

## Deferred Commencement Conditions

### **DADCA01 - Deferred Commencement Approval**

This is a 'Deferred Commencement Consent' under Section 4.16(3) of the *Environmental Planning and Assessment Act, 1979* (as amended). This consent does not become operative until the applicant has satisfied the requirements listed in Schedule 'A' of this consent. All issues shall be satisfactorily resolved within a period of 12 months from the 'Determination Date', that is shown on this consent. Upon compliance with the issues under Schedule 'A', and written confirmation from Council to that effect, then the consent shall become operative from a "Date of Endorsement" (to be included on the written notification) subject to the conditions listed in Schedule 'B' and any additional conditions arising from the requirement of Schedule 'A'.

(Reason: Statutory requirement)

### **Schedule A**

#### **1. Sydney Trains Requirements**

The Applicant shall prepare and provide to Sydney Trains for approval/certification the following final version items in compliance with relevant ASA Standards (<https://www.transport.nsw.gov.au/industry/standards-and-accreditation/standards>):

1. Geotechnical and Structural report/drawings that meet Sydney Trains requirements. The Geotechnical Report must be based on actual borehole testing conducted on the site closest to the rail corridor, and include a specific section relating to the Standards and any potential impacts (including demolition- and excavation- induced vibrations, and any adjacent development works) to the rail corridor including tracks and assets.
2. Construction methodology with construction details pertaining to structural support during excavation. The Applicant is to be aware that Sydney Trains will not permit any rock anchors/bolts (whether temporary or permanent) within its land or easements.
3. Cross sectional drawings showing the rail corridor, sub soil profile, proposed basement excavation, structural design of sub ground support adjacent to the rail corridor, distance from the centre of the nearest track to the nearest point of excavation and set back of the building to the boundary. Horizontal measurements and RL depths are to be verified by a Registered Surveyor.
4. Detailed accurate Survey Plan showing the relationship of the proposed developed with respect to Sydney Trains easement and rail corridor land including distance verified by a registered surveyor from the boundary to the centre of the nearest track.
5. 5. If required by Sydney Trains, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.
6. If required by Sydney Trains, a track monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases) is to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate. The Principal Certifying Authority is not to issue a Construction Certificate until written confirmation has been received from Sydney Trains advising of the need to undertake the track monitoring plan, and if required, that it has been endorsed.
7. If required by Sydney Trains, the applicant is to prepare and provide to Sydney Trains for review and endorsement a Hydrologic Assessment report demonstrating that the dewatering during construction will not have any adverse settlement impacts on the rail corridor.

Any conditions issued as part of Sydney Trains approval/certification of the above documents will also form part of the consent conditions that the Applicant is required to comply with.

#### **2. Detailed Environmental Site Investigation and Remedial Action Plan**

A Detailed Environmental Site Investigation is to be carried out by a suitably qualified and competent environmental consultant in accordance with the NSW Government Office of Environment and Heritage, *Guidelines for Consultants Reporting on Contaminated Sites, Contaminated Land Management Act 1997*

and *State Environmental Planning Policy No. 55 - Remediation of Land* and submitted for Council's approval.

If recommended by the Detailed Environmental Site Investigation, a Remedial Action Plan shall be prepared by a suitably qualified and competent environmental consultant in accordance with the NSW Government Office of Environment and Heritage, *Guidelines for Consultants Reporting on Contaminated Sites and the Contaminated Land Management Act 1997* and submitted for Council's approval.

## Schedule B

### General Conditions

#### 1. **DAGCA01 - Approved Plans and Supporting Documents**

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

<b>Reference/Dwg No</b>	<b>Title/Description</b>	<b>Prepared By</b>	<b>Date/s</b>
	<b>Architectural plans</b>		
0111/40	Demolition Plan	SJB Architects	12.06.2018
0112/40	Site Plan	SJB Architects	12.06.2018
0204/40	Basement 06	SJB Architects	12.06.2018
0205/40	Basement 05	SJB Architects	12.06.2018
0206/40	Basement 04	SJB Architects	12.06.2018
0207/40	Basement 03	SJB Architects	12.06.2018
0208/40	Basement 02	SJB Architects	12.06.2018
0209/40	Basement 01 Loading	SJB Architects	12.06.2018
0210/40	Level 01	SJB Architects	12.06.2018
0211/40	Level 02	SJB Architects	12.06.2018
0212/40	Level 03	SJB Architects	12.06.2018
0213/40	Level 04	SJB Architects	12.06.2018
0214/40	Level 05	SJB Architects	12.06.2018
0215/40	Level 6-19	SJB Architects	12.06.2018
0216/40	Tower D Roof Level and Tower E Level 20	SJB Architects	12.06.2018
0217/40	Level 21-22	SJB Architects	12.06.2018
0218/40	Level 23-24	SJB Architects	12.06.2018
0219/40	Level 25	SJB Architects	12.06.2018
0220/40	Level 26-34	SJB Architects	12.06.2018
0221/40	Tower E Roof Level	SJB Architects	12.06.2018
0222/40	Roof Plan	SJB Architects	12.06.2018
0251/40	Typical Plans – Tower E – Level 4	SJB Architects	12.06.2018
0252/40	Typical Plans – Tower E – Level 5	SJB Architects	12.06.2018
0254/40	Typical Plans – Tower E – Level 10	SJB Architects	12.06.2018
0261/40	Typical Plans – Tower D – Level 4	SJB Architects	12.06.2018
0262/40	Typical Plans – Tower D – Level 5	SJB Architects	12.06.2018
0264/40	Typical Plans – Tower D – Level 10	SJB Architects	12.06.2018
0501/40	Elevation – North	SJB Architects	12.06.2018
0502/40	Elevation – South	SJB Architects	12.06.2018
0503/40	Elevation – East	SJB Architects	12.06.2018
0504/40	Elevation – West	SJB Architects	12.06.2018
0505/40	Elevation – Internal Tower E	SJB Architects	12.06.2018
0506/40	Elevation – Internal Tower D	SJB Architects	12.06.2018
0507/40	Detail Elevation – East and North	SJB Architects	12.06.2018
0508/40	Detail Elevation – West and South	SJB Architects	12.06.2018
0510/40	Typical Tower Façade Detail	SJB Architects	12.06.2018

0601/40	Site Section 01	SJB Architects	12.06.2018
0602/40	Site Section 02 and 03	SJB Architects	12.06.2018
0603/40	Site Section 04	SJB Architects	12.06.2018
0604/40	Podium Section 01	SJB Architects	12.06.2018
0605/40	Podium Section 02	SJB Architects	12.06.2018
0901/40	Adaptable Apartments – Sheet 01	SJB Architects	12.06.2018
0902/40	Adaptable Apartments – Sheet 02	SJB Architects	12.06.2018
0903/40	Adaptable Apartments – Sheet 03	SJB Architects	12.06.2018
0910/40	Pool Plant	SJB Architects	12.06.2018
5001/40	External Finishes Schedule	SJB Architects	12.06.2018
5002/40	Public Art Plan	SJB Architects	12.06.2018
5003/40	Driveway Section	SJB Architects	12.06.2018
5004/40	Communal Open Space Section	SJB Architects	Undated
	<b>Civil Stormwater Plans</b>		
C1.01 Issue C	Stormwater Catchments and On Site Detention Basement 1	WSP	16.05.2018
C1.02 Issue C	Stormwater Catchments and On Site Detention Level 1	WSP	16.05.2018
C1.03 Issue C	Stormwater Longitudinal Sections	WSP	16.05.2018
C1.03 Issue A	Stormwater Longitudinal Sections	WSP	16.05.2018
C1.05 Issue A	Podium Catchment Plan Level 04	WSP	16.05.2018
C1.06 Issue A	Basement 06 Plan	WSP	16.05.2018
C2.01 Issue C	Erosion and Sediment Control Plan	WSP	16.05.2018
C2.02 Issue C	Erosion and Sediment Control Details	WSP	16.05.2018
C3.01 Issue C	Stormwater Details Sheet 1	WSP	16.05.2018
C3.02 Issue C	Stormwater Details Sheet 2	WSP	16.05.2018
0216/39	Tower D Roof Level and Tower E Level 20	WSP	11.05.2018
0222/39	Roof Plan	WSP	11.05.2018
-	Stormwater Management Plan Rainwater Tank Detail	WSP	14.05.2018
170121-SWMP-01	Civil Design Report	SCP Consulting	24.05.2018
Unreferenced	Landscape Design Report	Urbis	18.12.2017
171136 DSUB Issue 1	Draft Plan of Proposed Subdivision (Stratum)	Tasy Moraitis of Veris Australia	6.12.2017
N116851 Issue A	Traffic Impact Assessment	GTA Consultants	20.12.2017
20171334.1 / 1512A / R1 / JS	Noise Impact Assessment	Acoustic Logic	15.12.2017
SXK	Preliminary CCTV Camera Location Proposal	WSP	22.11.2017
Project 84804.00	Comments on Geotechnical Conditions	Douglas Partners	December 2015
SYD1520200 Issue 02	Station Precinct Stage 2 DA Combined Services Return Brief	WSP	17.11.2017
W12428/J740	Electrolysis Testing	Corrosion Control Engineering	19.10.2015
887120M_02	BASIX Certificate	Inhabit Group	16.10.2018
0003257520	BASIX Stamped Plans	Inhabit Group	16.10.2018
0003257520	NatHERS Certificate	Inhabit Group	16.10.2018
7547-SPC-ES0001(00)	Thermal Performance Specification	Inhabit Group	17.10.2018
6743-RPT-ES0001 Rev 00	Sustainability Design Report	Inhabit Australasia	19.12.2017
DDA 590	Preliminary Design Report (Access Report)	Certis Access Consultancy	19.12.2017
150390 Revision 0	Preliminary BCA Assessment Report	Blackett Maguire Goldsmith	18.12.2017
17 370-L01	Building Code Compliance – Provision of	Innova Services	20.12.2017

	Performance Solutions		
Revision A	Preliminary Construction Management Plan	Billbergia Pty Ltd	14.12.2017
Revision D	Operational Waste Management Plan	Elephants Foot	19.12.2017
R.003.Rev0	Comments on Geotechnical Conditions	Douglas Partners	15.12.2015
CES150910-BIL-AG Rev A	Geotechnical Investigation Report	Consulting Earth Scientists	28.04.2016
Project 84804.00	Report on Preliminary Site Investigation (Contamination)	Douglas Partners	27.04.2015
CPP Project 8786	Wind Testing Letter	Cermak Peterka Petersen	15.12.2017
Unreferenced	Rhodes Station Precinct Stage 2 - Street Numbering & Address Schedule	Billbergia	Undated

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

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

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

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

## 2. **Voluntary Planning Agreement**

The development the subject of this development consent is subject to the voluntary planning agreement between the City of Canada Bay Council Bay and Walker Street Development Pty Ltd, Billbergia Pty Ltd, Bay Tower Pty Ltd, Twenty One Marquet Street Pty Ltd, 12 Walker Street Pty Ltd and Thirty Four Walker Street Pty Ltd dated 8 February 2016 and as amended by Deed of Variation dated 21/03/18.

*(Reason: Compliance)*

## 3. **Sydney Trains Concurrence Conditions**

- Prior to the issuing of a Construction Certificate the applicant is to submit to Sydney Trains for review and endorsement a report detailing all Machinery to be used during excavation/construction. The Principal Certifying Authority is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that this condition has been complied with.
- If required by Sydney Trains, prior to the commencement of works, prior to the issue of the Occupation Certificate, or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.
- An acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of

Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines".

- Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.
- The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of Sydney Trains. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- Prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- Unless advised by Sydney Trains in writing, all excavation, shoring and piling works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects.
- No rock anchors/bolts are to be installed into Sydney Trains property or easements.
- Prior to the issuing of an Occupation Certificate the Applicant is to submit as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into Sydney Trains property or easements, unless agreed to be these authorities. The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied
- Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
- The applicant shall not at any stage block the corridor access gate on Walker Street, and should make provision for easy and ongoing 24/7 access by rail vehicles, plant and equipment to support maintenance and emergency activities.
- During all stages of the development, environmental legislation and regulations will be complied with.
- During all stages of the development extreme care shall be taken to prevent environmental harm within the railway corridor. Any form of environmental harm to areas within the railway corridor or legislative non-compliance that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.
- During all stages of the development, extreme care shall be taken to prevent any form of pollution entering the railway corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.
- No scaffolding or hoarding is to be used facing the rail corridor unless prior written approval has been obtained from Sydney Trains. To obtain approval the proponent will be required to submit details of the scaffolding and hoarding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor. Unless agreed to by Sydney Trains in writing, scaffolding shall not be erected without isolation and protection panels.

- Sydney Trains or Transport for NSW (TfNSW), and persons authorised by those entities for the purpose of this condition, are entitled to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and these conditions of consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.
- No work is permitted within the Sydney Trains land, or its easements, at any time unless prior approval or an Agreement has been entered into with Sydney Trains and/or Transport for NSW. Where the Applicant proposes to enter the rail corridor, the Principal Certifying Authority shall not issue a Construction Certificate until written confirmation has been received from those entities confirming that its approval has been granted.
- Where a condition of consent requires Sydney Trains or Transport for NSW endorsement the Principal Certifying Authority is not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged Construction Certificates dealing with specific works and compliance conditions can be issued subject to written agreement from those entities to which the relevant conditions applies.

*(Reason: Concurrence Requirements)*

4. **DAGCA03 - Construction within Boundary**

All approved construction including but not limited to footings, walls, roof barges and guttering are to be constructed wholly within the boundaries of the premises with the exception of the awnings over the residential entry lobbies and temporary rock anchors that may be required for construction purposes.

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

5. **DAGCA06 - Separate Approvals**

Separate Development Approval shall be obtained for:

- any signage;
- fitout and use of the centre-based child care facility (including operating hours);
- fitout and use of commercial tenancies and/or medical centre (including operating hours);
- any roadworks not specifically required by conditions of this consent; and
- access via the Walker Street vehicular driveway to the southern adjoining land at 29-33 Marquet Street (including any building works).

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

6. **DAGCB02 - Compliance with Disability Discrimination Act**

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

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

7. **DAGCB06 - Height**

The maximum height of the proposed development shall be A.H.D. 85.40m measured at the uppermost part of Tower D and A.H.D. 132.10m measured at the uppermost part of Tower E.

*(Reason: Compliance)*

8. **DAGCB07 - Lighting**

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

*(Reason: Protect amenity of surrounding area)*

9. **DAGCB10 - Site Management**

The following procedures apply:

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

*(Reason: Environmental protection)*

10. **DAGCB12 - Street Numbering of Lots and Units**

The proposed units and/or new allotments shall be numbered as per the Street Numbering & Address Schedule referenced in Condition 1 'Approved Plans and Supporting Documents'.

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

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

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

11. **DAGCB13 - Swimming Pool /Spa**

The approved swimming pool/spa must comply with the *Swimming Pools Act 1992* and relevant standards.

*(Reason: Statutory requirement)*

12. **DAGCB14 - Swimming Pool/ Spa Pump Noise**

The swimming pool or spa pump/s must comply with the requirements of Protection of the Environment Operations (Noise Control) Regulation 2008 and shall not:

- (a) emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
  - (i) before 8.00am and after 8.00pm on any Saturday, Sunday or public holiday; or
  - (ii) before 7.00am and after 8.00pm on any other day; or
- (b) emit a sound pressure level when measured at the boundary of any other residential property, at a time other than those *specified* in (i) and (ii) above, which exceeds the background ( $L_{A90, 15\text{minutes}}$ ) by more than 5dB(A). The source noise level must be measured as a  $L_{Aeq}$  15 minute.

*(Reason: Amenity and Compliance)*

13. **DAGCB15 - Telecommunications /TV Antennae**

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

*(Reason: Environmental amenity)*

14. **DAGCC01 - Hoarding Requirements**

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

- **"A" Class Requirements**

An engineer certified "A" Class hoarding shall be constructed on the footpath adjacent to the building site to protect pedestrians during demolition of the existing building and construction of the new building.

- **"B" Class Hoardings**

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

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

*(Reason: Public safety)*

15. **DAGCC04 - Ventilation**

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

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

*(Reason: Compliance with relevant standards)*

16. **DAGCC05 - Waste Management**

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

*(Reason: Compliance with approval)*

17. **DAGCC06 - Fill Material**

**Classification of waste**

Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be classified in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the NSW EPA Waste Classification Guidelines, Part 1: Classification of Waste (November



2014). Testing is required prior to off-site disposal. In accordance with DECC Waste Classification Guidelines (2014) materials identified for off-site disposal must be removed by a suitably qualified contractor to an appropriately licensed waste facility.

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

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

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

#### 18. **Car Parking Allocation**

The eight (8) car parking spaces located along the northern side of Basement 01 adjacent to the RCC lift lobby are to be dedicated for childcare drop-off and pickup only during the hours of anticipated drop-off and pickup movements as identified through a separate application for the fitout and use of the child care facility.

*(Reason: Compliance)*

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

#### 19. **DAPDB02 - Demolition**

##### **Demolition - General**

a. That two (2) working days (i.e. Monday to Friday exclusive of public holidays) prior to the commencement of any demolition work, notice in writing is to be given to the Council. Such written notice is to include:

- The date when demolition will commence,
- Details of the name, address and business hours contact telephone number of the demolisher, contractor or developer.
- The licence number of the demolisher, and relevant WorkCover licenses, (see minimum licensing requirements in (d) below, and
- Copies of the demolisher's current public liability/risk insurance policy indicating a minimum cover of \$10,000,000.00.

b. Demolition of buildings and structures must comply with all current and relevant Australian Standards.

c. Demolition works are restricted as follows:

- Monday to Saturday inclusive - 7:00am - 5:00pm
- Sundays and Public Holidays - No work

d. At least two (2) working days (i.e. Monday to Friday exclusive of public holidays), the developer or demolition contractor must notify adjoining residents prior to demolition commencing advising the following:

- The date when demolition will commence;
- Details of the name, address and business hours contact telephone number of the demolisher, contractor or developer;
- The telephone number of WorkCover's Hotline 13 10 50.

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

##### **General Information**

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

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

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

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

#### **NOTE:**

- Removal of asbestos by a person who does not hold a Class A or Class B asbestos removal license is permitted if the asbestos being removed is 10m<sup>2</sup> or less of non-friable asbestos (approximately the size of a small bathroom).

Friable asbestos materials must only be removed by a person who holds a current Class A asbestos license.

- To find a licensed asbestos removalist please see [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)

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

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

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

#### Clearance certificate

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

#### Notification of asbestos removal works

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

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

Warning signs must be placed so they inform all people nearby that asbestos removal work is taking place in the area. Signs should be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs should be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs should be in accordance with AS 1319-1994 Safety signs for the occupational environment for size, illumination, location and maintenance.

#### Barricades

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

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

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

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

The site shall be maintained in a clean and orderly condition during demolition works.

#### *Hoardings*

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

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

*(Reasons: Statutory Requirement and health and safety)*

21. **DAPDB05 - Erosion and Sediment Control During Demolition**

Erosion and sedimentation controls shall be in place **prior to the commencement of demolition works** and shall be maintained throughout the demolition of the building and any regrading of the ground levels, approved removal of vegetation etc. The controls shall be installed in accordance with the details approved by Council and/or as directed by Council officers. These requirements shall be in accordance with Managing Urban Stormwater - soils and Construction produced by Landcom (Blue Book). A copy of the Erosion and Sediment Control Plan must be kept on site during the demolition works and made available to Council officers on request.

*(Reason: Environmental protection)*

22. **Compliance with AS2601**

All demolition works shall be in accordance with the provisions of AS 2601-2001.

*(Reason: Environmental Safety)*

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

23. **DACCA01 - Access for People with Disabilities**

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

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

24. **DACCA02 - Disabled Toilets**

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

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

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

25. **DACCB02 - Damage Deposit for Council Infrastructure**

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

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

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

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

(Reason: Protection of Council infrastructure)

26. **DACCB06 - Section 7.11 Contributions (Rhodes)**

In accordance with Clause 5.1 of the Voluntary Planning Agreement entered into under Section 93F of the Environmental Planning and Assessment Act 1979, the following monetary contributions shall be paid to Council under the *Renewing Rhodes Contributions Framework*:

***Total Amount of Contribution***

Residential Component

<b>Category</b>	<b>Rate</b>	<b>Amount</b>
Community Facilities	1 bedroom unit (\$1,176.44) x 39 2 bedroom unit (\$2,138.98) x 187 3 bedroom unit (\$2,780.67) x 174	\$45,881.16 \$399,989.26 \$483,836.58
<b>SUB-TOTAL</b>		<b>\$929,707.00</b>
Open Space	1 bedroom unit (\$1,196.39) x 39 2 bedroom unit (\$2,175.26) x 187 3 bedroom unit (\$2,827.84) x 174	\$46,659.21 \$406,773.62 \$492,044.16
<b>SUB-TOTAL</b>		<b>\$945,476.99</b>
Roads	1 bedroom unit (\$630.33) x 39 2 bedroom unit (\$1,146.06) x 187 3 bedroom unit (\$1,489.88) x 174	\$24,582.87 \$214,313.22 \$259,239.12
<b>SUB-TOTAL</b>		<b>\$498,135.21</b>
<b>TOTAL</b>		<b>\$2,373,319.20</b>

Retail Component (based on 476m<sup>2</sup>)

<b>Category</b>	<b>Rate</b>	<b>Amount</b>
Library	\$59.40 (per 100m <sup>2</sup> )	\$282.75
Roads	\$2,070.32 (per 100m <sup>2</sup> )	\$9,854.72
<b>TOTAL</b>		<b>\$10,137.47</b>

<b>OVERALL TOTAL</b>	<b>\$2,383,456.67</b>
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***Timing and Method of Payment***

The contribution shall be paid in the form of cash or bank cheque, made out to City of Canada Bay Council. For accounting purposes, please specify the amount for each contribution separately (and DA details) on a cover letter submitted with the payment.

Evidence of the payment to Council shall be submitted to the Certifying Authority **prior to the issue of the Construction Certificate for above ground works on each lot**.

Note - Subject to negotiation with the proponent Council may permit the staged payment of the above-mentioned contributions.

## ***Indexing***

All monetary amounts referred to in this condition are based on the *Renewing Rhodes Contributions Framework* and the actual amount for payment or calculating offsets **must** be adjusted in accordance with Clause 7 of Part 2 of City of Canada Bay's S94 Contributions Plan for the Concord Area prior to payment, i.e., the amounts shown are subject to the Consumer Price Index applicable at the time of payment of the Contributions. The CPI is currently **114** and the CPI that applied at the time the *Renewing Rhodes Contributions Framework* was adopted in 2001 was **135.4**.

*(Reason: To provide high quality and diverse public amenities and services to meet expectations of existing and new residents of the City of Canada Bay)*

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

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

- a) The layout of the basement carpark is to be amended in accordance with the recommendations of the approved Traffic Impact Assessment, Reference N116851 Issue A, dated 20.12.2017 prepared by GTA Consultants including the relocation of columns and kerb build-outs to achieve compliance with the vehicle turning manoeuvre requirements of AS/NZS2890.1:2004;
- b) The 'Resi Out' and 'RRC Out' vehicular exits at Basement 01 shall be amended to provide for a controlled convergence of these two traffic streams in accordance with the recommendations of suitably qualified and experienced traffic consultant, eg. Speed humps, Give Way signage and line marking, etc.
- c) The Small Car Parking space labelled "SM" at Basement 01 shall be deleted;
- d) The Small Car Parking spaces labelled "SM" near the Tower D and Tower E lift cores at Basement 02 shall be deleted or amended to have minimum dimensions of 2.4m wide x 5.4m long;
- e) The two (2) Small Car Parking spaces labelled "SM" near the RCC - Fire Stair 4 in the north-western corner of Basement 02 shall be converted to two (2) car parking spaces with minimum dimensions of 2.4m wide x 5.4m long and the car parking space immediately to the west shall be deleted to accommodate this;
- f) A total of 134 secure bicycle storage spaces shall be provided in the south-western corners of Basement 04 and Basement 05 for use by residents;
- g) The bicycle parking for non-residential users shall be relocated from Basement 01 to the Level 01 (Ground) forecourt in the south-western corner of the site.
- h) Details of waterproofing of the basement walls/slab shall be provided to show that the structure can withstand to the effect of pore pressure and buoyancy;
- i) Details of basement pump out system to determine the capacity of basement holding tank and mechanical pump-out system and a geotechnical report which recommends the rate of sub-surface water likely to be collected by the sump.
- j) Landscape designs and specifications consistent with the approved architectural drawings including details of:
  - the proposed planting on the podium perimeter;
  - the depth of all planting on structures; and
  - street tree plantings.
- k) The recommendations of the approved Noise Impact Assessment report prepared by Acoustic Logic Reference 20171334.1 / 1512A / R1 / JS, dated 15.12.2017 are to be incorporated on the architectural drawings;
- l) The residential bin storage area must be designed to store at a minimum of 44 x 1100L waste bins, plus 44 x 1100L recycling bins, noting that 660L recycling bins are not permitted to be used. The use of 1100L recycling bins will create considerable spare capacity in the

residential waste holding area that shall be used as storage space for services that reduce residents waste to landfill and reduce domestic waste management charges, such as:

- Clothing recycling bin
- Cardboard compactor
- Additional Council cardboard bins
- Cooking Oil
- Fluorescent globes
- Paint tins
- Polystyrene shrinker/melter

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

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

28. **DACCE02 - Construction Management Plan**

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

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

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

29. **DACCE04 - Obtaining a Construction Certificate for Building Work**

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

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

*(Reason: Information)*

30. **DACCE05 - Waste Water Control**

The applicant shall contact Sydney Water, to determine the requirements for the disposal of wastewater and liquid trade waste (including grease traps or grease arrestors). The applicant must provide a copy of the Authority to connect to the sewer system **prior to the issue of the relevant Construction Certificate**.

There is to be no discharge of wastewater to the stormwater system.

*(Reason: Information)*

31. **DACCF02 - Landscape Maintenance Strategy**

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

*(Reason: Ensure landscape survival)*

32. **DACCF03 - Landscape Plan**

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

The plan must include the following information:

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

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

*(Reason: Landscape quality)*

33. **DACCF04 - On Slab Landscaping**

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

*(Reason: Ensure landscape survival)*

34. **DACCG01 - Available Visitor Car Parking Signage**

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

*(Reason: Adequate access and egress)*

35. **DACCG02 - Bicycle Storage Provision**

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

*(Reason: Convenience)*

36. **DACCG03 - Car Parking Areas for Multiple Use Buildings**

The following car parking and service vehicle requirements apply:-

- (a) 579 car spaces shall be provided on the development site.  
This shall comprise of:-
  - 400 residential spaces including 60 adaptable spaces;

- 20 visitor spaces (residential component) including 2 parking spaces for people with mobility impairment, in accordance with AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009;
  - 153 recreation centre/commercial/retail premises spaces including 4 car parking spaces for people with mobility impairment, in accordance with AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009;
  - 2 car share spaces.
- (b) All car spaces shall be allocated and marked according to this requirement.
  - (c) If the development is to be strata subdivided, the car park layout must reflect the above allocation and thereafter be regarded as part of the entitlement of that strata lot. **Under no circumstances shall parking spaces be sold, let or otherwise disposed of for use other than in accordance with this condition.**
  - (d) Each car parking space shall have minimum dimensions in accordance with the relevant Australian Standard and be provided on-site in accordance with the approved plans.
  - (e) The parking bays shall be delineated by line marking.
  - (f) Visitor spaces shall be clearly line marked and/or signposted and shall only be used by persons visiting residents of the property or commercial/business/retail premises located within the development. Visitor spaces shall not be allocated as permanent residential parking spaces. Access to visitor parking spaces shall not be restricted without development approval and a sign shall be erected at the vehicular entrance indicating the availability of visitor parking.

The following traffic control measures shall be implemented on site:-

- (a) Signage indicating "Entry Only" shall be prominently displayed at the entrance to the development.
- (b) Signage indicating "Exit Only" shall be prominently displayed at the exit to the development.
- (c) One-Way directional arrows shall be painted on the driveway pavement to indicate the required vehicular directional movement through the car parking area.

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

*(Reason: Parking and access)*

**37. DACCG10 - Speed Hump and Stop Sign on Exit**

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

*(Reason: Traffic safety and management)*

**38. DACCG12 - Stop Signs**

Appropriate sign(s) shall be provided and maintained within the site at the point(s) of vehicular egress to compel all vehicles to stop before proceeding onto any public way.

*(Reason: Adequate access and egress)*

**39. DACCG14 - Vehicular Circulation, Aisles & Ramps**

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

*(Reason: Parking and access)*

**40. DACCI01 - Damage Report**

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



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

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

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

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

*(Reason: Maintain public assets)*

41. **DACCI02 - Footpath Design Levels**

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

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

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

*(Reason: Public Infrastructure)*

42. **DACCI03 - Protection of Public Places**

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

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

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

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

*(Reason: Safety)*

43. **DACCI04 - Submission of Plans for Works within the Road Reserve**

The submission to Council of three (3) copies of Civil Engineering plans for the design of all works within the road reserve required adjacent to 34 Walker Street including long and cross sections, details of proposed structures and specifications. This shall include half width road reconstruction of Gauthorpe Street and Marquet Street along the frontages of the site and full width road reconstruction of Walker Street along the frontage of the site.

In this regard:

- (a) The Developer shall liaise with Council with respect to the detailed design to ensure that it is generally consistent with the Rhodes Station Precinct Public Domain concept plan and detailed designs currently being prepared by Council;
- (b) Landscape plans and electrical provisions shall confirm to engineering works within the road reserve;
- (c) A typical cross section shall be included to show footpath pavement thickness, types, dimensions, etc. Footpaths shall have a maximum crossfall of 2.50% to comply with AS/NZS 1428.1 and DDA guidelines.
- (d) Plans shall incorporate median islands in both Marquet Street and Walker Street in alignment with the driveways to the subject development to physically enforce left-in/left-out only turn restrictions. Where this requires modification to the driveway to 1 Gauthorpe Street, all costs and negotiations with stakeholders are to be borne by the applicant.
- (e) The proposed wide driveway arrangement indicated in drawing N116851-04-01 of the Traffic Report is unsatisfactory with respect to the impact on pedestrian accessibility. Footpath and road configuration shall be reviewed in consideration of left-in/left-out turning manoeuvre restrictions, vehicle swept path analysis, etc.
- (f) Due to the significant widths of the driveways, Council may request that clear delineation between road and footway at the vehicular entry and exit points be established. This may be achieved by forming the vehicular access points into the site with standard kerb and gutter not layback and concrete driveway type profile. This configuration would feature pram ramps in accordance with AS1428.1 on both approaches to the proposed vehicular access points.
- (g) All driveway crossovers shall have adequate crest to prevent the runoff from the street entering the property in case of street flooding.

The drawings must be approved by Council in writing and all fees and charges paid **prior to the issue of the relevant Construction Certificate.**

Such design shall be:

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

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

**44. DACCJ02 - Redundant Vehicular Crossings and Ancillary Works**

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

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

*(Reason: Public infrastructure maintenance)*

45. **DACCJ03 - Separate Approval for Works in the Public Road (External Works) - Section 138**

**Roads Act**

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

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

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

*(Reason: Protection of Public Assets and information)*

46. **DACCK02 - BASIX Commitments**

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

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

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

*(Reason: Statutory Compliance)*

47. **DACCK03 - Ausgrid Requirements**

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

*(Reason: Statutory requirement)*

48. **DACCL01 - Detailed Stormwater Drainage System Design**

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

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

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

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

*(Reason: Stormwater management)*

49. **DACCL02 - Certification of the Stormwater Drainage System Design**

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

*(Reason: Adequate stormwater management)*

50. **DACCL03 - Construction or Re-direction of a Stormwater Pipeline**

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

*(Reason: Protection of existing drainage infrastructure)*

51. **DACCL04 - Erosion and sedimentation controls**

Erosion and sedimentation controls must be provided to ensure:

- (a) Compliance with the approved Soil and Water Management Plan
- (b) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval)
- (c) All uncontaminated run-off is diverted around cleared or disturbed areas
- (d) Silt fences or other devices are installed to prevent sediment and other debris escaping from the cleared or disturbed areas into drainage systems or waterways
- (e) All erosion and sediment controls are fully maintained for the duration of demolition/development works
- (f) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadways
- (g) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar
- (h) All water pumped or otherwise removed from excavations or basement areas is filtered to achieve suspended solids/non filterable residue levels complying with the *Australian Water Quality guidelines for Fresh and Marine Waters*
- (i) Pumped or overland flows of water are discharged so as not to cause, permit or allow erosion before the commencement of work (and until issue of the occupation certificate).

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

*(Reason: Environmental protection)*

52. **DACCL06 - Rainwater Re-use**

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

*(Reason: Compliance and Amenity)*

53. **DACCL07 - Silt Arrestors and Gross Pollutant Traps**

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

*(Reason: Environmental)*

54. **DACCM01 - Dilapidation Report**

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

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

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

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

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

*(Reason: Safety)*

55. **DACCM02 - Geo-technical Report**

A comprehensive geo-technical engineering report assessing the impact and safety of the proposed works shall be prepared by a suitably experienced and qualified geo-practitioner and **submitted with any Construction Certificate**. The report must include the results of subsurface investigations involving either test pits to rock, or preferably the drilling of cored boreholes (to 1m below the proposed final excavation level). The report shall describe inter alia:-

- (a) an indication of the nature and depth of any uncontrolled fill at the site;
- (b) an indication of the nature and condition of the material to be excavated;
- (c) indications of groundwater or seepages;
- (d) required temporary measures for support of any excavations deeper than 1m adjacent to property boundaries;
- (e) statement of required excavation methods in rock and measures required to restrict ground vibrations;
- (f) other geo-technical information or issues considered relevant to design and construction monitoring.

*(Reason: Structural safety)*

56. **DACCM04 - Support and Protection for Neighbouring Buildings**

If an excavation associated with the approved development extends below the level of the base of the footings of a building on an adjoining allotment of land, the person having the benefit of the development consent must, at the person's own expense, comply with the requirements of clause 98E of the Environmental Planning and Assessment Regulation 2000, including:

- (1) (a) protect and support the adjoining premises from possible damage from the excavation, and (b) where necessary, underpin the adjoining premises to prevent any such damage.
- (2) The condition referred to in subclause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

Details shall be submitted to the Accredited Certifier **prior to the issue of the first Construction Certificate**.

*(Reason: Structural safety)*

57. **DACCN02 - Electricity Substation**

Any required electricity substation must be located within the boundaries of the site. Documentary evidence of compliance, including correspondence from the energy authority is to be provided to the Accredited Certifier **prior to the issue of the relevant Construction Certificate** detailing the energy authority's requirements.

**Note:** Where an electricity substation is required but no provision has been made to place it within the approved building or its site and no details are provided on the approved development consent

plans, a section 96 application is required to be submitted to Council for approval of an appropriate location for the required electricity substation.

*(Reason: Access to utility)*

58. **DACCN03 - Telecommunications**

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

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

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

*(Reason: Environmental Amenity)*

59. **Public Art Plan**

Prior to the issue of a Construction Certificate for the internal fitout of the Recreation Centre, the Developer must submit a Detailed Public Art Plan to the satisfaction of Council in accordance with the VPA dated 8 February 2016.

*(Reason: Compliance)*

60. **CCTV**

Prior to the issue of a Construction Certificate for above ground building works, the Developer must submit a plan showing the location of and specifications for CCTV to be installed for monitoring publicly accessible parts of the community centre, street frontages and other public entry points to the building to the satisfaction of Council in accordance with the VPA dated 8 February 2016.

*(Reason: Compliance)*

61. **Undergrounding of Services**

Prior to the issue of the relevant Construction Certificate, the Developer must submit details of the undergrounding of all services in the public footpath immediately adjacent to the site to the satisfaction of Council in accordance with the VPA dated 8 February 2016.

*(Reason: Compliance)*

62. **Air Conditioning / Services**

No air conditioning condensers or other services are to be installed on the outdoor balconies/terraces of residential apartments.

*(Reason: Noise Control and Amenity)*

63. **Construction Traffic Management Plan**

Prior to the issue of a Construction Certificate, the Developer must submit a Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control to Council's satisfaction.

*(Reason: To control adverse environmental impacts)*

**64. DACCE02A - Construction Traffic Management Plan (CTMP)**

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

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

- (a) A detailed description and route map of the proposed truck/construction vehicle access routes.
- (b) The locations of any proposed Construction Works Zones along the site frontage.
- (c) Provide a construction schedule.
- (d) Tradesperson parking (parking shall be provided on-site where possible).
- (e) Provide relevant Traffic Control Plans (must be certified by a suitably qualified RMS ticket holder).
- (f) Provide relevant Pedestrian Management Plans.
- (g) A site plan which indicates site entrances and exits, turning areas within the site for construction and spoil removal vehicles allowing a forward ingress and egress for all construction vehicles on the site (superimposed truck swept path diagrams). Site entrances and exits shall be controlled by a certified traffic controller.

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

**65. Car Park Design**

Prior to the issue of the relevant Construction Certificate, details must be provided to Council regarding compliance of sight distances at the pedestrian movements paths identified on the Basement 01 Level with respect to the relevant Australian Standards. Where sight distance requirements cannot be met, alternative measures to maximise pedestrian safety shall be identified to the satisfaction of Council.

*(Reason: Compliance)*

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

**66. DAPCB01 - Appointment of Principal Certifying Authority**

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

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

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

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

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

(Reason: Statutory requirements)

67. **DAPCB02 - Construction Certificate**

No work shall commence until you:

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

(Reason: Statutory Requirement)

68. **DAPCB04 - Home Building Compensation Fund**

**No residential building work** within the meaning of the *Home Building Act 1989* may commence until:

- (a) A contract of insurance in accordance with Part 6 of the Home Building Act 1989 is entered into and in force, where such a contract is required under that Act (this is a prescribed condition of consent pursuant to clause 98 1(b) *Environmental Planning and Assessment Regulation 2000*;
- (b) The PCA is satisfied 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 (unless the work is to be carried out by an owner-builder);
- (c) If the work is to be carried out by an owner builder, that the owner builder is the holder of any owner-builder permit required under the *Home Building Act 1989*;
- (d) Written notice of the following information has been provided to Council (this is a prescribed condition of consent pursuant to clause 98B of the *Environmental Planning and Assessment Regulation 2000*):
  - (i) In the case of work for which a principal contractor is required to be appointed:
    - The name and licence number of the principal contractor, and
    - The name of the insurer by which the work is insured under Part 6 of the *Home Building Act 1989*,
  - (ii) In the case of work to be done by an owner-builder:
    - The name of the owner-builder, and
    - If the owner-builder is required to hold an owner-builder permit under the *Home Building Act 1989*, the number of the owner-builder permits.

Where Council is not the PCA, the PCA is responsible for notifying Council of the above matters.

Where arrangements for doing residential building work change **while the work is in progress** so that the above information becomes out of date, the PCA (where not the Council) must provide Council with written notice of the updated information.

(Reason: Statutory requirement)

69. **DAPCB05 - Notice of commencement**



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

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

*(Reason: Statutory Requirement)*

**70. DAPCB06 - Site Safety Fencing**

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

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

*Hoardings*

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

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

*(Reasons: Statutory Requirement and health and safety)*

**71. DAPCB07 - Principal Certifying Authority (PCA) Sign**

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

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

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

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

*(Reason: Statutory Requirement)*

**72. DAPCB08 - Sydney Water Tap in Approvals**

The approved plans must be submitted through the Sydney Water 'Tap in' portal to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Sydney Water 'Tap in' customers will receive an approval receipt. For further details please refer to "Your Business" section of Sydney Water's web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then see Building and Renovating under the heading Building and Developing, or telephone 13 20 92.

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

*(Reason: Statutory Requirement)*

**73. DAPCB09 - Toilet Amenities on Construction Site**

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

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

*(Reason: Statutory Requirement - Health and amenity)*

74. **DAPCB10 - Notice of Requirements from Sydney Water**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. For details refer to Sydney Water's website at [www.sydneywater.com.au](http://www.sydneywater.com.au).

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

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

*(Reason: To comply with statutory requirements)*

75. **DAPCC01 - Erosion & Sediment Control: Minor works - Prior to construction**

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

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

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

*(Reason: Environmental protection)*

76. **DAPCC02 - Soil & Water Management during Construction**

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

*(Reason: Environmental protection)*

## Conditions which must be satisfied during any development work

77. **DADWA01 - Burning and Burying of Waste**

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

*(Reason: Health and amenity)*

78. **DADWA02 - Construction Hours**

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

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

*(Reason: Safety and amenity)*

79. **DADWA03 - Disruption of Traffic**

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

*(Reason: Safety and information)*

80. **DADWA04 - Dust Control**

*Small Works*

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

*Major Works*

The following measures must be taken to control the emission of dust:

- (a) Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work.
- (b) All dusty surfaces must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be allowed to enter the stormwater system.
- (c) All stockpiles of materials that are likely to generate dust must be kept damp or covered.
- (d) All stockpiles of soil or other materials shall be placed away from drainage lines, gutters or stormwater pits or inlets.
- (e) All stockpiles of soil or other materials likely to generate dust or odours shall be covered.
- (f) All stockpiles of contaminated soil shall be stored in a secure area and be covered if remaining more than 24 hours

*(Reason: Environmental amenity)*

81. **DADWA05 - Excavation - Water**

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

*(Reason: Health and safety)*

82. **DADWA06 - Prevention of Nuisance**

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

*(Reason: Health and amenity)*

83. **DADWB01 - Acid Sulphate Soils Plan - Compliance**

The Principal Contractor/Owner Builder and any sub-contractor must comply with the approved Acid Sulphate Soil Management Plan and the Acid Sulphate Soils - Planning Guidelines by the NSW Acid Sulphate Soils Management Advisory Committee Guidelines, August 1998.

**Note:** The Acid Sulphate Soils Management Plan submitted and approved with the Development Application sets out the management of the site in detail.

*(Reason: Compliance with condition of consent)*

84. **DADWB02 - Acid Sulphate Soils**

Any excavation works carried out on site should be closely monitored to ensure no signs of Potential Acid Sulphate Soil (PASS) or Actual Acid Sulphate Soil (AASS) are observed. Indicators may include

grey to greenish blue clays, unusual gold-yellow mottling or 'rotten egg' odours. If any of these indicators are observed, excavation of the site is to be stopped immediately, Council is to be notified and a suitably qualified environmental scientist should be contracted to further assess the site.

*(Reason: Environmental protection)*

**85. DADWB03 - Construction Management Plan**

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

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

*(Reason: Compliance with condition of consent)*

**86. DADWB04 - Damage to Adjoining Properties**

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

*(Reason: Structural safety)*

**87. DADWB05 - Stamped Plans**

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

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

**88. DADWB06 - Site requirements during demolition and construction**

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

- (a) All demolition is to be carried out in accordance with Australian Standards AS 2601-2001.
- (b) Demolition must be carried out by a registered demolition contractor.
- (c) A single entrance is permitted to service the site for demolition and construction. The footway and nature strip at the service entrance must be planked out with close boarded, hardwood timber footpath protection pads. The pad shall cover the entire width of the footpath opening for the full width of the fence.
- (d) No blasting is to be carried out at any time during construction of the building.
- (e) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- (f) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
- (g) Any demolition and excess construction materials are to be recycled wherever practicable.
- (h) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- (i) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997. All excavated material should be removed from the site in the approved manner and be disposed of lawfully to a tip or other authorised disposal area.
- (j) Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
- (k) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
- (l) Details as to the method and location of disposal of demolition materials (weight dockets, receipts etc.) should be kept on site as evidence of approved methods of disposal and recycling.
- (m) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
- (n) Public footways and roadways adjacent to the site must be fully maintained and cleared of

obstructions during construction. No building materials, waste containers or skips may be stored on the road reserve or footpath without prior separate approval from Council including payment of relevant fees.

- (o) Building operations such as brick cutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
- (p) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.

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

**89. DADWC01 - Contaminated Land Unexpected Finds**

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

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

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

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

**93. DADWC08 - Excavation Pump-out**

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

Water testing shall be carried out to ensure water is appropriate for discharge to the stormwater system. This testing shall be undertaken by a suitably qualified environmental scientist. Water that does not comply with the above standards shall not be discharged to the stormwater system, and shall be disposed of using alternative appropriate means.

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

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

*(Reason: Environmental Amenity)*

**94. DADWD01 - Road Opening Permit**

Pursuant to Section 138 of the Roads Act, should any work on the verge, footpath, public road reserve or public reserve (open space) be required, approval will need to be obtained from

**Council.** In this regard the Applicant is to contact Council's Customer Services Centre. A Road Opening Permit is to be obtained **prior to any works on the verge, footpath, public road reserve or public reserve being undertaken.**

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

*(Reason: Maintain public asset)*

95. **DADWF01 - Noise - Construction**

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

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

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

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

*(Reason: Noise Attenuation)*

96. **DADWF02 - Noise - Plant**

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

*(Reason: Safety and Amenity)*

97. **DADWF03 - Noise & Vibration**

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

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

*(Reason: Noise attenuation)*

98. **DADWG01 - Obstruction of Road or Footpath**

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

*(Reason: Protection of infrastructure, safety & information)*

**99. DADWG02 - Protection of Public Places**

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

*(Reason: Safety)*

**100. DADWG03 - Protection of Footpath**

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

*(Reason: Protection of infrastructure and the environment)*

**101. DADWH01 - Compliance with Building Code of Australia**

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

*(Reason: Prescribed statutory control)*

**102. DADWH02 - Critical Stage Inspections - General**

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

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

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

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

*(Reason: Statutory requirement)*

**103. DADWH04 - Inspections for Building Work - Critical Stages (Classes 2,3 or 4)**

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

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

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

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

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

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

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

*(Reason: Statutory Requirements)*

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

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

- (a) Prior to covering any stormwater drainage connections; and
- (b) After the building work has been completed and prior to any occupation certificate being issued in relation to the building;
- (c) Other.

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

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

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

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

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

*(Reason: Statutory Requirements)*

**105. DADWH06 - Inspection Records & Compliance Certificates**

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

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

A compliance certificate must be issued where:

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

*(Reason: Statutory Requirement)*

**106. DADWI01 - Progress Survey - Major Development (greater than two stories)**

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

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



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

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

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

### 107. **DAOCB01 - Certification of Engineering Works**

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

These documents are:

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

The abovementioned Certificate is to certify that:

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

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

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

*(Reason: Asset management)*

### 108. **DAOCB03 - Street Numbering Strategy**

The Principal Certifying Authority must be satisfied that the Council approved Street Numbering Strategy has been carried out on site **prior to the issue of any Occupation Certificate**.

The approved Street Numbering Strategy must not be altered in any way without prior consent of Council.

*(Reason: Compliance)*

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

Standard 150 high concrete kerb with gutter shall be constructed across the full length of the property frontages.

The above works must be programmed and constructed **prior to the issuing of any Occupation Certificate**.

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

*(Reason: Preserve Council asset and amenity)*

**110. DAOCD01 - Occupation Certificate (section 109M of the Act)**

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

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

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

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

*(Reason: Statutory requirement)*

**111. DAOCD02 - Evidence of Lawful Asbestos Disposal**

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

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

*(Reason: Health and Safety)*

**112. DAFOA01 - Fire Safety Certificate**

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

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

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

*(Reason: Fire safety)*

**113. DAFOA02 - Certificate of Test of Mechanical Ventilation**

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

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

**114. DAFOB05 - Wash down of Brickwork**

**Prior to occupation or use**, the brickwork shall be thoroughly cleaned down on all sides. All necessary precautions shall be taken to ensure that this work does not affect neighbouring properties.

*(Reason: Visual amenity and environmental health)*

**115. DAFOE01 - Certification of the Constructed Stormwater Drainage System**

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

*(Reason: Adequate stormwater management)*

**116. DAFOE02 - Covenant & Restriction as to User for Stormwater Controlled Systems**

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

**Easement Registration**

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

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

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

**117. DAFOE03 - OSD Identification Plate**

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

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

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

**118. Public Art Plan**

Prior to the issue of the last Occupation Certificate for the building which includes the public art, the Public Art must be installed in accordance with the Detailed Public Art Plan endorsed by Council in accordance with the VPA dated 8 February 2016.

*(Reason: Compliance)*

**119. Roadworks**

Prior to the issue of an Occupation Certificate, the Developer must undertake the roadworks endorsed by Council in accordance with the VPA dated 8 February 2016.

*(Reason: Compliance)*

**120. CCTV**

Prior to the issue of an Occupation Certificate for the publicly accessible parts of the community centre, street frontages and other public entry points to the building, the Developer must install the CCTV endorsed by Council in accordance with the VPA dated 8 February 2016.

*(Reason: Compliance)*

**121. Undergrounding of Services**

Prior to the issue of an Occupation Certificate, the undergrounding of all services in the public footpath immediately adjacent to the site must be completed in accordance with the VPA dated 8 February 2016.

*(Reason: Compliance)*

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

### 122. **DASCA04 - Application for Subdivision Certificate**

An application for a Subdivision Certificate shall be lodged with Council or an Accredited Certifier for approval to enable the subdivision plans to be submitted to and registered with Land and Property Information (formerly Land Titles Office). Should the Subdivision Certificate application be lodged with Council, a final plan of subdivision and six (6) copies shall be included with the application.

*(Reason: To comply with statutory requirements)*

### 123. **DASCA05 - Section 73 Certificate from Sydney Water**

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

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

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

*(Reason: To comply with statutory requirements)*

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

### 124. **DAOUA01 - Amplified Music (No speakers or music outside)**

Music and other amplified sound played on the premises shall not give rise to offensive noise as defined under the provisions of the *Protection of the Environment Operations Act 1997*. The sound level output shall not exceed 5 dB(A) above the ambient background level at the received boundary.

Speakers must not be installed and music must not be played in any of the outdoor areas associated with the premises including the public domain. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises

*(Reason: Environmental amenity)*

### 125. **DAOUA06 - Deliveries**

All deliveries must not occur before 7.00am or after 8.00pm weekdays and before 9.00am or after 5.00pm weekends and public holidays, to avoid noise disruption to the surrounding area.

*(Reason: To control noise impacts)*

### 126. **DAOUA06B - Waste & Recycling Collection**

The collection of waste and recycling must only occur between 6.00am and 8.00pm weekdays and 9.00am and 5.00pm weekends and public holidays, to avoid noise disruption to the surrounding area.

Garbage and recycling must not be placed on the kerbside for collection more than one hour before the scheduled collection time. Bins and containers are to be removed from the kerbside within one hour of collection and returned to the designated 'Garbage Room ###' as shown on DA-### Job. No. ##### dated #####.

The garbage and recyclable storage and bins must be adequate to contain the volume and type of

garbage and recyclable matter on the food premises

All garbage and recyclable matter must be enclosed in the waste bins with lids completely closed at all time

*(Reason: To regulate noise and garbage collection arrangements)*

**127. DAOUA10 - Hours of Business Operation**

The hours of operation are restricted as follows:

- Creche – 7:30am to 12:00pm Monday to Friday;
- Function Rooms / Community Rooms – 9:00am to 9:00pm daily;
- Aquatic Centre and Health and Wellness Centre - from 5:30am to 10:00pm daily;
- Courts – 9:00am to 8:00pm Monday to Saturday and 9:00am to 5:00pm Sunday; and
- Gymnastics Centre – 8:30am to 8:00pm Monday to Saturday.

*(Reason: Ensure business operates between approved hours)*

**128. DAOUA14 - Loading**

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

*(Reason: Adequate servicing)*

**129. DAOUC12 - Acoustic Assessment**

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

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

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

*(Reason: Noise Control and Amenity)*

**130. DAOUC15 - Noise (General)**

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

*(Reason: Noise Control and Amenity)*

**131. DAOUC16 - Noise Complaints - General**

The development must not cause offensive noise as defined by the *Protection of the Environment Operation Act 1997 (NSW)* Following occupation, should complaints of a noise nuisance be received and substantiated by an authorised officer, an acoustic assessment shall be conducted by a qualified acoustic consultant and the resulting report shall be provided to Council for approval. Following approval the owner/occupier shall then implement all recommendations contained in the assessment report within a timeframe set by Council, to the satisfaction of Council and in compliance with any additional direction given by Council.

*(Reason: Noise Control and Amenity)*

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

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

*(Reason: Noise Control and Amenity)*

**133. Waste Management**

The following waste conditions shall apply during occupation of the site:

1. All waste management is to be carried out in accordance with the approved waste management plans and drawings;
2. All waste is to be stored in a way that does not pose an odour nuisance, threat to public health or the environment at all times;
3. The body corporate will be responsible for supplying and maintaining a commercial waste service for the commercial tenancies;
4. The Management Company/Centre management for the Recreation Centre and associated uses must:
  - (a) manage all types of waste and recycling generated;
  - (b) supply waste collection services;
  - (c) bill individual tenancies their proportion of the cost of waste collection services.

*(Reason: Compliance)*

**134. DAOUD02 - Registration of Final Plan with Land and Property Information**

Once a Subdivision Certificate is issued, the Final Plan of Subdivision must be registered with Land and Property Information. Documentary evidence that the final plan has been registered with Land and Property Information must be submitted to City of Canada Bay Council as soon as possible.

*(Reason: Statutory requirement and information)*

**135. DAOUD03 - Visitor Parking Restriction**

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

*(Reason: Compliance)*

**136. DAOUD04 - Australia Post Guidelines**

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

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

**137. Access**

The driveways to the subject development shall be restricted to left-in/ left-out vehicle turning manoeuvres only.

*(Reason: Safety and Amenity)*

## Advisory Notes (ANN) -

Please note: the following may not apply to all consents

a) **DAANN01 - Dial Before You Dig**

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



*Telecommunications Act 1997 (Commonwealth)*

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

b) **DAANN04 - Lapsing of Consent**

In accordance with Section 95 of the Environmental Planning and Assessment Act 1979 (as amended), this Development Consent lapses five (5) years after the date from which it operates unless building, engineering or construction work has physically commenced.

c) **DAANN06 - Process for Modification**

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

d) **DAANN07 - Review of Determination**

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

e) **DAANN08 - Right of Appeal**

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

f) **DAANN09 - Signage Approval**

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

g) **DAANN10 - Skips on Council Footpath**

The applicant must apply to Council's Customer Services Centre and pay the respective minimum ten (10) day application fees and deposit, should a mini-skip type or larger builder's waste container be required to be left on Council's footpath, nature strip or roadway for the removal of any builder's waste etc. These fees must be paid prior to the container's placement. In the event of the container being removed within the ten day period, and the Council being notified, a pro-rata refund will be made. If the container is to remain at the site for longer than ten days, a further fee must be paid before the ten day period expires. No consultation is necessary if placing the container within the property to which this application is related. However, caution should be exercised in placing the bin to ensure no damage occurs to Council property.