

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	Prior to Issue of Subdivision Certificate
	<p>Prior to the issuing of a Subdivision Certificate the Registered Certifier is required to be satisfied that:</p> <ul style="list-style-type: none">• All mandatory inspections have been carried out;• All preconditions required by a development consent or complying development certificate have been satisfied; and• Any facilities required by a development consent or complying development certificate such as easements, right of ways, parking spaces, terraces and courtyards have been provided; and• A Section 73 Compliance Certificate has been issued by Sydney Water.• The PCA (if not Council) has, no later than two (2) days before the subdivision work commences, notified the Council (or other consent authority where applicable) of the PCA's appointment.• The person having the benefit of the consent has given at least two (2) day's notice to the Council of the person's intention to commence the subdivision work.
	Condition reason: Statutory Requirement
2	No Underpinning Works
	<p>This development consent does NOT give approval to any works outside the boundaries of the subject site, including any underpinning works to any structures on adjoining properties, without written approval from all affected properties.</p>
	Condition reason: Information
3	Separate Approvals
	<p>Separate Development Approval shall be obtained for:</p> <ul style="list-style-type: none">• Fitout and first use of retail and commercial premises• Signage
	Condition reason: To control the future development of the site
4	Approved Plans and Supporting Documents

Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.

Approved Architectural Plans

Drawing No	Revision Number	Plan Title	Drawn by	Dated
DA-002	A	DEMOLITION PLAN	FENDER KATSALIDIS	28/07/2023
DA-095	A	BASEMENT 05 PLAN	FENDER KATSALIDIS	15/12/2023
DA-096	B	BASEMENT 04 PLAN	FENDER KATSALIDIS	15/12/2023
DA-097	B	BASEMENT 03 PLAN	FENDER KATSALIDIS	15/12/2023
DA-098	C	BASEMENT 02 PLAN	FENDER KATSALIDIS	28/03/2024
DA-099	C	BASEMENT 01 PLAN	FENDER KATSALIDIS	28/03/2024
DA-100	D	LEVEL 00 PLAN	FENDER KATSALIDIS	28/03/2024
DA-101	C	LEVEL 01 PLAN	FENDER KATSALIDIS	28/03/2024
DA-102	C	LEVEL 02 PLAN	FENDER KATSALIDIS	28/03/2024
DA-103	C	LEVEL 03 PLAN	FENDER KATSALIDIS	28/03/2024
DA-104	C	LEVEL 04 PLAN	FENDER KATSALIDIS	28/03/2024
DA-105	A	LEVEL 05-09 PLAN	FENDER KATSALIDIS	28/07/2023
DA-110	A	LEVEL 10 PLAN	FENDER KATSALIDIS	28/07/2023
DA-111	A	LEVEL 11-17 PLAN	FENDER KATSALIDIS	28/07/2023
DA-118	A	LEVEL 18-31 PLAN	FENDER KATSALIDIS	28/07/2023
DA-130	A	LEVEL 32 PLAN	FENDER KATSALIDIS	28/07/2023
DA-201	C	MARQUET ST ELEVATION (WEST)	FENDER KATSALIDIS	28/03/2024
DA-202	C	MARY ST ELEVATION (SOUTH)	FENDER KATSALIDIS	28/03/2024

DA-203	C	EAST ELEVATION	FENDER KATSALIDIS	28/03/2024
DA-204	C	NORTH ELEVATION	FENDER KATSALIDIS	28/03/2024
DA-251	C	BUILDING SECTION A	FENDER KATSALIDIS	28/03/2024
DA-252	C	BUILDING SECTION B	FENDER KATSALIDIS	28/03/2024
DA-320	A	MATERIAL BASE	FENDER KATSALIDIS	28/07/2023
DA-500	A	ADAPTABLE APARTMENT LAYOUTS	FENDER KATSALIDIS	28/07/2023
Approved Landscape Drawings				
LD-DA001	3	PLANTING SCHEDULES & LEGENDs	Land and Form	21/03/2024
LD-DA010	3	SITE PLAN	Land and Form	21/03/2024
LD-DA100	2	GROUND FLOOR PLAN	Land and Form	13/12/2023
LD-DA110	2	LEVEL 1 PLAN	Land and Form	13/12/2023
LD-DA120	2	LEVEL 2 PLAN	Land and Form	13/12/2023
LD-DA130	2	LEVEL 3 PLAN	Land and Form	13/12/2023
LD-DA140	2	LEVEL 4 PLAN	Land and Form	13/12/2023
LD-DA150	2	LEVEL 10 PLAN	Land and Form	13/12/2023
LD-DA160	2	ROOF LANDSCAPE PLAN	Land and Form	13/12/2023
LD-DA400	2	SECTION AA	Land and Form	28/11/2023
LD-DA401	2	SECTION AA	Land and Form	13/12/2023
Plan of Subdivision				
Sheet 1 to 10	A	Draft Stratum Plan	LTS	1/05/2024
Sheet 1 to 25	A	Draft Strata Plan	LTS	1/05/2024
Approved Stormwater Drainage Design				
427623-007-MMD-DA-XX-DRG-C-0002	P1	Legend and General Notes	Mott Macdonald	31.07.23
427623-007-MMD-DA-XX-DRG-C-0031	P2	Siteworks and Drainage Plan	Mott Macdonald	01.12.23
427623-007-MMD-DA-XX-DRG-C-0032	P2	Level 2 Drainage Plan	Mott Macdonald	01.12.23

427623-007-MMD-DA-XX-DRG-C-0033	P2	Basement 04 Drainage Plan	Mott Macdonald	01.12.23
427623-007-MMD-DA-XX-DRG-C-0040	P2	Water Quality Catchment Plan	Mott Macdonald	01.12.23
427623-007-MMD-DA-XX-DRG-C-0050	P2	On-Site Detention Plan	Mott Macdonald	01.12.23
427623-007-MMD-DA-XX-DRG-C-0051	P2	On-Site Detention section and details	Mott Macdonald	01.12.23
427623-007-MMD-DA-XX-DRG-C-0052	P2	Stormwater Drainage Details	Mott Macdonald	01.12.23
703427623-004/1	C	Stormwater Management Report	Mott Macdonald	01.12.23

- 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

Development shall take place and operate in accordance with this consent accompanied by statements, commitments and recommendations contained within the following documents:

Documents		
Title/Description	Prepared By	Dated
Transport Impact Assessment	JMT Consulting	27/03/2024
Operational Waste Management Plan (Rev G)	Elephants Foot Consulting	27/03/2024
Arboricultural Assessment Report	rainTree consulting	1 February 2023
Acoustic Assessment (Rev 2)	Acoustic Logic	26/07/2023
Construction Noise and Vibration Management Plan	Acoustic Logic	26/07/2023
BASIX Certificate No. 1411650M	Windtech	4/08/2023
DTS Section J Report	Windtech	4/08/2023
Pedestrian Wind Assessment (Rev B)	RWDI	07/08/2023
Solar Reflectivity – Preliminary Desktop Review	RWDI	4/08/2023
Crime Prevention through Environmental Design Assessment	Barker Ryan Stewart	08/2023
Construction Environmental Management Plan	Barker Ryan Stewart	3/08/2023

Council Generated Street Numbering Spreadsheet	Council	Not dated
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	3 May 2024
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		

Building Work

Before issue of a construction certificate

5	Adaptable units
	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 adaptable dwellings specified in the approved plans or documents comply with the provisions of AS 4299 Adaptable Housing Standards.
	Condition reason: To ensure adaptable units are designed in accordance with the Australian Standard.
6	Equal access to the premises
	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.
	Condition reason: To ensure safe and easy access to the premises for people with a disability
7	External lighting
	Before the issue of a construction certificate, plans detailing external lighting must be prepared by a suitably qualified person.

	<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>
8	<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> <ol 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>
9	<p>Accessible Car Parking Spaces</p>

	<p>51 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>
	Condition reason: Parking and accessibility
10	<p>Bicycle Storage Provision</p> <p>Provision for bicycles shall be in accordance with the City of Canada Bay Development Control Plan for Bicycle Parking and Storage Facilities and AS 2890.3:2005. Details shall be submitted prior to the issue of the Construction Certificate.</p>
	Condition reason: Bicycle parking
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
1	Engineering conditions
2	<p>If you require clarification on any of the following conditions please contact Council's Development Engineer.</p> <p><i>Driveway Design</i></p> <p>The driveway shall be designed in accordance with Council's "Appendix 2 – Engineering Specifications of the Canada Bay Development Control Plan". A longitudinal section through both edges and centre of the proposed driveway/vehicular crossing from the centre line or the crest of the road, whichever level is greater to the garage/basement/parking space shall be prepared demonstrating compliance with the scraping provisions for the B85 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. • Footpath shall have 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. The driveway shall be designed to achieve at least 300mm (from invert of the gutter to the crest) mitigation to reduce surface stormwater overland flow entering the property or the crest level shall be confirmed and certified by a suitably qualified engineer This shall be clearly demonstrated on the certificate. • Overhead clearance i.e. height between the driveway/garage floor and the overhead obstruction shall comply with the minimum headroom clearance of 2.2m stipulated in AS/NZS 2890. • Driveway longitudinal section shall be checked using the 85th percentile of vehicle template to demonstrate the compliance with scraping provision. Please note that the design B85 vehicle shall have the ground clearance of 120mm (fully loaded vehicle). <p>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.</p> <p><i>Driveway Certification</i></p> <p>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/NZS2890.1:2004 and Council's "Appendix 2 – Engineering Specifications of the Canada Bay Development Control Plan".</p>

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.

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".

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)

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

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 1-9 Marquet Street, Rhodes including:

- Longitudinal section of any proposed stormwater pipe line(s) from the development to the existing Council's underground drainage system in Marquet Street, Rhodes with all utility services, depth and location shall be shown on the drawing. All proposed stormwater line(s) within road reserve shall be designed and constructed in accordance with Council's DCP, Appendix 2 – Engineering Specification.
- Longitudinal and cross sections detailing the reconstruction of the concrete footpath along the entire frontage of the proposed development on Marquet Street and Mary Street, 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 Marquet Street and

	<p>Mary Street, Rhodes, including transition works, in accordance with Appendix 2 – Engineering Specifications of the Canada Bay Development Control Plan.</p> <ul style="list-style-type: none"> • Reconstruction/re-sheeting of the adjacent road pavement Marquet Street and Mary 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, outdoor dining facilities and the like • All services near the work area (e.g., pits (Telecom, stormwater), poles, sewer etc) shall be shown on the drawings. Written approval from the relevant public utility services authority is required to submit to Council if relocation and/or adjustment of the public utility services affected by the proposed works. Any alteration works for the public utility services shall address the relevant public authority requirement. The consented works must be completed to Council's satisfaction at no cost to Council. • 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.
	Condition reason: Engineering requirements
1 3	<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

	<p>demolition/development works.</p> <p>(f) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadways.</p> <p>(g) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar.</p> <p>(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.</p> <p>(i) Pumped or overland flows of water are discharged so as not to cause, permit, or allow erosion before the commencement of work (and until issue of the occupation certificate).</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> <p>Condition reason: Environmental Protection</p>								
1 4	<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"> <tr> <td data-bbox="248 961 1279 1224"> <p>Damage Deposit</p> <p>Any costs to rectify damage caused by the development will be deducted from the damage deposit.</p> <p>The damage deposit will be refunded when the works are completed, any damage repaired and an Occupation Certificate issued.</p> </td><td data-bbox="1279 961 1430 1224"> <p>\$150000</p> </td></tr> <tr> <td data-bbox="248 1224 1279 1486"> <p>Additional DA Fees</p> <p>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. The Quantity Survey Letter dated 3 May 2024 estimates that the cost of additional works is \$5,231,080 excl. GST, which requires the payment of additional fees.</p> </td><td data-bbox="1279 1224 1430 1486"> <p>DA Fee - \$6,224.99</p> <p>Planning Reform - \$3,348</p> </td></tr> <tr> <td data-bbox="248 1486 1279 1791"> <p>Long Service Levy</p> <p>The NSW Government charges a levy on all building and construction works of \$250,000 or more.</p> <p>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.</p> </td><td data-bbox="1279 1486 1430 1791"> <p>0.25% of the cost of building and construction works including GST</p> </td></tr> <tr> <td data-bbox="248 1791 1279 1864"> <p>Section 7.11 Contributions (Rhodes Peninsula)</p> </td><td data-bbox="1279 1791 1430 1864"></td></tr> </table>	<p>Damage Deposit</p> <p>Any costs to rectify damage caused by the development will be deducted from the damage deposit.</p> <p>The damage deposit will be refunded when the works are completed, any damage repaired and an Occupation Certificate issued.</p>	<p>\$150000</p>	<p>Additional DA Fees</p> <p>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. The Quantity Survey Letter dated 3 May 2024 estimates that the cost of additional works is \$5,231,080 excl. GST, which requires the payment of additional fees.</p>	<p>DA Fee - \$6,224.99</p> <p>Planning Reform - \$3,348</p>	<p>Long Service Levy</p> <p>The NSW Government charges a levy on all building and construction works of \$250,000 or more.</p> <p>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.</p>	<p>0.25% of the cost of building and construction works including GST</p>	<p>Section 7.11 Contributions (Rhodes Peninsula)</p>	
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<p>Section 7.11 Contributions (Rhodes Peninsula)</p>									

The following development contributions are required towards the provision of public amenities and services in accordance with the Canada Bay Local Infrastructure Contribution Plan.

Based on the following rates and number of dwellings, residents or bedrooms, as December 2023 (CPI 136.4).

Monetary Contribution - Residential Development						
	Per Resident *	Per Self-contained seniors living and Boarding house room	Studio/one bedroom dwelling and one bedroom secondary dwelling	Two bedroom dwelling and two bedroom secondary dwellings	Three+ bedroom dwellings and three bedroom secondary dwellings	Additional Lot
Development Contribution	\$9,901.37	\$13,862.15	\$14,248.91	\$20,000	\$20,000	\$20,000
Number of dwelling/bedrooms/ residents			48	123	43	
Total \$			683,947.68	2,460,000	860,000	
Total \$	4,003,947.68					

* the per resident rate is relevant to calculating the contributions for Group homes and Hostels

Any change in the Consumer Price Index between December 2023 (CPI 136.4) and the date that the Section 7.11 Development Contribution is paid, will be added/subtracted from the amount cited above.

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

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

A copy of the Canada Bay Local Infrastructure Contribution Plan may be obtained from Council's website.

Affordable Housing Contribution - Payment of Money in Lieu of Floor Space

	<p>In accordance with Clause 6.12 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 \$443,229.97 based on the additional GFA of 17910.38m2.</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:</p> <p>Next Quarter's Contribution Rate = Current Contribution Rate x (MDP2/MDP1)</p> <p>Where:</p> <p>MDP1 is the median strata dwelling price * for the PREVIOUS quarter</p> <p>MDP2 is the median strata dwelling price * for the CURRENT quarter</p> <p>* The median strata price is published quarterly in the NSW Government Rent and Sales Report, Table: Sales Price - Greater Metropolitan Region - Strata</p>
<p>Condition reason: Statutory requirement and information</p>	
<p>1 5</p>	<p>Hoardings</p> <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
1 6	Installation of Temporary Ground Anchor 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. Condition reason: Protection of Council Asset
1 7	Public Domain - Works Bond 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. 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. Condition reason: Public Domain Works
1 8	Vehicular Crossings Location, Ancillary Works and Removal of Redundant Crossings A Vehicular Crossing Location and / or Ancillary Works Application is required for the following works: <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. All disused or redundant vehicle crossings and laybacks shall be removed and reinstated with concrete kerb and gutter or to the existing edging profile. Condition reason: Access and public works

19	Waste Chute Design 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: <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. Condition reason: Waste management
20	Waste Storage Room Construction 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: <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
21	Landscape Maintenance Strategy To ensure the survival of landscaping following works, a landscape maintenance strategy for the owner/occupier to administer over a 12 month establishment period following the issue of the Occupation Certificate shall be prepared. 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. Condition reason: Landscape Maintenance
	Construction Traffic Management Plan (CTMP)

	<p>the applicant shall submit and have approved by Council's Engineers, a detailed Construction Traffic Management Plan (CTMP). The plan shall demonstrate how construction and delivery vehicles will access the development site during the demolition, excavation and construction phase of the development. The plan shall be certified by a suitably qualified and experienced traffic consultant and all traffic associated with the subject development shall comply with the terms of the approved Construction Traffic Management Plan.</p> <p>The following matters (at a minimum) must be addressed in the CTMP:</p> <ol style="list-style-type: none"> 1. A detailed description and route map of the proposed truck/construction vehicle access routes. 2. The locations of any proposed Construction Works Zones along the site frontage. 3. Provide a construction schedule. 4. Tradesperson parking (parking shall be provided on-site where possible). 5. Provide relevant Traffic Guidance Schemes (must be certified by a suitably qualified Safe Work NSW ticket holder). 6. Provide relevant Pedestrian Management Plans. 7. 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.
	Condition reason: Traffic safety and amenity during construction phase
2	Maintaining Sight Lines
3	<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 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.</p>
	Condition reason: Safety
2	Speed Hump and Stop Sign on Exit
4	<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. The building plans shall indicate compliance with this requirement prior to the issue of a construction certificate.</p>
	Condition reason: Traffic safety and management
	Electricity Substation

	Any required electricity substation must be located within the building footprint.
2 5	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
2 6	Electric vehicle circuitry and electric vehicle charging point requirements
	<p>An accurate electrical plan and specifications for all off-street car parking must be prepared by a suitably qualified person, demonstrating the following;</p> <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. • Identify the conduit system to allow each car space to install an electric vehicle charger point - such as cable trays and/or buried cables underground. 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) At least one Level 2 electric charger is required for all car parking spaces. The location of all electric vehicle chargers must be shown on the construction certificate plans.</p> <p>c) The certifier must be satisfied that the electrical plans and specifications are consistent with (a) and (b) prior to the issue of the construction certificate.</p> <p>Note: The minimum electric circuitry requirements for 'Level 2' electric vehicle charging points are:</p> <p>a) Privately available spaces including visitor spaces: 'Level 2' slow – single phase 7kW power; and</p> <p>b) Publicly available spaces: 'Level 2' fast – three-phase 11-22kW power</p>
	Condition reason:
2 7	Demolition and Construction Management Plan
	<p>Prior to the issue of a Construction Certificate, submit to the Principal Certifier a Demolition and Construction Management Plan that clearly sets out the following:</p> <p>(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.</p> <p>(b) The proposed method of loading and unloading excavation machines, building</p>

	<p>materials, formwork, and the erection of any part of the structure within the site.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(f) A Soil and Water Management Plan detailing all sedimentation controls.</p>
	<p>Condition reason: Safety, amenity and protection of public infrastructure and the environment</p>
28	<p>Design Integrity Panel Recommendations</p>
	<p>Prior to the issue of a Construction Certificate, calibration of the vertical sun shading and the vision glass panels is to be further refined in the design development to the satisfaction of the project architect.</p>
	<p>Condition reason: Design Integrity Panel</p>
29	<p>Car Parking Areas</p>
	<p>The following car parking and service vehicle requirements apply:</p> <p>(a) 258 car spaces shall be provided on the development site. This shall comprise of:</p> <ul style="list-style-type: none"> • 200 residential spaces; • 30 visitor spaces; • 6 retail premises spaces; • 20 commercial spaces; and • 2 service vehicle spaces <p>(b) 51 of the car parking spaces required in part (a) shall be for people with mobility impairment, in accordance with AS/NZS2890.6. This shall comprise of:</p> <ul style="list-style-type: none"> • 47 residential spaces; • 2 visitor spaces; • 1 commercial spaces; and • 1 retail premises spaces; <p>(c) 8 motorcycle spaces provided on the development site. This shall comprise of:</p> <ul style="list-style-type: none"> • 6 residential spaces;

	<ul style="list-style-type: none"> • 2 commercial/retail spaces <p>(d) All parking spaces shall be allocated and marked according to this requirement.</p> <p>(e) If the development is to be strata subdivided, the car park layout must reflect the above allocation and thereafter be regarded as part of the entitlement of that strata lot.</p> <p>(f) Under no circumstances shall parking spaces be sold, let or otherwise disposed of for use other than in accordance with this condition.</p> <p>(g) Each 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>(h) The parking bays shall be delineated by linemarking.</p> <p>(i) 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>Each space shall have minimum dimensions in accordance with the relevant Australian Standard.</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>
30	<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:
 - 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.

Condition reason: Stormwater Connections and Discharge

3 On-slab Planting

1

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 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
3 2	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: a) It must operate continuously. b) It must record in digital format at a minimum of six frames per second. c) Any recorded image must specify the time and date of the image. d) The system's cameras must be located within the property and cover: i) all entry and exit points of the premises, ii) the footpath immediately adjacent to the premises, and iii) all publicly accessible areas (other than toilets) on the premises, from floor level to a minimum height of two metres. e) CCTV recordings must be retained for at least 30 days. f) Management shall ensure the system is accessible by at least one member of staff at all times it is in operations, and 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. Note: The lead agency for enforcement is NSW Police. Condition reason: Security & Safety
3 3	Dual water reticulation 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. Condition reason: Statutory Requirements
3 4	Public Art Plan A detailed Public Art Plan shall be submitted to Council for written approval prior to the issue of a Construction Certificate. Condition reason: Public Art
3 5	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 Marquet Street and Mary Street, extending a minimum of 5m past the boundary and to the middle of the road. This Plan must document all works required, including:

	<ul style="list-style-type: none"> • Finished levels – The public domain levels and gradients for the building and site frontage to <INSERT>. 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>
	<p>Condition reason: Public Domain Works</p>
<p>3 6</p>	<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> <p>Condition reason: Public Domain improvement</p>
37	<p>Direct waste collection from Ground Floor</p> <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 loading dock at Ground Level 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> <p>(a) Waste collection vehicle is able to access the loading dock, adequately manoeuvre into position, load bins and exit the loading dock.</p> <p>(b) Adequate vertical clearance is provided along the route of travel to/from external entry/exit points to collection area.</p> <p>(c) The collection vehicle must be able to manoeuvre in at Ground Floor with limited need for reversing.</p> <p>(d) The grades of entry/exit must not exceed the capabilities of waste collection vehicle.</p> <p>(e) The floor at Ground Level has been designed to carry the load of the vehicle.</p> <p>Condition reason: Condition reason: Waste management</p>

Before building work commences

38	<p>Compliance with Home Building Act (if applicable) - (Prescribed condition EP&A Regulation, clause 98(1)(b))</p> <p>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.</p> <p>Condition reason: Prescribed Condition</p>
39	<p>Erosion and Sediment Control</p> <p>Erosion and sedimentation controls shall be in place prior to the commencement of demolition or ground works and must be maintained during construction.</p>

	<p>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).</p> <p>A copy of the Erosion and Sediment Control Plan must be kept on site and made available to Council officers on request.</p> <p>Condition reason: Environmental Protection</p>
40	<p>Home Building Act requirements</p> <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> <p>Condition reason: Prescribed Condition</p>
41	<p>Requirements Before Building Work</p> <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</p>

	<p>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
42	Site Safety Fencing
	<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>
	Condition reason: Site Safety

During building work

43	Implementation of the site management plans
	<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 2. a copy of these plans must be kept on site at all times and made available to Council officers upon request.
	Condition reason: To ensure site management measures are implemented during the carrying out of site work.
44	Noise and Vibration requirements
	<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.

	<ul style="list-style-type: none"> · 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>
45	<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>
46	<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 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>
47	<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>
48	<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>
49	<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) 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>
50	<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>
51	<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>
52	<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> <ul style="list-style-type: none"> (a) Initial inspection to discuss concept and site conditions/constraints prior to commencement of the construction of the Overland flow path. (b) Prior to landscaping and/or placing concrete within the Overland flow path area

	<p>in accordance with the approved plan.</p> <p>(c) Final Inspection.</p> <p><i>On-site Stormwater Absorption:</i></p> <p>(a) Initial inspection to discuss concept and site conditions/constraints prior to commencement of the construction of the absorption system.</p> <p>(b) Prior to backfill the soil of the absorption system.</p> <p>(c) After completion of storage but prior to installation of fittings (e.g. screens, relief drains etc.).</p> <p>(d) 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> <p>Condition reason: To ensure compliance with approved plans</p>
53	<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> <p>Condition reason: Prescribed Condition</p>
54	<p>Site requirements</p>

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

(a) Construction Hours - No construction or any other work related activities shall be carried out on the site outside the hours of 7.00 am to 5.00 pm Mondays to Saturdays.

No work to occur on Sundays and public holidays.

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

(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.

	<ul style="list-style-type: none"> 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 other locations which could lead to the discharge of materials into the stormwater drainage system. 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>
	Condition reason: Compliance and environmental amenity
55	<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> <p>(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.</p> <p>(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.</p> <p>(c) Generation, storage, treatment and disposal of hazardous waste is conducted</p>

	<p>in accordance with the relevant waste legislation administered by the EPA and relevant Occupational Health and Safety legislation administered by WorkCover NSW.</p> <p>(d) All waste generated (including excavated materials) which cannot be reused or recycled must be transported to a facility which can lawfully accept it.</p> <p>(e) Records are retained regarding the details and location of the disposal of all 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
56	<p>Dust and Water Pollution Control</p> <p>The following measures must be taken to control the emission of dust:</p> <p>(a) Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work.</p> <p>(b) All dusty surfaces must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be allowed to enter the stormwater system.</p> <p>(c) All stockpiles of materials that are likely to generate dust must be kept damp or covered.</p> <p>(d) All stockpiles of soil or other materials shall be placed away from drainage lines, gutters or stormwater pits or inlets.</p>

	<p>(e) All stockpiles of soil or other materials likely to generate dust or odours shall be covered.</p> <p>(f) All stockpiles of contaminated soil shall be stored in a secure area and be covered if remaining more than 24 hours</p> <p>Condition reason: Reason: Environmental amenity</p>
57	<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. 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>
58	<p>Inspection of stormwater-controlled systems</p> <p>The stormwater drainage, on-site stormwater detention system shall be inspected during construction, by the Council if the principle certifying authority or by a suitably qualified Civil/Stormwater Engineer and a registered surveyor. Documentary evidence of compliance with Council's specifications and approved stormwater plan shall be obtained prior to proceeding to the subsequent stages of construction, encompassing not less than the following key stages:</p> <p>On-site Stormwater Detention:</p> <ol style="list-style-type: none"> 1. Initial inspection to discuss concept and site conditions/constraints prior to commencement of the construction of the detention basin/tank. 2. Prior to pouring of the roof of the detention tank. 3. After completion of storage but prior to installation of fittings (e.g. Orifice plates, screens etc.) 4. Final Inspection prior to issuing the relevant certificate. <p>Council's standard inspection fee will apply to each of the above set inspection key stages. Additional inspection fees will apply for additional inspections required to be undertaken by Council.</p> <p>Stormwater quality Improvement devices:</p>

	<ol style="list-style-type: none"> 1. Initial inspection to discuss concept and site conditions/constraints prior to commencement of the construction of the improvement devices. 2. After completion of storage but prior to installation of fittings (e.g., Screens etc.) 3. Final Inspection prior to issuing the relevant certificate. <p>Council's standard inspection fee will apply to each of the above set inspection key stages. Additional inspection fees will apply for additional inspections required to be undertaken by Council.</p> <p>Condition reason: To ensure compliance with approved plans</p>
59	<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. For additional information on what permits you may require, Contact Council's Customer Service Staff on 9911 6555.</p> <p>Condition reason: Safety and traffic management</p>
60	<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 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> <p>Condition reason: Safety &Amenity</p>

Before issue of an occupation certificate

61	Completion of landscape and tree works
	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.
	Condition reason: To ensure the approved landscaping works have been completed in accordance with the approved landscaping plan(s).
62	Completion of public utility services
	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.
	Condition reason: To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation.
63	Stormwater Controlled Systems
	<p><i>Covenant & Restriction as to User</i> 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 located in 'Appendix 2 – Engineering Specifications of the Canada Bay Development Control Plan'.</p> <p><i>OSD Identification Plate</i> 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>Condition reason: Stormwater</p>
64	Occupation Certificate (section 6.9 of the Act)
	A person must not commence occupation or use (or change of use where an existing building) of the whole or any part of a new building (within the meaning of section 6.10 of the Act) unless an Interim Occupation Certificate or Final Occupation Certificate has been issued in relation to the building or part.

	<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>
65	<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 the Drained Basement. • Mechanical pump out system. • Stormwater drainage system. • Footpath, driveway and parking. <p>Condition reason: Engineering</p>
66	<p>Civil Public Works</p> <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>
67	<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 Occupancy Certificate.</p> <p>Condition reason: Service vehicle access</p>
68	<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>
	<p>Condition reason: Waste Management</p>
69	<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>
70	<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>
71	<p>Public Access Easement and Restriction</p> <p>Prior to issuing Occupation Certificate, appropriate restrictions and easement must be established in favour of the Council under Section 88E of the Conveyancing Act for the development site to ensure public access via the laneway connecting Mary Street to a portion of the laneway on the northern property (Rhodes Central).</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;</p> <p>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>
72	<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>
73	<p>dual water reticulation system</p> <p>Instalment of the dual water reticulation system containing pipes for potable water and recycled water for all internal and external water uses.</p> <p>Condition reason:</p>
74	<p>Electric Vehicle Charging System</p> <p>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.</p> <p>Condition reason: Compliance</p>
75	<p>Implementation of the Approved Public Art Plan</p> <p>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.</p> <p>Condition reason: Public Art</p>
76	<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 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>
77	<p>Public Domain - Completion and Defects Liability Period</p> <p>Works-as-executed (As Built)</p>

	<p>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.</p> <p>Certification</p> <p>These works must be certified by a suitably qualified, independent professional.</p> <p>Inspection</p> <p>The public domain work must be inspected and a Certificate of Practical Completion must be issued by Council.</p> <p>Liability</p> <p>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.</p> <p>Condition reason: Public Domain Works</p>
78	<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> <p>Condition reason: Statutory Requirements</p>
79	<p>Section 73 Compliance Certificate</p> <p>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. 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. 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> <p>Condition reason: Sydney Water Requirement</p>

Occupation and ongoing use

80	Signage
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	<p>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.</p> <p>All signage must comply with Council's specifications for waste collection.</p> <p>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.</p>
	Condition reason: Waste Management
81	Visitor Parking
	<p>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.</p>
	Condition reason: Visitor Parking
82	Waste Management Plan Implementation
	<p>The approved Waste Management Plan is to be implemented throughout the ongoing use of the development.</p>
	Condition reason: Waste Management
83	Annual Fire Safety Statement
	<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.
	Condition reason: Fire Safety

84	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
85	Commencement of a domestic waste service
	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.
	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.
	All requirements of Council's domestic collection service must be complied with at all times.
	Condition reason: Waste Management
86	Licenced Waste Collection
	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
87	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
88	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
89	Surveillance Cameras (CCTV)
	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.
	Condition reason: Security & Safety
90	Outdoor Lighting – Commercial
	Outdoor lighting must comply with AS/NZS 4282:2019: Control of the obtrusive effects of outdoor lighting. The maximum luminous intensity from each luminaire 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.
	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.

DRAFT

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.