

## Attachment 2 – Recommended Conditions of Consent

### **GENERAL**

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- (1) **Approved plans and supporting documentation** – Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.

Plan No.	Revision No.	Plan Title.	Drawn By.	Dated.
R29-AR-0101	O	DEMOLITION PLAN	DJRD	06/12/2021
R29-AR-0102	P	PROPOSED SITE PLAN	DJRD	06/12/2021
R29-AR-1101	P	GROUND FLOOR GENERAL ARRANGEMENT PLAN	DJRD	06/12/2021
R29-AR-1102	P	ROOF PLAN	DJRD	06/12/2021
R29-AR-2001	P	ELEVATIONS	DJRD	06/12/2021
R29-AR-2501	O	SECTIONS	DJRD	06/12/2021
R29-AR-8011	D	DOOR SCHEDULE	DJRD	06/12/2021
R29-AR-8020	C	WINDOW TYPES AND WINDOW SCHEDULE	DJRD	06/12/2021
R29-LA-101	D	LANDSCAPE PLAN	SITE IMAGE LANDSCAPE ARCHITECTS	06/10/2021
R29-LA-501	E	LANDSCAPE DETAILS AND PLANTING SCHEDULE	SITE IMAGE LANDSCAPE ARCHITECTS	06/10/2021

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Note: an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

- (2) **Building Code of Australia** – All building work must be carried out in accordance with the BCA. In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Crown Certificate is made.
- (3) **Disability (Access to Premises - Buildings) Standards 2010** - All building work associated with the development must be carried out in accordance with the provisions of the Disability (Access to Premises - Buildings) Standards 2010.
- (4) **Survey Marks** - Any existing State Survey Mark or Cadastral Survey Mark shall be preserved during construction and not disturbed unless authority has been obtained from the Surveyor-General in accordance with the Surveyor-General's Directions published by the NSW Land and Property Information Service. In this regard, the Principal Contractor is responsible for the protection of the mark.

- (5) **Outdoor lighting** - All lighting must comply with AS 1158 'Lighting for Roads and Public Spaces' and AS 4282 'Control of Obtrusive Effects of Outdoor Lighting'.

## **PRIOR TO THE COMMENCEMENT OF WORKS**

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The following conditions of consent shall be complied with prior to any works commencing on the development site.

- (6) **Stormwater** - A stormwater servicing strategy for the development site shall be prepared and submitted to the Crown Certifier for approval in accordance with the requirements of Minimum Standards for Stormwater Drainage of Council's current version of Engineering Design Minimum Standards for Subdivisions and Developments.

The stormwater servicing strategy for this development must include calculations and comply with the following:

- i. All roof water stormwater discharging from the proposed development site, buildings and works must be conveyed to the approved point of discharge by underground pipe drains complying with AS3500.3 (as amended) to the satisfaction of Council. No effluent or polluted water of any type may be allowed to enter the Council's stormwater drainage system.
- ii. Runoff from all hardstand areas shall be captured on site and piped to the approved point of discharge in accordance with the current version of the Engineering Design Minimum Standards for Subdivisions and Developments.
- iii. Stormwater from the driveway pavement shall be captured in appropriate gully pits and/or trench grates or other drainage structures as appropriate to the site.
- iv. Stormwater from roofs shall be directed to appropriately sized eaves tanks with piped overflows directed to the approved point(s) of discharge.
- v. All plumbing within the site must be carried out in accordance with relevant provisions of Australian Standard AS/NZS 3500.3 (as amended) Plumbing and Drainage – Stormwater Drainage.
- vi. Temporary down pipes shall be connected as soon as the roof has been covered so as to not cause a nuisance to adjoining properties.
- vii. All overland surface flow paths must have a practical and satisfactory destination with due consideration to erosion and sediment control during all stages of development. A system to prevent excess overland flows discharging onto adjoining properties shall be implemented.
- viii. Any interruption to the natural overland flow of stormwater drainage, which could result in the disruption of amenity, or drainage or deterioration to any other property shall be avoided.
- ix. Only a single point of discharge is approved for managed flows. All major flows shall be directed to the Lane way on the Southwest corner of the site so as not to impact any adjoining properties.

Details demonstrating compliance must be provided to Council and the Crown Certifier.

- (7) **Civil engineering plans** – Civil engineering plans prepared by a qualified Engineer must be submitted to the Crown Certifier for approval and prepared in accordance with the approved plans and Council's Infrastructure Specifications. The civil plans must include the following:

- i. All internal driveways and parking areas to be constructed with a base course of adequate depth to accommodate heavy vehicle loading, being sealed with either asphaltic concrete, concrete or interlocking pavers.
- ii. Proposed new vehicle crossovers on Piper Street shall be constructed in accordance with Council's Engineering Design Minimum Standards for Subdivisions and Developments, at the location shown on the drawings provided with the Development Application.

- iii. The alignment of the vehicle crossover across the verge shall be at right angles to Piper Street.
- iv. Vehicle swept paths are to be provided to demonstrate ambulance(s) can enter and leave the site in a forward direction when utilising the ambulance parking bays.
- v. The vehicle crossover shall have satisfactory clearance to any power pole or telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the Developer's expense.
- vi. The vehicle crossover shall be of adequate thickness to accommodate heavy vehicle loading.
- vii. The vehicle crossover shall be provided with a non-slip finish.
- viii. The verge adjacent to either side of the vehicle crossover shall be established with turf and finished flush with the new vehicle crossover.
- ix. Details for the installation of 'No Stopping' restrictions along the property frontage on Piper Street.

Details demonstrating compliance must be provided to Council and the Crown Certifier.

Note: The installation of the vehicle crossing is an approved structure in accordance with Section 138 of the Roads Act 1993. The ongoing maintenance and/or repair of the vehicle crossing is the responsibility of the adjoining owner in accordance with Section 142 of the Roads Act 1993.

- (8) **Erosion and sediment control plan** – Erosion and sediment control measures that will minimise damage to and avoid pollution of the environment are required for this development. An erosion and sediment control plan (ESCP) shall be prepared in accordance with the "Blue Book" Managing Urban Stormwater –Soils and Construction (Landcom 2004). THE ESCP is to be submitted to the Crown Certifier for approval and implemented prior to the commencement of any construction.
- (9) **Roads Act Approval** – For construction/reconstruction of Council infrastructure, including vehicular crossings, footpath, kerb and gutter, stormwater drainage, an application must be made for a Roadworks Permit under Section 138B of the Roads Act 1993.
- (10) **Car parking details** – Before the commencement of work, a suitably qualified engineer must review the plans which relate to parking facilities and provide written evidence, to the Crown Certifier's satisfaction, that it complies with the relevant parts of AS 2890 Parking Facilities- Off-Street Carparking.
- (11) **Construction Management Plan (CMP)** - Before the commencement of work, the applicant must ensure a construction management plan is prepared before it is provided to and approved by the Crown Certifier. The plan must include the following matters:
  - a) location and materials for protective fencing and hoardings to the perimeter on the site.
  - b) provisions for public safety.
  - c) pedestrian and vehicular site access points and construction activity zones.
  - d) details of construction traffic management, including proposed truck movements to and from the site and estimated frequency of those movements, and measures to preserve pedestrian safety in the vicinity of the site.
  - e) protective measures for on-site tree preservation (including in accordance with AS 4970-2009 Protection of trees on development sites) and trees in adjoining public domain.
  - f) details of any bulk earthworks to be carried out.
  - g) location of site storage areas and sheds.
  - h) equipment used to carry out all works.
  - i) a garbage container with a tight-fitting lid.
  - j) dust, noise and vibration control measures.
  - k) location of temporary toilets.

The applicant must ensure a copy of the approved construction site management plan is kept on-site at all times during construction.

- (12) **Construction Noise and Vibration Management Plan (CNVMP)** – A CVMP shall be developed and implemented for the duration of the construction works. The plan shall address as a minimum:
- a) plant and equipment; on-site noise management,
  - b) work scheduling and hours; notification and complaints management process.

The CNVMP shall be available on-site at all times for contractors and Council staff to access as required or upon request.

- (13) **A Traffic Management Plan (TMP)** – TMP detailing how movements in and out of the site during the construction will be adequately managed so as not to adversely impact the safe operation of the road network shall be submitted to the Crown Certifier for approval. Where the TMP is of a level of complexity that TCP's are required, the TCP's shall be prepared by a person with the applicable certification from Roads and Maritime Services (RMS) in accordance with AS1742.3-2009 and the RMS current version of the "Traffic Control at Worksites" manual.
- (14) **Long service levy** – In accordance with Section 34 of the Building and Construction Industry Long Service Payments Act 1986, the applicant must pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any works that cost \$25,000 or more.
- (15) **Public liability insurance** – The owner or contractor must take out a Public Liability Insurance Policy with a minimum cover of \$20 million in relation to the occupation of, and works within, public property (i.e. kerbs, gutters, footpaths, walkways, reserves, etc.) for the full duration of the proposed works.

Evidence of this Policy must be provided to Council and the Crown Certifier.

- (16) **Signs on site** – A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:
- a) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - b) stating that unauthorised entry to the work site is prohibited.

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

Note: This does not apply in relation to building work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

- (17) **Site is to be secured** – The site must be secured and fenced to the satisfaction of the Crown Certifier. All hoarding, fencing or awnings (associated with securing the site during construction) is to be removed upon the completion of works.
- (18) **Retaining Walls** - Retaining walls greater than 600mm above finished ground level or other approved methods necessary to prevent movement of excavated or filled ground, together with associated stormwater drainage measures, shall be designed by a qualified, practising Structural Engineer.
- (19) **Rubbish generated from the development** – Where not already available, a waste containment facility is to be established on site. The facility is to be regularly emptied and maintained for the duration of works.

No rubbish must be stockpiled in a manner which facilitates the rubbish to be blown or washed off site. The site must be cleared of all building refuse and spoil immediately upon completion of the development.

The developer must produce written evidence that an agreement can be put in place with Council's Water and Waste Directorate or a waste collection contractor for the collection of rubbish bins from private property.

## **DURING WORKS**

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The following conditions of consent shall be complied with during the construction phase of the development.

- (20) **Hours of work** - The hours of all construction activities shall be limited to the following hours:

Monday to Friday: 07:00 am to 05:00 pm;

Saturday: 08:00 am to 01:00 pm;

No Construction on Sundays or Public Holidays.

Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works. Note: Any variation to the hours of work requires Council's approval.

The Developer shall be responsible to instruct and control his contractors regarding the hours of work. Council will exercise its powers under the Protection of the Environment Operations Act 1997, in the event that the building operations cause noise to emanate from the property on Sundays or Public Holidays or otherwise than between the hours detailed above.

- (21) **Compliance with approved Management Plans** - The requirements of the approved Construction Management Plan (CMP), Traffic Management Plan (TMP) and Construction Noise and Vibration Management Plan (CNVMP) must be complied with and maintained prior to, and during, the construction works on the site.

The applicant must ensure a copy of these approved plans is kept on site at all times and made available to Council officers upon request.

- (22) **Toilet facilities** – Temporary toilet(s) must be provided and maintained on site from the time of commencement of building work to completion. The number of toilets provided must be one toilet per 20 persons or part thereof employed on the site at any one time.

The temporary toilet is to be either connected to the sewerage system or an approved septic tank or otherwise may be a chemical toilet supplied by a licensed contractor.

- (23) **Discovery of Contamination** - Should any contaminated, scheduled, hazardous or asbestos material be discovered before or during construction works, the applicant and contractor shall ensure the appropriate regulatory authority is notified and that such material is contained, encapsulated, sealed, handled or otherwise disposed of to the requirements of such Authority.

- (24) **Excavations and backfilling** – All excavations and backfilling associated with this development consent must be executed safely, and be properly guarded and protected to prevent them from being dangerous to life or property, and in accordance with the design of a suitably qualified Engineer.

If an excavation extends below the level of the base of the footings of a building on an adjoining allotment, the person causing the excavation must:

- a) preserve and protect the building from damage; and
- b) if necessary, underpin and support the building in an approved manner; and
- c) give at least seven days notice to the adjoining owner before excavating, of the intention to excavate.

The principal contractor, owner builder or any person who needs to excavate and undertake building work, must contact "Dial Before You Dig" prior to works commencing, and allow a reasonable period of time for the utilities to provide locations of their underground assets.

This condition 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.

- (25) **Works on public areas** – The footpath and/or road reserve shall not be used for construction purposes or placing of building materials without prior written approval from Council. Approval will only be considered in extreme or highly constrained circumstances.

If the work involved in the construction of the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the closure of a public place, approval from Council's Development Engineering Division is required.

- (26) **Tree protection** – While site or building work is being carried out, the applicant must maintain all required tree protection measures in good condition in accordance with the construction site management plan required under this consent, the relevant requirements of AS 4970-2009 Protection of trees on development sites and any arborist's report approved under this consent. This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.
- (27) **Soil, erosion, sediment and water management** – All requirements of the Erosion and Sediment Control Plan or Soil and Water Management Plan must be maintained at all times during the works and any measures required by the plan must not be removed until the site has been stabilised.
- (28) **Offensive noise, dust, odour and vibration** – All work must not give rise to offensive noise, dust, odour or vibration as defined in the Protection of the Environment Operations Act 1997 when measured at the nearest property boundary.

The Developer shall ensure that dust suppression is undertaken to ensure there is no visible dust emitted due to any works associated with the works associated with the development. This can be in the form of constant water spraying or other natural based proprietary dust suppressant, to ensure that dust caused by any vehicles moving in, out or within the development site does not cause a nuisance to surrounding properties.

- (29) **Uncovering relics or Aboriginal objects** - While demolition or building work is being carried out, all such works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The applicant must notify the Heritage Council of NSW in respect of a relic and notify the Secretary of the Department of Planning, Industry and Environment and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning, Industry and Environment.
- (30) **Spillage** - Any spillage of materials onto Council infrastructure, as a result of delivery or handling for this development, must be removed as soon as practicable by the developer and placed into suitable receptacles for reclamation or disposal in a manner that does not cause pollution of the environment.
- (31) **Fill** - Any allotment filling that may be required for the development site shall meet the requirements of AS3798 (as amended) – Guidelines on Earthworks for Commercial and Residential Developments.

Certification of the allotment filling shall be provided by a geotechnical testing authority registered under NATA. The testing authority shall be required to certify whether the fill complies with the requirements of AS2870.1 (as amended) – Residential Slabs and Footings – Construction, as "controlled fill".

## **PRIOR TO OCCUPATION OF DEVELOPMENT**

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The following conditions of consent shall be complied with prior to occupation of the development.

- (32) **Survey Certificate** – A Registered Surveyor must prepare a Survey Certificate to certify that the location of the building in relation to the allotment boundaries complies with the approved plans

or as specified by this consent. The Survey Certificate must be provided to the satisfaction of the Crown Certifier.

- (33) **Stormwater/drainage works** – All stormwater and drainage works required to be undertaken in accordance with this consent must be completed. The certification/verification must be provided to the satisfaction of the Crown Certifier.
- (34) **Repair of infrastructure** – Before the occupation or commencement of use, the applicant must ensure any public infrastructure damaged as a result of the carrying out of building works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) is fully repaired to the written satisfaction of Council, and at no cost to Council.
- (35) **Completion of Roads Act works** - All approved road, footpath and/or drainage works, including vehicle crossings and footpaths, have been completed in the road reserve in accordance with the Roads Act Approval to the satisfaction of the Council as the Roads Authority.
- (36) **Directional traffic flow signs** – All driveways must be suitably signposted and directional arrows painted on the internal driveways. All signs must be maintained in good repair at all times.
- (37) **Completion of landscape and tree works** – Before occupation or commencement of use, the Crown Certifier must be satisfied that all landscape and tree-works, including pruning in accordance with AS 4373-2007 Pruning of amenity trees and the removal of all noxious weed species, have been completed in accordance with the approved plans and any relevant conditions of this consent.
- (38) **Fire Safety Certificates** - A Fire Safety Certificate must be provided to the Crown Certifier in accordance with the requirements of the Environmental Planning & Assessment Regulation 2000.
- (39) **Trade Waste** - A liquid trade waste application is to be submitted and approved where it is proposed to drain liquid trade waste to Council's sewer.
- (40) **Allotment Fill Certification** - For developments where allotment filling has been undertaken, a copy of the NATA testing authority certification for compliance to the requirements of AS2870.1 (as amended) – Residential Slabs and Footings – Construction shall be provided to Council.
- (41) **Completion of Public Utility Services** - Before the issue of the relevant Occupation Certificate, the Crown certifier must ensure any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, and is completed to the satisfaction of the relevant authority. Before the issue of the Occupation Certificate, the certifier must request written confirmation from the relevant authority that the relevant services have been completed.
- (42) **Operational Management Plan** – As per the recommendations of the Acoustic Assessment (prepared by JHA Services dated 13/08/2021), and the draft management plan (Section 3.13 of Statement of Environmental Effects V2 prepared by GeoLink dated 10/09/2021) an Operational Management Plan must be prepared to address the following:
  - Limitation of the use of sirens where possible;
  - Use of headlights to avoid nuisance to surrounding properties;
  - Use of wash bay;
  - Maintenance of equipment, plant and fixtures including roller doors;
  - Timing of (non-council serviced) waste collection during daylight hours where possible.

The Operational Management Plan must be submitted to Council for their records.

- (43) **Section 306 Compliance Certificate** - A Compliance Certificate under Section 306 of the Water Management Act 2000 must be obtained from the Council (as the Local Water Supply Authority) prior to the issue of an Occupation Certificate. Council requires the following works to be completed and/or payments received prior to the issue of a Compliance Certificate.

## Water

- The existing water service may be utilised to service the proposed development.
- If the water service requires upsizing then the existing service is to be removed and disconnected from the water main.
- Works shall be undertaken in accordance with Council's Engineering Design Guidelines for Subdivisions and Developments.
- Work on live water mains is to be undertaken by Council at full cost to developer.

## Sewer

- The existing Sewer Junction to the lot is to be utilised to service the proposed development.

## **OPERATIONAL CONDITIONS**

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The following conditions of consent are operational conditions applying to the development.

- (44) **Maneuvering of vehicles** – All vehicles must enter and exit the site in a forward direction.
- (45) **Removal of graffiti** – The owner/manager of the site is responsible for the removal of all graffiti from the building and fences within 48 hours of its application.
- (46) **Loading to occur on site** – All loading and unloading operations are to be carried out wholly within the building/site and in accordance with the approved plans.

The loading dock (if provided) must be used for loading and unloading operations in connection with the approved use.

- (47) **Parking – Signage (loading docks)** – Proposed parking areas, service bays, truck docks, driveways and turning areas must be maintained clear of obstructions and be used exclusively for purposes of car parking, loading/ unloading, and vehicle access respectively for the life of the development. Under no circumstances are such areas to be used for the storage of goods or waste materials. The sealing to all vehicular parking, manoeuvring, crossovers and loading areas is to be maintained at all times.
- (48) **Maintenance of stormwater system** - The on-site stormwater systems shall be maintained at all times so as to ensure their effective operation for their intended purpose.
- (49) **Parking areas to be kept clear** – At all times, the loading, car parking spaces, driveways and footpaths must be kept clear of goods and must not be used for storage purposes.
- (50) **Fire Safety Schedule** – At all times, a copy of the Fire Safety Schedule and Fire Safety Certificate must be prominently displayed in the building and a copy forwarded to the Commissioner of Fire and Rescue NSW in accordance with the Environmental Planning & Assessment Regulations 2000.
- (51) **Maintenance of landscaping** – Landscaping must be maintained in accordance with the approved landscape plan and conditions of this development consent. All landscape areas must be kept free of parked vehicles, stored goods, garbage or waste material at all times.

If any of the vegetation dies or is removed, it is to be replaced with vegetation of the same species and similar maturity as the vegetation which has died or was removed.

- (52) **Amenity** – The business must be conducted, and customers controlled at all times so that no interference occurs to the amenity of the area, the footpath, adjoining occupations and residential or business premises.
- (53) **Wash Bay Use** – The wash bay should only be used between 7am to 8pm, Monday to Friday and 8am to 8pm on Saturdays, Sundays and Public Holidays, where reasonable and practical.
- (54) **Plant Equipment** - All external mechanical plant must have an acoustic enclosure with a minimum surface mass of 12kg/m<sup>2</sup> and shall be 300mm above the tallest element of the external



plant. The acoustic enclosure must be made from continuous material with no gaps and shall be close fitting to the ground.

- (55) **Operational Management Plan** – The operation management plan must be adhered to at all times.
- (56) **Noise Emissions** - Noise emissions from the ongoing operation of the development shall not exceed the Project Noise Trigger Level (PNTL) for general residential (R1) receivers as identified in the Acoustic Report prepared by JHA, 13 August 2021. The Project Noise Trigger Levels are:
- a) 45 dB LAeq (15 min) – daytime
  - b) 44dB LAeq (15min) – evening
  - c) 38 LAeq (15 min) - night time

Daytime - the period from 7am to 6pm Monday to Saturday or 8am to 6pm on Sundays and public holidays; Evening - the period from 6pm to 10pm; Night - the remaining periods