
CONDITIONS OF DEVELOPMENT CONSENT

DA No: DA-171/2019
Property: 69 - 71 Pegler Avenue, South Granville NSW 2142
Description: Demolition of existing dwellings and construction of a 3 storey residential flat building comprising 18 units over one level of basement car parking for 11 vehicles, associated landscaping and land consolidation pursuant to SEPP (Affordable Rental Housing) 2009 and associated stormwater works on 70 Gordon Avenue, South Granville

1. Approved Plans

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

<i>Plan Title / Reference</i>	<i>Prepared By</i>	<i>Issue</i>	<i>Dated</i>
Demolition Plan / DA0003	Group GSA	D	19/09/19
Site Plan/External Works / DA1100	Group GSA	F	19/09/19
Basement Plan-Parking Level / DA2000	Group GSA	E	5/09/19
Ground Floor Plan / DA2001	Group GSA	F	19/09/19
First Floor Plan / DA2002	Group GSA	E	19/09/19
Second Floor Plan / DA2003	Group GSA	D	19/09/19
Roof Plan / DA2004	Group GSA	D	19/09/19
Site Plan Indicative-COS and Ramp Detail / DA2008	Group GSA	B	19/09/19
Elevations / DA3000	Group GSA	E	19/09/19
Sections / DA3100	Group GSA	D	19/09/19
External Finishes Schedule / DA8300	Group GSA	D	19/09/19
BASIX Certificate / 997042M	Energy Ratings Australia Pty Ltd	-	20/05/19
SEPP 65 Assessment Report	Group GSA	-	26/03/19
Aboricultural Impact Assessment and Tree Management Plan / 4568	Redgum Horticultural	-	22/03/19
Basement Drainage Layout Plan / 18088-C01	Michael Ell Consulting Engineers	B	17/05/19
Site Stormwater Drainage Layout Plan / 18088-C02	Michael Ell Consulting Engineers	D	16/09/19
Stormwater Drainage Layout Plan / 18088-C03	Michael Ell Consulting Engineers	A	16/09/19

Stormwater Details / 28088-C04	Michael Ell Consulting Engineers	C	16/09/19
Stormwater Details (2) / 28088-C05	Michael Ell Consulting Engineers	A	16/09/19
Erosion and Sediment Control Plan / 28088-C06	Michael Ell Consulting Engineers	B	16/09/19
Erosion and Sediment Control Plan (2) / 28088-C07	Michael Ell Consulting Engineers	A	16/09/19
Erosion and Sediment Control Details / 28088-C08	Michael Ell Consulting Engineers	-	16/09/19

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

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

2. **Time period of consent**

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

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

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

3. **Creation of Drainage Easement**

Stormwater from the entire site shall be discharged by gravity system. In this regard:

- a) Downstream easement(s) shall be obtained.
- b) Width of the easement shall be minimum 1.5m.
- c) Transfer Granting Easement document(s) and plans shall be submitted to Council for approval and then registered with the Land and Property Information.
- d) Cumberland Council shall be nominated as authority to vary or modify the easement(s) in all the Transfer Granting Easement documents.
- e) Stormwater plan shall comply with the easement details.

Registered copy of Transfer granting easement document(s) shall be submitted to

Cumberland Council.

Reason:- to ensure an appropriate easement is created.

4. Amended architectural plans

Prior to works commencing, amended plans addressing following shall be submitted to **Cumberland Council's Manager Engineering and Traffic:**

- a) Detail longitudinal section of the circular access ramp along the internal and external curves shall be submitted. Ramp grades and transitions shall comply with Australian standard AS2890.1. Ramp grades and level shall be annotated on the plan.
- b) Transition splay area between the one-way and two-way access ramp shall be increased to facilitate the manoeuvring.
- c) Minimum 2.2m headroom clearance shall be provided for the car park. Head room shall be measured perpendicular to the wheelbase as shown on the Figure 5.3 of AS 2890.1. Head room details shall be marked on the plan. In this regard, detail longitudinal sections of the access ramp to a scale of 1:20 shall be submitted.
- d) Boundary walls shall be modified to provide pedestrian sight distance as per Australian standard AS2890.1.
- e) Width of the one-way driveway access ramp shall be minimum 3.6m. Dimension shall be annotated on the plan.

Reason:- to ensure driveway access ramp complies with Australian standard AS2890.1.

5. Amended Landscape Plan

Prior to the commencement of works, an amended Landscape Plan is to be prepared, incorporating the following:

- a) The planting of screening shrubs along the eastern and southern property boundaries with a minimum mature height of 3 metres to 5 metres.

Reason:- to ensure adequate landscaping is provided to maintain visual privacy to adjoining properties.

6. Obscure Glazing

The corridor and stairwell windows on the southern building elevation are to provide obscure glazing to a height of 1600mm from the finished floor level with the exception of the ground floor.

Reason:- To ensure the privacy of adjoining development to the south is maintained.

7. Traffic Management

A traffic management plan shall be submitted to Council for all demolition, excavation and construction activities associated with the development **prior to works commencing**.

Reason:- to minimise the impact on street traffic.

8. **Tree Protection**

Prior to works commencing and for the duration of the construction works, the areas to be protected by fencing in accordance with the endorsed Arborist Report/Tree Protection Plan, shall be enclosed with a protective fencing consisting of 1.8m high fully supported chainmesh.

Tree Protection Zone signage is to be attached to protective fencing; this must include the name and contact details of the site arborist. Signs shall be attached to all fencing stating that the area is a 'No Go Zone' and show the site arborist's name and contact details.

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

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

Where works have been approved with the TPZ of trees to be retained, no roots over 50mm in diameter are to be e without prior consultation with one of Council's Tree Management Officers or the Consulting Arborist.

Reason:- To ensure the protection of existing trees to be retained.

9. **Works within Council controlled lands**

(1) For drainage works:

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

Inspections will be required:-

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

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

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

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

10. Footpath /Nature strip maintenance during and after construction

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

Reason: to ensure pedestrian safety during the construction period.

11. Compliance with the Building Code of Australia

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

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

12. Disabled Access & Facilities

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

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

13. Commonwealth Disability Discrimination Act

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

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

14. Erection of Signs

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

- a) showing the name 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.

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

Planning and Assessment Regulations.

15. **BASIX Requirements**

Under Clause 97A(3) of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled. In this condition:-

- a) Relevant BASIX Certification means:-
 - i) A BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under Section 4.55 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified) or;
 - ii) If a replacement BASIX Certificate accompanies any subsequent documentation, the replacement BASIX Certificate; and
- b) BASIX Certificate has the meaning given to that term in the Environmental Planning & Assessment Regulation 2000.

Reason:- To comply with the Environmental Planning and Assessment Regulations.

16. **Dilapidation Report - Prior to Excavation of Basement**

A dilapidation report prepared by a *professional engineer* or suitably qualified building professional shall be submitted to the Certifying Authority **prior to the commencement of demolition, excavation or building works.**

The report shall detail the current condition and status of all buildings, including ancillary structures (*i.e. including dwellings, residential flat buildings, commercial/industrial building, garages, carports, verandahs, fences, retaining walls, swimming pools and driveways etc.*) located upon all of the premises adjoining the subject site, subject to access being reasonably given.

The report is to be supported with photographic evidence of the status of the buildings and a copy of the report must also be forwarded to the Council and to the owners of each of the above stated premises, prior to the commencement of any works. The applicant shall bear the full cost of this report.

Reason:- to enable the monitoring of any potential damage that may be caused to adjoining premises as a result of excavating and building in close proximity to the adjoining premises.

17. **Sedimentation Control**

Temporary measures shall be provided in accordance with the NSW Department of Housing, Managing Urban Stormwater, Soils and Construction Manual dated March 2004 and regularly maintained during demolition, excavation and construction to prevent sediment and polluted waters discharging from the site.

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

18. Construction/Demolition Hours

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

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

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

19. Neighbour 24 notification of commencement of demolition

Prior to the commencement of work the applicant shall provide 24 hours notice in writing to the neighbours adjoining and opposite the site of the intended time and date of the start of the demolition work.

Reason:- to ensure details of the demolisher are provided to neighbours.

20. Demolition of buildings

The building/s shall only be demolished in accordance with the requirements of AS 2601-2001 "The Demolition of Structures".

Amongst others, precautions to be taken shall include compliance with the requirements of the WorkCover Authority of New South Wales, including but not limited to:-

- a) Protection of site workers and the general public.
- b) Erection of hoardings where appropriate.
- c) Asbestos handling and disposal where applicable.
- d) Any disused service connections shall be capped off to Council's requirements.
- e) The disposal of refuse is to be to an approved waste disposal depot.

Reason:- to ensure protection of the public, environment and to uphold public health standards. This also complies with the requirements of clause 92 of the Environmental Planning and Assessment Regulation 2000.

21. Display of a warning sign for soil and water management

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

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

22. Items not to be placed on roadway

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

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

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

23. Demolition – Lead Paint Disposal

The demolition and disposal of materials incorporating lead such as lead paint and dustpaint shall be conducted in accordance with *AS2601-2001 Demolition of Structures*. Removal, cleaning and disposal of lead-based paint shall conform with relevant EPA guidelines including the *Lead Safe A renovator's guide to the dangers of lead*, NSW EPA, 1998. Hazardous dust shall not be allowed to escape from the site. Any existing accumulations of dust (eg; ceiling voids and wall cavities) shall be removed by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter. All dusty surfaces and dust created from work shall be suppressed by a fine water spray. Water shall not be allowed to enter the street and stormwater systems. Demolition shall not be performed during high winds, which may cause dust to spread beyond the site boundaries. Please note that Council may require testing to verify that the soil lead levels are below acceptable health criteria.

Reason:- to ensure the disposal and demolition of materials incorporating lead is carried out in a safe manner in accordance with relevant regulations.

24. Demolition – common sewerage system

If the land to which the application relates is served by a common sewerage system that is also used by others, then measures must be placed in effect and prior to the commencement of work to ensure the operation of the sewerage system is without disruption to other joint users.

Reason:- to ensure demolition activities do not disrupt the operation of the sewerage system for other users of the system.

25. Demolisher Details

The demolisher/owner/applicant shall:-

- a) Lodge with Council, and at least forty-eight (48) hours prior to the commencement of work (due to the potential impact on Council's infrastructure):-
 - i) Written notice, indicating the date when demolition of the building is to commence.
 - ii) The demolisher's full name and address.
 - iii) Details of Public Liability Insurance.
- b) Comply with Australian Standard 2601 – 2001 "*Demolition of Structures*"; and,

- c) Have a current public liability/risk insurance, and policy details of such shall be submitted to Council for its records.
- d) Ensure that all possible/practicable steps are taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from wind-blown dust, debris, noise and the like arising from the demolition works

This Consent shall not preclude the demolisher from giving notice to other statutory authorities, such as Sydney Water Corporation, WorkCover, etc.

Reason:- to ensure details of the demolisher are provided to Council and relevant safety requirements are met.

26. **Demolition Works – noise and vibration**

The following shall be compiled with:-

- a) Vibration levels induced by the demolition activities shall not exceed 1mm/sec peak particle velocity (ppv) when measured at the footing of any occupied building.
- b) Vibration levels induced by the demolition activities shall not exceed 3mmsec peak particle velocity (ppv) when measured at the footing of any unoccupied building.
- c) The upper noise level from the demolition operations measured over a period of 10 minutes must not exceed the background noise level by more than 10dB(A).

Reason:- to ensure noise and vibration arising from the demolition works does not impact on the amenity of the surrounding area.

27. **Asbestos**

- a) In the event that asbestos is on a site or building under demolition or construction, WorkCover NSW is to be contacted to ascertain the appropriate response, to ensure the safety and protection of existing and future workers and residents. An Asbestos Removal Contractor licensed by WorkCover NSW is to handle/remove/transport and dispose of any products containing asbestos in a manner approved of by the Department of Environment and Conservation (DEC). Copies of tipping dockets are to be retained and able for viewing by Council officers on request.
- b) Asbestos material can only be disposed of at a landfill site nominated by Waste Services NSW for that purpose. An appointment must be made with Waste Services NSW to dispose of asbestos materials at the nominated landfill.
- c) Anyone who removes, repairs or disturbs bonded or a friable asbestos material must hold a current removal licence from Workcover NSW. Before starting work, a work site-specific permit approving each asbestos project must be obtained from Workcover NSW. A permit will not be granted without a current Workcover licence. All removal, repair or disturbance of or to asbestos material must comply with:-
 - i) Work Health and Safety Act 2011;
 - ii) *The Work Health and Safety Regulation 2011;*
 - iii) *Protection of the Environment Operations Act 1997*
 - iv) *Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes, NSW EPA, May 1999*

- v) *Waste Avoidance and Resource Recovery Act 2001.*
- vi) *The Code of Practice for the Safe Removal of Asbestos [NOHSC: 2002 (1998)];*
- vii) *The Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998)] <http://www.nohsc.gov.au> ; and*
- viii) *The Workcover NSW Guidelines for Licensed Asbestos Removal Contractors.*

Note: The Code of Practice and Guide referred to above are known collectively as the Worksafe Code of Practice and Guidance Notes on Asbestos. They are specifically referenced in the Occupational Health and Safety Regulation 2001 under Clause 259.

Under the Work Health and Safety Regulation 2011, the Worksafe Code of Practice and Guidance Notes on Asbestos are the minimum standards for asbestos removal work.

Council does not control or regulate the Worksafe Code of Practice and Guidance Notes on Asbestos. You should make yourself aware of the requirements by visiting <http://www.workcover.nsw.gov.au> or one of Workcover NSW's offices for further advice.

- d) In order to ensure safe handling of asbestos materials, the re-use or sale of asbestos building materials is strictly prohibited.

Reason:- to ensure the safe handling, treatment and disposal of asbestos materials arising from the demolition/construction works.

28. **Services to be capped**

Prior to the commencement of demolition works, the applicant must ensure that utility services to the land upon which the building to be demolished stands, as well as the building itself, are terminated and capped in accordance with the requirements of supply authority, eg. Electricity-Supplier of Electricity to the subject premises, Gas-Supplier of Gas to the subject premises.

Reason:- to ensure all services are capped adequately.

29. **Site to be kept in a clean condition**

Upon completion of demolition works and if no new building works are commenced on site, the site shall be kept in a clean manner with landscaping and fencing to the satisfaction of Council.

Reason: to control soil erosion, and not have any unsightly views.

30. **SEPP 65 – Design Verification**

The following requirements arising from State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development must be complied with:-

- a) Works are not to commence in respect of the development unless Council has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the plans and specification achieve or improve the

design quality of the development for which development consent was granted, having regard to the design quality principles set out in Schedule 1 of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development.

- b) Prior to Occupation, a design verification from a qualified designer is to be submitted to Council, being a statement in which the qualified designer verifies that the development as shown in the plans and specifications in respect of which the Construction Certificate was issued, having regard to the design quality principles set out in Schedule 1 of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development.

Reason:- to ensure that the requirements of SEPP No. 65 and the EP&A Regulations are complied with in the carrying out of the development.

31. **Architect – Notify Council if Changed**

The architect of the project, as approved, should not be changed without prior notice to Council.

Reason:- to ensure Council is aware and kept informed of the current project architect.

32. **Switchboards/Service Panels**

Switchboards and/or service panels for utilities are not to be attached to the front facades/elevations of the building(s).

Reason:- to ensure that switchboards and service panels are appropriately located and do adversely impact on the appearance/presentation of the front building facade.

33. **Amended Arborist Report**

Prior to works commencing, the Arboricultural Impact Assessment and Tree Protection Plan prepared by Red Gum Horticultural, dated 22/03/2019 is to be amended in accordance with all current plans, and is include impact assessment and tree protection measures for the *Corymbia maculata* located within the adjoining property at no.67 Pegler Avenue, South Granville.

Reason:- To ensure protection of existing trees adjacent to the site.

34. **Stormwater disposal**

Stormwater runoff generated from the development shall be directed to the On Site Detention system prior to being discharged by gravity system through the downstream easement(s) to Gordon Avenue gutter as per approved plans.

Reason:- to prevent localised flooding.

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

Full stormwater drainage details showing the proposed method of stormwater collection and disposal are to be submitted to Council to ensure the approved stormwater plans are

incorporated into construction drawings.

The details shall be prepared by a suitably qualified person and must be in accordance "Auburn Development Control Plans 2010 - Stormwater Drainage" and "Australian Rainfall & Runoff 1987". In this regard:

- i. The proposed stormwater system shall be generally in accordance with the stormwater concept plans approved as part of the deferred commencement condition.
- ii. Stormwater plan shall be updated to comply with architectural plans.
- iii. OSD tank access grates shall be minimum 900x900 in size with double (2/900x450) hinged grates.
- iv. Maximum spacing between the grated access pits in the OSD shall not exceed 5.0m.

Reason:- to ensure the stormwater is suitably discharged.

36. **Structural Engineering Certificate**

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

Reason:- to ensure the construction is structurally adequate.

37. **Basement drainage system**

Basement drainage is to comply with Council's stormwater drainage requirements.

In this regard:

- i) Two pump units being installed, the capacity of each being calculated on the basis of a hundred year storm recurrence interval and a storm duration of (five) minutes, one pump acting in reserve capacity.
- ii) The two pumps being designed to work on an alternate basis to ensure that both pumps receive equal usage and neither pump remains continuously idle.
- iii) A holding well being provided within the basement, of sufficient capacity to store the discharge based on a hundred year storm recurrence interval and storm duration of ninety minutes. In addition to this an above ground storage shall be provided up to a hundred year storm recurrence interval and storm duration two hours. The holding well is to be designed so that a minimum volume of water is retained in the well for health reasons when the pumps are in the "c" position or if there is a break in electrical supply.
- iv) A storm of two hours' duration has been adopted as a basis for determining the size of the well, the assumption being that electrical supply will be reinstated within this period.
- v) The pump out system is to be independent of any gravity drainage lines, except

at the property boundary where a grated surface pit is to be constructed from which a connection will be permitted to the gravity drainage system. The invert levels of the pipes in the grated surface pit are to be such that the outlet from the pump out system is above the inlet of the gravity system.

- vi) Storage areas and areas used for purposes other than car parking or access aisles are to be constructed a minimum of 100mm above the top water level.
- vii) The contributing catchment area to the pump out system is to be limited to the access ramp area only and subsoil drainage.

Reason:- to prevent localised flooding.

38. **Ramp gradients**

Circulation ramp grades shall comply with section 2.5.3 of the Australian Standard AS2890.1:2004. In this regard detail longitudinal section along ramp to a scale of 1:20, shall be submitted to and approved by the Certifying Authority **prior to commencement of works**.

Copy of the plan shall be submitted to Council.

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

39. **Headroom clearance along the ramp**

Headroom clearance shall comply with section 5.3 of the Australian Standard AS2890.1:2004. In accordance with minimum 2.2m headroom clearance shall be provided. In this regard detail longitudinal section of ramps to a scale of 1:20, shall be submitted to and approved by the Certifying Authority **prior to commencement of works**.

Copy of the plan shall be submitted to Council.

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

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

The headroom clearance within the basement shall comply with AS 2890.1 and 2890.6 requirements.

Detail plans showing the compliance of above requirements shall be submitted and approved by the Certifying Authority **prior to works commencing**.

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

41. **Minimum Headroom- adoptable parking spaces**

Head room clearance within accessible parking shall be minimum 2500mm to comply with AS2890 requirements. Headroom shall be measured clear of any beams and service ducts.

Sectional plans to comply with these headroom requirements showing all beams and

service ducts shall be submitted to and approved by the Certifying Authority **prior to works commencing**.

Reason: to ensure headroom complies with AS2890.

42. **Engineering Design – Basement Excavation**

The following engineering details or design documentation (where appropriate) shall be submitted to Council **prior to commencement of works:-**

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

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

A copy of the engineer's report is to be submitted to the Council.

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

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

43. **Footpath Construction – Pegler Avenue**

The footpath adjoining Pegler Avenue frontage shall be reconstructed in accordance with the Council's Standard footpath construction requirements. Site boundary line levels shall be raised to the boundary line levels, with satisfactory end-transitions provided.

- Detail footpath design shall be submitted and consultation undertaken with Council's Works and Services section **prior to commencement of works**.
- Street boundary levels obtained from Council shall be incorporated in the design.
- The details of construction requirements shall be requested from the Council prior to commencement of construction.

- Formwork inspection and footpath inspection shall be carried out by Council.
- All associated cost shall be borne by the applicant.
- The footpath shall be constructed at the completion of works and finished to the satisfaction of Council **prior to occupation**.
- All associated cost shall be borne by the applicant.

Reason: to provide a safe footpath for increased pedestrian use and one that will complement the Council requirements.

44. **Street boundary levels**

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

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

45. **Road opening permit**

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

Reason:- to safeguard Council property against damage.

46. **Restoration works**

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

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

47. **Service relocation / Adjustment**

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

All the costs shall be borne by the applicant.

Reason:- to protect utility services.

48. **Waste Management Plan – New works**

A Waste Management Plan shall be submitted to Council **prior to works commencing**.

The Waste Management Plan for the site must be displayed in an appropriate location on-site and complied with at all times during construction/demolition and ongoing occupation.

The builder/construction company shall be provided with at least one copy of the waste management plan.

Reason:- to ensure waste is properly managed.

49. **Maintain plans on-site**

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

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

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

A sign must be erected in a prominent position stating that unauthorised entry to the site is not permitted. The sign must also name the builder or other person responsible for the site and a telephone number at which the builder or other person can be contacted outside working hours. The sign is to be removed when the building works have been completed.

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

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

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

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

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

52. **Survey Documentation**

A Registered Surveyors check survey certificate or *compliance certificate* is to be forwarded to Council, detailing compliance with Council's approval at the **following stage/s of construction:-**

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

position of the building and boundary setbacks and verifying that the building has been constructed at the approved levels.

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

53. **Fencing of Construction Sites**

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

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

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

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

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

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

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

54. **Compliance with Arborist Report**

The recommendations of the Arboricultural Impact Assessment and Tree Protection Plan, as amended by conditions of this consent, shall be complied with at all times throughout the duration of the development.

Reason:- To ensure the protection of existing trees adjacent to the site.

55. **Excavations extending below the base of footings of adjoining development**

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

the level of the base of the footing. The person must also furnish the adjoining property owner with particulars of the proposed work.

Reason:- to ensure the support for neighbouring buildings.

56. **Footpath area to be illuminated**

Where any hoarding or awning is constructed over the public place, the footpath area shall be kept illuminated between sunset and sunrise.

Reason:- the ensure the safety of pedestrians when passing the site.

57. **Disposal of Site Water**

Site water discharged to Council's stormwater system must have a suspended solid level of less than 50 mg/L. This may require treatment such as transfer to settling ponds, use of approved chemicals to settle out sediment or passing the contaminated water through a treatment device. Site water may also be disposed of through the services of a licensed liquid waste transporter.

Reason:- to prevent water pollution from occurring.

58. **Noise from construction activities**

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

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

59. **Dial before you dig (advisory)**

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

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

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

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

60. **Discovery of additional information during demolition or construction**

Any new information which comes to light during demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to Council.

Reason:- to ensure Council is informed of any new information relevant to site conditions and site contamination associated with the development.

61. **Off-site soil disposal**

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

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

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

The area set aside for the parking of vehicles, and so delineated on the plan prepared by Group GSA and endorsed plan Drawing No: DA2000 Issue E, dated: 5/09/2019, shall not be used for any other purpose.

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

63. **Number of Car Parking Spaces**

A total of eleven (11) off-street car parking spaces are to be provided to the development.

Carparking spaces are not to be enclosed by any device, such as a wire or mesh cage, walls or other similar fixtures unless there is a minimum clear internal width of 3 metres.

Carparking spaces shall not be enclosed without the prior consent of council.

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

64. **Vehicles Driven in Forward Direction**

Adequate vehicle and manoeuvring areas are to be provided to allow for vehicles to be driven in a forward direction at all times when entering or leaving the premises.

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

65. **Sydney Water Approval**

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

Please refer to the web site www.sydneywater.com.au for:

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

or telephone 13 20 92.

Note:

The consent authority must either:

- ensure that a valid approval receipt has been obtained from Sydney Water prior to works commencing (receipt valid usually 1 year from the date of issue).

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

66. **Water Reuse**

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

Full details of the Water reuse facilities shall be submitted to Council prior to works commencing.

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

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

67. **Amenity**

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

Reason:- to protect the amenity of the locality.

68. **Lockable Pedestrian Entries**

All shared pedestrian entries to the buildings must be lockable.

Reason:- to ensure adequate security provision to shared pedestrian entries to the development in accordance with Council's Development Control Plan requirements.

69. **Underside of balconies**

The underside of the balconies within the development must be designed to minimise the visual impact of exposed pipes and utilities.

Reason:- to ensure an attractive appearance to the development in accordance with Council's Development Control Plan requirements.

70. **Light Overspill**

Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads, and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with *AS4282-1997 Control of the obtrusive effects of outdoor lighting*.

Reason:- to ensure light overspill arising from the development does not interfere with the amenity of the locality and complies with relevant Australian Standards.

71. **Noise and Vibration**

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

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

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

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

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

The roller doors or other shutters to the car park shall operate and be appropriately maintained in a manner that minimises noise impacts.

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

73. **Air conditioning units – location and acoustics**

- a) Air conditioning units are not to be visible from the street or public place and are not to obscure windows/window frames or architectural features of the building.
- b) The operation of air conditioning units shall be so:
 - (i) as not to cause “offensive noise” as defined under the Protection of the Environment Operations Act 1997;
 - (ii) as to be inaudible at the nearest affected residence between the hours of 10.00pm and 7.00am on weekdays and 10.00pm and 8.00am on weekends and public holidays;
 - (iii) as not to discharge a condensate or moisture onto the ground surface of the premises or into a stormwater drainage system in contravention of the requirements of the Protection of the Environment Operations Act 1997.

- c) Should Council receive noise complaints from neighbouring residents in relation to the air conditioning units, Council may issue a Noise Notice. Such notice may require you to engage the services of a competent and appropriately qualified Acoustic Consultant to undertake a noise level assessment of the air conditioning unit. If the unit is assessed as exceeding the permitted noise criteria, you may be directed to provide noise attenuation measures such as an acoustic enclosure and/or relocation of the unit.

Reason:- to ensure that air conditioning units associated with the development are appropriately located and do not detract from the appearance of the buildings and to ensure the operation of air conditioning units does not adversely impact on the acoustic amenity of the locality.

74. **Ventilation of Basement Car Park**

The basement car park shall be naturally or mechanically ventilated. The ventilation system shall comply with the requirements of the Building Code of Australia and relevant standards including AS1668.1 – 1998 The Use of Ventilation and Air conditioning in Buildings Part 1: Fire and Smoke Control in Multi Compartment Buildings and/or AS 1668.2-2002; The Use of ventilation and Air conditioning in Buildings Part 2: Ventilation Design for Indoor Air Contaminant Control.

The system shall be certified by a suitably qualified and experienced engineer at the completion of installation **prior to Occupation**. A copy of the certificate shall be provided to the Certifying Authority. A copy shall also be provided to Council if Council is not the Certifying Authority.

Any mechanical ventilation provided to the basement car park shall not create an offensive odour emission nor shall it create an offensive noise and shall comply with the requirements of the Protection of Environment Operations Act and all subsequent relevant Regulations.

Reason:- To ensure compliance with the relevant Standards.

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

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

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

76. **Intruder Alarms**

Any intruder alarm at the premises shall be suitably constructed, such as with a timing device, so that the alarm complies with the requirements of the Protection of the Environment Operations (Noise Control) Regulation 2017 - Division 1, Sections 40-43 – Building Intruder Alarms.

Reason:- to prevent ongoing noise arising from intruder alarms and ensure compliance

with relevant legislation.

77. **Waste and recyclables storage area:**

The waste and recyclable storage area shall be fully enclosed, adequately ventilated and constructed with a concrete floor and concrete or cement rendered walls covering the floor. The floor shall be graded to an approved sewer connection incorporating a sump and galvanised grate cover or basket. A hot and cold hose cock shall be provided within the room. Details shall be provided with the construction drawings, and works completed **prior to Occupation**.

Reason:- to ensure the waste and recyclables storage area is appropriately constructed and able to be readily cleaned and maintained.

78. **Ongoing Waste Management**

Ongoing waste management within the development shall be carried out in accordance with the following requirements:-

- a) Appropriate waste management practices are to be adopted within the development at all times.
- b) The waste storage room shall be kept in a clean, tidy and hygienic condition at all times.
- c) The waste and recyclable storage area shall be fully enclosed, adequately ventilated and constructed with a concrete floor and concrete or cement rendered walls covering the floor. The floor shall be graded to an approved sewer connection incorporating a sump and galvanised grate cover or basket. A hot and cold hose cock shall be provided within the room. Details shall be provided with the construction drawings, and works completed **prior to Occupation**.
- d) A person shall be employed/nominated to manage the collection of waste material by Council, including, but not limited to bin placement at the road edge and retrieval of bins soon after collection of contents, cleansing of bins, storage of bins in the compound and the like.
- e) The nature strip is to be kept in a clean and tidy condition upon garbage collection.

Reason:- to ensure appropriate ongoing waste management practices within the development in accordance with Council's Development Control Plan requirements.

79. **Telecommunications Facilities - Residential**

The following requirements apply to telecommunication facilities in the building:-

- a) Appropriate access and space within the plant area of the building shall be provided for telecommunication carriers or other providers of broad-band access by ground or satellite delivery.
- b) Appropriate ducting and cabling shall be provided for telecommunication carriers or other providers for telecommunication access and broad-band cabling to each apartment of the building.
- c) The details of (a) and (b) above shall be submitted prior to construction for the building under the *Environmental Planning and Assessment Act 1979* (as amended).
- d) A separate approval must be obtained at the appropriate time for any external receiving device proposed to be installed. For each form of transmitter, there shall be only one common receiving device installed on the subject development.

Reason:- to ensure adequate provision for telecommunication facilities within the development.

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

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

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

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

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

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

81. **Provision of Street Numbers**

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

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

82. **Mail Box Structure**

An Australia Post approved lockable mail box structure(s) shall be centrally located to the primary street entry of the site.

Reason:- to ensure compliance with Council’s Development Control Plan requirements.

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

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

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

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

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

designed.

84. **Maintenance schedule – OSD**

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

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

85. **Work-as-Executed Plan**

Prior to occupation of the building or issue of the occupation certificate, two (2) copies of the Works-as-Executed (W.A.E.) Plan prepared by a registered surveyor and certified by the design engineer shall be submitted to the Certifying Authority. Copy of the documents shall be submitted to Council. Works-As-Executed stormwater plans are to address the following:

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

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

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

86. **Redundant driveway**

Prior to Occupation, redundant driveway shall be removed and replaced with footpath and kerb & gutter at no cost to Council. Nature strip area also be restored at applicants cost.

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

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

87. **Consolidation of lots**

The individual lots are to be consolidated into a single parcel. Written evidence of registration of consolidation by the Land and Property Information Office is to be submitted

to Council prior to Occupation.

Reason:- to ensure the whole of the land essential to the proper operation of the development is preserved.

88. **Tree Protection**

Prior to Occupation, the Arborist engaged to ensure the proper protection and management of trees, to be retained, is to provide a brief report to Council concerning the health and condition of the tree/s, and if necessary any remedial works required.

The report should also provide documentary evidence that the tree protection conditions were complied with throughout the demolition/construction phases, in the form of site notes and photographs.

Reason:- To ensure the protection of existing trees to be retained.

89. **Final Fire Safety Certificate**

Prior to the occupation of the building, the owner of the building shall submit to Council, a **final fire safety certificate** in relation to each essential fire safety measure specified in the **fire safety schedule**.

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

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

NOTES:

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

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

90. **Annual Fire Safety Statement**

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

The certificate shall certify:-

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

NOTES:

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

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

91. Fire Safety Notices

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

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

92. Exit Doors Installed in the Path of Travel

A door in a required exit, forming part of a required exit or in the path of travel to a required exit, must be readily openable without a key from the side facing a person seeking egress, by a single handed downward action or pushing action on a single device.

Reason:- to ensure people can exit the building at all times and to comply with the requirements of D2.21 of the BCA

93. Termite Protection

Where a primary building element in a building may be subject to attack by termites, those members will need to be protected in accordance with Clause 3.1.3.0 of the Building Code of Australia. Satisfactory compliance with this requirement is achieved by applying a preventative treatment in accordance with AS 3660.1-2000.

Where a patented method of physical protection or chemical treatment is carried out, a certificate shall be submitted to The Certifying Authority from the installer/pest control firm indicating that the protection used complies with AS 3660.1-2000 and the Building Code of Australia. This certificate shall be forwarded to the Certifying Authority **prior to the pouring** of any slab on ground or **prior** to a bearers and joist inspection.

Where an alternative method of treatment is proposed, it is to be provided in accordance with the requirements of Clause 3.1.3 and Clause P2.1 in Section 2 of the Building Code of Australia.

A durable notice must be permanently fixed to the building in a prominent location regarding the installation of termite barriers, such as in a meter box or the like indicating:-

- i) The method of protection; and
- ii) The date of installation of the system; and
- iii) Where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
- iv) The installer's or manufacturer's recommendations for the scope and frequency of future inspections for termite activity.

Reason:- to comply with Clause 3.1.3.0 of the Building Code of Australia and AS 3660.1-2000.

94. **Household Type Hot Water System**

The household type hot water system is to be supported on construction sufficient to carry the total mass at full capacity and is positioned to enable adequate access for operation, maintenance and removal. Roof space or otherwise concealed units are to have a safety tray and waste for the overflow. (Note: Installation in accordance with AS 1529 is considered satisfactory).

Reason:- to comply with AS 1529.