
APPENDIX – A

Application No: DA2019/0160
Property: 2, 2A, 4 Rothwell Avenue CONCORD WEST NSW 2138
Officer: Stuart Ardlie

Below is the list of conditions applied to this application for review prior to the issue of the Assessment Report

CONDITIONS OF CONSENT

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.

<i>Approved Plans</i>			
<i>Reference/Dwg No</i>	<i>Title/Description</i>	<i>Prepared By</i>	<i>Date/s</i>
DA-10-00, Rev. 01	Site Plan	Terroir, Matthew Pullinger Architect	09.05.19
DA-10-10, Rev. 09	Basement Carpark Plans	Terroir, Matthew Pullinger Architect	25.09.19
DA-10-20, Rev. 08	Ground Floor Plan	Terroir, Matthew Pullinger Architect	25.09.19
DA-10-21, Rev. 08	Ground Floor Plan Block A	Terroir, Matthew Pullinger Architect	25.09.19
DA-10-22, Rev. 08	Ground Floor Plan Block B	Terroir, Matthew Pullinger Architect	25.09.19
DA-10-23, Rev. 08	Ground Floor Plan Block C	Terroir, Matthew Pullinger Architect	25.09.19
DA-10-30, Rev. 07	Typical Floor Plan	Terroir, Matthew Pullinger Architect	25.09.19

DA-10-31, Rev. 07	Typical Floor Plan Block A	Terroir, Matthew Pullinger Architect	25.09.19
DA-10-32, Rev. 07	Typical Floor Plan Block B	Terroir, Matthew Pullinger Architect	25.09.19
DA-10-33, Rev. 07	Typical Floor Plan Block C	Terroir, Matthew Pullinger Architect	25.09.19
DA-50-01, Rev. 07	Typical Adaptable Apartment Plans	Terroir, Matthew Pullinger Architect	10.11.20
DA-10-40, Rev. 06	Roof Plan	Terroir, Matthew Pullinger Architect	25.09.19
DA-20-10, Rev. 07	Elevations	Terroir, Matthew Pullinger Architect	30.09.19
DA-20-11, Rev. 07	Elevations Block A	Terroir, Matthew Pullinger Architect	30.09.19
DA-20-12, Rev. 06	Elevations Block A	Terroir, Matthew Pullinger Architect	09.05.19
DA-20-13, Rev. 06	Elevations Block B	Terroir, Matthew Pullinger Architect	09.05.19
DA-20-14, Rev. 06	Elevations Block B	Terroir, Matthew Pullinger Architect	09.05.19
DA-20-15, Rev. 07	Elevations Block C	Terroir, Matthew Pullinger Architect	30.09.19
DA-20-20, Rev. 05	Sections	Terroir, Matthew Pullinger Architect	09.05.19
DA-20-21, Rev. 05	Sections	Terroir, Matthew Pullinger Architect	09.05.19
DA-20-22, Rev. 05	Sections	Terroir, Matthew Pullinger Architect	09.05.19
DA-20-23, Rev. 05	Sections	Terroir, Matthew Pullinger Architect	09.05.19

DA-20-24, Rev. 05	Sections	Terroir, Matthew Pullinger Architect	09.05.19
DA-30-14, Rev. 03	Material Schedule	Terroir, Matthew Pullinger Architect	09.05.19
1822-03, Issue B	Overall Site Plan	Paddock	20.09.19
1822-04, Issue C	Landscape DA Plan 1 of 4	Paddock	20.09.19
1822-05, Issue B	Landscape DA Plan 2 of 4	Paddock	20.09.19
1822-06, Issue B	Landscape DA Plan 3 of 4	Paddock	20.09.19
1822-07, Issue B	Landscape DA Plan 4 of 4 (Basement)	Paddock	20.09.19
1822-08, Issue B	Elevation A, B & C	Paddock	20.09.19
1822-09, Issue B	Sectional Elevation A, B & C	Paddock	20.09.19
1822-010, Issue C	Sectional Elevation, D, E (proposed), E (Future)	Paddock	20.09.19
1822-011, Issue B	Ground Floor Private Terrace Street / Grassed Area Interface Typical Plan & Sections	Paddock	20.09.19
1822-012, Issue B	Ground Floor Private Terrace Powells Creek Reserve Interface Typical Plan & Sections	Paddock	20.09.19
1822-013, Issue B	Planting DA Plan 1 of 1 Planting Area Schedules	Paddock	20.09.19
1822-014, Issue B	Planting Schedule Maintenance Notes / Requirements Plant Images 1 of 2	Paddock	20.09.19
1822-015, Issue B	Planting Schedule Maintenance Notes / Requirements Plant Images 2 of 2	Paddock	20.09.19
1822-016, Issue B	Existing Tree Plan (Information purposes only - refer to arborist report and plans prepared by Tree IQ)	Paddock	20.09.19
1822-017, Issue B	Indicative Materials & Finishes Palette	Paddock	20.09.19

Supporting Information / Documents			
<i>Reference</i>	<i>Title/Description</i>	<i>Prepared By</i>	<i>Date/s</i>
971085M	BASIX Certificate	Northrop Consulting Engineers	30.05.19

Rev. 1.2	Waste Management Plan	AusWide Consulting	May 2019
2-4/ROTH/AIA/B, Rev. B	Arboricultural Impact Assessment Tree Protection Specification	Tree IQ	11.03.19

Note 1: *Modifications to the approved plans will require the lodgement and consideration by Council of a modification pursuant to Section 4.55 of the Environmental Planning and Assessment Act.*

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 4.17 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).*

DAGCD01 - Approved Stormwater Drainage Design

The stormwater drainage system for the proposed development shall be constructed in accordance with the following approved plans and documentation, endorsed with Council's Stamp, and Council's "Appendix 2 - Engineering Specifications of the Canada Bay Development Control Plan", except where amended by other conditions of consent:

Reference	Title/Desc ription	Prepared By	Date/s
ES1, Amendment B	Erosion and Sediment Control Plan	Woolacotts	26.09.19
SW1, Amendment B	Standard Notes and Drawing List	Woolacotts	26.09.19
SW2, Amendment B	Stormwater Management Plan - Ground Floor	Woolacotts	27.09.19
SW3, Amendment B	Stormwater Management Plan - Basement carpark	Woolacotts	27.09.19

Important Note:

- The approved Stormwater Drainage Plan as identified above is for Concept Only. The designer is responsible for providing sufficient information and/or updates to the Stormwater Drainage Plan suitable for Construction Certificate

approval.

- Should any changes be required to the approved stormwater drainage plan as referred to above, the amended design shall achieve equivalent performance standards in accordance with Council's "Appendix 2 - Engineering Specifications of the Canada Bay Development Control Plan".
- 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: To confirm and clarify the terms of consent)

2. DAGCA03 - Construction within Boundary

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

(Reason: To ensure compliance with approved plans)

3. DAGCA08 - Ausgrid - Proximity to Existing Network Assets

Overhead Powerlines

There are existing overhead electricity network assets in 2 Rothwell Ave Concord West.

Safework NSW Document - Work Near Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements between these mains/poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given to the positioning and operating of cranes and the location of any scaffolding.

The "as constructed" minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid's website, www.ausgrid.com.au <<http://www.ausgrid.com.au>>

Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost. It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site.

Underground Cables

There are existing underground electricity network assets in 2 Rothwell Ave Concord West.

Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area.

Should ground anchors be required in the vicinity of the underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.

Safework Australia - Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables.

Substation

There are proposal electricity substation assets in 2 Rothwell Ave Concord West.

The substation ventilation openings, including substation duct openings and louvered panels, must be separated from building air intake and exhaust openings, natural ventilation openings and boundaries of adjacent allotments, by separation distances which meet the requirements of all relevant authorities, building regulations, BCA and Australian Standards including AS 1668.2: The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings. In addition to above, Ausgrid requires the substation ventilation openings, including duct openings and louvered panels, to be separated from building ventilation system air intake and exhaust openings, including those on buildings on adjacent allotments, by not less than 6 metres. Any portion of a building other than a BCA class 10a structure constructed from non combustibile materials, which is not sheltered by a non-ignitable blast-resisting barrier and is within 3 metres in any direction from the housing of a kiosk substation, is required to have a Fire Resistance Level (FRL) of not less than 120/120/120. Openable or fixed windows or glass blockwork or similar, irrespective of their fire rating, are not permitted within 3 metres in any direction from the housing of a kiosk substation, unless they are sheltered by a non- ignitable blast resisting barrier. The development must comply with both the Reference Levels and the precautionary requirements of the ICNIRP Guidelines for Limiting Exposure to Time-varying Electric and Magnetic Fields (1 HZ - 100 kHz) (ICNIRP 2010). For further details on fire segregation requirements refer to Ausgrid's Network Standard 141. Existing Ausgrid easements, leases and/or right of ways must be maintained at all times to ensure 24 hour access. No temporary or permanent alterations to this property tenure can occur without written approval from Ausgrid. For further details refer to Ausgrid's Network Standard 143.

(Reason: Ausgrid Conditions)

4. DAGCB01 - Australia Post Guidelines

Mail deliveries are to be in accordance with Australia Post Guidelines, as set out in the Australia Post publication "General Post Guide - September 2007". A copy of this Guide can be obtained from Australia Post's web page at www.auspost.com.au. 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)

5. 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)

6. 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)

7. DAGCB12 - Street Numbering of Lots and Units

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

- 101/17 Conway Avenue, Concord West
- 102/17 Conway Avenue, Concord West
- 103/17 Conway Avenue, Concord West
- 104/17 Conway Avenue, Concord West
- 105/17 Conway Avenue, Concord West
- 106/17 Conway Avenue, Concord West
- 201/17 Conway Avenue, Concord West
- 202/17 Conway Avenue, Concord West
- 203/17 Conway Avenue, Concord West

- 204/17 Conway Avenue, Concord West
- 205/17 Conway Avenue, Concord West
- 206/17 Conway Avenue, Concord West
- 301/17 Conway Avenue, Concord West
- 302/17 Conway Avenue, Concord West
- 303/17 Conway Avenue, Concord West
- 304/17 Conway Avenue, Concord West
- 305/17 Conway Avenue, Concord West
- 306/17 Conway Avenue, Concord West
- 401/17 Conway Avenue, Concord West
- 402/17 Conway Avenue, Concord West
- 403/17 Conway Avenue, Concord West
- 404/17 Conway Avenue, Concord West
- 405/17 Conway Avenue, Concord West
- 406/17 Conway Avenue, Concord West

- 101/2 Rothwell Avenue, Concord West
- 102/2 Rothwell Avenue, Concord West
- 103/2 Rothwell Avenue, Concord West
- 104/2 Rothwell Avenue, Concord West
- 105/2 Rothwell Avenue, Concord West
- 201/2 Rothwell Avenue, Concord West
- 202/2 Rothwell Avenue, Concord West
- 203/2 Rothwell Avenue, Concord West
- 204/2 Rothwell Avenue, Concord West
- 205/2 Rothwell Avenue, Concord West
- 301/2 Rothwell Avenue, Concord West
- 302/2 Rothwell Avenue, Concord West
- 303/2 Rothwell Avenue, Concord West
- 304/2 Rothwell Avenue, Concord West
- 305/2 Rothwell Avenue, Concord West
- 401/2 Rothwell Avenue, Concord West
- 402/2 Rothwell Avenue, Concord West
- 403/2 Rothwell Avenue, Concord West
- 404/2 Rothwell Avenue, Concord West
- 405/2 Rothwell Avenue, Concord West

- 101/2A Rothwell Avenue, Concord West
- 102/2A Rothwell Avenue, Concord West
- 103/2A Rothwell Avenue, Concord West
- 104/2A Rothwell Avenue, Concord West
- 105/2A Rothwell Avenue, Concord West
- 201/2A Rothwell Avenue, Concord West
- 202/2A Rothwell Avenue, Concord West

- 203/2A Rothwell Avenue, Concord West
- 204/2A Rothwell Avenue, Concord West
- 205/2A Rothwell Avenue, Concord West
- 301/2A Rothwell Avenue, Concord West
- 302/2A Rothwell Avenue, Concord West
- 303/2A Rothwell Avenue, Concord West
- 304/2A Rothwell Avenue, Concord West
- 305/2A Rothwell Avenue, Concord West
- 401/2A Rothwell Avenue, Concord West
- 402/2A Rothwell Avenue, Concord West
- 403/2A Rothwell Avenue, Concord West
- 404/2A Rothwell Avenue, Concord West
- 405/2A Rothwell Avenue, Concord West

- 101/4 Rothwell Avenue, Concord West
- 102/4 Rothwell Avenue, Concord West
- 103/4 Rothwell Avenue, Concord West
- 104/4 Rothwell Avenue, Concord West
- 105/4 Rothwell Avenue, Concord West
- 106/4 Rothwell Avenue, Concord West
- 201/4 Rothwell Avenue, Concord West
- 202/4 Rothwell Avenue, Concord West
- 203/4 Rothwell Avenue, Concord West
- 204/4 Rothwell Avenue, Concord West
- 205/4 Rothwell Avenue, Concord West
- 206/4 Rothwell Avenue, Concord West
- 301/4 Rothwell Avenue, Concord West
- 302/4 Rothwell Avenue, Concord West
- 303/4 Rothwell Avenue, Concord West
- 304/4 Rothwell Avenue, Concord West
- 305/4 Rothwell Avenue, Concord West
- 306/4 Rothwell Avenue, Concord West
- 141/4 Rothwell Avenue, Concord West
- 402/4 Rothwell Avenue, Concord West
- 403/4 Rothwell Avenue, Concord West
- 404/4 Rothwell Avenue, Concord West
- 405/4 Rothwell Avenue, Concord West
- 406/4 Rothwell Avenue, Concord West

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)

8. DAGCB17 - Weed Control

The person having the benefit of the development consent must undertake appropriate measures to ensure that, as a result of demolition; land left vacant does not become an area of weed seed production on the site and to prevent their spread into surrounding bushland or public open space areas.

(Reason: Environmental amenity)

9. DAGCC01 - Hoarding Requirements

Where any works associated with the approved development are located in close proximity to a public place such that occupation of part of the public place may be required to complete the development, then it will be necessary to erect either an “A” Class or “B” Class hoarding. Should a hoarding need to be constructed on or over Council land/property, then the following requirements will apply:-

The approved development includes/requires either an “A” Class or “B” Class or both type of hoarding to be erected. Should such a hoarding need to be constructed on or over Council land/property, then the following requirements will apply:-

- **“A” Class Requirements**

An engineer certified “A” Class hoarding is to 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)

10. 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 the above standard

(Reason: Compliance with relevant standards)

11. DAGCC06 - Fill Material

Imported Fills

Clean fill imported onto the site shall be validated to ensure it is suitable for the proposed land use.

All fill imported onto the site shall be validated by either one or both of the following methods during remediation works:

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

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

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

Classification of waste

Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be tested and 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 Principal Certifying Authority prior to the issue of an Occupation Certificate. Where an Occupation Certificate is not required this evidence must be provided to the satisfaction of Council's Manager Health, Building & Environment.

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

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

12. DAPDB01 - Construction Certificate - Prior to the Commencement of any Demolition Works

Where demolition is associated with the erection of a new structure, or an altered portion of or an extension to an existing building, the demolition of any part of a building is "commencement of building work" pursuant of section 6.6 of the Act. In such circumstance all conditions of this consent must be satisfied prior to any demolition work. This includes, but is not limited to, the **issue of a Construction Certificate, appointment of a PCA and Notice of Commencement under the Act.**

(Reason; Statutory Requirement)

13. 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

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 10m² 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

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)

14. 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)

15. DAPDB04 - Tree Preservation - during demolition

All street trees and trees on private property that are protected under Canada Bay Council's controls, shall be retained and protected during demolition works except where Council's prior written consent has been obtained.

(Reason: Tree Preservation and Protection)

16. DAPDB05 - Erosion and Sediment Control During Demolition

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

(Reason: Environmental protection)

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

17. DACCA01 - Access for People with Disabilities

Access for people with disabilities must be provided in accordance with the requirements of the Building Code of Australia, relevant Australian Standards and with regard to the *Disability Discrimination Act 1992*. **Prior to the issue of a Construction Certificate**, the plans shall demonstrate compliance. **Note: Disability (Access to**

Premises - Buildings) Standards 2010 - As of 1 May 2011, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.

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

18. DACCA04 - Hazardous Materials Assessment

Prior to the issue of a Construction Certificate a Hazardous Building Materials Assessment shall be prepared by a suitably qualified consultant and submitted to the Accredited Certifier.

(Reason: Environmental Health)

19. DACCB02 - Damage Deposit for Council Infrastructure

You must complete a Deposit/Bond Application Form located on Council's website under Forms and Fact Sheets > Rates and Finance.

A Damage Deposit (calculated in accordance with Council's adopted Fees and Charges) of **\$50,000** shall be paid to Council **prior to the issue of the Construction Certificate**.

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

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

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

(Reason: Protection of Council infrastructure)

20. DACCB03 - Long Service Levy Payments

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

(Reason: Statutory requirement)

21. DACCB04 - Section 7.11 Contributions

The following Section 7.11 Development Contributions are required towards the provision of public amenities and services in accordance with the City of Canada Bay s7.11 Development Contributions Plan.

Based on the following rates, as at June 2020 (CPI 114.7)

Infrastructure Type	Studio/One bedroom dwelling	Two bedroom dwelling	Three + bedroom dwelling
Community Facilities	\$1,154.24	\$1,643.17	\$2,179.39
Civil Infrastructure	\$1,120.64	\$1,595.33	\$2,115.94
Plan Preparation and Administration	\$126.76	\$180.46	\$239.35
Open Space and Recreation	\$8,190.78	\$11,660.30	\$15,465.32
TOTAL	\$10,592.43	\$15,079.26	\$20,000

Based on the following number of Units and Bedrooms:

No. of Dwellings	No. of Studio & One beds	No. of Two beds	No. of Three or more beds
	8 x \$10,592.43	64 x \$15,079.26	16 x \$20,000
Sub total	\$84,739.44	\$965,072.64	\$320,000
Total	\$1,369,812.08		

Any change in the Consumer Price Index between June 2020 (CPI 114.7) and the date that the Section 7.11 Development Contribution is paid, will be added/subtracted from the amount cited above.

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

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

A copy of the City of Canada Bay Section 7.11 Development Contributions Plan may be obtained from Council's website.

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

22. DACCE01 - Amendments to Approved Plans

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

- Stormwater Drainage Concept Plan (SDCP) shall be presented in accordance with approved landscape and architectural drawings and show the general layout of all proposed and existing drainage system with indicative surface & invert levels, minimum pipe sizes, overland flow routes, the point of discharge details etc.
- On-site stormwater detention (OSD) system is generally required for all development in accordance with Council's Engineering Specification. Due to

multiple constraints identified on site, it is permitted the subject to provide a rainwater re-use system in lieu of OSD system. Site storage requirement of 200 cu.m per hectare can be used to calculate the rainwater re-use volume and for non-potable use such as watering of the garden, irrigation, washing machine and toilet flushing.

Note: In accordance with Council's rainwater re-use policy, the development requires a minimum of 5,000L rainwater re-use system installed on site.

- c. All services including internal stormwater lines, rainwater reuse systems etc shall be located outside the existing and future easements. This is to ensure that the internal services are not damaged when maintenance on the existing system is undertaken.
- d. Grated drain shall be adequately sized to collect the runoff from the weather exposed areas of the driveway. It shall have a minimum internal width of 200mm and a depth of 150mm and is to be connected to internal drainage system.
- e. A notice shall be indicated on the plan states no floatable material/paving shall be placed over the overland flowpath area.

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

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

23. 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)

24. DACCE04 - Obtaining a Construction Certificate for Building Work

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

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

(Reason: Information)

25. DACCE06 - Basement Drainage System

Fully detailed design drawings and calculations shall be prepared by a practicing Civil Engineer for the basement pump-out system. Design and construction of pump-out system shall be in accordance with Council's engineering specifications. Where the basement levels is to be extended below groundwater level, subsurface floors shall be adequately tanked to minimise seepage water entering into the basement. This shall be designed and certified by a qualified structural engineer.

Any changes in this regard shall be reflected as amended plans to be submitted to the Accredited Certifier prior to the **issue of a Construction Certificate** for the proposed development.

(Reason: Engineering)

26. DACCE07 - Driveways Design and Certification

The driveway design shall be amended in accordance with Council's "Appendix 2 - Engineering Specifications of the Canada Bay Development Control Plan" and AS/NZS2890.1:2004 "Off Street Car Parking" to the follow:

1. Longitudinal sections of the proposed vehicular crossing/driveway shall be extended from the road centre line along both edges of the driveway to the parking area shall be prepared demonstrating compliance with the scraping provisions for the B99 vehicle as stipulated in AS/NZS2890.1:2004 "Off Street Car Parking" Code. The longitudinal sections shall include:
 - All changes in levels and gradients e.g. lip of gutter, gutter invert, kerb layback, edge of footpath and at the property boundary.
 - Footpath shall have a maximum crossfall of 2.5% graded but no less than 0.5% graded towards the street.

- Standard layback shall having 90mm height over 450mm distance from the invert of gutter to provide adequate protection against runoff from the street.
 - Driveway longitudinal section shall be checked using the 99th percentile of vehicle template to demonstrate the compliance with scraping provision. Please note that the design B99 vehicle shall have the ground clearance of 120mm (fully loaded vehicle).
 - A crest at RL3.0m AHD shall be provided at the driveway for flood protection of the development in accordance with Clause C7.5, Part C - General Control of Council's DCP 2017.
2. A notice shall be indicated on the plan states "All redundant driveway shall be removed and the layback is to be replaced with upright kerb & gutter. Any redundant stormwater outlets shall also be removed".

The longitudinal section shall be designed and certified by a Professional Civil Engineer whose qualifications are recognised by, and who is a current member of, Engineers Australia. The engineer shall certify that the driveway longitudinal section achieve compliance with AS/NZS2890.1:2004 and Council's "Appendix 2 - Engineering Specifications of the Canada Bay Development Control Plan". All existing levels indicate on the driveway design plans shall be checked and confirmed by a registered surveyor.

The longitudinal section and certification shall be submitted and approved by Council **prior to issue of a Construction Certificate.**

(Reason: Vehicular access)

27. 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 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.

Street Trees and Trees on Council Land

All trees shall be sourced from accredited Nurseries and comply with Australian standards- Conforming to Ross Clarke - Specifying Trees- A Natspec Guide (true to type, of good health and vigour, free from pests and disease, free from injury, self-supporting, good stem taper, apical dominance, crown symmetry and central stem position). All trees shall be inspected by Council's Landscape Architect prior to planting. Council will provide a 12 month maintenance schedule for the street trees. A reporting schedule for the maintenance of trees on Council land shall be sent to Council at the end of each month and be available for Council to inspect at any time.

(Reason: Ensure landscape survival)

28. 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

Grass and Ground Covers 300-400mm

Shrubs - 550- 650mm for shrubs

Trees - 800- 1200mm (tree size dependant)

Trees (6-8m) - allow for 9m³ soil volume per tree (min depth 800mm)

Medium Trees (8-12m) - allow 35m³ soil volume per tree (min depth 1000mm)

Large Trees (12-18m) - allow 150m³ soil volume per tree (min depth 1200mm)

Provide adequate drainage and a permanent, automatic irrigation system conforming to Sydney Water's current *Water wise* Policy. Details shall be submitted **with the Construction Certificate application**.

(Reason: Ensure landscape survival)

29. DACCG01 - Available Visitor Car Parking Signage

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

(Reason: Adequate access and egress)

30. DACCG02 - Bicycle Storage Provision

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

(Reason: Convenience)

31. DACCG08 - Off Street Car Parking Space Provision

Car parking spaces shall be provided in accordance with the approved plans with 82 Residential spaces and 9 visitor spaces. The spaces are required and designated as follows:

- (a) 82 units shall be allocated 1 car parking space and 6 units no car parking space.
- All car spaces shall be allocated and marked accordingly. If the development is to be strata subdivided, the car park layout must respect the above allocation and thereafter regarded as part of the entitlement of that unit.
- Each space shall have minimum dimensions in accordance with the relevant Australian Standard.
- Under no circumstances shall parking spaces be sold, let or otherwise disposed of for use other than in accordance with this condition.
- Visitor spaces shall only to be used by persons visiting residents of the property

- or persons with legitimate legal reason to be upon the land.
- Access to visitor parking shall not be restricted without development approval.
- A sign shall be erected at the vehicular entrance indicating the availability of visitor parking. Such spaces shall be clearly marked.

Details are to be submitted to the Accredited Certifier **prior to the issue of a Construction Certificate** showing compliance with this condition.

(Reason: Parking and access)

32. DACCG10 - Speed Hump and Stop Sign on Exit

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

(Reason: Traffic safety and management)

33. DACCI01 - Pre-Commencement Damage Report

Prior to the issue of the Construction Certificate, the Pre-Commencement Damage Report Form shall be completed and submitted to Council. This Damage Report Form is for the evaluation of the existing condition of the road reserve, and shall be filled out and signed by the Applicant and submitted to Council. This form is generally for “minor works” (as defined in the Driveways and Ancillary Works Application Form). For “major works”, a Dilapidation Report will be required.

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

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

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

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

(Reason: Maintain public assets)

34. 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)

35. DACCI04 - Submission of Plans for Engineering Works within the Road Reserve/Drainage Easement/Park Reserve

The submission to Council of three (3) copies and an electronic copy of Civil Engineering drawings for the design of all works within the road reserve/drainage easement and park reserve required adjacent and within 2-4 Rothwell Avenue, Concord West including the following:

Public Stormwater Drainage Works:

The stormwater drainage plan by Woolacotts (Job 18-218, SW2 - revision B, dated 27.09.2019) shall be amended to detail the full extent of the public stormwater drainage system from the road reserve to the point of discharge to a proposed gully pit within Council's reserve, the details shall include the following:

- a. All pipe sizes and grades;
- b. All proposed and reconstructed stormwater pits within road reserve shall be gully pit with concrete lintel, structures details and location including surface and invert levels of crucial sections of the infrastructure,
- c. Ancillaries (eg. footpaths, signage etc.) details;
- d. Long sections of the proposed/existing drainage system;
- e. Minimum 1% grade and cover must comply with Australia Standard;
- f. Cross-section of the public drainage system within the road reserve, subject site and park reserve including the pavement details;

- g. All services near the work area (e.g., pits (Telecom, stormwater), poles, sewer etc) shall be shown on the drawings. Levels will be required where services cross the path of the proposed stormwater line.

Note: Details design above shall be certified by a Chartered Professional Engineer with National Engineering Register (NER) Accreditation. Any electronic modelling (e.g., DRAINS etc) utilised in the report and plans for the design and detail above shall be submitted to Council.

All existing public stormwater drainage pipes, pits within the site, road reserve and in Council's Reserve for stormwater connection shall be accurately located and confirmed by the applicant at no cost to Council. The plan shall reflect the above information accurately.

Public Domain and Civil Works:

In order to provide safe and facilitate access to and from the proposed development for future residents and public in accordance with Council's DCP - Concord West Precinct, public domain civil works shall be designed and constructed in accordance with Council's Appendix 2 - Engineering Specification, and DCP of Concord West Precinct, where applicable. The following shall be addressed:

- i. The reconstruction of footpath and grass verge for the entire frontage of the proposed development, including transition works, in accordance with Appendix 2 - Engineering Specifications of the Canada Bay Development Control Plan.
- ii. The replacement of all redundant vehicular crossings with new kerb, gutter and the construction of the proposed layback, including restoration of the adjacent road pavement in accordance with Council's Engineering Specification.
- iii. A pram ramp shall be provided at the corner of Conway Avenue and Rothwell Avenue.
- iv. Any landscaping, existing trees and trees planting within footpath area shall be indicated on the plan.
- v. All services near the work area (e.g., pits (Telecom, stormwater), poles, sewer etc) shall be shown on the drawings. Written approval from the relevant public utility services authority is required to submit to Council if relocation and/or adjustment of the public utility services affected by the proposed works. Any alteration works for the public utility services shall address the relevant public authority requirement.

The drawings shall include plan view, long/cross sections with existing and finished surface levels, existing and proposed signage (if any) and other relevant details for the new works. The drawing shall also demonstrate how the proposed civil works is to be smoothly connected with the remaining street scape or existing vehicular crossing of adjoining property/s.

The engineering drawings shall be prepared by a Chartered Civil Engineer with NER Accreditation are to be submitted to, and approved by Council in writing and all fees and charges paid **prior to issue of construction certificate**.

Notes:

- a. Prepared and submitted on A1, or A3 size sheets, undertaken by a consulting Civil Engineer,
- b. All engineering works shall be designed and undertaken in accordance with the Council's "Appendix 2 - Engineering Specifications of the Canada Bay Development Control Plan" and Council's Development Control Plan 2017, and
- c. Approved in writing by Council under Section 138 of the Roads Act., prior to the issue of the Construction Certificate, and
- d. All public stormwater drainage works adjacent/near/outside within 2-4 Rothwell Avenue, Concord West is to be fully supervised by Council. A maintenance period of six (6) months or as specified by Council 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, and
- e. 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 registered surveyor. Also the Applicant is to provide to Council, in an approved format, details of all public infrastructure created as part of the works, including certification from the Design Engineer.
- f. The approved works must be completed to Council's satisfaction at no cost to Council.

Note: Driveway construction will require a separate approval through a Driveway Application.

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

36. DACCI05 - Vehicular Crossings

The minimum and maximum width of 5.5 metres, Full-width, heavy-duty concrete vehicular crossing(s) shall be installed across the footpath at the entrance(s) and/or exit(s) to the site, subject to separate Council approval. In this regard the Applicant must obtain a copy of Council's "Appendix 2 - Engineering Specifications of the Canada Bay Development Control Plan" and lodge an application for vehicular crossing(s) (available from Council's Customer Services Centre or can be downloaded from Council's website), and pay the appropriate fees and charges **prior to the lodgement of the Construction Certificate.**

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

37. DACCJ01 - Hoardings

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

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

A Public Risk Insurance Policy with a minimum cover of \$10 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained with a copy also provided to Council. The Policy is to note Council as an interested party. The copy is to be provided to Council **prior to the issue of a Construction Certificate**.

(Reason: Safety & information)

38. DACCJ02 - Redundant Vehicular Crossings and Ancillary Works

Where new pavement, repair or reinstatement of footpath or other ancillary works such as kerb and gutter and stormwater pit construction is proposed, the Applicant shall complete a Section 138 Civil Works in the Public Domain Area Application for major works, or for minor works (as defined in the Driveways & Ancillary Works Application) adjacent to the site, an application for "Driveway & Ancillary Works" and submit the application to Council for approval **prior to the issue of a Construction Certificate**. Both forms are available from Council's Customer Services Centre or can be downloaded from Council's website.

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

(Reason: Public infrastructure maintenance)

39. DACCJ03 - Separate Approval for Works in the Public Road (External Works) - Section 138 Roads Act

Pursuant to Section 138 of the Roads Act 1993 and **prior to the issue of a Construction Certificate**, the applicant must submit detailed plans to and obtain a written approval from the Appropriate Road Authority (usually Council for Local and Regional Roads and both Council and Roads & Maritime Services (RMS) for Arterial Roads), for any works in the road reserve.

Additionally, where the work involves closure of a carriageway on a State Road, Regional Road, or it is such that it may impact the traffic flow on a State Road or

Regional Road, or is within close proximity of a Traffic Facility (eg Traffic Lights) then a Road Occupancy License (ROL) must be obtained from the Planned Incidents Unit of the Traffic Management Centre of the RMS. The application should be lodged at least 10 days prior to the planned commencement date.

(Reason: Protection of Public Assets and information)

40. DACCK01 - Application for a Construction Certificate

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

- (a) Architectural plans and specifications complying with the Building Code of Australia (BCA), relevant Australian Standards, and the development consent and conditions.
- (b) If Council issues the Construction Certificate, engineering details must be submitted for approval for all structural elements, including but not limited to, piers, footings, reinforced concrete slab, first floor joist layout, roof trusses, steel beams and the like. The details must be prepared by a practising consulting structural engineer. Also a certificate from the engineer must be included certifying that the design fully complies with appropriate SAA Codes and Standards and the Building Code of Australia requirements.

Note: The engineer/s undertaking certification must be listed on the National Professional Engineers Register under the appropriate category.

- (c) Geotechnical report for the site, prepared by a qualified geotechnical engineer detailing the foundation conditions of the site and solutions for consideration by a structural Engineer.
- (d) Essential services plan outlining the existing and proposed fire safety measures.
- (e) Disabled access provisions to common and public areas in accordance with AS1428.
- (f) If an alternative solution to the “deemed to satisfy” provisions of BCA is proposed, the following details must be lodged:
 - Performance requirements that the alternative solution intends to meet.
 - Assessment methods used to determine compliance with the performance requirements, including if and how each performance objective impacts on other requirements of the BCA; and
 - A statement about the person who prepared the alternate solution, indicating qualifications, experience, insurance details, and membership of an approved accreditation body

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

(Reason: Statutory requirement)

41. 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 4.55 of the Environmental Planning and Assessment Act 1979.

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

(Reason: Statutory Compliance)

42. DACCK03 - Energy Australia Requirements

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

(Reason: Statutory requirement)

43. DACCK07 - Fire Hydrant Booster Assembly

In order to ensure an overall high quality finish and streetscape presentation, details of the location, enclosure and landscaping treatment to the fire hydrant booster assembly are to be submitted to, and approved by Council, prior to the issue of a Construction Certificate.

(Reason: Streetscape amenity)

44. DACCL02 - Certification of the Stormwater Drainage System Design

Certification of the proposed stormwater design shall be obtained from a Professional Civil Engineer whose qualifications are recognised by, and who is a current member of, Engineers Australia and shall certify that the proposed stormwater drainage system has been designed in accordance with Council's "Appendix 2 - Engineering Specifications of the Canada Bay Development Control Plan". The certified design shall be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate**.

(Reason: Adequate stormwater management)

45. DACCL04 - Erosion and sedimentation controls

Erosion and sedimentation controls must be provided to ensure:

- (a) Compliance with the approved Soil and Water Management Plan
- (b) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval)

- (c) All uncontaminated run-off is diverted around cleared or disturbed areas
- (d) Silt fences or other devices are installed to prevent sediment and other debris escaping from the cleared or disturbed areas into drainage systems or waterways
- (e) All erosion and sediment controls are fully maintained for the duration of demolition/ development works
- (f) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadways
- (g) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar
- (h) All water pumped or otherwise removed from excavations or basement areas is filtered to achieve suspended solids/non filterable residue levels complying with the *Australian Water Quality guidelines for Fresh and Marine Waters*
- (i) Pumped or overland flows of water are discharged so as not to cause, permit or allow erosion before the commencement of work (and until issue of the occupation certificate).

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

(Reason: Environmental protection)

46. DACCL05 - Grated Drain to Garage

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

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

(Reason: Environmental protection)

47. DACCL06 - Rainwater Harvesting

A rainwater harvesting system shall be provided in accordance with either the BASIX minimum requirements, any relevant Council Rainwater Re-use Policy and/or “Appendix 2 - Engineering Specifications of the Canada Bay Development Control Plan”, whichever is applicable. A detailed stormwater plan showing the proposed re-use system shall be submitted and approved by Council or an Accredited Certifier **prior to the issue of the Construction Certificate**.

(Reason: Compliance and Amenity)

48. DACCL07 - Silt Arrestors and Gross Pollutant Traps

Silt and gross pollutant traps shall be fitted in all stormwater pits, designed in accordance with Council's "Appendix 2 - Engineering Specifications of the Canada Bay Development Control Plan" and to the satisfaction of Council or an Accredited Certifier. Details are to be submitted with the design **prior to the issue of the Construction Certificate**.

(Reason: Environmental Protection)

49. DACCL10 - Stormwater Connection to Public Drainage System within property

If a stormwater connection into Council's drainage system within a property is proposed, a separate application shall be submitted to Council under Section 68 of the Local Government Act for approval **prior to the issue of a Construction Certificate**. Council will undertake inspections of the connection at various stages (at exposure stage, connection stage and backfilling stage).

(Reason: Protection and Maintenance of Council assets)

50. DACCM01 - Dilapidation Report

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

The Dilapidation Report is to be prepared by a suitably Qualified Chartered Professional Civil or Structural Engineer with current Institution of Engineers, Australia Corporate Membership and registered on the National Engineers Register (NER) or Geotechnical Practitioner.

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

A copy of this Report shall be submitted to the owners of all properties inspected and Council as a record.

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

(Reason: Safety)

51. 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)

52. 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 a Construction Certificate.**

(Reason: Structural safety)

53. DACCM09 - Water Sensitive Urban Design (WSUD)

The development has been identified as requiring water sensitive urban design (WSUD) which has formed part of the development consent. Therefore, in order to satisfy the drainage requirements for the building, any construction certificate for the building shall include the construction of the WSUD system. The design and construction details of WSUD system and specification shall achieve the pollution reduction target in accordance with the Council's "Appendix 2 - Engineering Specifications of the Canada Bay Development Control Plan" shall be submitted to the certifying authority prior to issue of Construction Certificate.

(Reason: Stormwater Management)

54. DACCM10 - Flooding

The development has been identified as a flood affected site in the 1%AEP storm event which was considered as part of the development consent. In this regard, design and construction details shall be submitted to the certifying authority prior to the issue of Construction Certificate and the following shall be addressed: -

- a. Demonstrate compliance with the Flood Impact Assessment, project number - 191656, dated 20.09.2019 prepared by Taylor Thomson Whitting (NSW), supplementary statement dated 12.05.2020 and email statement dated 29.05.2020.
- b. A retaining wall shall be built along the northern boundary within the subject site in accordance with the approved flood report and supplementary statements. The wall shall be designed and certified by a Chartered Civil or Structural Engineer with NER Accreditation.
- c. Design and Construction of the proposed structures shall be able to withstand the forces of floodwater, debris and buoyancy up to and including the flood planning levels.
- d. All new works shall be constructed in flood compatible materials to a minimum level of 1% AEP + freeboard (i.e., flood planning level), including the requirement for electrical equipment, power supply, wiring etc. All works shall comply in accordance with Clause 7.5, Part C - General Control of Council's DCP 2017.
- e. Addressing car parking protection in accordance with Clause 7.5, Part C - General Control of Council's DCP 2017.
- f. No floatable material/paving shall be placed over the overland flowpath area.

(Reason: To prevent localised flooding and safety)

55. DACCN01 - Electricity Connection

Provision must be made for connection to future underground distributions mains. This must be achieved by installing:

- An underground service line to a suitable existing street pole; or
- Sheathed underground consumers mains to a customer pole erected near the front property boundary (within 1 metre)

Note: A limit of one (1) pole per site will apply.

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

(Reason: Environmental Amenity)

56. 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 a Construction Certificate** detailing the energy authority's requirements.

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

(Reason: Access to utility)

57. 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 or by phone: 1800 810 443 (opt1).

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

(Reason: Environmental Amenity)

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

58. 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)

59. 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)

60. 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)

61. 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)

62. 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)

63. 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)

64. 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 Sydney Water's web site at www.sydneywater.com.au/tapin or call 1300 082 746.

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

(Reason: Statutory Requirement)

65. 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 Sydney Water or an authorised Water Servicing Coordinator (WSC). An assessment will be made to determine the availability of water and sewer services, which may require extension, adjustment or connection to Sydney Water mains. Please refer to Sydney Water's website at www.sydneywater.com.au/section_73 or call 1300 082 746 to learn more about

applying through an authorised WSC or Sydney Water.

Following application, Sydney Water will assess the development and if required will issue a “Notice of Requirements” letter detailing all requirements that must be met. Please apply early as building of water and services can be time consuming and may impact on other parts of your development such as building, driveway or landscape design.

The Notice of Requirements must be submitted to the Accredited Certifier **before the commencement of works**. A Section 73 Compliance Certificate must be obtained before the issue of an Occupation Certificate.

(Reason: To comply with statutory requirements)

66. 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)

67. 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

68. 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)

69. 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)

70. DADWA04 - Dust Control

Small Works

Where a dust nuisance is likely to occur, suitable screens and/or barricades shall be erected during the demolition, excavation and building works. If necessary, water sprays shall be used on the site to reduce the emission of dust. Screening shall consist of minimum 2 metres height of shade cloth or similar material secured to a chain wire fence of the like and shall be modified as directed by the City of Canada Bay Council should it fail to adequately control any dust nuisance.

Major Works

The following measures must be implemented (in part or in total) as directed by the City of Canada Bay Council to control the emission of dust:

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

(Reason: Environmental amenity)

71. DADWA05 - Excavation - Water

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

(Reason: Health and safety)

72. 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)

73. DADWA07 - Alterations/removal of services

The applicant to arrange with the relevant public utility authority for the alteration or removal of any affected services in connection with the development. Any such work being carried out at the applicant's cost.

(Reason: Asset Protection)

74. 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)

75. 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)

76. 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)

77. 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)

78. DADWB06 - Site requirements during demolition and construction

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

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

- as not to cause unsightliness when viewed from nearby lands or roadways.
- (n) Public footways and roadways adjacent to the site must be fully maintained and cleared of obstructions during construction unless prior separate approval from Council is obtained including payment of relevant fees.
- (o) Building operations such as brick cutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
- (p) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.

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

79. 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 exposed material/excavation 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)

80. DADWC08 - Excavation Pump-out

Water that has accumulated in any excavation is not to be pumped into any stormwater disposal system unless the approval of the City of Canada Bay Council is obtained prior. 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 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 approved 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.

NOTE: 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)

81. 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 to apply for a Road Opening Permit, for works in relation to the excavation of the verge (e.g. for the purpose of installation of services such as private stormwater, private gas line, private sewer, private water pipe, etc.). This Permit is to be obtained **prior to any works on the verge, footpath, public road reserve or public reserve being undertaken.**

Important Note: Road Opening Permits do not include driveways, laybacks, footpath and major stormwater drainage construction which are covered separately by the Driveways and Ancillary Works Application (for minor domestic works) or a Section 138 Works Application (for major or public works).

(Reason: Maintain public asset)

82. DADWE01 - Arborist Inspections

Prior to the commencement of works the applicant must engage a suitably qualified and experienced arborist (Australian Qualification Framework Level 5 or above) to assess the impact of the proposed works and employ best practices (e.g. minimise compaction, soil build up and or excavation within the Primary Root Zone*) to ensure the longevity of the tree to be retained. The arborist is to attend on site during critical stages of excavation and construction works within the vicinity of tree/s to be retained and is to record the following information:

- methods of excavation or construction used to carry out the works;
- any damage sustained by the tree/s as a result of the works;
- any subsequent remedial works required to be carried out by the consulting arborist as a result of the damage; and
- any future or on-going remedial work required to be carried out to ensure the long term retention of the tree/s.

* primary root zone = 10 x trunk diameter 1400mm from ground level (measured as a radius from the centre of the trunk).

(Reason: Qualified assessment of impact of works on trees to be retained)

83. DADWE02 - Protection of Landscape Features

To minimise impacts on trees to be retained, no permanent fill or storage of building materials, excavated fill or topsoil during the site works shall take place within their drip lines.

(Reason: Tree preservation)

84. DADWE07 - Tree Preservation - Excavation Within Critical Root Zone

To minimise disturbance to retained trees, no excavation shall take place within the critical root zone (CRZ)*, measured as a radius from the centre of the trunk of the tree. Excavation may occur between the critical and primary root zones (PRZ)*, but only by hand under the supervision of an experienced arborist.

In the event that major structural or feeder roots (>50mm in diameter) are encountered between the critical and primary root zones, the consulting arborist is to recommend and/or implement appropriate measures to ensure the long term retention of the tree. If these measures involve structural alterations to the building or work, such measures must be certified by a practicing structural engineer that the modified plans comply with the relevant Building Code of Australia and/or Australian Standards. (Note: Council's Landscape Architect or Tree Management Officer maybe contacted for advice regarding appropriate tree protection measures).

* critical root zone = 5 x trunk diameter 1400mm from ground level (measured as a radius from the centre of the trunk).

* primary root zone = 10 x trunk diameter 1400mm from ground level (measured as a radius from the centre of the trunk).

(Reason: Tree preservation)

85. DADWF01 - Noise - Construction

All works carried out on site during construction/ demolition/ excavation/ earthworks shall comply with the NSW Protection of the Environment Operations Act 1997, the Department of Environment and Climate Change's Interim construction noise guideline' and AS 2436-2010 - 'Guide to noise and vibration control on construction, demolition and maintenance sites' for the control of construction noise which specifies that:

- Construction period of 4 weeks and under - The L90 level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 20 dB(A) at the boundary.
- Construction period greater than 4 weeks but not exceeding 26 weeks - The L90 level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 10 dB(A) at the

boundary.

- Construction period exceeding 26 weeks - The L90 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 5 dB(A) at the boundary.

Should complaints of a noise nuisance be substantiated, Council may require the acoustic treatment of the premises to ensure compliance with the NSW Department of Environment and Climate Changes 'Interim construction noise guideline' and AS 2436-2010 - 'Guide to noise and vibration control on construction, demolition and maintenance sites' for the control of construction noise. A further acoustic assessment & report will be required to be provided to Council assessing the premises in working order.

(Reason: Noise Attenuation)

86. DADWF02 - Noise - Plant

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

(Reason: Safety and Amenity)

87. 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)

88. 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)

89. 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)

90. DADWG04 - Inspection of overland flowpath works and stormwater quality improvement devices

The stormwater drainage, overland flowpath works and/or stormwater quality improvement devices shall be inspected during construction, by the Council if the principle certifying authority or by a suitably qualified Civil/Stormwater Engineer and a registered surveyor. Documentary evidence of compliance with Council's specifications and approved stormwater plan shall be obtained prior to proceeding to the subsequent stages of construction, encompassing not less than the following key stages:

Overland Flowpath:

- (a) Initial inspection to discuss concept and site conditions/constraints prior to commencement of the construction of the Overland flow path.
- (b) Prior to landscaping and/or placing concrete within the **Overland flow path** area including the retaining wall along the northern boundary within the subject site in accordance with the approved plan and/or report.
- (c) Final Inspection prior to issuing the relevant certificate.

Stormwater quality Improvement devices:

- (a) Initial inspection to discuss concept and site conditions/constraints prior to commencement of the construction of the improvement devices.
- (b) After completion of storage but prior to installation of **fittings** (e.g., Screens etc.)
- (c) Final Inspection prior to issuing the relevant certificate.

Council's standard inspection fee will apply to each of the above set inspection key stages. Additional inspection fees will apply for additional inspections required to be undertaken by Council.

(Reason: To ensure compliance with approved plans)

91. 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)

92. 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 6.5 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)

93. 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)

94. 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

95. DAOCA04 - Public Pedestrian Through Site Link

- (a) The public access identified on the approved plans adjoining the northern boundary of the site must be provided by a means of an easement. An appropriate restriction and easement must be created under Section 88E of the Conveyancing Act.
- (b) The easement must reserve the land to allow unrestricted public access to this area including the right of the public to pass, repass and remain upon the land for access purposes.
- (c) The proprietors must make the public access accessible 24 hours a day 7 days a week.
- (d) The public access must be maintained to the satisfaction of Council by the Proprietors of the land including lighting, upkeep and repair, landscaping, furniture and the like. In addition the proprietors must hold appropriate public liability insurance and indemnify the City of Canada Bay Council.

The wording of the easement shall be submitted to Council for approval and then

registered prior to the issue of the final Occupation Certificate.

- (e) A sign measuring a minimum of 1m x 0.5m shall be erected adjoining Rothwell Avenue and Powells Creek Reserve with the wording “Public Through Site Link”.

The signage content and location shall be submitted to Council for approval and then erected prior to the issue of the final Occupation Certificate.

Costs associated with the creation and registration of the easement and the erection of the signage are to be borne by the owner.

(Reason: Facilitate Public Access)

96. DAOCB01 - Certification of Engineering Works

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

- a) A Certificate from a Professional Civil Engineer whose qualifications are recognised by, and who is a current member of, Engineers Australia, and
- b) “Works - As - Executed” drawings of the engineering works prepared by a Registered Surveyor or equivalent.

The abovementioned Certificate is to certify that:

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

Two (2) copies of the above documents are to be provided to Council **prior to the issue of any Occupation Certificate**.

(Reason: Asset management)

97. DAOCB02 - Strata Subdivision Approval

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

(Reason: Information)

98. 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)

99. DAOCB04 - Vehicular Crossings

Prior to the issue of the Occupation Certificate, a letter of completion of works in relation to vehicular crossing and footpath area shall be obtained from Council and submitted to the Principal Certifying Authority. Vehicular crossing/s shall be constructed in accordance with Council requirements under Driveway&/or Ancillary Works Location application approval. All disused or redundant vehicle crossings, laybacks and stormwater outlet 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.

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

100. DAOCC02 - Construction of Concrete Footpath

A minimum of concrete footpath of width **1.8** metres shall be reconstructed to replace/reinstate across the **full length** adjacent to the front of the property in accordance with Section 138 approval.

The above works must be constructed **prior to the release of any Occupation Certificate**.

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

Where the applicant would like Council to undertake the civil and stormwater works, they should contact Council's Roads and Traffic Section to obtain an estimated cost of construction and contract to undertake the works.

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

101. DAOCD01 - Occupation Certificate (section 6.9 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 6.10 of the Act) unless an Interim Occupation Certificate or Final Occupation Certificate has been issued in relation to the building or part.

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

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

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

(Reason: Statutory requirement)

102. 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 for a list of waste management facilities licensed to accept asbestos waste.

(Reason: Health and Safety)

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

103. 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)

104. 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)

105. DAFOE01 - Certification of the Constructed Stormwater Drainage System

The constructed stormwater drainage system shall be certified by a Professional Civil

Engineer whose qualifications are recognised by, and who is a current member of, Engineers Australia, as being designed and installed in accordance with Council's Appendix 2 - Engineering Specifications of the Canada Bay Development Control Plan", **prior to issue of the Final Occupation Certificate.**

(Reason: Adequate stormwater management)

106. DAFOE01A - Certification of the Constructed Stormwater System (Minor/Small Scale Residential Works)

The constructed stormwater system shall be certified by a suitably qualified person whose qualifications are recognised by, and who is a current member of, Engineers Australia in accordance with Council's "Appendix 2 - Engineering Specifications of the Canada Bay Development Control Plan", **prior to the issue of the Occupation Certificate.**

(Reason: Adequate stormwater management)

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

Prior to occupation and the issuing of an Occupation Certificate, the documents giving effect to the creation of Positive Covenant and Restriction on Use of Land over the constructed stormwater drainage, mechanical pump-out and stormwater quality improvement devices (SQID) under Section 88E Instrument and/or Section 88B Instrument of the Conveyancing Act shall be submitted to the authority benefited for approval prior to lodge and register with the NSW Land Register Service. The wording of the terms of the Positive Covenant and Restriction on use of land shall be in accordance with Council's "Appendix 2 - Engineering Specifications of the Canada Bay Development Control Plan" for ensuring the system is ongoing retention, maintenance and operation of the stormwater drainage and storage facility in accordance with the approved drawings and Council's requirement.

NOTE: Prior to release of the documents, the benefiting authority shall be satisfied that the as constructed stormwater quality improvement devices (SQID) is in accordance with the approved drawings and Council requirements.

(Reason: Compliance and adequate maintenance of drainage system)

108. DAFOE04 - Covenant & Restriction as to User for Overland Flowpath

Prior to occupation and the issuing of an Occupation Certificate, the documents giving effect to the creation of Positive Covenant and Restriction on Use of Land over the constructed overland flowpath including a retaining wall along the northern boundary in accordance with the approved flood report under Section 88E Instrument and/or Section 88B Instrument of the Conveyancing Act shall be submitted to the authority benefited for approval prior to lodge and register with the NSW Land Register Service. The wording of the terms of the Positive Covenant and Restriction on use of land shall be generally in accordance with Council's "Appendix 2 - Engineering Specifications of the Canada Bay Development Control Plan" for ensuring the overland flowpath and associated retaining wall are ongoing retention, maintenance and

operation of the stormwater flowpath in accordance with the approved drawings and Council's requirement.

NOTE: Prior to release of the documents, the benefiting authority shall be satisfied that the as constructed stormwater overland flowpath is in accordance with the approved drawings and Council requirements.

(Reason: Compliance and adequate maintenance of drainage system)

109. DAFOE05 - Maintenance Schedule of stormwater quality improvement devices

Prior to occupation and the issuing of an Occupation Certificate, a maintenance schedule for the stormwater drainage, stormwater quality improvement devices system, including a sketch plan of the components forming the sites stormwater drainage system shall be submitted. The maintenance schedule shall be prepared by a qualified hydraulic engineer.

(Reason: adequate maintenance of drainage system to achieve positive covenant)

110. DAFOE06 - Flood Protection and Flood Evacuation and Signage Plan

Prior to the Issue of an Occupation Certificate, all flood works as per the items listed under "Prior to issue of Construction Certificate of the Development Consent" and the approved plans shall be completed. Also, a Flood Emergency Management Plan shall be prepared in accordance with Canada Bay Council's Development Control Plan, Section C7 Flood Control and the NSW Floodplain Development Manual. The Flood Emergency Management Plan shall be certified by a Chartered Professional Engineer with the Institution of Engineers Australia, and shall consider:

- a. The mobility of all persons in the building and how they can be accommodated during a flood evacuation;
- b. The location of a safe congregation area, away from busy roads, and other hazards and the evacuation points of other residents or tenants of surrounding buildings;
- c. Detailed procedures that would be in place for an emergency such as warning systems, signage or evacuation drills; and
- d. Other emergency plans in place by being complementary and consistent.

(Reason: Safety and Protection)

111. DAFOF04 - Creation or Relocation of Stormwater Drainage Easement

The applicant shall provide to Council or an Accredited Certifier, a plan of survey by a Registered Surveyor showing the position of the pipe relative to the existing stormwater drainage easement. If the pipe is not wholly within the easement then the easement shall be adjusted such that the pipe is centrally located within the easement **prior to the issue of an Occupation Certificate**.

No building shall be erected on or over the easement. In this regard, a survey certificate shall be submitted to Council or an Accredited Certifier at formwork stage and prior to pouring of concrete slabs or footings, which demonstrates compliance with this requirement **prior to the issue of an Occupation Certificate**.

Footings are to be founded below a plane rising at 45 degrees from the line of the invert

of the Council pipe and are to be outside the easement.

(Reason: Protection of Council Assets)

112. DAFOF05 - Easement Creation

Prior to the Issue of an Occupation Certificate, full width of drainage easement for proposed stormwater pipes and associated overland flowpath, located along the northern boundary of the subject site shall be created in favour of Council. The nominated flowpath shall be in accordance with flood statement dated 29 May 2020 (i.e., 6m width) and shall be free from any obstructions. Documents relevant to the creation of the easement shall be lodged with the NSW Land Registry Service with Registration and effected prior to issue of the Occupation Certificate. All costs associated with piping, relocation and creation of easements are to be borne by the applicant. The existing easement for drainage (vide H116666) within the development site will be redundant and shall be extinguished at no cost to Council, accordingly.

(Reason: Compliance and Stormwater Management)

113. DAFOF06 - Public Drainage Works

Prior to the Issue of an Occupation Certificate, all works as per the items listed under Section 138 of the Road Acts shall be completed and the following shall be submitted to Council:

- a. A copy of the approved stormwater drainage plan showing Work As Executed (WAE) details shall be submitted to Council. The work as executed plan shall be in accordance with Council's Engineering Specification and Section 138 approval.
- b. A hydraulic certificate of compliance in accordance with Council's Engineering Specification and approved stormwater drainage works within Council's road reserve and drainage easement shall be issued to the Principal Certifying Authority and a copy to Council by a suitably qualified Chartered Civil Engineer with NER accreditation.
- c. A CCTV (closed circuit television) footage verification for the new constructed public stormwater lines shall be submitted to Council and demonstrating all stormwater lines 'No cracking', shall be complied with. The CCTV shall be undertaken following backfill over the pipe line at subgrade level. A copy of the CCTV shall be forwarded to Council for checking.
Note: The CCTV footage shall include but not limited to the size of pipe, location from point to point (e.g., A to B), material of pipe, date of the works, length of the pipe and pipe gradient.
- d. Pit and pipe data shall be submitted to Council in electronic EXCEL format with the issue of WAE drawings. EXCEL spreadsheets shall contain the following tables on each pit and each conduit between pits (all cells shall be completed): -

(a) Pits

Pit Code, as per WAE	Pit Type (&	Total Value (\$)	Construction completion date	Built by (cont	Grate Level	Invert Level (mAH D)	Street name or No.
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	intel size)	(nearest \$1000)		racto rs)	(mA HD)		

(a) Pipes or conduits

Line/Pit code as per WAE,	Conduit description (eg. Creek,Culv ert,, RRJ etc	Size (mm)	Len gth (m m)	Total Valu e (\$) (near est \$100 0)	Constr uction compl etion date	Built by (cont racto rs)	Street name or No., where applicable .

(Reason: Protection of Council Assets)

114. DAFOG01 - Prospective Owners/Tenants - Ineligible for Parking Permits

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

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

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

115. DAOUB01 - Annual Fire Safety Statement

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

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

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

(Reason: Fire safety)

116. DAOUB02 - Ongoing Waste Management

1. 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.
2. The property owner and / or occupiers are responsible for presenting the bins to the bin servicing area and returning them to the waste storage facility.
3. The property owner and / or occupiers shall present the waste and recycling bins for servicing no earlier than the night before their scheduled collection day and shall promptly return them to the bin storage area on the day of servicing prior to midnight.

(Reason: Waste Management)

117. DAOUC06 - Noise, Air or Water Pollution - Protection of the Environment Operations Act 1997

The activities carried out on site shall not constitute a nuisance in relation to noise, air or water pollution as specified under the Protection of the Environment Operations Act 1997.

(Reason: Environmental protection)

118. 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)

119. 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)

120. 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. A copy of the brochure may be obtained from Australia Post. In general, a clearly marked mailbox (or group of mailboxes) shall be provided within 500mm of the footpath alignment.

(Reason: To ensure compliance with mail delivery regulations)

Advisory Notes

1. **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 or telephone 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.



Telecommunications Act 1997 (Commonwealth)

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

2. **DAANN02 - Dividing Fences**

The erection of dividing fences under this consent does not affect the provisions of the *Dividing Fences Act 1991*. Under this Act, all relevant parties must be in agreement prior to the erection of any approved dividing fence/s under this consent.

Council has no regulatory authority in this area and does not adjudicate civil disputes relating to the provision of or payment for the erection of dividing fences.

If there is a neighbour dispute about the boundary fence and you are seeking mediation, you may contact the Community Justice Centre or if legal advice or action is required, you may contact the Chamber Magistrate.

3. **DAANN03 - Footway Lease - Business Use of Footpath**

The operator of an approved business must apply to Council to lease Council's property (i.e. footways, plazas, or portions of public ways) should it be required for use in conjunction with the approved business.

The use of any footpath area for the purposes of additional dining to the approved business requires separate Council approval by application under section 125-127 & 137-139 of the *Roads Act, 1993* prior to the commencement of any such use.

A leasing fee will apply to the use of Council's property. The lease must be executed upon commencement of the operation of the refreshment room and is required to be renewed annually.

4. DAANN04 - Lapsing of Consent

In accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979 (as amended), this Development Consent lapses five (5) years after the date from which it operates unless building, engineering or construction work has physically commenced. **A Construction Certificate must be obtained and the works commenced in accordance with the approved plans and specifications within five (5) years from the date of this Development Consent.**

5. 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 4.55 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.

6. DAANN07 - Review of Determination

In accordance with the provisions of Section 8.2 of the Environmental Planning and Assessment Act 1979 (as amended) the applicant can request Council to review this determination. The request must be made to and Council must determine that request within a period of 6 months from the date of determination shown on this notice. A fee, as prescribed under Council's current Management Plan - Fees and Charges, is payable for such a review.

7. DAANN08 - Right of Appeal

Section 8.7 and 8.10 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.

8. 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.

9. DAANN11 - WorkCover Requirements

The Work Health and Safety Act 2011 and subordinate regulations, codes of practice and guidelines control and regulate the development industry.

Further information can be obtained from WorkCover NSW's website at <http://www.workcover.nsw.gov.au/newlegislation2012/your-industry/construction/Pages/default.aspx> or through their head office: WorkCover NSW, 92-100 Donnison Street, GOSFORD 2250 Postal address: WorkCover NSW, Locked Bag 2906, LISAROW 2252, Phone (02) 4321 5000, Fax (02) 4325 4145.