

Annexure 1

Draft Conditions of Consent

Version 1 - 17/09/20

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1. INSTRUCTIONS ON HOW TO USE CONDITIONS

1.1 Type of Determination Notice

Determination Notices can be issued as a:

- (a) Refusal Notice
- (b) Standard Development Consent
- (c) Deferred Commencement Development Consent
- (d) Concept/Staged Development Consent

1.2 Categories of Determination Consents

Notices of determination for any type of development consent vary depending on:

1. The Type of Development:

- Residential – Single Dwelling House (including alterations & additions)
- Residential – Dual Occupancy
- Residential – Multi Unit
- Residential – Residential Flat Unit
- Residential – Seniors Living
- Affordable Rental Housing
- Residential – Other
- Tourist
- Commercial/retail/office
- Mixed Use
- Infrastructure
- Industrial
- Community Facility
- Subdivision only
- Swimming Pools
- Outbuildings
- Child Care Centre
- Other.

2. Whether additional approvals are required from:

- Council (e.g. s139 Roads Act, s68 Local Government Act)
 - Other Government Agencies (e.g. NSW Office of Water)
- Note: prescribed conditions of consent are automatically imposed by the EP&A Act and Regulations.

3. The various stages in the development process:

- General information about the consent
- Prior to the issue of a Construction Certificate
- Prior to Commencement of Work
- Prior to the issue of an Occupation Certificate or Subdivision Certificate
- On-going operation of the development consent
- Advices.

1.3 Structure of Development Consents

The Development Consent is broken up into stages in the development process.

Standard conditions are then sub-categorised according to the specific nature/origin of the condition. These sub-categories identify the origin/relevant Council section who generated the condition:

- Planning
- Heritage
- Engineering
- Building Surveyor
- Environmental Health
- Waste
- Traffic
- Property / Land Information
- Other.

1.4 Reasons for Conditions

The consent notice must specify the reasons for the imposition of conditions. This will be provided as the following generic reasons within the consent notice:

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instrument and/or Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To protect the environment.
- (c) To ensure that there is no unacceptable impact on the amenity of the area, or to private and public property.
- (d) It is in the public interest.

2. DEVELOPMENT DETAILS

2.1 Approved Plans & Documentation (DD5001)

The development must be implemented in accordance with the approved plans and supporting documentation listed below which have been endorsed by Council's approved stamp, except where marked up on the plans and/or amended by conditions of this consent:

Description	Reference No.	Date	Revision	Prepared by
Site Plan & Analysis	DA-0102	12/06/2020	7	SJB Architects
Basement 4	DA-0201	12/06/2020	7	SJB Architects
Basement 3	DA-0202	12/06/2020	7	SJB Architects
Basement 2	DA-0203	12/06/2020	7	SJB Architects
Basement 1	DA-0204	12/06/2020	7	SJB Architects
Ground	DA-0205	12/06/2020	9	SJB Architects
Level 1 - Level 4	DA-0206	12/06/2020	9	SJB Architects
Level 5 – Level 7	DA-0207	12/06/2020	5	SJB Architects
Level 8	DA-0208	12/06/2020	10	SJB Architects
Level 9 – Level 18	DA-0209	12/06/2020	9	SJB Architects
Level 19 – Level 22	DA-0210	12/06/2020	9	SJB Architects
Level 23 - Level 24	DA-0211	12/06/2020	4	SJB Architects
Roof	DA-0212	12/06/2020	8	SJB Architects
Elevation - South (Parramatta Road)	DA-0501	12/06/2020	9	SJB Architects
Elevation – East (Ismy Reserve)	DA-0502	12/06/2020	8	SJB Architects
Elevation – North	DA-0503	12/06/2020	9	SJB Architects
Elevation – West	DA-0504	12/06/2020	8	SJB Architects
Section A	DA-0601	12/06/2020	10	SJB Architects
Section B	DA-0602	19/12/2019	7	SJB Architects
Façade Detail 1	DA-0710	12/06/2020	2	SJB Architects
Façade Detail 2	DA-0711	12/06/2020	2	SJB Architects
Façade Detail 3	DA-0712	12/06/2020	2	SJB Architects
External Materials and Finishes	DA-3401	12/06/2020	3	SJB Architects
Parramatta Road Interface	SK-5100	12/06/2020	1	SJB Architects
Ground Floor Landscape Plan	L-01	09/06/2020	D	Site Design + Studios
Level 8 Landscape Plan	L-02	09/06/2020	D	Site Design + Studios
Planting Schedule + Details	L-03	09/06/2020	D	Site Design + Studios
Landscape Design Intent Statement	-	-	-	Site Design + Studios
Statement of Environmental Effects	13-058G	Jan 2020	Vol 1	BBC Consulting
Traffic and Parking Assessment Report	19604	18/12/2019	-	Varga Traffic Planning Pty Ltd
Wind Assessment Report	GWTS-PR-10630- 2019-2	17/12/2019	2	GWTS
Reflectivity Report	S-R2019111900	20/12/2019	03	Thermal Environmental
Section J Report	S-R2019120500	20/12/2019	02	Thermal Environmental
SEPP 65 Report	6136	13/01/2020	02	SJB Architects
Acoustic Report	SYD2019-1108-	19/12/2019	Final	Acouras

BASIX Certificate	R001C 1061924M	19/12/2019		Consultancy ESD Synergy Pty Ltd
BASIX Assessment Report	ES20191107_00	19/12/2019	00	ESD Synergy Pty Ltd
Accessibility Report	9360	16/01/2020	1.1	ABE Consulting
Operational Waste Management Plan	-	17/12/2019	2	EcCell Environmental Management Pty Ltd
Waste Management Plan Construction	-	17/12/2019	3	Not specified
National Construction Code Assessment Report	BA6109	23/12/2019	4	Certis (NSW) Pty Ltd

2.2 Building Height (DD5003)

The height of the building measured from Australian Height Datum (AHD) must not exceed Relative Level (RL) 87.36 AHD as shown on the approved drawings (measured at the roof to Unit 23.3).

2.3 First Use and Fit-Out of Premises (DD5005)

No approval is granted for the first use or fit-out of the retail premises. Separate development consent for the first use and fit-out is required, prior to any occupation of the commercial component of the development.

2.4 Signage (DD5006)

A separate application shall be submitted to Council prior to the erection of any signage unless the proposed signage is 'exempt development' under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* or any other applicable environmental planning instrument.

2.5 Serviced Apartments (DD5007)

The serviced apartments as shown on the approved architectural drawings in **Condition 2.1** are to be retained as serviced apartments for the lifetime of the development.

3. SEPARATE APPROVALS REQUIRED UNDER OTHER LEGISLATION

ENGINEERING CONDITIONS

3.1 Section 138 Roads Act 1993 and Section 68 Local Government Act 1993 (SA6002)

Unless otherwise specified by a condition of this consent, this Development Consent does not give any approval to undertake works on public infrastructure.

Separate approval is required under Section 138 of the [Roads Act 1993](#) and/or Section 68 of the [Local Government Act 1993](#) for any of the following activities carried out in, on or over a public road (including the footpath) listed below.

An application is required to be lodged and approved prior to the commencement of any of the following works or activities;

- (a) Placing or storing materials or equipment;
- (b) Placing or storing waste containers or skip bins;
- (c) Erecting a structure or carrying out work
- (d) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;
- (e) Pumping concrete from a public road;
- (f) Pumping water from the site into the public road;
- (g) Constructing a vehicular crossing or footpath;
- (h) Establishing a “works zone”;
- (i) Digging up or disturbing the surface of a public road (e.g. Opening the road for the purpose of connections to utility providers);
- (j) Stormwater & ancillary works in the road reserve; and
- (k) Stormwater & ancillary to public infrastructure on private land
- (l) If any excavation is to be supported by the use of below ground (cable) anchors that are constructed under Council’s roadways/footways.

These separate activity approvals must be obtained and evidence of the approval provided to the Certifying Authority prior to the issue of the Construction Certificate.

The relevant Application Forms for these activities can be downloaded from Council’s website www.strathfield.nsw.gov.au. For further information, please contact Council’s Customer Service Centre on (02) 9748 9999.

3.2 Road Opening Permit (SA6005)

A Road Opening Permit must be obtained from Council, in the case of local or regional roads, or from TfNSW, in the case of State roads, for every opening of a public road reserve to

access services including sewer, stormwater drains, water mains, gas mains, and telecommunications before the commencement of work in the road.

BUILDING CONDITIONS

3.3 Building – Hoarding Application (SA6007)

Prior to demolition of the buildings on the site, or the commencement of work above ground level, a separate application for the erection of an 'A class' (fence type) or a 'B class' (overhead type) hoarding or 'C type' scaffold, in accordance with the requirements of SafeWork NSW, must be erected along that portion of the footways/roadway where the building is within 3 metres of the street boundary.

An application for this work under Section 68 of the [Local Government Act 1993](#) and the Roads Act 1993 must be submitted for approval to Council.

The following information is to be submitted with a Hoarding Application under Section 68 of the [Local Government Act 1993](#) and Section 138 of the [Roads Act 1993](#):

- (a) A site and location plan of the hoarding with detailed elevation, dimensions, setbacks, heights, entry and exit points to/from the site, vehicle access points, location of public utilities, electrical overhead wire protection, site management plan and builders sheds location; and
- (b) Hoarding plan and details that are certified by an appropriately qualified engineer; and
- (c) The payment to Council of a footpath occupancy fee based on the area of footpath to be occupied and Council's Schedule of Fees and Charges (available at www.strathfield.nsw.gov.au) before the commencement of work; and
- (d) A Public Risk Insurance Policy with a minimum cover of \$20 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 a copy provided to Council. The Policy is to note Council as an interested party.

4. REQUIREMENTS OF CONCURRENCE, INTEGRATED & OTHER GOVERNMENT AUTHORITIES

INTEGRATED DEVELOPMENT

4.1 General Terms of Approval (RC7001)

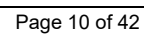
The development shall be carried out in accordance with the requirements of the General Terms of Approval (GTA) outlined below:

Approval Body	Date of GTA
Transport for NSW	12/06/20

Transport for NSW

TfNSW has reviewed the development application and would provide concurrence to the proposed development under Section 138 of the *Roads Act 1993*, subject to Council's approval and the following requirements being included in the development consent:

1. TfNSW has previously resumed and dedicated a strip of land as road along the Parramatta Road frontage of the subject property, as shown by grey colour on the attached Aerial – "X". The subject property also abuts a Declared Tollway (M4 Western Motorway) as shown by blue colour and purple boundary line on attached Aerial – "X". Access is denied across this boundary.



2. The redundant driveway on Parramatta Road should be replaced with kerb and gutter to match existing. The design and construction of the kerb and gutter on Parramatta Road shall be in accordance with TfNSW requirements. Details of

these requirements should be obtained by email to DeveloperWorks.Sydney@rms.nsw.gov.au.

Detailed design plans of the proposed gutter crossing are to be submitted to TfNSW for approval prior to the issue of a Construction Certificate and commencement of any road works. Please send all documentation to development.sydney@rms.nsw.gov.au.

A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by TfNSW.

3. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime.

Please send all documentation to development.sydney@rms.nsw.gov.au

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

4. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to development.sydney@rms.nsw.gov.au.

A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.

5. The proposed development should be designed such that road traffic noise from Parramatta Road and M4 Motorway is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102 (3) of State Environmental Planning Policy (Infrastructure) 2007.
6. If not already in place, "Clearway" restrictions will be implemented along the full Parramatta Road frontage of the development site.
7. The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.
8. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Parramatta Road.
9. A Construction Pedestrian Traffic Management Plan (CPTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior

to the issue of a Construction Certificate.

10. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Parramatta Road during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>

In addition to the above, TfNSW provides the following advisory comments for consideration:

- (a) Parramatta Road and the wider Olympic Peninsula Precinct are currently subject to early TfNSW (Roads) investigation of possible Traffic and Transport Improvement strategies. If you have any further questions about the project, please don't hesitate to contact Edmond Platon, Network Development Leader, via email: Edmond.Platon@rms.nsw.gov.au.

Should you have any further inquiries in relation to this matter, please do not hesitate to contact Hans Pilly Mootanah, Land Use Planner, on telephone 8849 2076 or by email at development.sydney@rms.nsw.gov.au.

4.2 Road Noise (RC7006)

The site is affected by noise from Parramatta Road. Certification shall be obtained from a suitably qualified acoustic consultant that the Construction Certificate plans includes measures of acoustic attenuation to meet the internal noise levels specified in Clause 102 of [State Environmental Planning Policy \(Infrastructure\) 2007](#).

SYDNEY WATER

4.3 Sydney Water – Tap in™ (RC7012)

The approved plans must be submitted to a Sydney Water Tap in™ to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately endorsed. For details please refer to 'Plumbing, building and developing' section of Sydney Water's web site at www.sydneywater.com.au then see 'Building', or telephone 13000 TAP IN (1300 082 746). The Certifying Authority must ensure that a Tap in™ agent has appropriately stamped the plans prior to the issue of the Construction Certificate.

4.4 Section 73 Compliance Certificate (RC7014)

A Section 73 Compliance Certificate under the [Sydney Water Act 1994](#) must be submitted to the PCA prior to the issue of the Occupation/Subdivision Certificate.

AUSGRID

4.5 Electricity Supply (RC7015)

An application may be required to be made to Ausgrid for a network connection. This may require the network to be extended or its capacity augmented. Evidence of this application being lodged with Ausgrid is required to be provided to the Certifying Authority prior to the issue of a Construction Certificate. For further details, you are advised to contact Ausgrid on 13 13 65 or www.ausgrid.com.au (Business and Commercial Services).

5. PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

PLANNING CONDITIONS

5.1 Fees to be Paid (CC8001)

The fees listed in the table below must be paid in accordance with the conditions of this consent and Council's adopted Fees and Charges applicable at the time of payment (available at www.strathfield.nsw.gov.au).

Payments must be made prior to the issue of the Construction Certificate or prior to the commencement of work (if there is no associated Construction Certificate).

Please contact council prior to the payment of s7.11 Contributions to determine whether the amounts have been indexed from that indicated below in this consent and the form of payment that will be accepted by Council.

A summary of the fees to be paid are listed below:

Fee Type	Fee
GENERAL FEES	
Long Service Levy (to Long Service Corporation)	0.35% of construction project costing =
Or, provide evidence of Payment direct to the Long Service Corporation. See https://portal.longservice.nsw.gov.au/bci/levy/	\$19,805,556.00
Security Damage Deposit	\$ 33,000.00
Tree Bond*	\$ 100,000 (Council Trees adjoining the eastern boundary within Ismay Reserve)
Administration Fee for Damage Deposit	\$ 127 for Builders Damage Deposit (per application)
	\$127 for Tree Bond (per application)

* A request for refund of the Tree Bond must be made in writing. Tree Bonds may be forfeited if a tree is dead, made dangerous or has been terminally damaged, or will be held until tree/s have fully recovered from the construction damage or were replacement/planted trees have become fully established and are over 6 metres in height.

DEVELOPMENT CONTRIBUTIONS

Roads and Traffic Management	259,143.41
Local Open Space	1,161,460.68
Major Open Space	1,781,379.47
Community Facilities	383,567.96
Administration	33,739.45
<hr/>	
Total Payable under Strathfield Direct Development Contributions Plan 2010 - 2030	\$3,619,290.95

Note:

A credit may be considered by Council for any payment made in relation to Development Consent 2014/35 for the Building C portion of Stage 1 above ground. The onus will be on the applicant to provide evidence of this.

General Fees

The fees and charges above are subject to change and are as set out in the version of Council's Schedule of Fees and Charges or as required by other Government Authorities, applicable at the time of payment.

Development Contributions

The Section 7.11 contribution (s94) is imposed to ensure that the development makes adequate provision for the demand it generates for public amenities and public services within the area.

Indexation

The above contributions will be adjusted at the time of payment to reflect changes in the cost of delivering public amenities and public services, in accordance with the indices provided by the relevant Development Contributions Plan.

Timing of Payment

The contribution must be paid and receipted by Council, prior to the release of the Construction Certificate.

Further Information

A copy of the *current Development Contributions Plans* may be inspected at Council's Customer Service Centre at 65 Homebush Road, Strathfield or on Council's website www.strathfield.nsw.gov.au.

5.2 Required Design Changes (CC8003)

The following changes are required to be made and shown on the Construction Certificate plans:

Driveway	The applicant shall install a convex mirror at the driveway and a stop sign and a speed hump at the exit from the site. The stop sign must be accompanied by the associated line marking and the speed hump shall be set back by 1.5 metres from the boundary alignment.
Parking allocation	<p>Parking associated with the development is to be allocated as follows:</p> <ul style="list-style-type: none">(a) Residential dwellings: 114(b) Residential visitors: 25(c) Commercial: 7(d) Serviced apartments: 55
Planter boxes to Parramatta Road	The originally proposed planter boxes to Parramatta Road (DA Issue, dated 17/12/2019) are to be reinstated and replaced with a species appropriate to the location.

5.3 Liveable Units

To comply with Objective 4Q-1 of the ADG to ensure flexible housing for all community members, the proposal shall meet the benchmark of 20% of the total apartments incorporating the *Liveable Housing Guidelines* silver level universal design feature. Details demonstrating compliance shall be shown on the relevant construction drawings, prior to the issue of any Construction Certificate.

5.4 Site Management Plan (CC8011)

Major Development

A Site Management Plan must be submitted with the application for a Construction Certificate, and include the following:

- (a) location of protective site fencing;
- (b) location of site storage areas/sheds/equipment;
- (c) location of building materials for construction, e.g. stockpiles
- (d) provisions for public safety;
- (e) dust control measures;
- (f) method used to provide site access location and materials used;
- (g) details of methods of disposal of demolition materials, according to Waste Management Plan and which should be used or recycled wherever practicable;
- (h) method used to provide protective measures for tree preservation;
- (i) provisions for temporary sanitary facilities;
- (j) location and size of waste containers/skip bins, according to the Waste Management Plan and including resource recovery methods;

- (k) details of proposed sediment and erosion control measures;
- (l) method used to provide construction noise and vibration management;
- (m) construction and demolition traffic management details.

The site management measures are to be implemented prior to the commencement of any works including demolition and excavation. The site management measures are to be maintained throughout the works, to maintain reasonable levels of public health, safety and amenity. A copy of the Site Management Plan must be kept on site and is to be made available upon request.

5.5 Design Quality Excellence (Major Development) (CC8013)

- (a) In order to ensure the design quality excellence of the development is retained:
 - i. The design architect is to have direct involvement in the design documentation, contract documentation and construct stages of the project;
 - ii. The design architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of the design issues throughout the life of the project;
 - iii. Evidence of the design architect's commission is to be provided to the Council prior to release of the Construction Certificate.
- (b) The design architect of the project is not to be changed without prior notice and approval of the Council.

5.6 BASIX Commitments (CC8014)

The approved BASIX Certificate shall be submitted to the Accredited Certifier with the application for a Construction Certificate.

All measures and commitments as detailed in the BASIX Certificate No. 1061924M must be implemented on the plans lodged with the application for the Construction Certificate.

5.7 Low Reflectivity Roof (CC8016)

Roofing materials must be low glare and reflectivity. Details demonstrating compliance must be provided to the Certifying Authority.

5.8 Compliance with Wind Report Recommendations (CC8018)

The recommendations contained in Section 5 of the Desktop Pedestrian Level Wind Assessment, prepared by GWTS, dated 17/12/2019 are to be:

- (i) reviewed and updated (as necessary) to address the approved plans (Rev 7, dated 12/06/2020); and
- (ii) fully complied with details documented on the CC drawings.

HERITAGE

5.9 External Materials – Paved Areas, Retaining Walls

Materials such as brick or sandstone that reflect the federation period of listed items in the vicinity are to be incorporated at street level, within the retaining walls facing Ismay Reserve and Parramatta Road within the paved areas. A schedule of colours and materials for the paved areas and retaining walls is to be submitted to, and approved by Council's Heritage Advisor, prior to the issue of any Construction Certificate.

5.10 External Materials – Tiles, Columns and Walls

Federation tiles and patterns are to be incorporated into sections of the columns and external retail walls. A schedule of colours and materials for the columns and retail walls is to be submitted to, and approved by Council's Heritage Advisor, prior to the issue of any Construction Certificate.

ENGINEERING CONDITIONS

5.11 Erosion & Sedimentation Control (CC8036)

Erosion and sediment controls must be provided to ensure:

- (a) Compliance with the approved Erosion & Sediment Control Plan
- (b) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval)
- (c) All clean water run-off is diverted around cleared or exposed areas
- (d) Silt fences, stabilised entry/exit points or other devices are installed to prevent sediment from entering drainage systems or waterways
- (e) All erosion and sediment controls are fully maintained for the duration of demolition, excavation and/or development works
- (f) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadway
- (g) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar
- (h) Compliance with [Managing Urban Stormwater – Soils and Construction \(Blue Book\) produced by Landcom 2004](#).

These measures are to be implemented prior to the commencement of work (including demolition and excavation) and must remain until works are completed and all exposed surfaces are landscaped/sealed.

BUILDING SURVEYOR CONDITIONS

5.12 Fire Safety Measures (CC8052)

Prior to the issue of a construction certificate a list of the existing and proposed essential fire safety measures that are to be provided in relation to the land and any building on the land as a consequence of the building work must accompany an application for a construction

certificate, which is required to be submitted to either Council or a PCA. Such list must also specify the minimum standard of performance for each essential fire safety measure included in the list. The Council or PCA will then issue a Fire Safety Schedule for the building.

5.13 Structural Details (CC8053)

Engineer's details prepared by a practising Structural Engineer being used to construct all reinforced concrete work, structural beams, columns & other structural members. The details are to be submitted to the Principal Certifying Authority for approval prior to construction of the specified works.

A copy shall be forwarded to Council where Council is not the PCA.

5.14 Access for Persons with a Disability (CC8057)

Access and/or sanitary facilities for persons with disabilities must be provided to the premises/building in accordance with the requirements of the Premises Standards, the Building Code of Australia, and AS 1428.1. Details must be submitted with the Construction Certificate Application for approval.

5.15 Commonwealth Disability (Access to Premises) Standard (CC8058)

The Commonwealth Disability (Access to Premises - Buildings) Standards 2010 (the Premises Standards) applies to all applications (i.e. Construction Certificate). This requires any new building, part of a building and the affected part of the existing building to comply with the Premises Standards, the Building Code of Australia and AS 1428.

TRAFFIC CONDITIONS

5.16 Off Street Parking – Compliance with AS2890 (CC8066)

All driveways, access ramps, vehicular crossings and car parking spaces shall be designed and constructed in accordance with the current version of Australian Standards, AS 2890.1 (for car parking facilities), AS 2890.6 (parking for people with disabilities) and AS 2890.2 (for commercial vehicle facilities).

5.17 Construction Traffic Management Plan (CC8067)

A Construction Traffic Management Plan detailing:

- (a) construction vehicle routes;
- (b) anticipated number of trucks per day;
- (c) hours of construction;
- (d) Access arrangements; and
- (e) Proposed traffic measures to minimise impacts of construction vehicles

must be submitted for the approval of Council's Engineers. Council's Engineers must specify in writing that they are satisfied with the Traffic Management Plan prior to the issue of the Construction Certificate.

WASTE CONDITIONS

5.18 Waste, Recycling and Bulky Storage Rooms (CC8085)

The waste storage area shall not be visible from the street. The waste storage area shall be located within the lot/building in accordance with the approved plans.

The waste storage area shall be large enough to accommodate bins for general waste, recycling and green waste for the retail, serviced apartments, and residential components of the development in accordance with Part H of SCDP 2005.

The layout of the waste and recycling storage room must allow easy unobstructed access to all bins (stacked bin arrangements are not acceptable) and allow the bins to be easily removed for servicing purposes.

Arrangements must be in place regarding the regular maintenance and cleaning of waste management facilities.

A caretaker or individual(s) shall be nominated as being responsible for transferring the bins to the collection point and back into the waste storage room/area.

Detailed plans of waste and recycling storage rooms must be submitted along with Waste Management Plan and Waste and Recycling Storage Room/Area Design Checklist.

Details of any specialised waste disposal equipment to be used in the development such as compactors (carousel and linear), bin tugs, chutes, crushers, bunding, oil water separators (coalescing plate separators), etc. to be provided to Council for approval.

Bulk collection area must be provided at a rate of 4m² per 10 units and should be located adjacent to waste and recycling storage rooms.

5.19 Onsite Waste Collection (CC8086)

Development for the purposes of multi-unit housing, residential flat buildings, serviced apartments, boarding houses, mixed use and commercial developments must provide onsite underground or at-grade collection of waste, which must comply with the requirements contained within Part H of Strathfield Development Control Plan 2005 (DCP 2005).

Waste servicing and collection arrangements should be clearly depicted and annotated on architectural drawings, which should indicate adequate turning circles to allow collection vehicles to enter and exit the site in a forward direction.

5.20 Separate Waste Areas for Mixed-Use Development (CC8087)

Waste storage and collection arrangements should be designed to minimise the risk of contamination between waste streams from different tenancies and occupations. An example of this is the residential component having a separate waste storage area from the commercial component in a mixed-use development and that cross access to these areas is prevented.

Written evidence of valid contracts for the regular commercial collection and disposal of waste and recyclables generated on the site is to be provided to the PCA, prior to occupation of the commercial component. The private waste contractor must confirm the frequency of the

waste collections (general waste, recycling and bulky goods), and that the size and location of the storage room is suitable for the frequency of the waste collections.

Waste education must be provided through signs in common areas indicating how to avoid, reduce, reuse and recycle waste.

LANDSCAPING / TREE CONDITIONS

5.21 Landscape Plans (CC8095)

All landscape works shall be carried out in accordance with the approved landscape plans. The landscaping shall be maintained in accordance with the approved plans in perpetuity.

5.22 Tree Removal/Pruning Prohibited (CC8096)

This consent does not approve the removal or pruning (branches or roots) of any trees on the adjoining public reserve.

5.23 Tree Protection and Retention (CC8098)

The Council trees adjoining the eastern boundary of the site with Ismay Reserve are to be retained and protected in accordance with Australian Standard AS 4970-2009 *Protection of trees on development sites*.

General Tree Protection Measures

- (a) All trees to be retained shall be protected and maintained during demolition, excavation and construction of the site.
- (b) The tree protection measures must be undertaken in accordance *AS4970 -2009 Protection of trees on development sites*.
- (c) Details of the tree protection measures to be implemented must be provided with the application for a Construction Certificate by a suitably qualified Arborist (AQF Level 5 or above in Arboriculture).
- (d) The Arborist must be present on-site during the stages of construction when works are being undertaken that could impact on the tree canopy or root zone within the tree protection zone to implement the tree protection measures as required.
- (e) Unless otherwise specified in AS 4970-2009, a protective fence consisting of 1.8 metres high, fully supported chainmesh fence shall be erected around the base of the tree. The distance of the fence from the base of each tree is to be in accordance with the TPZ listed in the table above. A layer of organic mulch 100 millimetres thick shall be placed over the protected area and no soil or fill should be placed within the protection area.
- (f) No services shall be installed within the TPZ of the tree unless approved by Council. This fence shall be kept in place during demolition, construction and also have a sign displaying 'Tree Protection Zone' attached to the fence and must also include the name and contact details of the Project Arborist.

5.24 Landscapes on Structure

Where planting is to be carried out on a suspended concrete slab (roof gardens, balconies, over car parks) there must be average soil depths of 1200mm for large trees, 1000mm for

medium trees, 800mm for small trees 500mm for shrubs, 300mm for ground cover and 200mm for turf, to ensure landscape survival. All planted areas must include sub- surface drainage, drainage cell, drainage layer/aggregate and irrigation.

Elevated planter boxes on a suspended slab are to be Structural Engineer designed to determine and design for weight loadings. Internal drainage within the structure is required and is to be designed by a Structural and/or Hydraulics Engineer. External drainage weep holes are not permitted. Planters are to be fully waterproofed and sealed internally with 2 coats of a proprietary sealing agent. All sealed finishes are to be sound and installed to manufacturer's directions prior to backfilling.

5.25 Irrigation

To ensure appropriate landscape maintenance, the use of recycled water from rainwater tanks is recommended. Irrigation must comply with Sydney Water requirements and regulations. Watering systems are to be designed and installed by a qualified irrigation consultant and should be specific to plant needs and soil type. Water-saving devices such as rainfall/moisture, temperature and wind sensors should be incorporated into the design. All common and private landscape areas to have a fully automatic irrigation system.

5.26 On-going Landscape Maintenance

To ensure landscape survival, a maintenance schedule of works is to be provided as part of the approved landscape package submitted with the CC documentation.

5.27 Accessibility to landscape spaces

To ensure the provision of universally accessible landscape spaces, the proposed development must be designed to comply with relevant standards and controls relating to accessibility and mobility. These include the Disability Discrimination Act 1992 (DDA92), Building Code of Australia (BCA) and Australian Standards 1428.1 (2009) Design for Access and Mobility.

6. PRIOR TO THE COMMENCEMENT OF WORK (INCLUDING DEMOLITION & EXCAVATION)

PLANNING CONDITIONS

6.1 Demolition & Asbestos (CW9001)

Any demolition work shall comply with the provisions of Australian Standard AS2601:2001 – Demolition of Structures, NSW [Work Health & Safety Act 2011](#) and the NSW [Work Health & Safety Regulation 2011](#). The work plans required by AS2601:2001 shall be accompanied by a written statement by a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the safety statement shall be submitted to the PCA prior to the commencement of works.

For demolition work which involves the removal of asbestos, the asbestos removal work must be carried out by a licensed asbestos removalist who is licensed to carry out the work in accordance with the NSW [Work Health & Safety Act 2011](#) and the NSW [Work Health & Safety Regulation 2011](#) unless specified in the Act and/or Regulation that a license is not required.

All demolition work including the removal of asbestos, shall be undertaken in accordance with the [Demolition Code of Practice](#) (NSW Work Cover July 2015)

Note: Copies of the Act, Regulation and Code of Practice can be downloaded free of charge from the SafeWork NSW website: www.SafeWork.nsw.gov.au.

6.2 Demolition Notification Requirements (CW9002)

The following notification requirements apply to this consent:

- (a) The developer /builder must notify adjoining residents five (5) working days prior to demolition. Such notification is to be a clearly written note giving the date demolition will commence, contact details of the developer/builder, licensed asbestos demolisher and the appropriate regulatory authority. Notification is to be placed in the letterbox of every premises (including every residential flat or unit, if any) either side and immediately at the rear of the demolition site.
- (b) Five (5) working days prior to demolition, the developer/builder is to provide written notification to Council advising of the demolition date, details of the SafeWork licensed asbestos demolisher and the list of residents advised of the demolition.
- (c) On demolition sites where buildings to be demolished contain asbestos, a standard commercially manufactured sign containing the words “DANGER ASBESTOS REMOVAL IN PROGRESS” measuring not less than 400mm x 300mm is to be erected in a prominent visible position (from street frontage) on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site to an approved waste facility.

6.3 Demolition Work Involving Asbestos Removal (CW9003)

Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under clause 458 of the [Work Health and Safety Regulation 2011](#).

ENGINEERING CONDITIONS

6.4 Dial Before Your Dig (CW9010)

The applicant shall contact “Dial Before You Dig on 1100” to obtain a Service Diagram prior to the issuing of the Construction Certificate. The sequence number obtained from “Dial Before You Dig” shall be forwarded to Council’s Engineers for their records.

6.5 Dilapidation Report on Public Land – Major Development Only (CW9011)

Prior to the commencement of works (including demolition and excavation), a dilapidation report must be prepared for the Council infrastructure adjoining the development site, including:

- (a) Ismay Reserve
- (b) Parramatta Road

The report must include the following:

- (a) Photographs showing the existing condition of the road pavement fronting the site,
- (b) Photographs showing the existing condition of the kerb and gutter fronting the site,
- (c) Photographs showing the existing condition of the footpath pavement fronting the site,
- (d) Photographs showing the existing condition of any retaining walls within the footway or road, and
- (e) Closed circuit television/video inspection (in DVD format) of public stormwater drainage systems fronting, adjoining or within the site, and
- (f) The full name and signature of the structural engineer.
- (g) The Dilapidation Report must be prepared by a qualified structural engineer. The report must be provided to the PCA and a copy provided to the Council.

The Dilapidation Report must be prepared by a professional engineer. The report must be provided to the PCA and a copy provided to the Council.

The report is to be supplied in electronic format in Word or PDF. Photographs are to be in colour, digital and date stamped.

Note: Council will use this report to determine whether to refund the damage deposit after the completion of works.

BUILDING CONDITIONS

6.6 Registered Surveyors Report - During Development Work (CW9014)

A report must be submitted to the PCA at each of the following applicable stages of construction:

- (a) Set out before commencing excavation.
- (b) Floor slabs or foundation wall, before formwork or commencing brickwork.
- (c) Completion of Foundation Walls - Before any construction of flooring, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the

datum shown on the approved plans.

- (d) Completion of Floor Slab Formwork - Before pouring of concrete/walls construction, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans. In multi-storey buildings a further survey must be provided at each subsequent storey.
- (e) Completion of any Roof Framing - Before roof covered detailing eaves/gutter setback from boundaries.
- (f) Completion of all Work - Detailing the location of the structure (including eaves/gutters) relative to adjacent boundaries and its height relative to the datum shown on the approved plans. A final Check Survey must indicate the reduced level of the main ridge.

Work must not proceed beyond each stage until the PCA is satisfied that the height and location of the building is proceeding in accordance with the approved plans.

6.7 Utility Arrangements (CW9015)

Arrangements are to be made with utility authorities in respect to the services supplied by those authorities to the development. The cost associated with the provision or adjustment of services within the road and footway areas is to be at the applicants expense.

ENVIRONMENTAL HEALTH CONDITIONS

6.8 Dust Control (CW9019)

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 a minimum 2 metres height of shade cloth or similar material secured to a chain wire fence of the like and shall be modified as required should it fail to adequately control any dust nuisance.

Major Works

The following measures must be implemented (in part or in total) to control the emission of dust:

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

7. DURING CONSTRUCTION

PLANNING CONDITIONS

7.1 Site Sign – Soil & Erosion Control Measures (CO1001)

Prior to the commencement of works (including demolition and excavation), a durable site sign, issued by Council in conjunction with this consent, must be erected in a prominent location on site. The site sign warns of the penalties which apply to pollution, storing materials on road or footpath and breaches of the conditions relating to erosion and sediment controls. The sign must remain in a prominent location on site up until the completion of all site and building works.

7.2 Hours of Construction for Demolition and Building Work (CO1002)

Any work activity or activity associated with the development consent that requires the use of any tools (including hand tools) or any power operated plant and machinery that creates noise on or adjacent to the site shall not be performed, or permitted to be performed, except between the hours of 7.00 am to 5.00 pm, Monday to Friday and 8:00am to 1:00pm on Saturdays. No work or ancillary activity is permitted on Sundays, or Public Holidays.

Where the development involves the use of jack hammers/rock breakers and the like, or other heavy machinery, such equipment may only be used between the hours of 7:00am to 5:00pm Monday to Friday only.

Note: A penalty infringement notice may be issued for any offence.

7.3 Ground Levels and Retaining Walls (CO1003)

The ground levels of the site shall not be excavated, raised or filled, or retaining walls constructed on the allotment boundary, except where indicated on approved plans or approved by Council.

ENGINEERING CONDITIONS

7.4 Obstruction of Road or Footpath (CO1013)

The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste or skip bins, or any other matter is not permitted unless separately approved by Council under Section 138 of the [Roads Act 1993](#) and/or under Section 68 of the [Local Government Act 1993](#). Penalty infringement Notices may be issued for any offences and severe penalties apply.

7.5 Construction Traffic Management Plan (CO1015)

The owner/applicant is to ensure that the approved Construction Traffic management Plan (CTMP) is strictly complied. A copy of the CTMP is to be kept on site at all times during construction works.

WASTE CONDITIONS

7.6 Waste Management Facility (CO1022)

All materials removed from the site as a result of demolition, site clearing, site preparation and, or excavation shall be disposed of at a suitable Waste Management Facility. No vegetation, article, building material, waste or the like shall be ignited or burnt.

Copies of all receipts for the disposal, or processing of all such materials shall be submitted to the PCA and Council, where Council is not the Principal Certifying Authority.

8. PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

PLANNING CONDITIONS

8.1 BASIX Certificate (OC1104)

All energy efficiency measures as detailed in the approved BASIX Certificate in the plans approved with the Development Consent, must be implemented before issue of any Occupation Certificate.

8.2 BASIX Compliance Certificate (OC1105)

A Compliance Certificate must be provided to the PCA regarding the implementation of all energy efficiency measures as detailed in the approved BASIX Certificate before any Occupation Certificate is issued.

8.3 Completion of Landscape Works (OC1106)

At the completion of all works, a certificate is to be submitted to the Principal Certifying Authority from a qualified Landscape and/or Arboricultural Consultant certifying that the work has been completed in accordance with the approved Landscape Plan and that a maintenance program has been established.

8.4 Allocation of Parking Spaces (OC1108)

Parking associated with the development is to be allocated as follows:

- (a) Residential dwellings: 114
- (b) Residential visitors: 25
- (c) Commercial: 7
- (d) Serviced apartments: 55
- (e) Residential bicycle: 131
- (f) Visitor bicycle (including retails): 20

8.5 Major Development (OC1110)

Internal driveways and parking spaces are to be adequately paved with concrete or bitumen, or interlocking pavers to provide a dust-free surface. All car parking spaces are to be line marked in accordance with AS1742, 'Australian Standard Manual of Uniform Traffic Control Devices' and the relevant guidelines published by the RMS.

ENGINEERING CONDITIONS

8.6 Stormwater Certification of the Constructed Drainage Works (Minor) (OC1119)

The constructed stormwater system shall be certified by a suitably qualified person, in accordance with Council's Stormwater Management Code, prior to the issue of any Occupation Certificate.

8.7 Works as Executed and Certification of Stormwater Works (OC1120)

Prior to the issue of an Occupation Certificate, the PCA must ensure that the stormwater drainage system has been constructed in accordance with the approved design and relevant

Australian Standards. A works-as-executed drainage plan and certification must be forwarded to the PCA and Council, from a professional engineer specialising in hydraulic engineering.

This Plan and Certification shall confirm that the design and construction of the stormwater drainage system satisfies the conditions of development consent and the Construction Certificate stormwater design details approved by the PCA.

The works-as-executed drainage plan must be prepared by a professional engineer specialising in hydraulic engineering in conjunction with a Registered Surveyor and must include the following details (as applicable):

- (a) The location of any detention basin/s with finished surface levels;
- (b) Finished site contours at 0.2 metre intervals (if applicable)
- (c) Volume of storage available in any detention areas;
- (d) The location, diameter, gradient and material (i.e. PVC, RC etc.) of all stormwater pipes;
- (e) The orifice size/s (if applicable);
- (f) Details of any infiltration/absorption systems; and (if applicable);
- (g) Details of any pumping systems installed (including wet well volumes) (if applicable).

8.8 Completion of Major Works (OC1128)

Prior to the issue of a Final Occupation Certificate, the following works must be completed at the applicant's expense to the satisfaction of Council's Engineering Services section. This may include h

- (a) Stormwater pipes, pits and connections to public stormwater systems within the road related area (if required);
- (b) New footpaths within the road related area (if required);
- (c) Relocation of existing power/light pole (if required);
- (d) Relocation/provision of street signs (if required);
- (e) New or reinstated kerb and guttering within the road related area (if required); and
- (f) New or reinstated road surface pavement within the road (if required).

Council's Engineering Services Section must advise in writing that the works have been completed to their satisfaction prior to the issue of the Occupation Certificate. [Note: The damage deposit paid to Council will not be released until the works have been completed to Council's satisfaction.

8.9 Dilapidation Report on Public Land for Major Development Only (OC1129)

Upon completion of works, a follow up dilapidation report must be prepared for the items of Council infrastructure adjoining the development site.

The dilapidation report must be prepared by a professional engineer specialising in structural

engineering, and include:

- (a) Photographs showing the condition of the road pavement fronting the site
- (b) Photographs showing the condition of the kerb and gutter fronting the site
- (c) Photographs showing the condition of the footway including footpath pavement fronting the site
- (d) Photographs showing the condition of retaining walls within the footway or road
- (e) Closed circuit television/video inspection (in DVD format) of public stormwater drainage systems fronting, adjoining or within the site, and
- (f) The full name and signature of the professional engineer.

The report must be provided to the PCA and a copy provided to the Council. The reports are to be supplied in electronic format in Word or PDF. Photographs are to be in colour, digital and date stamped.

NOTE: Council will use this report to determine whether or not to refund the damage deposit.

Council's Engineering Services Division must advise in writing that the works have been completed to their satisfaction prior to the issue of an Occupation Certificate.

8.10 Stormwater Drainage Works – Works As Executed (OC1130)

Prior to the issue of the Occupation Certificate, constructed stormwater drainage works are to be certified by a professional engineer specialising in hydraulic engineering, with Works-As-Executed drawings supplied to Council detailing:

Council's Engineering Services section must advise in writing that they are satisfied with the Works-As-Executed drawings, prior to the issue of an Occupation Certificate.

BUILDING CONDITIONS

8.11 Fire Safety Certificate Before Occupation or Use (OC1133)

In accordance with Clause 153 of the [Environmental Planning and Assessment Regulation 2000](#), on completion of building works and prior to the issue of an Occupation Certificate, the owner must obtain a Final Fire Safety Certificate in accordance with Clause 170 of the Regulation.

A copy of the certificate is to be given by the applicant to the Commissioner of Fire & Rescue NSW and a further copy is to be displayed in a frame and fixed to a wall inside the building's main entrance.

8.12 Slip Resistance (OC1134)

At the completion of work an in-situ (on-site) test, in wet and dry conditions, must be carried out on the pedestrian floor surfaces used in the foyers, public corridors/hallways, stairs and ramps as well as the floor surfaces in wet rooms in any commercial/retail/residential units to ascertain the actual slip resistance of such surfaces taking into consideration the effects of grout, the gradients of the surface and changes from one material to another. The in-situ test

must be carried out in accordance with AS/NZS 4663:2002. Proof of compliance must be submitted with the application for the Occupation Certificate for approval.

ENVIRONMENTAL HEALTH CONDITIONS

8.13 Acoustic Certification (OC1138)

Prior to the issue of any Occupation Certificate, a suitably qualified acoustic consultant shall certify that the operation of the premises and plant equipment shall not give rise to a sound pressure level at any affected premises that exceeds the acoustic criteria established by the Acoustic Report required by a condition of this consent. The development shall at all times comply with these noise levels post occupation.

8.14 Acoustic Report Compliance (OC1139)

Prior to the issue of any Occupation Certificate, a report prepared by a suitably qualified acoustic consultant must be submitted to the PCA, certifying that the construction has incorporated the recommendations contained in the DA Acoustic Report, prepared by Acouras Consulting (Doc ref SYD2019-1108-R001C), dated 19/12/2019, including those contained in:

- Clause 3.1 – Facade glazing requirements
- Clause 3.2 – Building façade construction
- Clause 3.3 – Mechanical services
- Clause 3.4 – Apartment ventilation
- Clause 3.5 – Separation between commercial and residential
- Clause 3.6 – Commercial delivery and waste collection vehicles

8.15 Acoustic Compliance – General Operation of Premises (OC1140)

The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 (as amended) and Regulations.

A suitably qualified person shall certify that the operation of the plant equipment shall not give rise to sound pressure level at any affected premises that exceeds the background LA90, 15 min noise level, measured in the absence of the noise sources under consideration by more than 5dB. The source noise level shall be assessed as an LAeq, 15 min in accordance with the NSW Environment Protection Authority's "NSW industrial Noise Policy".

Certification must be submitted to the PCA prior to the issue of any Occupation Certificate.

9. OPERATIONAL CONDITIONS (ON-GOING)

9.1 Maintenance of Landscaping (OG1305)

All trees and plants forming part of the landscaping must be maintained. Maintenance includes watering, weeding, removal of rubbish from tree bases, fertilizing, pest and disease control, replacement of dead or dying plants and any other operations required to maintain healthy trees, plants and turfed areas.

ENVIRONMENTAL HEALTH CONDITIONS

9.2 Noise Control (OG1313)

The use of the premises must not give rise to the transmission of offensive noise to any place of different occupancy. Offensive noise is defined in the Protection of the Environment Operations Act 1997 (as amended).

9.3 Maintenance of Sound Attenuation (OG1314)

Sound attenuation must be maintained in accordance with the Acoustic Report prepared by Acouras Consulting (Doc ref SYD2019-1108-R001C), dated 19/12/2019.

9.4 Final Acoustic Report – Verification of Noise Report (OG1315)

Within three months from the issue of an Occupation Certificate, an acoustic assessment is to be carried out by an appropriately qualified acoustic consultant, in accordance with the [EPA's Industrial Noise Policy](#) and submitted to Council for consideration. This report should include but not be limited to, details verifying that the noise control measures as recommended in the acoustic report prepared by Acouras Consulting (Doc ref SYD2019-1108-R001C), dated 19/12/2019, are effective in attenuating noise to an acceptable noise level and that the use is not calculated to give rise to 'offensive noise' as defined under the provision of the [Protection of the Environment Operation Act 1997](#) (as amended).

9.5 Outdoor Lighting (OG1326)

To avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads, outdoor lighting must comply with *AS 4282-1997: Control of the obtrusive effects of outdoor lighting*.

9.6 Lighting – General Nuisance (OG1327)

Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill or glare.

Flashing, moving or intermittent lights or signs are prohibited.

9.7 Amenity of the Neighbourhood (OG1328)

The implementation of this development shall not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, dust, waste water, waste products, grit, oil or other harmful products.

TRAFFIC CONDITIONS

9.8 Standing of Vehicles on Public Roads (OG1362)

No motor vehicles awaiting repair or under repair, or waiting delivery, shall be stored, parked, or otherwise permitted to stand in a public street. All such vehicles shall be accommodated within the premises.

9.9 Loading & Unloading of Vehicles (OG1363)

All loading and unloading of vehicles in relation to the use of the premises shall take place wholly within the existing loading dock/area.

9.10 Entering & Exiting of Vehicles (OG1364)

All vehicles shall enter and exit the premises in a forward direction.

9.11 Bicycle Parking

Bicycle Parking is to be provided in accordance with AS2890.3. Details demonstrating compliance are to be submitted with the Construction Certificate Application.

BUILDING CONDITIONS

9.12 Schedule of Existing Fire Measures to be Maintained (OG1367)

The following statutory safety measures shall be fully maintained in accordance with the approved standard and inspected annually:

- (a) Access panels, door and hoppers to fire resisting shafts - minimum standard AS 1905.1 - 2015.
- (b) Automatic fail safe devices - minimum standard Part D of BCA.
- (c) Automatic fire detection and alarm systems - minimum standard AS 1670.2015, and AS1670.3 & 4 – 2004
- (d) Automatic fire suppression systems - minimum standard AS 2118.1 – 2006.
- (e) Emergency lighting - minimum standard AS 2293.1 - 2005.
- (f) Emergency lifts - minimum standard AS 1735.1,2,11, 3, 7, 8, 12, 14, 15, 16 (as currently applicable).
- (g) Emergency warning and intercommunication systems -minimum standard AS 4428.4 – Fire detection, warning, control and intercom systems.
- (h) Exit signs - minimum standard AS 2293.1 - 2005.
- (i) Fire control centres and rooms - minimum standard BCA.
- (j) Fire dampers - minimum standard AS 1682.1 & AS 1682.2 - 2015.
- (k) Fire doors - minimum standard AS 1905.2 - 2005.

- (l) Fire hydrant systems - minimum standard AS 2419.1 -2005.
- (m) Fire seals protecting openings in fire resisting components of the building -minimum standard Part C of BCA.1
- (n) Fire shutters - minimum standard AS 1905.2. - 2005.
- (o) Fire windows - minimum standard AS 1905.1- 2015.
- (p) Hose reel systems - minimum standard AS 2441 - 2005.
- (q) Lightweight construction - minimum standard Part C of BCA.
- (r) Mechanical air handling systems - minimum standard AS 1668.2 - 2012.
- (s) Perimeter vehicle access for emergency vehicles - minimum standard Part C of BCA.1
- (t) Portable fire extinguishers - minimum standard AS 2444 - 2001.
- (u) Safety curtains in proscenium openings - minimum standard Part H of BCA.
- (v) Smoke and heat vents - minimum standard AS 2665. - 2001.
- (w) Smoke dampers - minimum standard AS 1682.1 and 2 - 2015.
- (x) Smoke detectors and heat detectors - minimum standard AS 3786 - 2014 and AS 1670.1 - 2015.
- (y) Smoke doors - minimum standard AS 1905.1 -2015.
- (z) Solid core doors - minimum standard Part C of BCA.
- (aa) Stand-by power systems - Spec. G. 3.8 of BCA and AS 2665. - 2001.
- (bb) Wall wetting sprinkler and drencher systems - minimum standard AS 2118.2. -2010.
- (cc) Warning and operations signs - minimum standard is BCA.1

9.13 Annual Fire Safety Statement (OG1368)

The owner of the building premises must ensure the Council is given an annual fire safety statement in relation to each essential fire safety measure implemented in the building. The annual fire safety statement must be given:

- (a) Within 12 months after the date on which the fire safety certificate was received.
- (b) Subsequent annual fire safety statements are to be given within 12 months after the last such statement was given.
- (c) An annual fire safety statement is to be given in or to the effect of Clause 181 of the [Environmental Planning and Assessment Regulation 2000](#).
- (d) A copy of the statement is to be given to the Commissioner of Fire & Rescue NSW, and a further copy is to be prominently displayed in the building.

WASTE CONDITIONS

9.14 Responsibility of Owners Corporation (OG1371)

The Owners Corporation shall be responsible for presenting all approved waste and recycling receptacles for collection, and returning all receptacles to the Main Waste Collection Room, as soon as practicable after they have been serviced.

The Owners Corporation shall also be responsible for maintaining all equipment, systems, facilities and storage areas used in conjunction with the provision of waste management services in accordance with all applicable regulatory requirements, relevant health and environmental standards, and to the satisfaction of Council.

10. OPERATIONAL REQUIREMENTS UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

10.1 Requirement for a Construction Certificate (OR1401)

The erection of a building must not commence until a Construction Certificate has been issued.

10.2 Appointment of a PCA (OR1402)

The erection of a building must not commence until the applicant has:

- (a) appointed a PCA for the building work; and
- (b) if relevant, advised the PCA that the work will be undertaken as an Owner -Builder.

If the work is not going to be undertaken by an Owner - Builder, the applicant must:

- (c) appoint a Principal Contractor to undertake the building work. If residential building work (within the meaning of the [Home Building Act 1989](#)) is to be undertaken, the Principal Contractor must be a holder of a contractor licence; and
- (d) notify the PCA of the details of any such appointment; and
- (e) notify the Principal Contractor of any critical stage inspections or other inspections that are required to be carried out in respect of the building work.

10.3 Notification of Critical Stage Inspections (OR1403)

No later than two days before the building work commences, the PCA must notify:

- (a) the consent authority and the Council (if not the consent authority) of his or her appointment; and
- (b) the applicant of the critical stage inspections and other inspections that are to be carried out with respect to the building work.

10.4 Notice of Commencement (OR1404)

The applicant must give at least two days notice to the Council and the PCA of their intention to commence the erection of a building.

10.5 Critical Stage Inspections (OR1407)

The last critical stage inspection must be undertaken by the PCA. The critical stage inspections required to be carried out vary according to Building Class under the Building Code of Australia and are listed in Clause 162A of the [Environmental Planning and Assessment Regulation 2000](#).

10.6 Notice to be Given Prior to Critical Stage Inspections (OR1408)

The principal contractor for a building site, or the owner-builder, must notify the PCA at least 48 hours before each required inspection needs to be carried out.

10.7 Occupation Certificate (OR1409)

A person must not commence occupation or use of the whole or any part of a new building unless an Occupation Certificate has been issued in relation to the building or part.

11. PRESCRIBED CONDITIONS

Prescribed conditions are those which are mandated under Division 8A of the [Environmental Planning and Assessment Regulation 2000](#) and given weight by Section 4.17(11) of the Environmental Planning and Assessment Act 1979.

Detailed below is a summary of all the prescribed conditions which apply to development in New South Wales. Please refer to the full details of the prescribed conditions as in force, at www.legislation.nsw.gov.au.

11.1 Clause 97A – BASIX Commitments (PC1501)

This Clause requires the fulfilment of all BASIX Commitments as detailed in the BASIX Certificate to which the development relates.

11.2 Clause 98 – Building Code of Australia & Home Building Act 1989 (PC1502)

Requires all building work to be carried out in accordance with the Building Code of Australia. In the case of residential building work to which the [Home Building Act 1989](#) relates, there is a requirement for a contract of insurance to be in force before any work commences.

11.3 Clause 98A – Erection of Signs (PC1503)

Requires the erection of signs on site and outlines the details which are to be included on the sign. The sign must be displayed in a prominent position on site and include the name and contact details of the PCA and the Principal Contractor.

11.4 Clause 98B – Home Building Act 1989 (PC1504)

If the development involves residential building work under the [Home Building Act 1989](#), no work is permitted to commence unless certain details are provided in writing to Council. The name and licence/permit number of the Principal Contractor or Owner Builder and the name of the Insurer by which work is insured under Part 6 of the [Home Building Act 1989](#).

12. ADVICES

GENERAL

12.1 Access to NSW Legislations (Acts, Regulations and Planning Instruments) (AD1601)

NSW legislation can be accessed free of charge at www.legislation.nsw.gov.au

12.2 Long Service Levy (AD1602)

The Long Service Corporation administers a scheme which provides a portable long service benefit for eligible workers in the building and construction industry in NSW. All benefits and requirements are determined by the Building and Construction Industry Long Service Payments Act 1986. More information about the scheme and the levy amount you are required to pay to satisfy a condition of your consent can be found at <http://www.longservice.nsw.gov.au>.

The required Long Service Levy payment can be direct to the Long Service Corporation via their web site <https://online.longservice.nsw.gov.au/bci/levy>. Payments can only be processed on-line for the full levy owing and where the value of work is between \$25,000 and \$6,000,000. Payments will be accepted for amounts up to \$21,000, using either MasterCard or Visa.

12.3 Disability Discrimination Act (AD1603)

This application has been assessed in accordance with the [Environmental Planning and Assessment Act 1979](#). No guarantee is given that the proposal complies with the [Disability Discrimination Act 1992](#). The applicant is responsible to ensure compliance with this and other anti-discrimination legislation. The [Disability Discrimination Act 1992](#) covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which refers to AS1428.1-Design for Access and Mobility.

ENGINEERING

12.4 Stormwater & Ancillary Works – Applications under Section 138 Roads Act and/or Section 68 Local Government Act 1993 (AD1605)

To apply for approval under Section 138 of the [Roads Act 1993](#):

- (a) Complete the Works Permit Application Form which can be downloaded from Strathfield Council's Website at www.strathfield.nsw.gov.au.
- (b) In the Application Form, quote the Development Consent No. (eg. Year/DA [insert number]) and reference this condition number (e.g. Condition 23)
- (c) Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Council's adopted Fees and Charges for the administrative and inspection charges associated with Works Permit applications.

An approval for a new or modified vehicular crossing will contain the approved access and/or alignment levels which will be required to construct the crossing and/or footpath. Once

approved, all work shall be carried out by a private contractor in accordance with Council's specifications prior to the issue of an Occupation Certificate.

The developer must meet all costs of the extension, relocation or reconstruction of any part of Council's drainage system (including design drawings and easements) required to carry out the approved development.

BUILDING

12.5 Site Safety Fencing (AD1606)

Site fencing must be erected in accordance with SafeWork Guidelines, to exclude public access to the site throughout the demolition and/or construction work, except in the case of alterations to an occupied dwelling. The fencing must be erected before the commencement of any work and maintained throughout any demolition and construction work.

A demolition licence and/or a high risk work license may be required from SafeWork NSW (see www.SafeWork.nsw.gov.au).

ENVIRONMENTAL HEALTH

12.6 Noise (AD1612)

Council will generally enforce noise related conditions in accordance with the *Noise Guide for Local Government* (<http://www.environment.nsw.gov.au/noise/nglg.htm>) and the *Industrial Noise Guidelines* (<http://www.environment.nsw.gov.au/noise/industrial.htm>) publish by the Department of Environment and Conservation. Other state government authorities also regulate the [Protection of the Environment Operations Act 1997](#).

Useful links relating to Noise:

- (a) Community Justice Centres—free mediation service provided by the NSW Government (www.cjc.nsw.gov.au).
- (b) Department of Environment and Conservation NSW, Noise Policy Section web page (www.environment.nsw.gov.au/noise).
- (c) New South Wales Government Legislation home page for access to all NSW legislation, including the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Noise Control Regulation 2000* (www.legislation.nsw.gov.au).
- (d) Australian Acoustical Society—professional society of noise-related professionals ([www.acoustics.asn.au /index.php](http://www.acoustics.asn.au/index.php)).
- (e) Association of Australian Acoustical Consultants—professional society of noise related professionals (www.aaac.org.au).
- (f) Department of Gaming and Racing - (www.dgr.nsw.gov.au).

12.7 Acoustical Engineer Contacts & Reference Material (AD1613)

Further information including lists of Acoustic Engineers can be obtained from:

- (a) Australian Acoustical Society—professional society of noise-related professionals

(www.acoustics.asn.au)

(b) Association of Australian Acoustical Consultants—professional society of noise related professionals (www.aaac.org.au)

(c) NSW Industrial Noise Policy – Office of Environment & Heritage (www.environment.nsw.gov.au)

AUSGRID

12.8 Electricity Supply (AD1621)

This development may need a connection to the Ausgrid network which may require the network to be extended or its capacity augmented. You are advised to contact Ausgrid on 13 13 65 or www.ausgrid.com.au (Business and Commercial Services) for further details and information on lodging your application to connect to the network.

AUSTRALIA POST

12.9 Australia Post – Letter Box Size and Location (AD1622)

The size and location of letterboxes servicing the development are to comply with the requirements and standard of Australia Post (see attached link: https://auspost.com.au/content/dam/auspost_corp/media/documents/Appendix-02.pdf)

13. DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Australian Height Datum	Is a system of control points for height based on a network of levelling measurements that covered the whole of Australia and was fitted to mean sea level, as measured at tide gauges distributed around the Australian coast, over a period 1968-1970 see cl.5 Surveying and Spatial Information Regulation 2012.
Applicant	The applicant referred to at the front of this consent notice or anyone else entitled to act on this consent.
Application	The development application and the accompanying drawings plans and documentation described in this consent.
BCA	Building Code of Australia
Construction	Any works, including earth and building works
Council	Strathfield Council
Certification of Crown Building works	Certification under s6.28 of the EP&A Act [delete if not a Crown application]
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	Department of Planning, Industry & Environment or its successors
Development Application (DA)	A DA is a formal request for consent to carry out a proposed development, such as a change of use of land, subdivision of land and/or carrying out of building, landscaping or any other works.
Council's approval, agreement or satisfaction	A written approval from the General Manager of Council (or nominee/delegate)
Evening	The period from 6pm to 10pm
Incident	A set of circumstances that causes or threatens to cause material harm to the environment, and/or breaches or exceeds the limits or performance measures/criteria in this approval
Landscape Designer	A person eligible for membership of the Australian Institute of Landscape Designers and Managers and a Landscape Architect is a person eligible for membership of the Australian Institute of

	Landscape Architects as a Registered Landscape Architect.
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
NOW	NSW Office of Water, or its successor
HNSW	Heritage NSW, Department of Premier & Cabinet
OSD	On-site Stormwater Detention. OSD involves the temporary storage and controlled discharge of stormwater generated within a site.
PCA	Principal Certifying Authority, or in the case of Crown development, the supervising Certifying Authority, who will fulfil an equivalent role
Professional Engineer	Has the same meaning as in the BCA
TfNSW	Transport for New South Wales
Subject Site	Lot 3 DP 1219481
TPZ	Tree Protection Zone