

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

General Conditions

1

Shoring and adequacy of adjoining property

1.

This section applies to a development consent for development that involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road or rail corridor.

2.

It is a condition of the development consent that the person having the benefit of the development consent must, at the person’s own expense—

a.

protect and support the building, structure or work on adjoining land from possible damage from the excavation, and

b.

if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.

3.

This section does not apply if—

a.

the person having the benefit of the development consent owns the adjoining land, or

b.

the owner of the adjoining land gives written consent to the condition not applying.

Condition reason:

Prescribed condition under section 74 of the Environmental Planning and Assessment Regulation 2021.

2

Approved Plans and Supporting Documents

Approved Architectural Plans

Drawing No	Revision Number	Plan Title	Drawn by	Dated
PLA-DA-1000	F	Basement 5 Floor plan	Plus Architects	27/05/2024
PLA-DA-1001	F	Basement 3-4 Floor plan	Plus Architects	27/05/2024
PLA-DA-1002	F	Basement 2 Floor plan	Plus Architects	27/05/2024
PLA-DA-1003	F	Basement 1 Floor plan	Plus Architects	27/05/2024
PLA-DA-1004	F	Lower Ground Floor plan	Plus Architects	27/05/2024

PLA-DA-1005	F	Upper Ground Floor plan	Plus Architects	27/05/2024
PLA-DA-1006	F	Level 1 Floor Plan	Plus Architects	27/05/2024
PLA-DA-1007	F	Level 2 Floor Plan	Plus Architects	27/05/2024
PLA-DA-1008	F	Level 3 Floor Plan	Plus Architects	27/05/2024
PLA-DA-1009	F	Level 4 Floor Plan	Plus Architects	27/05/2024
PLA-DA-1010	F	Level 5 Floor Plan	Plus Architects	27/05/2024
PLA-DA-1011	F	Level 6 Floor Plan	Plus Architects	27/05/2024
PLA-DA-1012	F	Level 7 Floor Plan	Plus Architects	27/05/2024
PLA-DA-1013	F	Level 8 Floor Plan	Plus Architects	27/05/2024
PLA-DA-1014	F	Level 9 Floor Plan	Plus Architects	27/05/2024
PLA-DA-1015	F	Level 10 Floor Plan	Plus Architects	27/05/2024
PLA-DA-1016	F	Level 11 Floor Plan	Plus Architects	27/05/2024
PLA-DA-1017	F	Level 12 Floor Plan	Plus Architects	27/05/2024
PLA-DA-1018	F	Level 13-19 Floor Plan	Plus Architects	27/05/2024
PLA-DA-1019	F	Level 20 Floor Plan	Plus Architects	27/05/2024
PLA-DA-1020	F	Level 21-25 Floor Plan	Plus Architects	27/05/2024
PLA-DA-1021	F	Level 26 Floor Plan	Plus Architects	27/05/2024
PLA-DA-1022	F	Level 27 Floor Plan	Plus Architects	27/05/2024
PLA-DA-1023	F	Roof Plan	Plus Architects	27/05/2024
PLA-DA-2000	E	North Elevation	Plus Architects	5/04/2024
PLA-DA-2001	E	South Elevation	Plus Architects	5/04/2024

PLA-DA-2002	E	East Elevation	Plus Architects	5/04/2024
PLA-DA-2003	E	West Elevation	Plus Architects	5/04/2024
PLA-DA-4000	E	Adaptable DDA diagrams	Plus Architects	5/04/2024
PLA-DA-4001	E	Adaptable Units DDA diagrams	Plus Architects	5/04/2024
PLA-DA-5000	E	Material board	Plus Architects	5/04/2024
Approved Landscape Drawings				
Plan Title		Drawn by	Dated	
Ground level-Landscape plan		Greenaway Architects - Oculus	April 2024	
Level 1-Landscape plan		Greenaway Architects - Oculus	April 2024	
Level 5-Landscape plan		Greenaway Architects - Oculus	April 2024	
Level 11-Landscape plan		Greenaway Architects - Oculus	April 2024	
Planting Schedule- Ground Level		Greenaway Architects - Oculus	April 2024	
Planting Schedule- Level 1		Greenaway Architects - Oculus	April 2024	
Planting Schedule- Level 5		Greenaway Architects - Oculus	April 2024	
Planting Schedule- Level 11		Greenaway Architects - Oculus	April 2024	
Approved Stormwater Drainage Design				
Drawing No	Revision Number	Plan Title	Prepared by	Dated
0142-23/SW1.01	B	Title Sheet	D.T Civil Engineering	23/04/2024
0142-23/SW1.02	B	Notes and Specifications	D.T Civil Engineering	23/04/2024
0142-23/SW1.03	B	Basement Level 5 Drainage Plans	D.T Civil Engineering	23/04/2024
0142-23/SW1.04	B	Basement Level 3-4 Drainage Plans	D.T Civil Engineering	23/04/2024

0142-23/SW1.05	B	Basement Level 3-4 Drainage Plans	D.T Civil Engineering	23/04/2024
0142-23/SW1.06	B	Basement Level 2 Drainage Plans	D.T Civil Engineering	23/04/2024
0142-23/SW1.07	B	Basement Level 1 Drainage Plans	D.T Civil Engineering	23/04/2024
0142-23/SW1.08	B	Lower Ground Floor Drainage Plans	D.T Civil Engineering	23/04/2024
0142-23/SW1.09	B	Upper Ground Floor Drainage Plans	D.T Civil Engineering	23/04/2024
0142-23/SW1.10	B	OSD & WSUD Chamber Details	D.T Civil Engineering	23/04/2024
0142-23/SW1.11	B	Stormwater Drainage Details	D.T Civil Engineering	23/04/2024
0142-23/SW1.12	B	OSD Calculations and Catchment Plan	D.T Civil Engineering	23/04/2024
0412-23/SW1.13	B	MUSIC Model & WSUD	D.T Civil Engineering	23/04/2024
<ul style="list-style-type: none"> The approved Stormwater Drainage Plan as identified above is for Concept Only. The designer is responsible for providing sufficient information and/or updates to the Stormwater Drainage Plan suitable for Construction Certificate approval. Should any changes be required to the approved stormwater drainage plan as referred to above, the amended design shall achieve equivalent performance standards in accordance with Council's "Appendix 2 - Engineering Specifications of the Canada Bay Development Control Plan". Construction Certificate Approval does not include approval for works external to the property. Where the proposed design extends beyond the property boundary, separate approval under Section 138 of the Roads Act 1993 <p>Development shall take place and operate in accordance with this consent accompanied by statements, commitments and recommendations contained within the following documents:</p>				
Documents				
Title/Description		Prepared By		Dated
Accessibility Review Report – 24015_ADR_DA_v1.2		ABE consulting		19/04/2024
Building Code of Australia Compliance Assessment Report		AED Group		5/04/2024
Noise Impact Assessment		Acoustic Logic		5/04/2024
Operational Waste Management Plan (Rev G)		Elephants Foot Consulting		16/04/2024
BASIX Certificate No. 1388917M_02		Efficient Living Pty Ltd		4/05/2024

NatHERS Certificate #HR-1DDMND-01	Efficient Living Pty Ltd	1/05/2024
Environmental Wind Tunnel Study	SLR	April 2024
Traffic and Parking Assessment	Arup	27 May 2024
Aquacell G20 Greywater System 23-3007-5	Aquacell water recycling	13 February 2024
Reuse Application: Private Toilet Flushing & Irrigation		
In the event of any inconsistency between the approved plans and approved documents and a condition of this consent, the condition prevails.		
Other authority/agency requirements		
WaterNSW General Terms of Approval	GTA	17 November 2023
Transport for NSW	Requirements Letter	13 November 2023
Transport for NSW (Sydney Train)	Requirements Letter	15 September 2023
Sydney Water	Requirements Letter	23 November 2023
Ausgrid	General letter	Not dated
Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development		
3	Separate Approvals	
Separate Development Approval shall be obtained for:		
<ul style="list-style-type: none">• Fitout and first use of retail and commercial premises• Signage• Centre-based child care facilities• Medical centres• Strata and stratum subdivision		
Condition reason: To control the future development of the site		

Building Work

Before issue of a construction certificate

4	<p>Access for Waste Collection Vehicles</p> <p>A design certificate and detailed plans are to be submitted with the Construction Certificate application that confirms that the development can be accessed and serviced by the nominated waste collection vehicle in accordance with the Waste Management Plan.</p> <p>The plans are to specifically demonstrate that the path of travel for the waste collection vehicle to the nominated collection area (which includes all entrance/exit, internal driveways, vehicle ramps, loading docks and basement) has been designed in accordance with AS2890.2-2004.</p> <p>The design certificate is also to confirm that the internal driveway, cross over, entry/egress points have been designed to meet the following loading requirements:</p> <ul style="list-style-type: none"> (a) 25 tonne waste collection vehicles (b) Turning circle of 27.8 metres (c) Length of 12.5 metres and width of 2.8m (d) Clearance height of 4.5 metres <p>Condition reason: Waste management</p>
5	<p>Accessible Car Parking Spaces</p> <p>46 of the car parking spaces provided as part of the total requirement shall be reserved for people with a disability. These spaces shall be a minimum of 2.4m wide beside a 2.4m wide shared area and located near pedestrian access routes designed for people with a disability. Each space shall be clearly marked in accordance with AS/NZS2890.6.</p> <p>Car parking for people with disabilities shall be provided in accordance with the Building Code of Australia, relevant Australian Standards and with regard to the Disability Discrimination Act 1992. Prior to the issue of a Construction Certificate, the plans shall demonstrate compliance. Note: Disability (Access to Premises - Buildings) Standards 2010.</p> <p>As of 1 May 2011, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.</p> <p>The above details shall be submitted to and approved by the Accredited Certifier prior to the issue of the Construction Certificate.</p> <p>Condition reason: Parking and accessibility</p>
6	<p>Amendments to Approved Plans - Principal Certifier</p> <p>The following amendments and details must be submitted to the Principal Certifier for approval prior to the issue of a Construction Certificate:</p>

Building

a) The plans and supporting documentation submitted with the construction certificate application are to incorporate all the recommendations from the Building Code of Australia Compliance Assessment Report, report No. 123-147 Rev 1.0, 1423-147 dated 19/04/2024, prepared by Ben Murrow and reviewed by Trenton Jones from AED Group Innovation & Expertise in building regulations, including:

i) Accessibility Review Report – DA, report version: 24015_ADR_DA_v1.2 dated 19 April 2024, prepared by John Liska and reviewed by Abe Strbik from ABE Consulting Pty Ltd,

ii) NCC 2022 Section J Deemed-to-Satisfy (DTS) Assessment Report, file reference 24-5710C, issue D dated 19 April 2024, prepared by Rishabh Babbar from Efficient Living Sustainable Building Consultants.

Traffic

b) Driveway Sightlines - The sightlines at the access driveway are to be designed in accordance with Figure 3.3 of AS2890.1:2004. Any objects including landscaping within the splay of a minimum of 2.5m by 2.0m adjacent to the driveway at the property boundary shall have a maximum height of 600mm above the internal driveway level.

c) Service Vehicle Access - A minimum 4.5 metres height clearance and manoeuvring area must be provided for a 12.5m long vehicle/truck to enter and exit the subject site in a forward direction in accordance with AS2890.2.

d) Managing driveway/access ramp conflict - To minimise the potential for conflict between entering and exiting vehicles, a system of traffic signals shall be installed to indicate traffic movement within the site. By default, the signal system must maintain a green signal visible when entering vehicles and a red signal visible when exiting vehicles at appropriate locations near corresponding waiting bays. When an exiting vehicle is detected, a green signal is displayed for exiting vehicles, and a red signal is displayed for entering vehicles.

Waste Management Plan

e) Waste Management Plan - Further details are to be provided regarding the waste management of the development. These details are to form an addendum to Waste Management Plan and must be submitted in accordance with the provisions of Council's Development Control Plan.

	<p>This involves a change to the Development Application plans as submitted to and approved by Council. Any changes in this regard shall be reflected as amended plans to be submitted to the Principal Certifier prior to the issue of a Construction Certificate for the proposed development.</p> <p>Condition reason: To confirm and clarify the terms of Council's approval</p>
7	<p>Bicycle Storage Provision</p> <p>Provision for bicycles shall be provided in accordance with the City of Canada Bay Development Control Plan for Bicycle Parking and Storage Facilities and AS 2890.3:2005.</p> <p>Condition reason: Bicycle parking</p>
8	<p>Car Parking Areas</p> <p>The following car parking and service vehicle requirements apply:</p> <p>(a) 343 car spaces shall be provided on the development site. This shall comprise of:</p> <ul style="list-style-type: none"> • 268 residential spaces; • 20 visitor spaces; • 35 spaces for childcare; • 7 spaces for medical centers; and • 13 business/commercial/retail premises spaces. <p>(b) All car spaces shall be allocated and marked according to this requirement.</p> <p>(c) If the the development is to be strata subdivided, the car park layout must reflect the above allocation and thereafter be regarded as part of the entitlement of that strata lot. Under no circumstances shall parking spaces be sold, let or otherwise disposed of for use other than in accordance with this condition.</p> <p>(d) Each car parking space shall have minimum dimensions in accordance with the relevant Australian Standard and be provided on-site in accordance with the approved plans.</p> <p>(e) The parking bays shall be delineated by linemarking.</p> <p>(f) Visitor spaces shall be clearly line marked and/or signposted and shall only be used by persons visiting residents of the property or commercial/business/retail premises located within the development. Visitor spaces shall not be allocated as permanent residential parking spaces. Access to visitor parking spaces shall not be restricted without development approval and a sign shall be erected at the vehicular entrance indicating the availability of visitor parking.</p>

	<p>The following traffic control measures shall be implemented on site:</p> <p>(a) Signage indicating "Entry Only" shall be prominently displayed at the entrance to the development.</p> <p>(b) Signage indicating "Exit Only" shall be prominently displayed at the exit to the development.</p> <p>(c) One-Way directional arrows shall be painted on the driveway pavement within the site to indicate the required vehicular directional movement through the car parking area.</p> <p>The above details shall be submitted to and approved by the Accredited Certifier prior to the issue of the Construction Certificate.</p> <p>Condition reason: Parking and access</p>
9	<p>Civil Works in Public Domain</p> <p>The following applications must be submitted and approved:</p> <ul style="list-style-type: none"> • Section 68 (Part B) (Stormwater Drainage Works) application - Stormwater connection works. • Road Reserve Opening Permit - Stormwater connection to the street kerb. • Civil Work in Public Domain Application: <ul style="list-style-type: none"> ○ Stormwater connection into Council's underground drainage system. ○ Construct/reconstruct of Council's drainage system. ○ Road pavement, major footpath/kerb and gutter works. ○ The erection of structures such as shelters, post, fence, signs, outdoor dining facilities and the like. ○ Stormwater drainage works covered in part B of the stormwater specification, except private stormwater outlet connections (pipe sizes less than 150mm diameter). ○ Retaining walls. ○ Road construction, re-grading or re-shaping of the road reserve. ○ Other activities as defined in the Roads Act 1993 that are not covered by other applications. <p>Condition reason: Stormwater Connections and Discharge</p>
10	<p>Construction Management Plan</p>

	<p>Prior to the issue of a Construction Certificate, submit to the Principal Certifier a Construction Management Plan that clearly sets out the following:</p> <ul style="list-style-type: none"> (a) What actions and works that are proposed to ensure safe access to and from the site, and what protection will be provided to the road and footpath area from building activities, crossings by heavy equipment, plant and materials delivery, or static loads from cranes, concrete pumps and the like. (b) The proposed method of loading and unloading excavation machines, building materials, formwork, and the erection of any part of the structure within the site. (c) The proposed areas within the site to be used for a builder's site office and amenities, the storage of excavated material, construction materials and waste containers during the construction period. (d) How it is proposed to ensure that soil/excavated material is not transported on wheels or tracks of vehicles or plant and deposited on surrounding roadways. (e) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve - the proposed method of support is to be designed by a Chartered Civil Engineer. (f) A Soil and Water Management Plan detailing all sedimentation controls.
	<p>Condition reason: Safety, amenity and protection of public infrastructure and the environment</p>
11	<p>Dilapidation Report</p> <p>A Dilapidation Report is to be undertaken on all properties, which in the opinion of a suitably qualified engineer, could be potentially affected by the construction of the project. The Dilapidation Report shall be carried out prior to the issue of the Construction Certificate.</p> <p>The Dilapidation Report is to be prepared by a suitably Qualified Chartered Professional Civil or Structural Engineer with current Institution of Engineers, Australia Corporate Membership registered on the National Engineers Register (NER) or Geotechnical Practitioner.</p> <p>The Report shall cover structural and geotechnical factors likely to arise from the development.</p> <p>A copy of this Report shall be submitted to the owners of all properties inspected and Council as a record.</p> <p>The person having the benefit of the development consent must, at their own cost, rectify any damage caused to other properties during the construction of the project.</p>

	Condition reason: Information
12	Direct waste collection from basement <p>A design certificate and detailed plans are to be submitted with the Construction Certificate application that confirms that the waste can be directly collected from the basement as detailed in the Waste Management Plan.</p> <p>The design certificate is to be in accordance with the Waste Management Plan and specifically confirm that the:</p> <ul style="list-style-type: none"> (a) Waste collection vehicle is able to access the basement, adequately manoeuvre into position, load bins and exit the basement. (b) Adequate vertical clearance is provided along the route of travel to/from external entry/exit points to collection area. (c) The collection vehicle must be able to manoeuvre in the basement with limited need for reversing. (d) The grades of entry/exit must not exceed the capabilities of waste collection vehicle. (e) The floor of the basement has been designed to carry the load of the vehicle.
	Condition reason: Waste management
13	Engineering conditions <p>If you require clarification on any of the following conditions, please contact Council's Development Engineer.</p> <p><u>Driveway Design</u></p> <p>The driveway and vehicular crossing shall be designed and constructed in accordance with Council's "Appendix 2 – Engineering Specifications of the Canada Bay Development Control Plan". The driveway plan shall include details of both edges and the centreline of the proposed driveway/vehicular crossing, measured from the centre line or the crest of the road, whichever level is greater to the parking area, ensuring compliance with the scraping provisions for the B99 vehicle as stipulated in AS/NZS2890.1:2004 "Off Street Car Parking" Code. The longitudinal section shall include:</p> <ul style="list-style-type: none"> • All changes in levels and gradients e.g. lip of gutter, gutter invert, kerb layback, edge of footpath and at the property boundary.

- A full-width concrete footpath shall be provided with a maximum crossfall of 2.5% graded but no less than 1% graded towards the street. The levels of footpath within the vehicular crossing area shall be smoothly connected to the existing footpath upstream and downstream without causing water ponding.
- A standard layback having a 90mm height (maximum 100mm) over 450mm distance from the invert of gutter is to be incorporated into the driveway long section.
- Driveway shall have a crest to reduce the runoff from the street entering the property as overland stormwater flow in case of street flooding during 1%AEP event plus freeboard.
- Overhead clearance i.e. height between the driveway/basement/loading dock and the overhead obstruction shall comply with the minimum headroom clearance listed in AS/NZS 2890.2.
- Driveway longitudinal section shall be checked using the 99th percentile of vehicle template to demonstrate the compliance with scraping provision. Please note that the design B99 vehicle shall have the ground clearance of 120mm (fully loaded vehicle).

Note: centreline or the crest level of the existing road shall be physically surveyed not be assumed to prevent scraping issue. These driveway levels controls do not apply to properties which form part of the stormwater overland flow system.

Driveway Certification

The longitudinal section shall be designed and certified by a Professional Civil Engineer whose qualifications are recognised by, and who is a current member of, Engineers Australia. The Civil Engineer shall certify that the driveway design and longitudinal section achieve compliance with AS/NZS2890.1 and AS/NZS2890.2 and Council's "Appendix 2 – Engineering Specifications of the Canada Bay Development Control Plan".

Stormwater Design

A detailed stormwater drainage plan for the safe disposal of stormwater from the site, prepared in accordance with Council's "Appendix 2 – Engineering Specifications of the Canada Bay Development Control Plan" shall be submitted to, and approved by, the Accredited Certifier. On-site stormwater detention (OSD) system and stormwater quality improvement device(s) (SQID) are required for the development and shall be designed and constructed in accordance with Section On-site Stormwater Detention Systems in Council's DCP, Appendix 2 – Engineering Specification. The following shall also be addressed:

1. The proposed OSD system shall be amended and redesigned as a high early discharge (HED) control system. Alternatively, additional 20% site storage require volume will be required. The final design and calculation shall be indicated on the construction stormwater plan.
2. The basement pump-out drainage system shall be revised and designed in accordance with Clause MP5 of Council's DCP, Appendix 2 – Engineering Specifications. (i.e., 1%AEP 5 hours)
3. A confined space danger sign in accordance with AS2865 and AS1319 shall be

provided at all access points to the OSD, SQID, rainwater tank, recycled water tank and basement pump out storage tank.

Stormwater Certification

The stormwater design shall be certified by a Professional Civil Engineer whose qualifications are recognised by, and who is a current member of, Engineers Australia and shall certify that the proposed stormwater drainage system has been designed in accordance with Council's "Appendix 2 – Engineering Specifications of the Canada Bay Development Control Plan".

Design and Certification of the Recycled Water Network

A central on-site recycle water supply system for supplying at least 20,000 litres of recycled water per day for on-site irrigation locations and toilet flushing is required in the development in accordance with BASIX certificate 1388917M_02 and Clause C16, Section K16.8 8 – Environmental resilience, Park K Special Precincts of Council's Development Control Plan. Details design and calculation in accordance with Council and NSW Health requirement to determine the required volume of storage and the location of the system shall be clearly demonstrated on the construction engineering plan and report. The system shall be designed and certified by a professional engineer who specialises in hydraulic and building service engineering. A connection point and meter location at the site boundary for recycled water shall also requires showing the construction engineering plan in accordance with Control C17, Section K16.8 – Environmental resilience, Park K Special Precincts of Council's Development Control Plan. Overflow from recycled water supply system shall be drained into the existing wastewater drainage system.

Pre-Commencement Damage Report

The Pre-Commencement Damage Report Form shall be completed and submitted to Council. The Damage Report Form is used to establish the existing condition of the road reserve prior to work commencing and to identify any damage caused during construction.

Water Sensitive Urban Design (WSUD) (New condition)

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

Engineering Plans in Public Domain (Revised Conditions)

One (1) hard copy and an electronic copy of Civil Engineering drawings prepared by a suitably qualified engineer with a civil works in the public domain works application under Section 138 of Roads Act 1993 must be submitted to Council for the civil and stormwater

drainage works within the road reserve adjoining 33-37 Blaxland Road and 444 Concord Road, Rhodes including:

Public Stormwater Drainage Works:

- The existing kerb inlet pit shall be modified to a V-grated pit, and a new stormwater gully pit with a minimum of 1.8m lintel shall be installed at the upstream of the proposed vehicular crossing and a new Ø375mm Class 4 steel-reinforcement concrete pipe connecting to the downstream drainage system, and
- Longitudinal section for the stormwater pipe line(s) works within the road reserve shall be provided. All utility services, depth and location shall be investigated and shown on the plan and section drawing, and
- All proposed and reconstructed stormwater pits within road reserve shall be gully pit with concrete lintel, structures details and location including surface and invert levels of crucial sections of the infrastructure shall be provided, and
- Minimum 1% grade and cover must comply with Australia Standard, and
- Cross-section of the public drainage system within the road reserve, including the pavement details;

Public Domain and Civil Works:

- Due to the proposed driveway width is significant, a clear delineation between road and footway at the vehicular entry and exit points shall be established. This may be achieved by forming the vehicular access points into the site with standard kerb and gutter, rather than layback and concrete driveway type profile.
- Full width of concrete paving over the footpath area on Blaxland Street, Llewellyn Street and Concord Road shall be provided.
- Longitudinal and cross sections detailing the reconstruction of the concrete footpath along the entire frontage of the proposed development on Blaxland Road, Llewellyn Street and Concord Road, including transition works, in accordance with Appendix 2 – Engineering Specifications of the Canada Bay Development Control Plan.
- Longitudinal and cross sections detailing the reconstruction of the concrete kerb and gutter for the entire frontage of the proposed development on Blaxland Road and Llewellyn Street, Rhodes, including transition works, in accordance with Appendix 2 – Engineering Specifications of the Canada Bay Development Control Plan.
- Reconstruction/re-sheeting of the adjacent road pavement Blaxland Road and Llewellyn Street (i.e., minimum half of the road). All reconstruction and re-sheeting shall be designed and constructed in accordance with Council's Engineering Specification.
- Any proposed erection of structures such as shelters, post, fence, signs and trees shall be indicated on the plan.
- All services near the work area (e.g., pits (Telecom, stormwater), poles, sewer etc) shall be shown on the drawings. Written approval from the relevant public utility services authority is required to submit to Council if relocation and/or adjustment of the public utility services affected by the proposed works. Any alteration works for the public utility services shall address the relevant public authority

	<p>requirement. The consented works must be completed to Council's satisfaction at no cost to Council.</p> <ul style="list-style-type: none"> • Engineering works shall be designed and undertaken in accordance with the Council's "Appendix 2 – Engineering Specification of the Canada Bay Development Control Plan" and Council's Development Control Plan, and • All Civil Engineering works must be conducted utilising a quality management system prepared to the satisfaction of Council's engineer. <p>Commitment to the following:</p> <ul style="list-style-type: none"> • A maintenance period of six (6) months shall apply to the work after it has been completed. In that period the Applicant shall be liable for any part of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the design loading conditions, and • Upon completion of the works, the Applicant is to provide to Council one (1) hard copy and an electronic copy of "work as executed plans". The plans are to show relevant dimensions and finished levels and are to be certified by a registered surveyor. Also, the Applicant is to provide to Council, in an approved format, details of all public infrastructure created as part of the works, including certification from a suitably qualified engineer. • The consented works must be completed to Council's satisfaction at no cost to Council. <p>If you require clarification, please contact Council's Development Engineer.</p>
	<p>Condition reason: Engineering requirements</p>
14	<p>Erosion and sediment controls</p> <p>Erosion and sedimentation controls must be provided to ensure:</p> <ul style="list-style-type: none"> (a) Compliance with the approved Soil and Water Management Plan. (b) Removal or disturbance of vegetation and topsoil is confined to within 3m of the approved building area (no trees to be removed without approval). (c) All uncontaminated run-off is diverted around cleared or disturbed areas. (d) Silt fences or other devices are installed to prevent sediment and other debris escaping from the cleared or disturbed areas into drainage systems or waterways. (e) All erosion and sediment controls are fully maintained for the duration of demolition/development works. (f) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadways. (g) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar. (h) All water pumped or otherwise removed from excavations or basement areas is filtered to achieve suspended solids/non filterable residue levels complying with the Australian Water Quality guidelines for Fresh and Marine Waters. (i) Pumped or overland flows of water are discharged so as not to cause, permit, or

	<p>allow erosion before the commencement of work (and until issue of the occupation certificate).</p> <p>Details of the proposed soil erosion and sedimentation controls must be submitted to the Principal Certifier for approval prior to the issue of a Construction Certificate and implemented onsite before building work commences.</p>
	Condition reason: Environmental Protection
15	Hoardings
	<p>A Hoarding Application and written approval for the erection of a Class A (fence type) or Class B (overhead type) hoarding along the street frontage(s) complying with WorkCover requirements must be obtained.</p> <p>The relevant application form shall be submitted to Council with a footpath occupancy fee based on the area of footpath to be occupied according to Council's Schedule of Fees and Charges, and the application shall be approved before the commencement of work.</p> <p>A Public Risk Insurance Policy with a minimum cover of \$10 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained with a copy also provided to Council. The Policy is to note Council as an interested party.</p>
	Condition reason: Site Safety
16	Installation of Temporary Ground Anchor
	<p>An Application to Install Temporary Rock Anchors is required where ground anchors are proposed for the protection of Council's land or assets such as utility services, footpaths, kerb and gutter and other ancillary infrastructure.</p>
	Condition reason: Protection of Council Asset
17	Landscape Maintenance Strategy
	<p>To ensure the survival of landscaping following works, a landscape maintenance strategy for the owner/occupier to administer over a 12 month establishment period following the issue of the Occupation Certificate shall be prepared. The strategy is to address maintenance issues such as, but not limited to plant survival, irrigation, soil testing, weeding, staking, fertilizing, remedial pruning and plant replacement.</p>
	Condition reason: Landscape amenity
18	On-slab Planting
	<p>To ensure the site landscaping thrives the on-slab landscaping shown on the approved landscaping plan is to be designed to include the following minimum soil depth, volume</p>

and areas:

Turf	200mm
Grass and ground covers	350-450mm
Shrubs	600-650mm

Mature Size	Height	Canopy Width	Soil Volume (per tree)	Soil Area on Structure	Minimum Depth
Small Trees	6-8m	4m	9m ³	3.5m x 3.5m	800mm
Medium Trees	8-12m	8m	35m ³	6m x 6m	1000mm
Large Trees	12-18m	16m	150m ³	10m x 10m	1200mm

Drainage layers are additional to these dimensions.

A qualified structural engineer must provide certification that the structure can support these minimum requirements.

Condition reason: Landscape quality

19 Public Domain - Plan

A detailed public domain plan and supporting documentation must be submitted to and approved by Council, showing the site's frontage to "Blaxland Road", "Llewellyn Street" and "Concord Road" and extending a minimum of 5m past the boundary and to the middle of the road. This Plan must document all works required to ensure that the public domain complies with the draft Rhodes East Public Domain Plan, including:

- Finished levels – The public domain levels and gradients for the building and site frontage to "Blaxland Road", "Llewellyn Street" and "Concord Road". The levels, gradients and crossfall override those identified in this consent. This plan must be based on an accurate survey, to scale and fully coordinated across all disciplines and submissions.
- Accessibility - Any requirements to comply with Disability Discrimination Act at the entrance to a building or publicly accessible space must be resolved inside the site boundary.
- Design Detail - The plan must consider road pavement, traffic measures, footway pavement, kerb and gutter, drainage, vehicle crossovers, pedestrian ramps, lighting, street trees and landscaping, signage and other public domain elements.
- Lighting - A concept public domain lighting upgrade plan for pedestrian and street lighting in the public domain prepared in accordance with the AS/NZS 1158 and include:

	<ul style="list-style-type: none"> ○ Pole footing locations and structural details, location and details of underground electrical reticulation including connections and conduits, pit cabling and certifications. ○ Lighting standards compliance of AS1158.3.1:2020 Category PR2 is to be achieved. ○ Upgrade existing Ausgrid street lighting using current network standard LED luminaires. ○ Lighting designs certified by a suitably qualified practicing lighting engineer. ● Hold Points - Hold points for civil, drainage and subsurface works. ● Services - Service identification and relocation. <p>The scale and sheet size must be the same across each discipline and any potential conflict resolved at the design stage.</p>
	Condition reason: Public Domain Works
20	Public Domain - Works Bond <p>A Public Domain Works Bond will be required as security for the public domain works and for repairing damage that may be caused to the public domain in the vicinity of the site, in accordance with the City of Canada Bay's adopted fees and charges. The Public Domain Works Bond must be submitted as cash, an unconditional bank guarantee or insurance bond as per the Council's Performance Bond Policy in favour of the City as security for completion of the obligations under this consent (Guarantee). The City of Canada Bay must be contacted to determine the guarantee amount prior to lodgement of the guarantee. The guarantee must be lodged with the City prior to approval of the Public Domain Plan.</p> <p>The Guarantee will be retained in full until all Public Domain works, including rectification of damage to the public domain, are completed to City of Canada Bay standards and approval and the required certifications, warranties and works as-executed documentation are submitted and approved by the City in writing. On satisfying the above requirements, 90% of the security will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.</p>
	Condition reason: Public Domain Works
21	Speed Hump and Stop Sign on Exit <p>A stop sign and a speed hump shall be provided and maintained at the exit from the site. The stop sign must be accompanied by the associated line marking and the speed hump shall be set back by 1.5 metres from the boundary alignment. The devices shall be designed and constructed in accordance with the provision of all relevant Australian Standards.</p>

	Condition reason: Vehicular and pedestrian safety
22	<p>Stacked Car Parking</p> <p>The stacked parking spaces must be attached to the same strata title lot comprising a single dwelling unit or commercial/retail tenancy</p> <p>For commercial / retail uses the stacked parking spaces must be designated with signage for staff parking.</p> <p>Condition reason: Parking</p>
23	<p>Vehicular Crossings Location, Ancillary Works and Removal of Redundant Crossings</p> <p>A Vehicular Crossing Location and / or Ancillary Works Application is required for the following works:</p> <ul style="list-style-type: none"> • New vehicular crossover. • Construct new footpath and/or kerb and gutter within property frontage. • Widen existing vehicular crossover. • Remove existing vehicular crossover and kerb invert. • Repair/replace an existing driveway crossover. • Repair or reconstruct kerb and gutter. • Repair or reconstruct footpath within property frontage. <p>All disused or redundant vehicle crossings and laybacks shall be removed and reinstated with concrete kerb and gutter or to the existing edging profile.</p> <p>Condition reason: Access and public works</p>
24	<p>Waste Chute Design</p> <p>Where the development incorporates a Waste Chute as part of the waste management system, a design certificate and detailed plans are to accompany any Construction Certificate application which confirms that the waste chute can be constructed to satisfy the Waste Management Guide and specifically the following requirements:</p> <ul style="list-style-type: none"> (a) Chutes, service openings and charging devices are constructed of metal or a smooth faced surface which is fire resistant and of impervious material. (b) Chute is cylindrical in section, vertical and without bends as it passes through the floors. (c) Chutes must terminate in the waste storage room and discharge into a waste bin. (d) Comply with manufactures technical specifications and operational limitations. <p>Condition reason: Waste management</p>

25	Waste Storage Room Construction
	<p>A design certificate and detailed plans are to be submitted with the Construction Certificate application which demonstrate that the waste storage room has been designed to be constructed in accordance with the Waste Management Plan and including the following requirements:</p>
	<ul style="list-style-type: none"> (a) The floor is to be constructed of concrete at least 75mm thick and adequately graded to drain to a Sydney Water approved drainage fitting; (b) The floor must be finished so that it is non-slip and has a smooth and even surface covered at all intersections; (c) The ceilings and walls must be finished with smooth faced non-absorbent material capable of being cleaned; (d) The room is to be provided with artificial light controllable within the room and adequate ventilation; and (e) The room is to be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock.
	Condition reason: Waste management
26	Geo-technical Report
	<p>A comprehensive geo-technical engineering report assessing the impact and safety of the proposed works shall be prepared by a suitably experienced and qualified geo-practitioner and submitted with any Construction Certificate. The report must include the results of subsurface investigations involving either test pits rock, or preferably the drilling of cored boreholes (to 1m below the proposed final excavation level). The report shall describe inter alia:</p>
	<ul style="list-style-type: none"> (a) an indication of the nature and depth of any uncontrolled fill at the site. (b) an indication of the nature and condition of the material to be excavated. (c) indications of groundwater or seepage. (d) required temporary measures for support of any excavations deeper than 1m adjacent to property boundaries. (e) statement of required excavation methods in rock and measures required to restrict ground vibrations. (f) other geo-technical information or issues considered relevant to design and construction monitoring.
	Condition reason: Structural and information

27	Amendments to Approved Plans - Council
	<p>To ensure the development achieves design excellence, an amended set of architectural and landscape plans must be submitted to the Council for approval prior to the issuance of a Construction Certificate, addressing the following requirements:</p> <p>Public Domain Interface:</p> <ul style="list-style-type: none"> • Submit a detailed landscape design for the Blaxland Road frontage. • Prepare and provide a material board of the publicly accessible spaces that aligns with the Council's draft public domain plan with material selection for review and sign-off. • Remove obstacles that block sight lines to and from the basement car park within the building setback area to preserve the line of sight and improve safety. • Design vehicular crossovers to provide visual cues to their presence while signalling pedestrian path continuity. • Indicate the anticipated position of street trees as regular avenue planting. <p>Pedestrian and Vehicle Access:</p> <ul style="list-style-type: none"> • Ensure the Blaxland Road frontage near the car park entry does not impede pedestrian movement. • Remove glass fencing adjacent to planter boxes fronting Blaxland Road and Llewellyn Street where it is not required for balustrade/safety. <p>Outdoor Dining and Public Areas:</p> <ul style="list-style-type: none"> • Revisit the narrow, linear outdoor dining area to present a well-resolved civic and public character with improved seating arrangements and planting along Blaxland Road and Llewellyn Street. This may result in increasing the facade setback of the retail units from the adjoining boundry. • Relocate the BBQ and community garden to more appropriate locations for example level 11 of the lower tower. <p>Childcare Access and Safety:</p> <ul style="list-style-type: none"> • Ensure stair access down to the childcare area is daylit and generous, accommodating peak time usage. • Provide stair access from Blaxland Road to the B1 car park. <p>Laneway and Commercial Space Access:</p> <ul style="list-style-type: none"> • Include breaks in the planter at the southern laneway to allow flexible access to the neighbouring site. • Ensure the commercial space at the SE corner of level 1 has adequate access with both lift and stair options.

	<p>Landscape Courtyard and Noise Mitigation:</p> <ul style="list-style-type: none"> • Address the narrow, deep, and overlooked landscape courtyard of level 1 by adding larger trees for screening. • Demonstrate that adequate noise mitigation measures are in place for unit U503, which is close to the pool. • Provide direct gate access to communal open spaces for adjacent units, especially for family living. <p>Podium Setback Zone:</p> <ul style="list-style-type: none"> • Utilise the setback zone atop the podium fronting the street to create large balconies for family living, ensuring these areas are designed to preserve the clear masonry line defining the top of the podium when viewed from the street. 						
	<p>Condition reason: To ensure the development achieves the required design excellence</p>						
28	<p>Tanking of Basement</p> <p>The basement area shall be designed with a permanently waterproof tanked system with adequate provision for future fluctuation of the water table. The system shall be designed that the subsurface structure can withstand to the effect of pore pressure and buoyancy and demonstrating compliance the relevant regulation and standard. Design details and construction specifications of subsurface structure, tanking and waterproofing shall be prepared by a suitably experienced Chartered Professional Engineer(s) and submit to the Principal Certifier.</p> <p>Condition reason: Subsurface stormwater management</p>						
29	<p>Fees to be paid to Council prior to issue of the Construction Certificate</p> <p>The following fees shall be paid prior to the issue of a Construction Certificate:</p> <table border="1" data-bbox="263 1462 1417 1765"> <tr> <td colspan="2" data-bbox="263 1462 1417 1518">Damage Deposit</td></tr> <tr> <td data-bbox="263 1518 1168 1630">Any costs to rectify damage caused by the development will be deducted from the damage deposit.</td><td data-bbox="1168 1518 1417 1630">\$200,000</td></tr> <tr> <td colspan="2" data-bbox="263 1630 1168 1765">The damage deposit will be refunded when the works are completed, any damage repaired and an Occupation Certificate issued.</td></tr> </table> <p>Additional DA Fees</p>	Damage Deposit		Any costs to rectify damage caused by the development will be deducted from the damage deposit.	\$200,000	The damage deposit will be refunded when the works are completed, any damage repaired and an Occupation Certificate issued.	
Damage Deposit							
Any costs to rectify damage caused by the development will be deducted from the damage deposit.	\$200,000						
The damage deposit will be refunded when the works are completed, any damage repaired and an Occupation Certificate issued.							

In accordance with the Environmental Planning and Assessment Regulations Council is required to charge the development application fee based on the estimated cost of works. Council estimates that the cost of works is \$ \$132,976,916 (excluding GST), which requires the payment of additional fees.		Amended Plans Reassessment Fee: \$1,340.00. DA Fee: \$5,067.71. Plan Reform Fee: \$5,897.00.	
Long Service Levy			
The NSW Government charges a levy on all building and construction works of \$250,000 or more. The levy is paid into a fund administered by the Long Service Corporation (LSC). This fund pays long service to eligible building and construction workers.		0.25% of the cost of building and construction works including GST	
Sect. 7.11 Contributions - Rhodes		Dwelling Mix \$5,267,001.23	
Section 7.11 Development Contributions are required towards the provision of public amenities and services in accordance with the Canada Bay Local Infrastructure Contribution Plan.			
CPI Applied – March 2024 (137.7)	Monetary Contribution – Residential Development		
	Studio/one bedroom dwelling or one bedroom secondary dwelling	Two bedroom dwelling or two bedroom secondary dwellings	Three+ bedroom dwellings or three bedroom secondary dwellings
Development Contribution	\$14,384.71	\$20,000	\$20,000
Number of dwelling	13	189	75
Total \$	\$187,001.23	\$3,780,000	\$1,500,000
Credit		10 houses X \$20,000	
		-\$200,000	
Total \$	5,267,001.23		

	The contributions were calculated when the Consumer Price Index (CPI) in March 2024 for Sydney was 137.7. Any change in the CPI at the date this contribution is paid will be added/subtracted from the amount.	
	Affordable Housing Contribution - Payment of Money in Lieu of Floor Space	
Condition reason: Statutory requirement and information		
30	Affordable Housing Contribution - Payment of Money in Lieu of Floor Space	
	<p>In accordance with Clause 6.12 (6) Affordable Housing of the Canada Bay Local Environmental Plan 2013 and the Canada Bay Affordable Housing Contribution Scheme, and prior to a Construction Certificate being issued, the applicant must pay a monetary contribution towards the provision of affordable housing to the City of Canada Bay Council.</p> <p>The contribution is \$16,184,517.7 based on the total uplift in residential GFA of 28795 sqm at \$562.06 per sqm GFA as at the 2024 (June Quarter).</p> <p>Contributions will be indexed quarterly in accordance with the formula set out in the scheme and reproduced below.</p> <p>Notes:</p> <p>(a) The amount of the monetary contribution is to be as per the Canada Bay Affordable Housing Contribution Scheme.</p> <p>(b) Applicants are to make the payment either by Bank Cheque or by Online Payment to the City of Canada Bay Council.</p> <p>(c) The formula for quarterly Contribution Rate indexation adjustment is: Next Quarter's Contribution Rate = Current Contribution Rate x (MDP2/MDP1) Where MDP1 is the median strata dwelling price * for the PREVIOUS quarter MDP2 is the median strata dwelling price * for the CURRENT quarter *The median strata price is published quarterly in the NSW Government Rent and Sales Report, Table: Sales Price - Local Government Area - Canada Bay - Strata</p>	
	Condition reason: Statutory Requirement	
31	Tree Protection - Arborist Report and Inspections	

	<p>To ensure the longevity of the trees identified for retention the applicant must engage an arborist with a minimum Australian Qualification Framework Level 5 to provide an arborist report and tree protection plan, including:</p> <ul style="list-style-type: none"> • Tree protection measures that satisfy Australian Standard 4970 Protection of Trees on Development Sites. • A survey plan with all trees located and numbered and a Tree Protection Zone (TPZ) and Structural Root Zone (SRZ). • No excavation shall take place within the SRZ. • Excavation between the SRZ and the TPZ can only occur by hand and under the supervision of an arborist. In the event that major structural or feeder roots greater than 50mm in diameter are encountered between the SRZ and TPZ, the consulting arborist is to provide appropriate measures to ensure the long term retention of the tree. • Required arborist site inspections, which at minimum include a record the following: <ul style="list-style-type: none"> ○ Methods of excavation or construction used to carry out the works at critical stages typically including installation of services, footings and slabs, scaffolding, works within the TPZ and at completion of building works; ○ Any damage sustained by the tree/s as a result of the works; ○ Any subsequent remedial works required to be carried out by the consulting arborist as a result of the damage; and ○ Any future or on-going remedial work required to be carried out to ensure the long term retention of the tree/s.
	Condition reason: Tree Protection
32	<p>Truck Turntables</p> <p>When turntables are proposed to enable a forward in and forward out manoeuvre of waste collection vehicles they must be included in the Waste Management Plan for the development. The Waste Management Plan must confirm that:</p> <ul style="list-style-type: none"> (a) The building manager is responsible for operating the turntable in the building as Council's waste collection staff and contractors are not permitted to operate the turntable. (b) The turntable must have a manual override in case of malfunction.
	Condition reason: Waste management
33	<p>Changes to on-street parking restrictions</p> <p>An application must be made to the Local Traffic Committee via Council's Traffic and Transport Department seeking Council's approval for changes to on-street parking arrangements. There is no guarantee on-street parking will be changed, or that any change will remain in place for the duration of the development use.</p>

	<p>The submission must include a plan showing the existing on-street parking restriction signs and posts, and a plan showing the proposed on-street parking restriction signs and posts.</p> <p>It is recommended that the applicant contact Council's Traffic Engineer to discuss the proposal before making application.</p>
	Condition reason: Parking and access
34	Internal Driveway and Ramp Width
	<p>The internal driveway must be a minimum 5.50m wide (clear width) for the first 6 metres inside the property so as to allow entering & exiting vehicles to pass within the site. Should the driveway narrow after this point it is then to be designed with a minimum 1.5m x 1.5m splay to allow the passing to work.</p>
	Condition reason: Vehicular safety
35	Amended Acoustic Assessment - Council
	<p>An amended acoustic assessment, prepared by a suitably qualified acoustic consultant, shall be submitted to Council for written approval prior to the issuance of a Construction Certificate. This assessment must address the following:</p> <ol style="list-style-type: none"> 1. The external noise impact within the building. 2. Confirmation that the recommended acoustic treatments comply with the internal noise criteria. 3. Noise modeling of road and rail noise effects on the façade of the development. 4. Evaluation of whether doors and windows need to be closed to meet the internal noise criteria. If so, alternative ventilation must be provided. 5. A vibration assessment of ground-borne noise, as the development is within 60m of a rail corridor, in accordance with the "Development near Rail Corridors and Busy Roads – Interim Guideline". 6. Management of noise associated with the use of communal areas on Level 1 (outdoor public terrace), Level 5 (outdoor swimming pool and lawn area), and communal area on Level 11. 7. Compliance of mechanical plant and equipment with project noise trigger levels, considering their selection and location near sensitive receivers. Specifically, provide comments on the location of the carpark exhaust at height Level 6, ensuring compliance with AS1668, and its impact on surrounding sensitive receivers.
	Condition reason: Minimise adverse noise impacts
36	Adaptable units
	<p>Before the issue of the construction certificate, a report prepared by a suitably qualified consultant must be obtained that demonstrates, to the certifier's satisfaction, that any</p>

	<p>adaptable dwellings specified in the approved plans or documents comply with the provisions of AS 4299 Adaptable Housing Standards.</p> <p>Condition reason: To ensure adaptable units are designed in accordance with the Australian Standard.</p>
37	<p>Equal access to the premises</p> <p>Before the issue of a construction certificate, plans which demonstrate that adequate access to the premises will be provided for persons with disabilities in accordance with the Commonwealth Disability (Access to Premises – Buildings) Standards 2010. These plans must be submitted to the certifier.</p> <p>Condition reason: To ensure safe and easy access to the premises for people with a disability</p>
38	<p>External lighting</p> <p>Before the issue of a construction certificate, plans detailing external lighting must be prepared by a suitably qualified person.</p> <p>The lighting plan must be consistent with the approved plans and documents, and the following requirements:</p> <ol style="list-style-type: none"> 1. comply with AS 1158: Lighting for Roads and Public Spaces; 2. comply with AS 4282: Control of Obtrusive Effects of Outdoor Lighting 3. lighting must be placed at all entrances to, and exits from the premises 4. lighting must provide coverage of the premises and surrounding areas for visibility and to reduce hidden areas; 5. lighting must not interfere with traffic safety; 6. lighting must not give rise to obtrusive light or have adverse impacts on the amenity of surrounding properties; and 7. external lighting must not flash or intermittently illuminate unless required for safe ingress/egress of vehicles crossing a pedestrian footway or approved vehicle entrance. <p>The lighting plan must be submitted to the certifier:</p> <p>Note – All above documents refer to the version in effect at the time the consent is granted</p> <p>The relevant details and specifications shall be provided to the Principal Certifier prior to the issue of a Construction Certificate showing compliance with this condition.</p> <p>Condition reason: To ensure external lighting is provided for safety reasons and to protect the amenity of the local area</p>
39	<p>Maintaining Sight Lines</p> <p>The sightlines at the access driveway are to be designed in accordance with Figure 3.3 of AS2890.1:2004. Any objects including landscaping within the splay of a minimum of 2.5m by 2.0m adjacent to the driveway at the property boundary shall have a maximum height of</p>

	600mm above the internal driveway level. Details are to be submitted to the Accredited Certifier prior to the issue of a Construction Certificate showing compliance with this condition.
	Condition reason: Safety
40	Electricity Substation
	Any required electricity substation must be located within the building footprint.
	Documentary evidence of compliance, including correspondence from the energy authority is to be provided to the Accredited Certifier prior to the issue of a Construction Certificate detailing the energy authority's requirements.
	Condition reason: Access to utility
41	Electric vehicle circuitry and electric vehicle charging point requirements
	An accurate electrical plan and specifications for all off-street car parking must be prepared by a suitably qualified person, demonstrating the following;
	<p>a) That each off-street car parking space will be provided with electrical circuitry to support the installation of a Level 2 electric vehicle charger point. The construction certificate plans are to:</p> <ul style="list-style-type: none"> • Identify the power capacity to each car parking space. • Identify the load management system on each level of parking such as a distribution board. • Install the electrical cabling necessary to enable the provision of an electrical vehicle charging point for each designated parking space. This system should allow future installation of cabling to power electric vehicle charger points and allow internet access (run Ethernet cable or install 4G modem). <p>b) The certifier must be satisfied that the electrical plans and specifications are consistent with (a) prior to the issue of the construction certificate.</p> <p>Note: The minimum electric circuitry requirements for 'Level 2' electric vehicle charging points are: a) Privately available spaces including visitor spaces: 'Level 2' slow – single phase 7kW power; and b) Publicly available spaces: 'Level 2' fast – three-phase 11-22kW power</p>
	Condition reason: Access to EV charger infrastructure
42	Surveillance Cameras (CCTV)
	Detailed plans and specifications for CCTV must be submitted to the Principal Certifier for approval prior to the issue of a Construction Certificate
	The CCTV system must comply with the following requirements:

	<p>a) It must operate continuously.</p> <p>b) It must record in digital format at a minimum of six frames per second.</p> <p>c) Any recorded image must specify the time and date of the image.</p> <p>d) The system's cameras must be located within the property and cover:</p> <p>i) all entry and exit points of the premises,</p> <p>ii) the footpath immediately adjacent to the premises, and</p> <p>iii) all publicly accessible areas (other than toilets) on the premises, from floor level to a minimum height of two metres.</p> <p>e) CCTV recordings must be retained for at least 30 days.</p> <p>f) Management shall ensure the system is accessible by at least one member of staff at all times it is in operations, and</p> <p>g) Provide any recordings made by the system to Council or NSW Police within 24 hours of any request by an authorised officer to provide such recordings.</p> <p>Note: The lead agency for enforcement is NSW Police.</p> <p>Condition reason: Security & Safety</p>
43	<p>Dual water reticulation</p> <p>The detail design of the dual water reticulation system containing pipes for potable water and recycled water for all internal and external water uses must be submitted to the Principal Certifier for approval prior to the issue of a Construction Certificate.</p> <p>Condition reason: Environmental Sustainability- Statutory Requirements</p>
44	<p>Public Art Plan</p> <p>A detailed Public Art Plan shall be submitted to Council for written approval prior to the issue of a Construction Certificate.</p> <p>Condition reason: Public Art</p>
45	<p>Undergrounding new services</p> <p>The developer is responsible for the relocation of the existing cable and infrastructure at their own expense.</p> <p>All new services must be located underground, within a consolidated strip adjacent to the kerb line. Whenever feasible, new services should occupy a single services corridor accessible through a single access cover.</p> <p>Installation of the power supply must be in underground format.</p> <p>Street lights within the precinct must meet the following lighting standards:</p> <ul style="list-style-type: none"> - Marquet Street, Mary Street, and Gauthope Street: P2 - Multi-Function Poles shall be provided with optic fibre connections to facilitate future CCTV, WiFi, and LiFi installations for the community where required. <p>The relevant details and specifications shall be provided to the Principal Certifier prior to the issue of a Construction Certificate showing compliance with this condition.</p>

	Condition reason: Public Domain improvement
46	<p>Construction Traffic Management Plan (CTMP)</p> <p>The following amendments and details shall be submitted to Council for written approval prior to the issue of a Construction Certificate:</p> <ol style="list-style-type: none"> 1. Construction Traffic Management Plan (CTMP) - Submit and have approved by Council's Engineers, a detailed Construction Traffic Management Plan (CTMP). The plan shall demonstrate how construction and delivery vehicles will access the development site during the demolition, excavation and construction phase of the development. The plan shall be certified by a suitably qualified and experienced traffic consultant and all traffic associated with the subject development shall comply with the terms of the approved Construction Traffic Management Plan. The following matters (at a minimum) must be addressed in the CTMP: <ul style="list-style-type: none"> • A detailed description and route map of the proposed truck/construction vehicle access routes. • The locations of any proposed Construction Works Zones along the site frontage. • Provide a construction schedule. • Tradesperson parking (parking shall be provided on-site where possible). • Provide relevant Traffic Guidance Schemes (must be certified by a suitably qualified Safe Work NSW ticket holder). • Provide relevant Pedestrian Management Plans. • A site plan which indicates site entrances and exits, turning areas within the site for construction and spoil removal vehicles allowing a forward ingress and egress for all construction vehicles on the site (superimposed truck swept path diagrams). Site entrances and exits shall be controlled by a certified traffic controller. <p>This involves a change to the Development Application plans as submitted to and approved by Council. Any changes in this regard shall be reflected as amended plans to be submitted to the Council for written approval prior to the issue of a Construction Certificate for the proposed development.</p> <p>Condition reason: Construction Traffic Management</p>
47	<p>Amended BASIX Assessment and Certificate</p> <p>The BASIX certificate identified under approved plans and supporting documents must be amended to the satisfaction of the principal certifier prior to the issuance of the Construction Certificate to incorporate the following requirements:</p> <ul style="list-style-type: none"> • The submitted document has not clearly demonstrated that a recycled water network will be proposed. This includes the tank location and purple pipelines, as per Control C17, Section K16.8 – Environmental Resilience, Park K Special Precincts of the Council's Development Control Plan. • The submitted BASIX and Efficient Living report have not clearly indicated the source of greywater contributing to the system. Specifically, the document should clarify: <ul style="list-style-type: none"> ○ The number of units contributing greywater.

	<ul style="list-style-type: none"> ○ The amount of greywater per unit or title contributing to the system per day. ○ The type of treatment devices that will be provided. • The report must clearly demonstrate how the proposed recycled water system complies with relevant regulations and requirements (e.g., NSW Health) to ensure safe use for irrigation and toilet flushing without causing adverse impacts to the systems. • The BASIX certificate must show that the development exceeds the BASIX SEPP water target by 20 points and surpasses the BASIX SEPP energy target by 15 points.
	Condition reason: Sustainable building practice and regulatory compliance
48	Floor Space Ratio (FSR)
	The gross floor area (GFA) calculation diagrams are to be reviewed by the Principal Certifier to ensure that each relevant Construction Certificate achieves compliance with the maximum GFA permissible for this site which is 33,019.24 sqm (inclusive of any bonus). This may require the formation of a cumulative table to demonstrate compliance and ensure that the maximum permissible GFA for the site is not breached.
	Condition reason: Statutory compliance

Before building work commences

49	Compliance with Home Building Act (if applicable) - (Prescribed condition EP&A Regulation, clause 98(1)(b))
	In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
	Condition reason: Prescribed Condition
50	Erosion and Sediment Control
	Erosion and sedimentation controls shall be in place prior to the commencement of demolition or ground works and must be maintained during construction.
	The controls shall be installed in accordance with the approved details and in accordance with Managing Urban Stormwater - soils and Construction produced by Landcom (Blue Book).
	A copy of the Erosion and Sediment Control Plan must be kept on site and made available to Council officers on request.
	Condition reason: Environmental Protection

51	Home Building Act requirements
	<p>Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifier for the development to which the work relates (not being the council) has given the council written notice of the following information:</p> <p>(a) In the case of work for which a principal contractor is required to be appointed— (i) the name and licence number of the principal contractor, and (ii) the name of the insurer by which the work is insured under Part 6 of that Act,</p> <p>(b) In the case of work to be done by an owner-builder— (i) the name of the owner-builder, and (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.</p> <p>If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the principal certifier for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.</p>
	Condition reason: Prescribed Condition
52	Requirements Before Building Work
	<p>No work shall commence in connection with this development consent until:</p> <p>(a) A Construction Certificate for the building work has been issued.</p> <p>(b) A Principal Certifier has been appointed.</p> <p>(c) Provide notice of commencement of works two (2) days prior to work commencing.</p> <p>(d) A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out: showing the name, address and telephone number of the principal certifier for the work, and 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 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. 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.</p>
	Condition reason: Statutory Requirement

53	<p>Site Safety Fencing</p> <p>Erect site fencing to a minimum height of 1.8m complying with WorkCover Guidelines, to exclude public access to the site throughout the construction works. The fencing must be erected before the commencement of any work and maintained.</p> <p>The site shall be secured and shall be maintained in a clean and orderly condition during demolition and construction works.</p> <p>Condition reason: Site Safety</p>
54	<p>Tree Protection</p> <p>All street trees, trees on private property that are identified for retention and trees on adjoining sites must be protected prior to the commencement of demolition or ground works and must be maintained during construction as follows:</p> <p>(a) Tree protection zone to be enclosed by protective fencing such as chain wire mesh panels or wooden fencing panels. Where fencing cannot be installed then trunk and major limb protection must be installed as follows:</p> <p>(i) Timber planks with padding (50mm x 100mm or similar) must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals and fixed against the trunk with tie wire or strapping. The timber planks must not be fixed into the tree. Young street trees with existing wooden stakes do not require trunk protection to be installed but must be enclosed by a protective fence.</p> <p>(ii) A tree trunk and / or major branch located within 0.5m of any hoarding or scaffolding structure must be protected by wrapped hessian or a similar material.</p> <p>(b) Soil and root protection - Steel boards, track mats, or timber rumble boards to be utilised for heavy machinery to protect roots and limit surrounding soil compaction.</p> <p>(c) Scaffold columns must not be placed on any tree roots that are exposed and all scaffold to be placed on scaffold boards or plywood sheeting.</p> <p>(d) Construction material, goods and sheds must not be stored or placed under the tree canopy or within 2 metres of tree trunks.</p> <p>(e) No storage within tree protection zone unless authorised by Project Arborist.</p> <p>(f) Temporary signs or other items must not be fixed into or attached to a tree.</p>

	<p>(g) Any excavation within in any area known to or suspected of having tree roots greater than 40mm diameter must be supervised by Project Arborist and undertaken by hand. Any trenching works for services, hydraulics, drainage etc must not be undertaken within 3 metres of any tree trunk.</p> <p>(h) Alternative installation methods for services, such as directional boring/drilling, or redirection of services shall be employed where large woody roots greater than 40mm diameter are encountered during the installation of services.</p> <p>(i) Existing sections of kerbs adjacent to any street tree shall not be removed without written approval from Council's Tree Services Team because the removal of kerbs adjacent to mature trees can cause trees to become unstable and fail.</p> <p>(j) Any damage sustained to a tree must be immediately reported to the Council's Tree Services Team.</p>
	Condition reason: Tree Protection

During building work

55	<p>Acid Sulphate Soils</p> <p>Any excavation works carried out on site should be closely monitored to ensure no signs of Potential Acid Sulphate Soil or Actual Acid Sulphate Soil are observed. Indicators may include grey to greenish blue clays, unusual gold- yellow mottling or 'rotten egg' odours. If any of these indicators are observed, excavation of the site is to be stopped immediately, Council and the Principal Certifier are to be notified and a suitably qualified environmental scientist should be contracted to further assess the site.</p> <p>Condition reason: Environmental protection</p>
56	<p>Building Survey</p> <p>In order to ensure compliance with approved plans, a Survey Certificate prepared to Australian Height Datum must be prepared by a Registered Surveyor at the following stages:</p> <p>(a) Basement - At the completion of excavation and prior to the pouring of concrete the height and distance of the formwork to the boundaries and any easements or public drainage infrastructure.</p> <p>(b) Floor levels - Prior to pouring of concrete, at the ground floor level and every second level, showing the height and distance of the formwork to the</p>

	<p>boundaries and any easements or public drainage infrastructure.</p> <p>(c) At completion - Each finished floor level, highest point of the building and the distance of the building to the boundaries and any easements or public drainage infrastructure.</p> <p>Progress certificates must be provided to the Principal Certifier at the time of carrying out relevant progress inspections. Under no circumstances will work be allowed to proceed should such survey information be unavailable or reveal discrepancies between the approved plans and the proposed works.</p> <p>Condition reason: To ensure compliance with the approved plans</p>
57	<p>Compliance with the Building Code of Australia - (Prescribed condition - EP&A Regulation clause 98(1)(a))</p> <p>Building work must be carried out in accordance with the requirements of the BCA.</p> <p>Condition reason: Prescribed Condition</p>
58	<p>Contaminated Land Unexpected Finds</p> <p>In the instance works cause the generation of odours or uncovering of unexpected contaminants, works are to immediately cease, Council is to be notified and a suitably qualified environmental scientist appointed to further assess the site.</p> <p>The exposed material/excavation is to be evaluated by the supervising environmental consultant and an appropriate response determined in consultation with the applicant, which is agreed to by City of Canada Bay, Manager Health, Building and Compliance.</p> <p>Note: Council may also request that a NSW EPA accredited site auditor is involved to assist with the assessment of the contaminated land situation and review any new contamination information. The applicant must also adhere to any additional conditions which may be imposed by the accredited site auditor.</p> <p>Condition reason: Environmental protection</p>
59	<p>Exportation of Fill or Soil</p> <p>Prior to the exportation of fill or soil from the site, the waste materials must be tested and classified in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the NSW EPA Waste Classification Guidelines, Part 1: Classification of Waste (November 2014). Testing is required prior to off-site disposal. In accordance with NSW EPA Waste Classification Guidelines (2014) materials identified for off-site disposal must be removed by a suitably qualified contractor to an appropriately licensed waste facility.</p> <p>Note: Attention is drawn to Part 4 of the NSW EPA Waste Classification Guidelines (2014)</p>

	<p>which makes reference to the management and disposal of Acid & Potential Acid Sulfate Soils.</p> <p>Evidence that the requirements specified above have been satisfied must be provided to the Principal Certifier at the time of disposal.</p> <p>Condition reason: Environmental protection</p>
60	<p>Implementation of BASIX commitments - (prescribed condition under clause 97A(2) EP&A Regulation)</p> <p>While building work is being carried out, the applicant must undertake the development strictly in accordance with the commitments listed in the BASIX certificate(s) approved by this consent, for the development to which the consent applies.</p> <p>Condition reason: Prescribed Condition</p>
61	<p>Imported Fill</p> <p>To ensure that fill material is suitable for the proposed use, only Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM) is permitted to be imported onsite, or Imported fill should be accompanied by documentation from the supplier which certifies that the material is not contaminated.</p> <p>Condition reason: Environmental protection</p>
62	<p>Inspection of on-site stormwater detention / overland flowpath / stormwater quality improvement devices works</p> <p>The stormwater drainage works are to be inspected during construction or by a suitably qualified Civil Engineer. Documentary evidence of compliance with Council's specifications shall be obtained prior to proceeding to the subsequent stages of construction, encompassing not less than the following key stages.</p> <p><i>On-site Stormwater Detention:</i></p> <ul style="list-style-type: none"> (a) Initial inspection to discuss concept and site conditions/constraints prior to commencement of the construction of the detention basin/tank. (b) Prior to landscaping of the detention basin or pouring of the roof of the detention tank. (c) After completion of storage but prior to installation of fittings (e.g. Orifice plates, screens, flap valves etc.). (d) Final inspection. <p><i>Overland Flowpath:</i></p>

	<p>(a) Initial inspection to discuss concept and site conditions/constraints prior to commencement of the construction of the Overland flow path.</p> <p>(b) Prior to landscaping and/or placing concrete within the Overland flow path area in accordance with the approved plan.</p> <p>(c) Final Inspection.</p> <p><i>Stormwater quality improvement devices:</i></p> <p>(a) Initial inspection to discuss concept and site conditions/constraints prior to commencement of the construction of the improvement devices.</p> <p>(b) After completion of storage but prior to installation of fittings (e.g., filter, screens etc.).</p> <p>(c) Final Inspection prior to issuing the relevant certificate.</p>
	Condition reason: To ensure compliance with approved plans
63	<p>Shoring and adequacy of adjoining property - (Prescribed condition - EP&A Regulation clause 98E)</p> <p>If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land (including any structure or work within a road or rail corridor), the person having the benefit of the development consent must, at the person's own expense -</p> <p>(a) Protect and support the building, structure or work from possible damage from the excavation, and</p> <p>(b) Where necessary, underpin the building, structure or work to prevent any such damage. 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.</p>
	Condition reason: Prescribed Condition
64	<p>Site requirements</p> <p>All of the following are to be satisfied/complied with during demolition, construction, and any other site works:</p> <p>(a) Construction Hours - No construction or any other work related activities shall be</p>

carried out on the site outside the hours of 7.00 am to 5.00 pm Mondays to Saturdays.

No work to occur on Sundays and public holidays.

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

(b) Sediment Control - Erosion and sedimentation controls shall maintained during construction, including:

(a) Prevent sediment and/or building materials being carried or washed onto the footway, gutter, road, or into Council's stormwater drainage system.

(b) Ensure soil/excavated material is not transported on wheels or tracks of vehicles or plant and deposited on surrounding roadways.

(c) Ensure safe access to and from the site including the road reserve and footpath area, crossings by heavy equipment, plant and materials delivery, or static loads from cranes, concrete pumps and the like.

(d) Ensure safe loading and unloading of excavation machines, building materials, formwork, and the erection of the structures within the site.

(e) Ensure storage on site of all excavated material, construction materials and waste containers during the construction period (except where otherwise approved); and

(f) Ensure support of any excavation beside any adjoining property or the road reserve is designed by a Chartered Civil Engineer.

(c) Excavation Pump Out - Water that has accumulated in any excavation is not to be pumped into any stormwater disposal system unless the approval of the City of Canada Bay Council is obtained prior. All excavation pump-out water must be analysed for suspended solid concentrations, pH and any contaminants of concern identified during a preliminary or detailed site investigation, prior to discharge to the stormwater system. The analytical results of any discharge must comply with relevant EPA and ANZG standards for water quality and be made available to Council upon request. Any water to be discharged to Council's stormwater system shall not contain a concentration of suspended sediment exceeding 50mg/L, shall have a pH of between 6.5-8.0 and shall comply with the ANZG Guidelines for Marine and Freshwater Quality for Protection of Aquatic Ecosystems (95%

protection level for freshwater ecosystems); NSW Department of Housing, Managing Urban Stormwater - Soils and Construction).

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

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

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

(d) Noise and Vibration - All works carried out on site during construction/ demolition/ excavation/ earthworks shall comply with the NSW Protection of the Environment Operations Act 1997, the Department of Environment and Climate Changes' Interim construction noise guideline' and AS 2436-2010 – 'Guide to noise and vibration control on construction, demolition and maintenance sites' for the control of construction noise.

Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like.

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

(e) Asbestos Removal - Homes built or renovated prior to 1987 are likely to contain asbestos. Asbestos is most commonly found within eaves internal and external wall cladding, ceilings, and walls (particularly within wet areas such as bathrooms and laundries), and fences. Unless properly handled, asbestos disturbed or removed

during renovations can cause the development of asbestos related diseases, such as asbestosis, lung cancer and mesothelioma.

To ensure work does not cause undue risk please see the following site for further information:

www.asbestosawareness.com.au

Asbestos to be removed by licensed asbestos removalist

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

Removal of asbestos by a person who does not hold a Class A or Class B asbestos removal license is permitted if the asbestos being removed is 10sqm or less of non-friable asbestos (approximately the size of a small bathroom). Friable asbestos materials must only be removed by a person who holds a current Class A asbestos license. To find a licensed asbestos removalist please see

www.workcover.nsw.gov.au

Compliance with applicable Legislation, Policies and Codes of Practice

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

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

Clearance certificate

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

Notification of asbestos removal works

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

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

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

Barricades

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

(f) Dust Control -

Small Works

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

Major Works

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

- Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work.
- All dusty surfaces must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be contaminated or allowed to enter the stormwater system.
- All stockpiles of materials that are likely to generate dust must be kept damp or covered.
- All stockpiles of soil or other materials shall be placed away from drainage lines, gutters or stormwater pits or inlets.

- All stockpiles of contaminated soil shall be stored in a secure area and be covered if remaining more than 24 hours or as directed by the City of Canada Bay Council.

(g) Site Management

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

	<p>other locations which could lead to the discharge of materials into the stormwater drainage system.</p> <ul style="list-style-type: none"> • All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system. <p>(h) Damage to adjoining properties and prevention of nuisance -</p> <ul style="list-style-type: none"> • All precautions must be taken to prevent any damage likely to be sustained to adjoining properties. Adjoining owner property rights must be observed at all times. Where damage occurs to adjoining property all necessary repair or suitable agreement for necessary repairs are to be undertaken by the applicant in consultation with, and with the consent of, the affected property owner. • All possible and practical steps shall be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from windblown dust, debris, noise and the like during the demolition, excavation and building works. <p>(i) Stamped plans - Stamped plans, specifications, documentation and the consent shall be available on site at all times during construction.</p>
	<p>Condition reason: Compliance and environmental amenity</p>
65	<p>Waste Management Plan</p> <p>Requirements of the approved Waste Management Plan shall be complied with during all site preparation works, demolition (if proposed) and throughout all construction works.</p> <p>When implementing the Waste Management Plan the developer is to ensure:</p> <ul style="list-style-type: none"> (a) The disposal of any demolition and construction waste must be undertaken in accordance with the requirements of the Protection of Environment Operations Act 1997. (b) All waste on site is to be stored, handled and disposed of in such a manner as to not create air pollution, offensive noise or pollution of land and water as defined by the Protection of Environment Operations Act 1997. (c) Generation, storage, treatment and disposal of hazardous waste is conducted in accordance with the relevant waste legislation administered by the EPA and relevant Occupational Health and Safety legislation administered by WorkCover NSW. (d) All waste generated (including excavated materials) which cannot be reused or recycled must be transported to a facility which can lawfully accept it. (e) Records are retained regarding the details and location of the disposal of all

	<p>demolition and construction waste (including excavated material) and are to be kept on site as evidences of lawful disposal. Records are to include receipts and weighbridge dockets which verify material types and volumes, time and date of disposal and confirmation of the waste disposal facility.</p> <p>(f) All materials and resources that are to be stored on site during construction works are contained on the site, The provisions of the Protection of Environment Operations Act 1997 must be complied with when placing/stock piling loose material, disposal of concrete waste or activities which have potential to pollute drains and water courses.</p> <p>(g) The storage of waste and recycling containers must be within the boundaries of the development site at all times. Public footways and roads must not be used for the storage of any waste and must be kept clear of obstructions during all construction works.</p>
	Condition reason: Waste Management
66	<p>Road Opening Permit</p> <p>Pursuant to Section 138 of the Roads Act, should any work on the verge, footpath, public road reserve or public reserve (open space) be required, approval will need to be obtained from Council.</p> <p>In this regard the Applicant is to contact Council's Customer Services Centre to apply for a Road Opening Permit, for works in relation to the excavation of the verge (e.g. for the purpose of installation of services such as private stormwater, private gas line, private sewer, private water pipe, etc.). This Permit is to be obtained prior to any works on the verge, footpath, public road reserve or public reserve being undertaken.</p> <p>Important Note: Road Opening Permits do not include driveways, laybacks, footpath and major stormwater drainage construction which are covered separately by the vehicular crossing and ancillary works Application (for minor domestic works) or a Section 138 Works Application (for major or public works).</p> <p>Condition reason: Maintain public asset</p>
67	<p>Implementation of the Site Management Plans</p> <p>While site work is being carried out:</p> <ol style="list-style-type: none"> 1. the measures required by the construction site management plan and the erosion and sediment control plan (plans) must be implemented at all times; and

	<p>2. a copy of these plans must be kept on site at all times and made available to Council officers upon request.</p>
	<p>Condition reason: To ensure site management measures are implemented during the carrying out of site work.</p>
68	<p>Noise and Vibration requirements</p> <p>All works carried out on site during construction/ demolition/ excavation/ earthworks shall comply with the NSW Protection of the Environment Operations Act 1997, the Department of Environment and Climate Changes' Interim construction noise guideline' and AS 2436-2010 - 'Guide to noise and vibration control on construction, demolition and maintenance sites' for the control of construction noise which specifies that:</p> <ul style="list-style-type: none"> · Construction period of 4 weeks and under - The L90 level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 20 dB(A) at the boundary. · Construction period greater than 4 weeks but not exceeding 26 weeks - The L90 level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 10 dB(A) at the boundary. · Construction period exceeding 26 weeks - The L90 level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 5 dB(A) at the boundary. <p>Should complaints of a noise nuisance be substantiated, Council may require the acoustic treatment of the premises to ensure compliance with the NSW Department of Environment and Climate Changes 'Interim construction noise guideline' and AS 2436-2010 - 'Guide to noise and vibration control on construction, demolition and maintenance sites' for the control of construction noise. A further acoustic assessment & report will be required to be provided to Council assessing the premises in working order.</p> <p>Condition reason: To protect the amenity of the neighbourhood during construction.</p>
69	<p>Occupation of public property</p> <p>Where the road reserve or public property is to be occupied to undertake works on private property (e.g. material delivery), approval from Council is required under the Roads Act.</p> <p>Condition reason: Safety and traffic management</p>
70	<p>Site Cranes</p> <p>Site crane(s) and hoist(s) may be erected within the boundary of the land being developed subject to compliance with Australian Standards AS 1418, AS 2549 and AS 2550 and all relevant parts to these standards.</p> <p>Cranes must not swing or hoist over any public place unless the Principal Contractor or Owner-builder have the relevant approval under the Local Government Act 1993, Crown</p>

	<p>Lands Act 1989 or Roads Act 1993.</p> <p>The crane must not be illuminated outside approved working hours other than in relation to safety beacons required by the Civil Aviation Safety Authority under the Civil Aviation Act 1988 (Cth).</p> <p>No illuminated sign(s) must be erected upon or displayed upon any site crane.</p> <p>Note: Where it is proposed to swing a crane over a public place the Principal Contractor or Owner-builder must make a separate application to Council under section 68 of the Local Government Act 1993 and obtain activity approval from Council prior to swinging or hoisting over the public place.</p> <p>Note: Where it is proposed to swing a crane over private land the consent of the owner of that private land is required. Alternatively, the Principal Contractor or Owner-builder must obtain an access order under the Access to Neighbouring Land Act 2000 or easement under section 88K of the Conveyancing Act 1919 or section 40 of the Land and Environment Court Act 1979 as appropriate. The encroachment of cranes or the like is a civil matter of trespass and encroachment. Council does not adjudicate or regulate such trespasses or encroachments.</p>
	Condition reason: Safety & Amenity

Before issue of an occupation certificate

71	<p>Certification of Civil Engineering Works - Engineer</p> <p>Submission of Works - As - Executed drawings of the engineering works prepared by a Registered Surveyor. A certificate from a Registered Civil Engineer certifying that the civil engineering works have been constructed in accordance with relevant Standards and Council's Policies and Specifications including the following as relevant:</p> <ul style="list-style-type: none"> • Tanking of Basement • Mechanical pump out system • Stormwater drainage system • Recycling water system • On-site footpath, driveway, and parking <p>Condition reason: Engineering</p>
72	<p>Council Inspection – Waste Management Facilities</p> <p>A final inspection of the waste storage area(s) and management facilities must be arranged by the Principal Certifying Authority to ensure compliance with the design Council's design specifications.</p> <p>The time for the inspection must be arranged with Council at least 2 business days prior to the Principal Certifier suggested appointment time.</p>

	Condition reason: Waste Management
73	<p>Occupation Certificate (section 6.9 of the Act)</p> <p>A person must not commence occupation or use (or change of use where an existing building) of the whole or any part of a new building (within the meaning of section 6.10 of the Act) unless an Interim Occupation Certificate or Final Occupation Certificate has been issued in relation to the building or part.</p> <p>The Principal Certifying Authority is required to be satisfied, amongst other things, that:</p> <ul style="list-style-type: none"> • All required inspections (including each applicable mandatory critical stage inspection) have been carried out; and • Any preconditions to the issue of the certificate required by a development consent have been met. <p>New building includes an altered portion of, or an extension to, an existing building.</p> <p>Condition reason: Statutory requirement</p>
74	<p>Private Waste Collection Service (only where applicable eg commercial developments and approved by Council)</p> <p>Prior to the issue of an Occupation Certificate, the developer is to enter into a formal agreement with a licenced private waste contractor to service the development. The contract is to ensure the removal of all waste from the development site.</p> <p>Prior to entering into an agreement for a private waste collection service, the developer is to ensure that:</p> <ul style="list-style-type: none"> (a) The service is functional and meets the operational needs of the development. (b) The service minimises environmental nuisances including noise and other adverse impacts on the safety and amenity of residents and the public. (c) Council has been provided with indemnity against claims for loss or damage, should they take over the service at some point in the future. <p>Condition reason: Waste Management</p>
75	<p>Prospective Owners/Tenants Ineligible for Parking Permits</p> <p>All owners, residents, tenants/occupiers of the development are not eligible to participate in any existing or proposed Council on-street Permit Parking Schemes. The owner of the property and/or any managing agent appointed by the owner to sell or lease the residential and commercial units on their behalf shall ensure that all prospective purchaser and/or tenants are advised in writing via any advertising material, lease documents, etc. that no on-street parking permits will be issued by Council for the use of owners, tenants</p>

	<p>or their visitors. Any strata manager/management company appointed following the strata subdivision of the development shall also be responsible for ensuring that all owners and their tenants are informed of this restriction on an ongoing basis.</p>
	<p>Condition reason: Parking</p>
76	<p>Waste Collection Agreement with Council</p> <p>Prior to the issue of the Subdivision Certificate, a formal agreement with Council for the utilisation of Council's Domestic Waste Collection Service is to be entered into.</p> <p>By entering into an agreement with Council for waste collection, the development will be required to operate in full compliance with Council's Waste Management collection requirements.</p> <p>The provision of Council's waste collection service will not commence until formalisation of the agreement.</p> <p>Condition reason: Waste Management</p>
77	<p>Stormwater Controlled Systems - Covenant & Restriction as to User</p> <p><i>Covenant & Restriction as to User</i></p> <p>A Positive Covenant and Restriction on Use of Land shall be created over the constructed stormwater management system, on-site stormwater detention (OSD) system/on-site system absorption (OSA) system/stormwater quality improvement device (SQID) and/or mechanical pump-out system under Section 88E Instrument and/or Section 88B Instrument of the Conveyancing Act shall be submitted to the authority benefited for approval prior to lodge and register with the NSW Land Register Service.</p> <p>A Positive Covenant and Restriction as to User Lodgement form shall be submitted to Council. Council's standard wording is in 'Appendix 2 – Engineering Specifications of the Canada Bay Development Control Plan'.</p> <p><i>OSD Identification Plate</i></p> <p>The applicant shall install an identification plate near or onto the control structure of the On-site Stormwater Detention system (OSD). This is to advise the registered proprietor of their responsibility to maintain the OSD facility. The applicant can obtain the OSD identification plate from the Council at a cost.</p> <p><i>Maintenance Schedule</i></p> <p>A maintenance schedule for the stormwater drainage, on-site stormwater detention system, stormwater quality improvement device and mechanical pump-out system, including a sketch plan of the components forming the sites stormwater management system shall be</p>

	submitted. The maintenance schedule shall be prepared by a qualified stormwater/hydraulic engineer.
	Condition reason: adequate maintenance of drainage system to achieve positive covenant
78	Civil Works on the Road Reserve
	<p>The Applicant is required to carry out the following works:</p> <ul style="list-style-type: none"> • Items listed under the consent of Civil Works in Public Domain application. • Reconstruct sections of road pavement damage along the full frontage of the site, and/or • Remove any redundant vehicular crossings and replace with kerb and gutter to match the adjoining. • Asphalt re-sheeting of road pavement in Blaxland Road and Llewellyn Street, Rhodes. (i.e., minimum half of the road) <p>The above works must be completed to the written satisfaction of Council prior to issue of any Occupation Certificate.</p> <p>Note: The above works will require the submission of the relevant application for the works to be undertaken.</p> <p>Condition reason: To preserve Council's assets and amenity</p>
79	Civil Public Works
	<p>All works listed under Section 138 of the Road Acts 1993 shall be completed to the satisfaction to the relevant road authority. A completion letter from the road authority is required and shall be submitted to the Principal Certifier prior to issue of an Occupation Certificate.</p> <p>Condition reason: Protection of Road Authority Assets</p>
80	Arborist's Inspection
	<p>The consulting arborist must inspect the retained tree/s. If the health of the trees has been affected or the trees have been damaged then a report must be prepared which will specify the on-going remedial work required to be carried out to ensure the long term retention of the tree/s.</p> <p>Condition reason: Tree preservation</p>
81	Internal Pavement Construction
	<p>Prior to an Occupation Certificate being issued, a Certified Practicing Engineer (CPEng) must submit a design certificate to Canada Bay Council confirming that the internal pavement has been to accommodate a loaded heavy rigid waste collection vehicle.</p>

	Condition reason: Waste Management
82	<p>Public Access Easement and Restriction</p> <p>Prior to the issuance of an Occupation Certificate, appropriate restrictions and easements must be established in favor of the Council under Section 88E of the Conveyancing Act for the development site. These measures are to ensure public access via the laneway connecting Blaxland Road to Concord Road at the developer's cost.</p> <p>1 The registered proprietor of the lot burdened grants to Canada Bay City Council (Council) and members of the public full and free right to go, pass and repass over the easement site at all times:</p> <p>(a) with or without companion animals (as defined in the Companion Animals Act 1998) or other small pet animals; and</p> <p>(b) on foot and with bicycles, wheelchairs or other disabled access aids; for all lawful purposes.</p> <p>2 The registered proprietor of the lot burdened must, to the satisfaction of Council, acting reasonably:</p> <p>(a) keep the easement site (including any services in, on or under the Lot burdened) in good repair and condition;</p> <p>(b) maintain and repair the easement site and all improvements on the easement site to a standard commensurate to its use as a publicly accessible footway;</p> <p>(c) keep the easement site clean and free from rubbish; and</p> <p>(d) maintain sufficient public liability insurance covering the use of the easement site in accordance with the terms of this easement.</p> <p>3 If the registered proprietor of the lot burdened is an owners corporation or community association, then it must ensure that any rules or by-laws adopted by it in relation to the easement site are not inconsistent with the terms of this easement.</p> <p>Terms of Restriction on the Use of Land applying to all Easement Sites</p> <p>The registered proprietor of the lot burdened will:</p> <p>1. not construct or permit the construction of any buildings or structures on the easement site without the prior written consent of Council;</p> <p>2. not make or permit or suffer the making of any alterations to the finished levels or remove any of the structures constructed on the easement site as at the date of creation of this restriction on use, without the prior consent of Council;</p> <p>3. not carry out any work, or erect any buildings or structures such as fences which would prevent Council or members of the public from moving between the easement site and the adjacent land owned by Council.</p> <p>Name of authority whose consent is required to release, vary or modify the easement and restriction above is:</p> <p>Canada Bay City Council</p> <p>Condition reason: Facilitate public access</p>
83	Completion of landscape and tree works

	<p>Before the issue of an Occupation Certificate, the principal certifier must be satisfied all landscape and tree-works have been completed in accordance with approved plans and documents and any relevant conditions of this consent.</p> <p>Condition reason: To ensure the approved landscaping works have been completed in accordance with the approved landscaping plan(s).</p>
84	<p>Completion of public utility services</p> <p>Before the issue of the relevant occupation certificate, confirmation must be obtained from the relevant authority that 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, have been completed and this confirmation must be provided to the principal certifier.</p> <p>Condition reason: To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation.</p>
85	<p>Service vehicle access</p> <p>The Principal Certifier shall ensure that a minimum 4.5 metres height clearance and manoeuvring area is available for a 12.5m long vehicle/truck to enter and exit the subject site in a forward direction in accordance with AS2890.2. Detailed works-as-executed plans shall be submitted to Council for approval prior to the issue of any Occupation Certificate.</p> <p>Condition reason: Service vehicle access</p>
86	<p>Waste disposal verification statement</p> <p>On completion of demolition work:</p> <p>a) a signed statement must be submitted to the certifier verifying that demolition work, and any recycling of materials, was undertaken in accordance with the waste management plan approved under this consent,</p> <p>and</p> <p>b) if the demolition work involved the removal of asbestos, an asbestos clearance certificate issued by a suitably qualified person, must be submitted to the certifier within 14 days of completion of the demolition work.</p> <p>Condition reason: To provide for the submission of a statement verifying that demolition waste management and recycling has been undertaken in accordance with the approved waste management plan</p>
87	<p>Dual water reticulation system</p> <p>Prior to issue of issuing the Occupation Certificate, certification from a licensed plumber is required to confirm that the installation of the dual water reticulation system, comprising pipes for potable water and recycled water for all internal and external water uses, is operational.</p>

	Condition reason: Environmental Sustainability
88	Electric Vehicle Charging System Prior to the issue of any Occupation Certificate or occupation or use of part of the building, the Principal Contractor or Owner-builder must submit to the satisfaction of the Principal Certifier, certification by a suitably qualified person that the electric vehicle charger points and/or electric vehicle circuitry, has been installed in accordance with the construction certificate plans and specifications. Condition reason: Compliance
89	Implementation of the Approved Public Art Plan Prior to issue of the any Occupation Certificate or occupation or use of part of the building, the Principle Certifier must make sure the public art plans approved in accordance with this development consent have been implemented/installed. Condition reason: Public Art
90	Public Domain - Completion and Defects Liability Period Works-as-executed (As Built) Works-as-executed (As-Built) plans and documentation, must be submitted to and accepted by the City of Canada Bay for all public domain works, including where required Stormwater, Public Domain Lighting and Road construction. Certification These works must be certified by a suitably qualified, independent professional. Inspection The public domain work must be inspected and a Certificate of Practical Completion must be issued by Council. Liability All works to the City's public domain, including rectification of identified defects, are subject to a 12 month defects liability period from the date of final completion. The date of final completion will be nominated by Council on the Certificate of Practical Completion for public domain works. Condition reason: Public Domain Works
91	Section 73 Compliance Certificate Before the Issue of an Occupation/Subdivision Certificate, a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water.

	<p>The proponent is advised to make an early application for the certificate, as there may be water and wastewater pipes to be built that can take some time. This can also impact on other services and buildings, driveways or landscape designs.</p> <p>Applications must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.</p>
	Condition reason: Sydney Water Requirement

Occupation and ongoing use

92	<p>Annual Fire Safety Statement</p> <p>Each year, the owner of a building to which an essential fire safety measure is applicable shall cause the Council to be given an annual fire safety statement for the building. Such a fire safety statement:</p> <ul style="list-style-type: none"> • Shall deal with each essential fire safety measure in the building premises; and • Shall be given within twelve months after the last such statement was given, or if no such statement was given, within twelve months after a final fire safety certificate was first issued for the building. <p>As soon as practicable after a final fire safety certificate is issued, the owner of the building to which it relates:</p> <ul style="list-style-type: none"> • Shall cause a copy of the certificate (together with a copy of the current fire safety schedule) to be given to the Commissioner of New South Wales Fire Brigades; and • Shall cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be permanently displayed in the building. <p>Condition reason: Fire Safety</p>
93	<p>Commencement of a domestic waste service</p> <p>Prior to the commencement of use, the property owner or agent acting for the owner must arrange an inspection of the waste storage area(s) and management facilities to arrange the commencement of a domestic waste service with Council.</p> <p>The time for the inspection must be arranged by the owner or approved building manager at least 7 days prior to the occupancy of the development.</p> <p>All requirements of Council's domestic collection service must be complied with at all times.</p> <p>Condition reason: Waste Management</p>
94	<p>Licenced Waste Collection</p>

	All businesses must have written evidence on site of a valid and current contract with a licenced waste collector for waste and recycling collection disposal.
	Condition reason: Waste Management
95	Loading
	All loading and unloading operations shall be carried out wholly within the confines of the site, at all times. All delivery vehicles shall enter and leave the site in a forward direction.
	Condition reason: Servicing
96	Signage
	Adequate signage is to be provided and maintained on how to use the waste management system and what materials are acceptable for recycling within all waste storage areas of the development.
	All signage must comply with Council's specifications for waste collection.
	Signage is also to be provided and maintained which clearly identifies which bins (and containers) are to be used for general waste and recycling and what materials can be placed in each bin.
	Condition reason: Waste Management
97	Visitor Parking
	The visitor parking spaces must not at any time be allocated sold or leased to an individual owner/occupier and must be retained as common property by the Owners Corporation.
	Condition reason: Visitor Parking
98	Waste Management Facilities
	The Owners Corporation is responsible for the ongoing maintenance, repair and replacement of all equipment related to waste management in the development including waste chutes, compaction equipment and turntables if applicable. This also includes ensuring that mobile garbage bins are kept clean.
	Condition reason: Waste Management
99	Waste Management Plan Implementation
	The approved Waste Management Plan is to be implemented throughout the ongoing use of the development.
	Condition reason: Waste Management

100	Microbial Control
	<p>Where installed, the installation and ongoing operation of the water cooling systems, evaporative coolers and hot/warm water systems within the premises shall be undertaken in accordance with the relevant provisions of:</p> <ul style="list-style-type: none"> · Public Health Act 2010 and Public Health Regulation 2012 · Australian Standard AS/NZS 3666 - Air Handling and Water Systems of Buildings - Microbial Control, Parts 1, 2 & 3 of 2011; and · 2004 NSW Health Code of Best Practice for the Control of Legionnaires Disease.
	Condition reason: Health and safety
101	Surveillance Cameras (CCTV)
	<p>The building management is responsible for maintaining a closed-circuit television (CCTV) system on the premises in accordance with the approved plans and specifications. Note: The lead agency for enforcement is NSW Police.</p>
	Condition reason: Security & Safety
102	Outdoor Lighting – Commercial
	<p>Outdoor lighting must comply with AS/NZS 4282:2019: Control of the obtrusive effects of outdoor lighting. The maximum luminous intensity from each luminare and threshold limits must not exceed the level 1 control relevant under tables in AS/NZS 4282:2019. Note: This condition has been imposed to protect the amenity of neighbours and limit the obtrusive effects of outdoor lighting in public places. Note: Council may consider, subject to an appropriate Section 4.55 Application, relaxation of this condition where it can be demonstrated, by expert report, that the level of lighting in the existing area already exceeds the above criteria, where physical shielding is present or physical shielding is reasonably possible.</p>
	Condition reason: Neighbours amenity

General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the [Conditions of development consent: advisory notes](#). The consent should be read together with the *Conditions of development consent: advisory notes* to ensure the

development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means CITY OF CANADA BAY COUNCIL.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Local planning panel means Canada Bay Local Planning Panel

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:

- the collection of stormwater,
- the reuse of stormwater,
- the detention of stormwater,
- the controlled release of stormwater, and
- connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Sydney district or regional planning panel means Sydney Eastern City Planning Panel.