitted for the pipe network. The certification shall indicate the water reuse system has been installed in accordance with the approved water reuse design plans.

Reason:- to ensure the water reuse facilities within the development are constructed and maintained in good working order.

57. **Stormwater disposal – on-site detention**

On-site stormwater detention storage is to be provided in conjunction with the stormwater disposal. The storage is to comply with Council's on-site stormwater detention parameters. Where multiple detention basins with differing top water levels are used, the basins must be routed to the outlet pit independent of each other.

A positive covenant under Section 88E of the Conveyancing Act is to be created on the title of the property detailing the on-site stormwater detention system incorporated in the development. The wording of the instrument is to be submitted and approved by Council prior to lodgement at the NSW Land Registry Services. Evidence confirming the positive covenant has been registered shall be submitted to Council **prior to occupation of the building or issue of the occupation certificate.**

Work as executed plan(s) and engineers certifications shall be submitted to and approved by Council **prior to the endorsement of Positive Covenant.**

Reason:- to prevent localised flooding by ensuring the detention system is maintained as designed.

58. **Maintenance schedule – OSD**

Prior to the issue of the occupation certificate, a maintenance schedule of the proposed on-site detention facility shall be submitted to Council for approval with the stormwater work-as executed plan. This maintenance schedule shall be registered as part of the positive covenant.

Reason:- to ensure the onsite detention facility is in good working order

59. **Annual maintenance inspection of OSD**

Annual maintenance inspection summary of the onsite detention with associated certificates shall be sent to Council within the first month of every calendar year. In this regard:

- All critical inspections shall be carried out by a qualified person.
- A maintenance log book shall be maintained as per the approved maintenance schedule on site and readily available for inspection by a Council officer.
- All associated cost shall be borne by the owner

Reason:- to ensure the onsite detention facility is in good working order

60. **Engineer Certificate for pump**

A certificate from a practising hydraulic engineer verifying that the stormwater pump installation and the design with the executed levels shall be submitted to the Council with the work as executed plan **prior to the release of Occupation Certificate.**

Reason:- to ensure the system has been constructed to Council's standards and specifications.

61. **Basement drainage system**

Basement drainage is to comply with "Auburn development control plans 2010 stormwater drainage". In this regard:

- a) Two pump units being installed, the capacity of each being calculated on the basis of a hundred year storm recurrence interval and a storm duration of 5 (five) minutes, one pump acting in reserve capacity.
- b) The two pumps being designed to work on an alternate basis to ensure that both pumps receive equal usage and neither pump remains continuously idle.
- c) A holding well being provided within the basement, of sufficient capacity to store the discharge based on a hundred year storm recurrence interval and storm duration of ninety minutes. In addition to this an above ground storage shall be provided up to a hundred year storm recurrence interval and storm duration of two hours. The holding well is to be designed so that a minimum volume of

water is retained in the well for health reasons when the pumps are in the “off” position or if there is a break in electrical supply.

- d) A storm of two hours’ duration has been adopted as a basis for determining the size of the well, the assumption being that electrical supply will be reinstated within this period.
- e) The pump out system is to be independent of any gravity drainage lines, except at the property boundary where a grated surface pit is to be constructed from which a connection will be permitted to the gravity drainage system. The invert levels of the pipes in the grated surface pit are to be such that the outlet from the pump out system is above the inlet of the gravity system.
- f) Storage areas and areas used for purposes other than car parking or access aisles are to be constructed a minimum of 100mm above the top water level.
- g) The contributing catchment area to the pump out system is to be limited to the access ramp area only and subsoil drainage.

Reason:- to prevent localised flooding.

62. **Footpath Construction – Ferndell Street Street**

The footpath adjoining the Ferndell Street frontage shall be reconstructed in accordance with the Council’s Standard footpath construction requirements. Site boundary line levels shall be raised to the boundary line levels, with satisfactory end-transitions provided. In this regard:

- a) Detailed footpath design shall be submitted and approved by Council’s Works and Services section prior to the issue of a Construction Certificate;
- b) Street boundary levels obtained from Council shall be incorporated in the design;
- c) The details of construction requirements shall be requested from the Council prior to commencement of construction;
- d) Formwork inspection and footpath inspection shall be carried out by Council;
- e) The footpath shall be constructed at the completion of works and finished to the satisfaction of Council **prior to the issue of an Occupation Certificate.**
- f) All associated costs shall be borne by the applicant.

Reason:- to provide a safe footpath for increased pedestrian use and one that will comply with Cumberland Council requirements.

63. **Special footings**

Special footings shall be provided where the proposed/existing structure is within the zone of influence of and /or adjacent to drainage easement. The footings shall be taken down to the invert of the drainage structure or to solid rock, whichever is the lesser.

The footings shall be located clear of the easement and designed by a practising structural engineer. Details are to be submitted to and approved by Principal Certifying Authority **prior to the issue of any Construction Certificate**.

Reason:- to ensure stormwater easement is not affected by the proposed works.

64. **Foundation near easement**

Foundations adjacent to a drainage easement are to be constructed in accordance with Council's Code "Foundation Requirements for Structures Adjacent to Council Stormwater Drainage Easements – Parramatta City Council Code E-3" and to Sydney Water's requirements. The engineering details are to **form part of the Construction Certificate documentation**.

Reason: To ensure Council's and Sydney Water's assets are not damaged.

65. **Easement for Council's pipe and open channel**

A 6.80m wide drainage easement, in favour of Council, shall be created over Council's existing drainage pipes within the site. In this regard;

- a) Cumberland Council shall be nominated as the Authority to vary or modify the easement.
- b) Such easements and appropriate 88B instrument shall be submitted to Council for approval and then registered with the Land and Property Information.
- c) All the associated costs shall be borne by applicant.

**Prior to the issue of any occupation certificate** a copy of the registered drainage easement shall be submitted to Cumberland Council.

Reason:- to ensure that the easement is created over the Council's Stormwater pipe.

66. **Easement for existing pipe from the adjoining sites**

Drainage easements, in favour of benefitting lots, shall be created over the existing drainage pipes within the site. In this regard;

- a) Cumberland Council shall be nominated as the Authority to vary or modify the easement.
- b) Such easements and appropriate 88B instrument shall be submitted to Council for approval and then registered with the Land and Property Information.
- c) All the associated costs shall be borne by applicant.

**Prior to the issue of any occupation certificate** a copy of the registered drainage easement shall be submitted to Cumberland Council.

Reason:- to ensure that the easement is created over the Council's Stormwater pipe.



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67. **Surface runoff**

Allowances shall be made for surface runoff from adjacent properties, and to retain existing surface flow path systems through the site. Any redirection or treatment of these flows shall not adversely affect any other property.

Reason:- to prevent adverse impact on adjoining properties.

68. **Work-as-Executed Plan**

**Prior to occupation of the building or issue of the occupation certificate**, two (2) copies of the Works-as-Executed (W.A.E.) Plan prepared by a registered surveyor and certified by the design engineer shall be submitted to Principal Certifying Authority. A copy of the documents shall be submitted to Council if Council is not the Principal Certifying Authority.

Works-As-Executed stormwater plans are to address the following:

- a) The Work-As-Executed plans are prepared on the copies of the approved drainage plans issued with the Construction Certificate with the variations marked in red ink;
- b) The Work-As-Executed plans have been prepared by a registered surveyor certifying the accuracy of dimensions, levels, storage volumes, etc;
- c) The as built On-Site Detention (OSD) storage volumes are to be presented in a tabular form (depth verses volume table);
- d) OSD Works-As-Executed dimensions form (refer to UPRCT Handbook);
- e) Certificate of Hydraulic Compliance from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook); and
- f) Approved verses installed Drainage Design (OSD) Calculation Sheet.

The above requirement shall be submitted to and approved by **Council prior to Council endorsing the Positive Covenant documents.**

Reason:- To ensure works comply with approved plans and adequate information is available for Council to update the Upper Parramatta River Catchment Trust.

69. **Reinstatement of footpath and footpath crossing**

The footpath and footpath crossing/s adjacent to the property shall be reinstated by Council at the completion of works with all costs being borne by the developer. Alternatives to the pre-payment for this work will be considered if written request is made to Council.

Reason:- to ensure the footpath and the footpath crossings are repaired from any damage caused during the construction phase.

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**70. Footpath /Nature strip maintenance during and after construction**

The footpath and nature strip within the street frontage shall be maintained during the period of construction to Council's satisfaction.

Reason:- to ensure pedestrian safety during the construction period.

**71. Tree Protection**

- a) Prior to the commencement of any works on the site, a Tree Protection Zone (TPZ) shall be established around all trees, including street trees, which are to be retained in accordance with the approved plans. The TPZ shall extend to a radius that is 10 times the diameter of the trunk of each tree. The measurement of the trunk shall be taken 1.5m from ground level.

The area shall be enclosed with a protective fencing consisting of 1.8m high fully supported chainmesh. Tree Protection Zone signage is to be attached to protective fencing, this must include the name and contact details of the site arborist. Signs shall be attached to all fencing stating that the area is a 'No Go Zone' and show the site arborist's name and contact details. Unless an area is already covered by a hard surface, the area enclosed by the TPZ is to be kept weed/ grass free and be mulched to a depth of 100mm with an approved mulch.

- b) All activities not related to tree maintenance are not to be conducted within the TPZ. The area is not to be used for the storage of materials, stockpiling, siting of work sheds, preparation of mixes, cleaning of tools or equipment, pedestrian or vehicular activity, including parking. Original soil levels within the TPZ shall not be changed, except where Council approval has been granted for cut or fill within a TPZ, and in this case the work shall be supervised by the appointed Site Arborist.

Refuelling and/ or the maintenance of machinery and equipment is not permitted within 10 metres of any TPZ. The washing down of machinery, chemical, concrete or cement handling equipment or the storage of chemicals is not permitted within 10 metres of any TPZ.

Placement of any underground services shall not take place within any TPZ. Where this is not possible, tunnelling or boring shall be used. Where tunnelling or boring is not possible, all excavation shall be carried out by hand. Any works within the TPZ shall be supervised by the appointed site arborist.

All approved works to trees must be carried out by a suitably qualified arborist and in accordance with Australian Standard 4373-1996 "*Pruning of Amenity Trees*".

Roots with a diameter of 40mm or larger encountered during excavation works outside the TPZ shall be cleanly cut in accordance with accepted arboriculture practices.

Reason:- To ensure protection of existing street trees and trees on the site.

**72. Vehicle Driveway Crossings and Gutter Laybacks**

Arrangements shall be made with Council for the prepaid construction of vehicular crossings and gutter laybacks at all property entrances and exits, and for the removal of all disused driveway crossings and gutter laybacks. Alternatives to the pre-payment for this work will be considered if written request is made to Council.

The gutter crossing and/or the removal of any redundant crossings must be constructed to the satisfaction of Council (and to the Council's specifications including payment of any required bonds) or the prepayment made to Council for Council to carry out the work, prior to the issue of any occupation certificate.

Removal of obstructions, such as power poles, trees, drainage pits and the like shall be carried out at the applicant's expense.

Reason:- to ensure that works are carried out in accordance with Council's standard.

73. **Carrying capacity of driveways – Heavy duty**

Suitable heavy-duty driveway crossings are to be installed at all ingress/egress points to the property at the applicant's cost by Council. Alternatives to the pre-payment for this work will be considered if written request is made to Council. The gutter crossing and/or the removal of any redundant crossings must be constructed to the satisfaction of Council (and to the Council's specifications including payment of any required bonds) or the prepayment made to Council for Council to carry out the work, prior to the issue of any occupation certificate.

Reason:- to ensure the driveways can support the expected weight of heavy vehicles likely to frequent the site.

74. **Street boundary levels**

Street boundary levels for vehicle access and drainage purposes are to be obtained at the applicant's cost from Council's Service Planning Department prior to commencement of any works. These levels are to be incorporated in all drainage submissions required under this determination.

Reason:- to ensure the correct levels are obtained and used for the development.

75. **Road opening permit**

Prior to commencement of any work on Council roads and footpaths, a road-opening permit shall be obtained from Council's Service Planning Department.

Reason:- to safeguard Council property against damage.

76. **Restoration works**

Prior to commencement of any excavation work on Council roads or footpaths, the applicant shall pay for all restoration costs. The area of restoration shall be determined on site between the applicant or its contractor and Council's Contracts & Maintenance Engineer.

Reason:- to ensure that Council's infrastructure is maintained in a safe and trafficable manner.

77. **Works within Council controlled lands**

(1) For drainage works:

- a) Within Council controlled lands.
- b) Connecting to Council's stormwater drainage system.

Inspections will be required:-

- i) After the excavation of pipeline trenches.
- ii) After the laying of all pipes prior to backfilling.
- iii) After the completion of all pits and connection points.

(2) A minimum of 48 hours' notice shall be given to Council to inspect works. Inspections may be arranged by telephoning Council's Works and Services Section during office hours.

(3) Work is not to proceed until the works are inspected and approved by Council.

Reason:- to ensure works on public/Council controlled lands are carried out as per Council's requirements.

78. **Redundant driveway**

**Prior to the issue of any Occupation Certificate**, redundant driveway/s shall be removed and replaced with footpath and kerb & gutter at no cost to Council. The nature strip area also be restored at the applicant's cost.

Arrangements shall be made with Council's Service Planning Department for the prepaid for the removal of all disused driveway crossings and gutter laybacks. Alternatives to the pre-payment for this work will be considered if a written request is made to Council.

Reason:- to ensure Council's assets are restored in accordance with Council's standard.

79. **Car parking to Comply with Approved Details**

The area set aside for the parking of vehicles, and so delineated on endorsed Drawing No.s 10248\_DA003 Issue 5 and 10248\_DA017 Issue 6 prepared by Nettleton Tribe Partnership Pty Ltd and dated 27.04.2017, shall not be used for any other purpose.

Reason:- to ensure the car parking area is not used for purposes other than the parking of cars associated with the use.

80. **Number of Car Parking Spaces**

A total of 444 off-street car parking spaces are to be provided to the development. The spaces are to have minimum dimensions of 5.5 m x 2.4 m and be suitably sealed, marked, drained and freely accessible at all times. Visitor car parking spaces shall be a minimum width of 2.6 m.

Car parking spaces are not to be enclosed by any device, such as a wire or mesh cage, walls or other similar fixtures unless there is a minimum clear internal width of 3 metres. Car parking spaces shall not be enclosed without the prior consent of council.

The provision of any additional car parking spaces will require separate consent from Council.

Reason:- to ensure there is sufficient car parking for the development.

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81. **Signs for visitor and employee parking**

Suitable signs shall be erected at the front of the property indicating the availability of visitor parking within the property. All visitor and employee parking spaces shall be clearly signmarked.

Reason:- to delineate the spaces suitable for visitor and employee parking.

82. **Adequate Signs and Pavement Markings Required to Assist Traffic Flow on Site.**

Adequate signs and pavement markings are to be provided to direct the flow of traffic within the site. Details are to be provided prior to the issue of the construction certificate.

Reason:- to assist with traffic flow within the development.

83. **Vehicles Related to the Development to be Parked on the Development Site**

All vehicles associated with the use of the premises shall be parked within the confines of the site at all times.

Reason:- to minimise the impacts of car parking on local streets does not impact surrounding development.

84. **Vehicles Driven in Forward Direction**

All vehicles must be driven in a forward direction at all times when entering or leaving the premises.

Reason:- to preserve and enhance the safe operation of the car parking area.

85. **Loading and Unloading of Vehicles**

All deliveries to and from the site are to be conducted from vehicles standing within designated loading areas and not on access driveways, car parking spaces or landscaped areas.

Reason:- to ensure delivery vehicles do not obstruct these designated areas of the site.

86. **Roller doors and shutters – silent operation**

The roller doors or other shutters to the car park shall operate silently and be appropriately maintained.

Reason:- to ensure quiet operation and ongoing maintenance to car park doors.

87. **Car park and service vehicle area layout**

- a) The layout of the car park shall comply with Australian Standard AS2890.1:2004 Parking Facilities Part 1: Off Street Parking. All parking spaces are to be line marked.
- b) The layout of the service vehicle area shall comply with Australian Standard AS2890.2:2004 Off Street Parking Part 2 – Commercial Vehicle Facilities.

Reason:- to ensure that the car parking and service vehicles areas are designed and constructed to meet relevant Australian Standards.

88. **Headroom clearance – within the Basement**

The headroom clearance within the basement shall comply with the usage. In this regard, minimum 4.0m shall be provided in waste collection area and associated turning area. Other areas shall comply with AS 2890.1 and 2890.6 requirements.

Detail plans showing the compliance of above requirements shall be submitted and approved by the Principle Certifying Authority **prior to issue of a Construction Certificate.**

Reason: to ensure headroom clearance complies with Australian Standards AS 2890.1 AS2890.6 and Council's DCP.

89. **Ramp gradients**

Circulation ramp grades shall comply with section 2.5.3 of the Australian Standard AS2890.1:2004. In this regard, detailed longitudinal section of the ramps to a scale of 1:20, shall be submitted to and approved by the Principal Certifying **Authority prior to the issue of the relevant Construction Certificate.**

A copy of the approved plan shall be submitted to Council.

Reason:- to ensure the access ramps comply with Australian Standard AS28890.1:2004.

90. **Service relocation / Adjustment**

The applicant shall relocate any utility services affected by the proposal and shall be responsible for any damage to, or relocation of services required by the proposal including adjustment to the levels of pit lids etc. All works shall be carried out to the satisfaction of the relevant Authority or Council.

All the costs shall be borne by the applicant.

Reason:- to protect utility services.

91. **New substations**

Enquiries are to be made with the relevant electricity provider with regards to the provision of any new substation/s required to service the site. Should the substation alter the approved building design or be located forward of the building line development consent may be required from Council.

Reason:- to ensure that the site is adequately serviced and any substation is appropriately located.

92. **Arrangements for Water and Sewer Services**

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

**Application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the “e-developer” icon or telephone 132 092.**

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

The Section 73 Certificate must be submitted to the Principal Certifying Authority (Council or accredited certifier) **prior to release of the final plan of subdivision or occupation of the development.**

Reason:- to ensure that adequate water and sewer services can be provided to the site.

93. **Sydney Water Approval**

The approved development application plans must be accompanied by a valid Building Plan Assessment Approval Receipt. This receipt can be acquired through the "Sydney Water Tap" in system by the Sydney Water Authority.

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

- Information on the "Sydney Water Tap in" system and
- Registering and applying for the approval receipt for the Proposed Building Plan.

or telephone 13 20 92.

Note:

The consent authority or accredited certifier must either:

- ensure that a valid approval receipt has been obtained from Sydney Water before the issue of any Construction Certificate (receipt valid usually 1 year from the date of issue); or
- if there is a combined Development/Construction Certificate application, ensure that a valid approval receipt has been obtained prior to works commencing on site.

Reason:- to ensure the development does not damage or interfere with Sydney Water assets.

94. **Aboveground Power Lines**

Where practicable, all existing overhead power lines adjacent to the development site shall be relocated underground to Energy Australia standards and specifications. If not practicable to relocate the power lines underground, arrangements shall be made with Energy Australia to place the conduit to carry those power lines underground so that they can be utilized at a later date by Energy Australia. In this regard all associated costs shall be borne by the applicant.

Reason:- to improve the aesthetic quality of the area.

95. **Hours of operation**

The hours of operation of Warehouse 1 and the associated office within the existing office building are limited to 6.00 a.m. to 10.00 p.m. Monday to Saturday, and 6.00 a.m. to 7.00 p.m. Sunday and public holidays.

No heavy vehicle movements are to occur on Sundays or Public Holidays.

Reason:- to limit the operating hours of the development so as to reduce the likely nuisance on adjoining development.

96. **Use of building not to commence until conditions of consent satisfied**

The use of the premises is not to commence until all terms of this consent have been satisfied.

Reason:- to ensure compliance with the terms of the development consent.

97. **Retail sales**

No retail sales are permitted at the premises.

Reason:- to ensure compliance with the Parramatta Local Environmental Plan 2011.

98. **Use of existing office building**

Office functions within the existing office building shall be ancillary to approved industrial activities on the site.

Reason:- to ensure compliance with Parramatta Local Environmental Plan 2011.

99. **Separate development application for use**

A separate development application for any proposed use of Warehouse 2 and 3 and the first floor of the existing office building must be submitted for the approval of Council prior to any fitout or use.

Reason: To ensure that any proposed use has Council consent.

100. **Business and building identification signage**

Business and building identification signage shall comply with the following:-

- a) The approved signage shall be appropriately maintained at all times.
- b) The signage shall be utilised as building and business identification signage only and shall not be adapted or altered to be third party advertising signage without the further consent of Council.
- c) The signage shall not:-
  - i) flash, move, be animated, scintillate or be decorated with rotating flashing lights;
  - ii) include any apparatus to provide any sound;
  - iii) carry a message(s) which is offensive;
  - iv) give instructions to traffic by the use of the words 'Halt', 'Stop', or any other direction, nor imitate traffic signs in respect to shape, layout or colour;
  - v) contain interchangeable or movable parts;
  - vi) impair or distract the vision of a driver through the intensity of the illumination of the sign;



- vii) must not impede the ability of the occupants to exit the building under emergency conditions.
- d) The wording to the signage shall be primarily displayed in English but may include a translation in another language.

Reason:- to ensure the appearance and operation of the signage is in an orderly fashion.

101. **Separate Development Consent - Signage**

Separate application shall be made to Council in relation to the proposed pylon signs and individual tenancy signs on Warehouse 2 and 3.

Reason:- to ensure compliance with Parramatta Local Environmental Plan 2011.

102. **Noise and Vibration**

The use of the premises shall not give rise to any of the following when measured or assessed at “sensitive” positions within any other property. These “sensitive” positions should be selected to reflect the typical use of a property (ie any outdoor areas for day and evening but closer to the façade at night time), unless other positions can be shown to be more relevant.

- a) 'offensive noise' as defined in the Protection of the Environment Operations Act 1997.
- b) transmission of vibration to any place of different occupancy above the requirements of AS2670.
- c) a sound pressure  $L_{Aeq,period}$  at any noise sensitive position of any other premises or occupancy greater than the recommended amenity noise criteria detailed in the Department of Environment and Conservation, New South Wales (EPA) Industrial Noise Policy.
- d) a sound pressure  $L_{Aeq,15min}$  at any noise sensitive position greater than the intrusiveness criteria determined in accordance with the Department of Environment and Conservation, New South Wales (EPA) Industrial Noise Policy and does not contain any tones, low frequency or impulsive factors as defined in the Department of Environment and Conservation, New South Wales (EPA) Industrial Noise Policy table 4.1.

For assessment purposes, the above  $L_{Aeq}$  sound levels shall be assessed over a period of 10-15 minutes and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content where necessary.

Reason:- to ensure adequate acoustic amenity in the locality.

103. **Intruder Alarms**

Any intruder alarm at the premises shall be fitted with a timing device in accordance with the requirements of Section 53 of the Protection of the Environment Operations (Noise Control) Regulation 2000.

Reason:- to prevent ongoing noise arising from intruder alarms and ensure compliance with relevant legislation.

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**104. Lighting – external flood lights**

Exterior wall mounted flood lights shall be illuminated to a maximum level of between 25 and 50 lux at ground level. Should any substantive complaints be received or should the proposed lighting have an adverse impact on residential amenity, Council reserves the right to request modifications to the lighting arrangements.

Reason:- to ensure that external lighting does not result in any adverse impact on surrounding properties, including residential land.

**105. Amenity**

The operation of the premises shall be conducted in such a manner as not to interfere with or materially affect the amenity of the neighbourhood by reason of noise, vibration, odour, fumes, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil, or otherwise.

Reason:- to protect the amenity of the locality.

**106. Odour**

No offensive odour from any trade, industry or process shall be detected outside the premises by an authorised Council Officer as defined in the *Protection of the Environment Operations Act 1997*.

Reason:- to protect the surrounding locality from offensive odours.

**107. Water Pollution**

The operation of the premises shall be conducted in a manner which does not pollute waters as defined by the *Protection of the Environment Operations Act 1997*.

Reason:- to protect waterways and stormwater systems from pollution.

**108. Mechanical Ventilation Systems/Cooling Towers**

The mechanical ventilation system shall comply with *Australian Standard AS1668.2 – 1991. The use of mechanical ventilation and air conditioning in buildings*. Prior to installation, the design is to be certified by a person competent to do so. At the completion of the installation of the mechanical ventilation system, the work shall be certified by a person competent to do so. The certification shall include:-

- inspection, testing and commissioning details
- date of inspection testing and commissioning
- the name and address of the individual who carried out the test
- a statement that the service has been designed, installed and is capable of operating to the above standard.

Any cooling tower installation shall be designed, installed and maintained in accordance with the requirement of the Public Health (Microbial Control) Regulation 2000 and Australian Standard AS/NZS 3666.2:1995 *Air-handling and water systems of buildings Microbial control Operation and maintenance*. All waste water from the cooling tower/humidifier/evaporative cooler/warm water system shall be discharged to sewer under a Trade Waste Agreement from Sydney Water.

A copy of the installation certificate shall be submitted to Council **prior to occupation of the building** to enable details of any cooling towers to be entered on Council's Cooling Tower register.

Reason:- to ensure compliance with the Building Code of Australia and Public Health (Microbial Control) Regulation 2000.

109. **Display of goods not permitted outside building or property**

Materials, goods, plant, equipment, signage, advertising structures or the like are not to be stored, placed or displayed anywhere outside the building or property without Council approval.

Reason:- to avoid visual intrusion into areas adjoining the site.

110. **Provision of Street Numbers**

A street number is to be displayed in a prominent position at the entrance to the premises. Numbers are to be of a colour contrasting with the wall to which they are affixed.

Reason:- to clearly identify the street number of the property.

111. **Front fencing**

Any new fencing forward of the landscaped area adjacent to the frontage of the site shall be of an open style, in a dark colour, and a maximum of 1.8m in height.

Reason:- to ensure an acceptable streetscape appearance.

112. **Fencing/gates and adjoining land**

There must be no encroachment of any part of the structure/s onto the adjoining premises or onto Council's road reserve, footway or public place. Any gate openings shall be constructed so that the gates, when hung, will be fitted in such a manner that they will not open over the footway or public place.

Reason:- to ensure the fence/gates do not restrict access and that encroachments do not occur.

113. **Removal of litter and graffiti**

In addition to Council's street sweeping and cleansing operations, the owner/manager of the building shall ensure that the footpath, gutter, building entry and surrounds are kept clean and clear of litter at all times.

The owner of the building shall also be responsible for the prompt removal of any graffiti from the building.

Reason:- to maintain a satisfactory level of amenity in the locality.

114. **Cleaning of facade**

The owner/manager of the building shall ensure that all windows on the facade, and the facade itself, of the premises are cleaned regularly and, in any event, not less than twice in an annual period.

Reason:- to ensure regular maintenance and cleaning to the exterior of the premises.

115. **Container storage**

No shipping/maritime or airfreight containers shall be stored externally to the buildings.

Reason:- to ensure all containers are stored internally within the premises so to avoid visual intrusion to other properties.

116. **Trade waste containers to be stored within the building**

An adequate area is to be set aside within the building for the storage of trade waste containers. Such space is to be reserved at all times for the storage of trade waste containers. The containers shall not obstruct or interfere with the use of loading and parking facilities and accessways.

Reason:- to ensure the trade waste containers are stored within the building to prevent vandalism, arson and possible pollution to the external environment.

117. **Contract for Waste Collection**

Prior to occupation of the premises the operator shall enter into a commercial contract for the collection of trade waste and recyclables generated at the premises. A copy of all contracts and receipts shall be kept on the premises and made available to Council Officers on request.

Reason:- to ensure suitable arrangements are in place for the collection of trade waste and recyclables arising from the premises.

118. **Liquid spillage**

Sufficient supplies of appropriate absorbent materials shall be kept on site to recover any liquid spillage. Liquid spills shall be cleaned up using dry methods, by placing absorbent material on the spill, and sweeping or shovelling the material into a secure bin. Absorbent materials used to clean up spills shall be disposed of to an appropriately licensed waste facility.

Reason:- to ensure materials are available for the recovery of any liquid spillages at the premises.

119. **Final Fire Safety Certificate**

Prior to the occupation of the building, the owner of the building shall submit to the Principal Certifying Authority (Council or Accredited Certifier), a **final fire safety certificate** in relation to each essential fire safety measure specified in the **fire safety schedule**, attached to the development consent or construction certificate.

Such certificate shall state that each essential fire safety measure specified:-

- a) Has been assessed by a properly qualified person, and
- b) Was found, at the date of assessment, to be capable of performing to a standard not less than that required by the current fire safety schedule for the building for which the certificate is issued.

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**NOTES:**

1. As soon as practicable after a final fire safety certificate is issued, the owner of the building to which it relates:-
  - i) Must cause a copy of the statement (and current fire safety schedule) to be given to the Commissioner of NSW Fire Brigades, and
  - ii) Must cause a further copy of the statement (and current copy of the current fire safety schedule) to be prominently displayed in the building.
2. A “fire safety measure” is defined as any measure (including any item of equipment, form of construction or fire safety strategy) that is , or is proposed to be, implemented in the building to ensure the safety of persons using the building in the event of fire.

Reason:- to ensure compliance with Regulations 149 & 171 of the Environmental Planning and Assessment Regulation 2000.

**120. Annual Fire Safety Statement**

The owner of any building in which fire safety measures are installed, must cause the Council to be given an **annual fire safety statement**, within 12 months after the last such statement or final fire safety certificate was issued.

The certificate shall certify:-

- a) That each essential fire safety measure has been assessed by a properly qualified person and was found, at the date of assessment, to be capable of performing to a standard not less than that required by the current fire safety schedule.
- b) That a properly qualified person has inspected the building and has certified that, as at the date of inspection, the condition of the building did not disclose any grounds for a prosecution under Division C.

**NOTES:**

1. As soon as practicable after an annual fire safety statement is issued, the owner of the building to which it relates:-
  - i) must cause a copy of the statement (and current fire safety schedule) to be given to the Commissioner of NSW Fire Brigades, and
  - ii) must cause a further copy of the statement (and current copy of the current fire safety schedule) to be prominently displayed in the building.
2. A “fire safety measure” is defined as any measure (including any item of equipment, form of construction or fire safety strategy) that is, or is proposed to be, implemented in the building to ensure the safety of persons using the building in the event of fire.

Reason:- to ensure compliance with Regulation 171 of the Environmental Planning and Assessment Regulation 2000.

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**121. Fire Safety Notices**

The fire-isolated stairway, fire-isolated passageway or fire-isolated ramp must contain a notice advising of "Offences relating to fire exits". The notice shall contain the wording prescribed by Clause 183 of the Environmental Planning and Assessment Regulation, 2000 and the Building Code of Australia.

Reason:- to comply with Clause 183 of the Environmental Planning and Assessment Regulation 2000 and the BCA.

**122. Occupation Certificate**

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

The application for an Occupation Certificate must be made to the Principal Certifying Authority (Council or an accredited certifier) using the approved form.

Reason:- to comply with the requirements of Section 6.9 of the Environmental Planning and Assessment Act (as amended).

**123. Bollards outside Exit Doors**

Where exit doors open onto driveway, loading docks or similar areas, bollards shall be placed at either side of the door opening to prevent obstruction of the exit.

Reason:- to ensure the exit does not become obstructed.

**124. Yellow Line Marking**

The floor of the building is suitably line marked in yellow paint to clearly delineate 1.0 meter paths of travel to the exit. All obstructions from exits will need to be removed.

Reason: to assist in keeping the paths of travel to the exit clear at all times and to comply with the requirements of D1.6 of the BCA.