Annexure B

DETERMINATION OF DEVELOPMENT APPLICATION

BY GRANT OF CONSENT

Development Application No:	DA2024/0138
Development:	Demolition of existing structures (including three (3) existing dwellings), tree removal, construction of a three (3) level basement for 33 car parking spaces, four (4) visitor spaces, 66 bicycle parking spaces and eight (8) motor cycle parking spaces, on-site loading bay with turntable for HRV access, construction of 33 dwellings (including five (5) adaptable apartments), on-site landscaping, communal open space, including on Level 2, and residential amenities and building services
Site:	2-4 Denham Street, Rhodes

The above development application has been determined by the granting of consent subject to the conditions specified in this consent.

Date of determination:	13 March 2025
Date from which consent takes effect:	Date the consent is registered on the NSW Planning Portal.

TERMINOLOGY

In this consent:

(a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.

(b) Any reference to the "applicant" means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.

(c) Any reference to the "site" means the land known as 2-4 Denham Street, Rhodes.

The conditions of consent are as follows:

GENERAL CONDITION

1. 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 Plans				
Drawing No	**Revision Number**	**Plan Title**	**Drawn by**	**Dated**
DA000	02	Cover Page	PBD Architects	20/11/2024
DA001	02	Project Information	PBD Architects	20/11/2024
DA002	02	Demolition Plan	PBD Architects	20/11/2024
DA003	02	Site Analysis	PBD Architects	20/11/2024
DA004	03	Site Plan	PBD Architects	20/11/2024
DA005	02	Site Survey	PBD Architects	20/11/2024
DA100	02	Basement 3	PBD Architects	20/11/2024
DA101	02	Basement 2	PBD Architects	20/11/2024
DA102	02	Basement 1	PBD Architects	20/11/2024
DA103	02	Ground Floor Plan	PBD Architects	20/11/2024
DA104	02	Level 1	PBD Architects	20/11/2024
DA105	02	Level 2	PBD Architects	20/11/2024
DA106	02	Level 3	PBD Architects	20/11/2024
DA107	02	Level 4	PBD Architects	20/11/2024
DA108	02	Level 5	PBD Architects	20/11/2024
DA109	02	Level 6	PBD Architects	20/11/2024
DA110	02	Level 7	PBD Architects	20/11/2024
DA111	03	Roof Level	PBD Architects	20/11/2024
DA200	02	North Elevation	PBD Architects	20/11/2024
DA201	02	South Elevation	PBD Architects	20/11/2024
DA202	02	West Elevation	PBD Architects	20/11/2024
DA300	02	Section A	PBD Architects	20/11/2024
DA301	02	Section B	PBD Architects	20/11/2024
DA302	02	Section C	PBD Architects	20/11/2024
DA303	02	Driveway Sections	PBD Architects	20/11/2024
DA400	02	Finishes Schedule	PBD Architects	20/11/2024
DA410	02	Photomontage	PBD Architects	20/11/2024
DA500	02	GFA Diagram ½	PBD Architects	20/11/2024
DA501	02	GFA Diagram 2/2	PBD Architects	20/11/2024
DA530	02	Deep Soil Diagram – ADG	PBD Architects	20/11/2024
DA531	02	Deep Soil Diagram – DCP	PBD Architects	20/11/2024
DA550	02	Height Limit Diagram	PBD Architects	20/11/2024
DA560	02	Cross Ventilation Diagram ½	PBD Architects	20/11/2024

DA561	02	Cross Ventilation Diagram 2/2	PBD Architects	20/11/2024
DA570	02	Private Open Spaces 1/2	PBD Architects	20/11/2024
DA571	02	Private Open Spaces 2/2	PBD Architects	20/11/2024
DA572	02	Communal Open Space	PBD Architects	20/11/2024
DA590	02	Storage Calculation Diagram ½	PBD Architects	20/11/2024
DA591	02	Storage Calculation Diagram 2/2	PBD Architects	20/11/2024
DA600	02	Solar Access Diagram ½	PBD Architects	20/11/2024
DA601	02	Solar Access Diagram 2/2	PBD Architects	20/11/2024
DA610	02	Shadow Diagram	PBD Architects	26/06/2024
DA611	02	Shadow Diagram	PBD Architects	26/06/2024
DA612	02	Shadow Diagram	PBD Architects	26/06/2024
DA613	02	Shadow Diagram – Comparison 1/2	PBD Architects	26/06/2024
DA614	02	Shadow Diagram – Comparison 2/2	PBD Architects	26/06/2024
DA700	02	Adaptable Unit	PBD Architects	20/11/2024

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

Approved Documents				
Drawing/ Document No	**Revision Number**	**Plan Title**	**Prepared by**	**Dated**
2023016	-	Statement of Environmental Effects	Hamptons	Undated
23-040-3	B	Urban Design Report	Dickson Rothschild	22.11.2024
ES20240206_00	02	BASIX Assessment Report	ESD Synergy	21.11.2024
E26074.G03	Rev 5	Geotechnical Investigation	EI Australia	21.11.2024
-	Rev E	Operational Waste Management Plan	Elephants Foot	21.11.2024
-	Rev D	Construction and Demolition Waste Management Plan	Elephants Foot	21.11.2024
23096	Final V2	Amended Traffic and Parking Assessment Report	CJP Consulting Engineers	21.11.2024
230210	Rev P1-Final	Overland Flow Assessment	JHA Consulting Engineers	20.11.2024
24102–R3.1	Rev 3.1	Access Report	AI Consultancy	21.11.2024
-	Issue 8	Noise Impact Assessment	E-LAB Consulting	22.11.2024

-	-	Updated Arboricultural Impact Assessment	Advanced Treescape Consulting	22.11.2024
-	-	Design Verification Statement	PBD Architects	21.11.2024
-	-	Estimated Development Cost Report	QPC&C	21.11.2024
23121B3–R1.1	R1.1	Building Code of Australia Compliance Report	AI Consultancy	22.11.2024
-	-	Amended BASIX Stamped plans	PBD Architects	-
1736166M_04	-	BASIX Certificate	ESD Synergy Pty Ltd	21.11.2024
000	E	Landscape Plan - Cover Sheet	Site Image	19.11.2024
001	H	Landscape Plan – Existing Tree Management Plan	Site Image	19.11.2024
100	A	Landscape Plan – Composite Colour Plan	Site Image	19.11.2024
101	H	Landscape Plan – Landscape Planting Plan	Site Image	19.11.2024
102	A	Landscape Plan – Level Two	Site Image	19.11.2024
201	H	Landscape Plan – Ground Floor	Site Image	19.11.2024
202	A	Landscape Plan – Level Two	Site Image	19.11.2024
500	F	Landscape Plan – Landscape Specifications Notes	Site Image	17.06.2024
501	F	Landscape Plan – Plant Schedule	Site Image	17.06.2024
502	B	Landscape Plan - Landscape Details	Site Image	8.02.2024
E26704.E01.Rev0	0	Preliminary Site Investigation with Groundwater Sampling Event	EI Australia	7.02.2025
		Statement of Heritage Impact (amended)	Weir Phillips Heritage	14.11.2024

Approved Stormwater Drainage Design				
Drawing No	**Revision Number**	**Plan Title**	**Drawn by**	**Dated**

230210/C-DA000	P2	Cover Sheet	JHA Engineers	21/11/2024
230210/C-DA100	P2	Ground Floor Drainage Plan Sheet 1 of 2	JHA Engineers	21/11/2024
230210/C-DA101	P2	Ground Floor Drainage Plan Sheet 2 of 2	JHA Engineers	21/11/2024
230210/C-DA102	P2	Basement One Drainage Plan	JHA Engineers	21/11/2024
230210/C-DA103	P2	Basement Two Drainage Plan	JHA Engineers	21/11/2024
230210/C-DA104	P2	Basement Three Drainage Plan	JHA Engineers	21/11/2024
230210/C-DA200	P2	Catchment Analysis	JHA Engineers	21/11/2024
230210/C-DA210	P2	Drain Catchment Analysis	JHA Engineers	21/11/2024
230210/C-DA210	P1	Drain Analysis and Result	JHA Engineers	21/08/2023
230210/C-DA220	P2	MUSIC Catchment Analysis	JHA Engineers	21/11/2024
230210/C-DA221	P2	MUSIC Analysis and Results	JHA Engineers	21/11/2024
230210/C-DA300	P2	Details Sheet 1 of 2	JHA Engineers	21/11/2024
230210/C-DA301	P2	Details Sheet 2 of 2	JHA Engineers	21/11/2024
23012/C-DA500	P2	Erosion and Sediment Control Plan	JHA Engineers	21/11/2024
23012/C-DA501	P2	Erosion and Sediment Control Details	JHA Engineers	21/11/2024
230210	P2	Stormwater Management Report	JHA Engineers	21/11/2024

Authority Approvals			
Reference No.	**Document title**	**Authority**	**Dated**
IDAS1156240	Integrated Development Referral – General Terms of Approval	Water NSW	8 August 2024
SYD24/01329/01	Demolition of Existing Structures and Constriction of 34[33] dwellings and 3 level basement parking	TfNSW	7 August 2024
	This letter is Ausgrid's Response under section 2.48 of the SEPP (Transport and Infrastructure)	Ausgrid	
NA	Development Application 2024/0138	Sydney Water	20 August 2924

- 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 or 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 and into the road reserve, separate approval is required under Section 138 of the Roads Act 1993

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

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

2. 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 used must be submitted to the Principal Certifier for approval prior to the issue of a Construction Certificate.

Reason: Environmental sustainability – statutory requirements

3. Section 73 Compliance Certificate

Before Issue of a Construction 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.

Reason: Sydney Water Requirement

4. Amendments to Approved Plans – Council

The following amendments and details shall be submitted to Council for written approval prior to the issue of a Construction Certificate:

Waste Management

- Recycling bin allocation: 4 x 1100L recycling bins are to be provided. Additionally, 1 x 1100L service bin for recycling stream is to be provided in the chute discharge room in basement 1.

- Bin Hoist / Lift for Waste and Bulky Waste: The plans are to be amended to show the dimensions of the bulky waste room and door width for the bin hoist/lift, which will be used to move waste bins and materials for bulky waste collections from Basement 1 to the Ground Level.

- Access to Bin Hoist/Lift and Waste Chute Room: The bin hoist/lift room and waste chute room are to be locked and accessible only to the building caretaker, not to residents.

- Turntable Condition for Waste Management Plans need to comply with the following:

- The proposed turntables must comply with the required dimensions for a 12.5m HRV vehicle (provided for a standard heavy rigid vehicle as identified in Australian Standard 2890.2:2018): including the diameter for the turntable and required clearance heights and width.

- In addition, the following needs to be addressed:

- The vehicle turntable is to have a minimum 25 tonne capacity.

- The use of the turntable is always to be available to Council's waste collection vehicles

- The installation, operation and on-going servicing is to be at no cost to Council

- For all multi-unit dwellings of more than 20 units, additional space is required for recycling textile waste such as a clothes bin. The size required is 1m2 per 50 units to a maximum 2m2. This space should be in or attached to the storage area. Consideration should be given to allocating space for printer cartridge, toner bottle and mobile phone recovery bins as these items are able to be recovered by the private sector at no charge. Implementation of these types of recovery options will reduce the overall waste generated in these development sites.

Tree Protection and Management

- To minimise impacts within the Tree Protection Zone (TPZ) of tree 6, the installation of services must be undertaken as follows:

    - □ The AQF 5 project arborist must be present to oversee the installation of any underground services which enter or transect the tree protection zone of Tree 6. The installation of any underground services which either enter or transect the designated TPZ must be undertaken manually or adjusted to reduce the impact to the TPZ. For manually excavated trenches the AQF 5 project arborist must designate roots to be retained. Manual excavation must employ an airspade only for the NDD.

    - □ The Arboricultural Impact Assessment (**AIA**) is to be updated to provide the location of services within the TPZ of Tree 6 and confirm whether any additional mitigation measures are required in the event that the upgrading of services is necessary, to avoid potential impacts on this Tree.

    - □ In accordance with AS4970 Protection of Trees on Development Sites, the Tree Protection Plan and the AIA are to be amended to include geotextile and mulch or geotextile and batter boards for the TPZ of Trees 1 and 2, to mitigate soil compaction and root damage.

Landscaping

- The plans are to be amended to include a 2.5metre wide footpath to the Concord Road verge.

Fire Hydrant

- Fire Hydrant Booster Assembly - In order to ensure a high-quality finish and streetscape presentation, details of the location, enclosure and landscaping treatment to the fire hydrant booster assembly.

Stormwater Management

- The electronic hydrological and hydraulic flood modelling and results (i.e., DRAINS, TUFLOW, Airborne Laser Scanning (ALS) grid, pre and post-development flood result shown in the flood report, saved in ESRI grid (.asc) format etc) as outlined in the report shall be submitted for reference and assessment.

Driveway Design

- The proposed levels for the vehicular crossing are to be amended to address Council's requirement in accordance with Clause FP6 of Council's DCP, Appendix 2 – Engineering Specification.

Reason: To confirm and clarify the terms of Council's approval

5. <u>Fees to be paid to Council prior to issue of the Construction Certificate</u>

The following fees shall be paid prior to the issue of a Construction Certificate.

<u>Damage Deposit</u> Any costs to rectify damage caused by the development will be deducted from the damage deposit. The damage deposit will be refunded when the works are completed, any damage repaired and an Occupation Certificate is issued.	$300,000
<u>Long Service Levy</u> The NSW Government charges a levy on all building and construction works of $250,000 or more. The levy is paid into a fund administered by the Long Service Corporation (LSC). This fund pays long service to eligible building and construction workers.	0.25% of the cost of building and construction works including GST
<u>Sect. 7.11 Contributions – Rhodes</u> Section 7.11 Development Contributions are required towards the provision of public amenities and services in accordance with the *Canada Bay Local Infrastructure Contribution Plan*. ▪ Studio / one bedroom dwelling & secondary dwelling - $14,604.09 ▪ Two bedroom dwelling & secondary dwelling - $20,000 ▪ Three + bedroom dwelling & secondary dwelling - $20,000 ▪ Additional lot $20,000	Dwelling Mix $562,228.63 +/- CPI

Development Contributions 7 x 1 Bedroom = $102,228.63 16 x 2 Bedroom = $320,000 10 x 3 Bedroom = $200,000 Total = $622,228.63 LESS contribution credit for 3 dwelling houses ($20,000 x 3) = $60,000 **TOTAL CONTRIBUTIONS = $562,228.63** The current Consumer Price Index (CPI) for Sydney is 139.8. Any change in the CPI between the date of this approval and the date that this contribution is paid will be added/subtracted from the amount.	

Reason: Statutory requirement and information.

6. <u>Affordable Housing Contribution - Payment of Money in Lieu of Floor Space</u>

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.

The contribution is $31,660.08 based on the total uplift in residential GFA of 53sqm at $597.36 per square metre as at the 2024 (June March Quarter). The residual uplift GFA less the residual GFA to be dedicated to Council as Affordable Housing (as outlined below). Contributions will be indexed quarterly in accordance with the formula set out in the scheme and reproduced below.

Notes:

(a) The amount of the monetary contribution is to be as per the Canada Bay Affordable Housing Contribution Scheme.

(b) Applicants are to make the payment either by Bank Cheque or by Online Payment to the City of Canada Bay Council.

(c) The formula for quarterly Contribution Rate indexation adjustment is:

Next Quarter's Contribution Rate = Current Contribution Rate x (MDP2/MDP1)

Where:

MDP1 is the median strata dwelling price * for the PREVIOUS quarter

MDP2 is the median strata dwelling price * for the CURRENT quarter

*The median strata price is published quarterly in the NSW Government Rent and Sales Report, Table: Sales Price - Greater Metropolitan Region – Strata

Affordable Housing Contributions - Floor Space Contribution

In addition to the payment of the money contribution to cover a portion of the affordable housing contribution, and Pursuant to Clause 6.12 Affordable Housing of the Canada Bay Local Environmental Plan 2013 and the Canada Bay Affordable Housing Contribution Scheme, a total of 111sqm identified as Unit No G.04 on DA Drawing No DA103, Issue 2, dated 20 November 2024, of the approved plans must be provided to the City of Canada Bay Council to be used for the sole purpose of affordable housing. The contribution is partial contribution of the overall total residential GFA gross floor area.

Prior to a Construction Certificate being issued, the applicant must provide evidence to Council that the title to the affordable housing unit(s) will be transferred to the City of Canada Bay Council, and is to address the following:

(a) The dedicated affordable housing is to be constructed to a standard which in the opinion of Council is consistent with other dwellings in the development.

(b) If the development is a staged development, affordable housing must be provided at each stage.

(c) If any GST is liable for the affordable housing contribution(s), such GST component must be paid by the applicant.

(d) Council will hold the title of the affordable housing unit(s) and manage the properties as affordable housing. In circumstances where the title may be transferred in the future, such as to a community housing provider acting on behalf of Council, a covenant is to be placed onto the title as evidence that the unit(s) were provided to Council for the purpose of affordable housing and that the unit(s) are to remain in use as affordable housing in perpetuity, including in circumstances where the unit(s) may be sold.

Reason: Statutory requirement

7. Electricity Connection

Provision must be made for connection to future underground distributions mains. This must be achieved by installing:

- An underground service line to a suitable existing street pole; or
- Sheathed underground consumers mains from the development to a customer pole erected near the front property boundary (within 1 metre)

A limit of one (1) pole per site will apply.

Reason: Environmental Amenity

8. Hoardings

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.

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.

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.

Reason: Site Safety

9. Erosion and sedimentation controls

Erosion and sedimentation controls must be provided to ensure:

(a) Compliance with the approved Soil and Water Management Plan Erosion and Sediment Control Plan and Details

(b) Removal or disturbance of vegetation and topsoil is confined to within 3m of the approved building area (no trees to be removed without approval)

(c) All uncontaminated run-off is diverted around cleared or disturbed areas

(d) Silt fences or other devices are installed to prevent sediment and other debris escaping from the cleared or disturbed areas into drainage systems or waterways

(e) All erosion and sediment controls are fully maintained for the duration of demolition/ development works

(f) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadways

(g) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar

(h) All water pumped or otherwise removed from excavations or basement areas is filtered to achieve suspended solids/non filterable residue levels complying with the Australian Water Quality guidelines for Fresh and Marine Waters

(i) Pumped or overland flows of water are discharged so as not to cause, permit, or allow erosion before the commencement of work (and until issue of the occupation certificate).

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.

Reason: Environmental protection

10. Dilapidation Report

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.

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.

The Report shall cover structural and geotechnical factors likely to arise from the development.

A copy of this Report shall be submitted to the owners of all properties inspected and Council as a record.

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.

Reason: Information

11. 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:

(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.

Reason: Waste management

12. Access for Waste Collection Vehicles

A design certificate and detailed plans are to be submitted with the Construction Certificate application that confirms that the development can accessed and serviced by the nominated waste collection vehicle in accordance with the Waste Management Plan.

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.

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:

(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

Reason: Waste management

13. 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:

(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

Reason: Waste management

14. Construction Management Plan

Prior to the issue of a Construction Certificate, the applicant must submit to the Principal Certifier a Construction Management Plan that clearly sets out the following:

(a) What actions and works that are proposed to ensure safe access to and from the site, and what protection will be provided to the road and footpath area from building activities, crossings by heavy equipment, plant and materials delivery, or static loads from cranes, concrete pumps and the like.

(b) The proposed method of loading and unloading excavation machines, building materials, formwork, and the erection of any part of the structure within the site.

(c) The proposed areas within the site to be used for a builder's site office and amenities, the storage of excavated material, construction materials and waste containers during the construction period.

(d) How it is proposed to ensure that soil/excavated material is not transported on wheels or tracks of vehicles or plant and deposited on surrounding roadways.

(e) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve - the proposed method of support is to be designed by a Chartered Civil Engineer.

(f) A Soil and Water Management Plan detailing all sedimentation controls.

Reason: Safety, amenity and protection of public infrastructure and the environment

15. Bicycle Storage Provision

Provision for bicycles shall be provided in accordance with the City of Canada Bay Development Control Plan for Bicycle Parking and Storage Facilities and AS 2890.3:2005.

Reason: Bicycle parking

16. Car Parking Areas

The following car parking and service vehicle requirements apply:-

(a) Thirty-seven car spaces shall be provided on the development site. This shall comprise of:

- 33 residential spaces;
- 4 visitor spaces;

(b) All car spaces shall be allocated and marked according to this requirement.

(c) Storage areas are not to be used for parking of vehicles. A suitable By Law is to be created to ensure that the large basement storage zones are not to be used for the parking of vehicles and are to be used as storage only.

(d) 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. Under no circumstances shall parking spaces be sold, let or otherwise disposed of for use other than in accordance with this condition.

(e) Each car parking space shall have minimum dimensions in accordance with the relevant Australian Standard and be provided on-site in accordance with the approved plans.

(f) The parking bays shall be delineated by linemarking.

(g) 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.

The following traffic control measures shall be implemented on site:-

(a) Directional arrows shall be painted on the driveway pavement within the site to indicate the required vehicular directional movement through the car parking area.

The above details shall be submitted to and approved by the Accredited Certifier prior to the issue of the Construction Certificate.

Reason: Parking and access

17. <u>Accessible Car Parking Spaces</u>

Five 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.

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.

- 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.

The above details shall be submitted to and approved by the Accredited Certifier prior to the issue of the Construction Certificate.

Reason: Parking and accessibility

18. 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.

Reason: Landscape amenity

19. On-slab Planting

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	9m3	3.5m x 3.5m	800mm
Medium Trees	8-12m	8m	35m3	6m x 6m	1000mm
Large Trees	12-18m	16m	150m3	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.

Reason: Landscape quality

20. 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 Concord Road and Denham Street extending a minimum of 5m past the boundary and to the middle of the road. This Plan must document all works required to ensure that the public domain complies with the Rhodes East Public Domain Plan, Including:

- Finished levels – The public domain levels and gradients for the building and site frontage to Concord Road and Denham Street. 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:

    - 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.

The scale and sheet size must be the same across each discipline and any potential conflict resolved at the design stage.

Reason: Public Domain Works

21. <u>Public Domain - Works Bond</u>

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.

Reason: Public Domain Works

22. <u>Engineering conditions</u>

If you require clarification on any of the following conditions please contact Council's Development Engineer.

Driveway Design

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:

(i) The centreline or the crest level of the road Denham Street shall be not assumed and shall be reviewed and confirmed by a suitable qualified surveyor.

(ii) All changes in levels and gradients e.g. lip of gutter, gutter invert, kerb layback, edge of footpath and at the property boundary.

(iii) Footpath shall have a maximum crossfall of 2.5% graded but no less than 1% graded towards the street from the property boundary.

(iv) 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.

(v) Driveway shall have a crest to reduce the runoff from the street entering the property as overland stormwater flow during the 1%Annual Exceedance Probability (AEP) storm plus freeboard. The crest level shall be designed to achieve at least 300mm (from invert of the gutter to the crest) mitigation to reduce any surface stormwater overland flow entering the property or the crest level including a minimum of 150mm freeboard shall be demonstrated and certified by a suitably qualified engineer who specialise in stormwater and hydraulic.

(vi) 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.

(vii) Driveway longitudinal section shall be checked using the 99th percentile of vehicle template to demonstrate compliance with the scraping provision. Please note that the design B99 vehicle shall have the ground clearance of 120mm (fully loaded vehicle).

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

Driveway Certification

The longitudinal section shall be designed and certified by a Professional Civil Engineer whose qualifications are recognised by, and who is a current member of, Engineers Australia. The Civil Engineer shall certify that the driveway design and longitudinal section achieve compliance with AS/NZS2890.1:2004 and Council's "Appendix 2 – Engineering Specifications of the Canada Bay Development Control Plan".

Stormwater Design

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

(a) A rainwater harvesting system shall be provided in accordance with either the BASIX minimum requirements, and/or in Council's DCP, Appendix 2 – Engineering Specification", whichever is applicable and greater.

(b) Silt and gross pollutant traps shall be fitted in the boundary stormwater pit, designed in accordance with Council's "Appendix 2 – Engineering Specifications of the Canada Bay Development Control Plan".

(c) Vertical riser from the basement pump-out system shall be connected into the OSD system. Location of connection point shall be designed above the 1%AEP top water level of the OSD system.

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".

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.

Flooding

The development has been identified as a flood affected site in the 1% Annual Exceedance Probability (AEP) storm event referring to the Rhodes East Priority Investigation Area – A Hydrology and Flooding Report, dated December 2016 prepared by Jacobs and the submitted overland flood impact assessment prepared by JHA Engineers, 230210, Revision P1-Final, dated 20.11.2024 as part of the development application. The design and construction details shall address the recommendation listed in the overland flood impact report and submitted to the Principal Certifier prior to the issue of Construction Certificate. The following items shall also be addressed:

(i) Design and construction of the proposed structures shall also include the proposed structures being able to withstand the forces of floodwater, debris and buoyancy up to and including the Flood Planning Level (FPL).

(ii) No floatable material, paving and obstruction shall be placed over the overland flowpath area.

(iii) All new works shall be constructed in flood compatible materials to the flood planning level (minimum), including the requirement for electrical equipment, power supply, wiring etc. All works shall comply in accordance with Section 8.0 Flooding Control, Part B – General Control of Council's Development Control Plan.

(iv) No unauthorised filling is permitted on site.

(v) The fencing within the flood affected area shall be designed so as not to affect the flow of floods and not increase flood affect to the development and on surrounding land. The fencing can be certified by a suitably qualified engineer, that the proposed fencing is adequately constructed so as to withstand the forces of floodwaters, or collapse in a controlled manner to prevent the undesirable impediment of flood water.

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 2-4 Denham Street, Rhodes including:

Public Domain and Civil Works:

Any public domain and civil works on Denham Street and Concord Road shall be designed and constructed in accordance with Rhodes East Precinct Street Design Guideline.

(i) Full width of paving in accordance with street design guideline over the footpath area on Denham Street and Concord Road shall be provided.

(ii) Longitudinal and cross sections detailing the reconstruction of the concrete footpath along the entire frontage of the proposed development on Denham Street and Concord Road, including transition works, in accordance with street design guideline and Appendix 2 – Engineering Specifications of the Canada Bay Development Control Plan.

(iii) Longitudinal and cross sections detailing the reconstruction of the concrete kerb and gutter for the entire frontage of the proposed development on Denham Street, Rhodes, including transition works, in accordance with street design guideline and Appendix 2 – Engineering Specifications of the Canada Bay Development Control Plan.

(iv) Any proposed erection of structures such as shelters, post, fence, signs and trees shall be indicated on the plan.

(v) 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.

(vi) All Civil Engineering works must be conducted utilising a quality management system prepared to the satisfaction of Council's engineer.

Commitment to the following:

(i) 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

(ii) 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.

(iii) The consented works must be completed to Council's satisfaction at no cost to Council.

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.

Reason: Engineering requirements

23. <u>Vehicular Crossings Location, Ancillary Works and Removal of Redundant Crossings</u>

A separate consent for the Vehicular Crossing Location and / or Ancillary Works Application under Section 138 of Roads Act 1993 is required for the following works:

- 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

Reason: Access and public works

24. <u>Public Stormwater Drainage and Structures near Easements</u>

The existing public stormwater drainage pipe(s) and easement(s) within the development area shall be accurately located on the construction drawing and confirmation issued by a registered surveyor to the Principal Certifier.

Special footings will be required where the proposed building/structure is adjacent to public stormwater infrastructure to protect Council's stormwater drainage asset. The footings shall be located at least 1.0m away from the edge of the public stormwater infrastructure and taken down to the invert level of the existing drainage structure or to solid rock, whichever is the lesser. The footing depth may decrease by 500mm for every 1000mm increment in distance the footing is after 1000mm from the edge of the stormwater infrastructure. A practicing suitably qualified Structural Engineer shall issue a compliance certificate for the special footings referred to above to the Principal Certifier.

Reason: Protection of public asset

25. Electric vehicle circuitry and electric vehicle charging point requirements

An accurate electrical plan and specifications for all off-street car parking must be prepared by a suitably qualified person, demonstrating the following;

(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:

- 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).

(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. 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.

Note: The minimum electric circuitry requirements for 'Level 2' electric vehicle charging points are:

(a) Privately available spaces including visitor spaces: 'Level 2' slow – single phase 7kW power; and

(b) Publicly available spaces: 'Level 2' fast – three-phase 11-22kW power

Reason: To encourage and support increased usage and demand for electric vehicles

BEFORE BUILDING WORK COMMENCES

26. Requirements Before Building Work

No work shall commence in connection with this development consent until:

(a) A Construction Certificate for the building work has been issued.

(b) A Principal Certifier has been appointed.

(c) Provide notice of commencement of works two (2) days prior to work commencing.

(d) A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out: showing the name, address and telephone number of the principal certifier for the work, and showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and stating that unauthorised entry to the work site is prohibited. Any such sign is to be maintained while the building work or demolition work is being carried out, but must be removed when the work has been completed. This does not apply in relation to building work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

Reason: Statutory Requirement

27. Site Safety Fencing

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.

The site shall be secured and shall be maintained in a clean and orderly condition during demolition and construction works.

Reason: Site Safety

28. Erosion and Sediment Control

Erosion and sedimentation controls shall be in place prior to the commencement of demolition or ground works and must be maintained during construction.

The controls shall be installed in accordance with the approved details and in accordance with Managing Urban Stormwater - Soils and Construction produced by Landcom (Blue Book).

A copy of the Erosion and Sediment Control Plan must be kept on site and made available to Council officers on request.

Reason: Environmental Protection

29. Tree Protection

All street trees, trees on private property that are identified for retention and trees on adjoining sites must be protected prior to the commencement of demolition or ground works and must be maintained during construction as follows:

(a) Tree protection zone to be enclosed by protective fencing such as chain wire mesh panels or wooden fencing panels. Where fencing cannot be installed then trunk and major limb protection must be installed as follows:

    (i) Timber planks with padding (50mm x 100mm or similar) must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals and fixed against the trunk with tie wire or strapping. The timber planks must not be fixed into the tree. Young street trees with existing wooden stakes do

not require trunk protection to be installed but must be enclosed by a protective fence.

(ii) A tree trunk and / or major branch located within 0.5m of any hoarding or scaffolding structure must be protected by wrapped hessian or a similar material.

(b) Soil and root protection - Steel boards, track mats, or timber rumble boards to be utilised for heavy machinery to protect roots and limit surrounding soil compaction.

(c) Scaffold columns must not be placed on any tree roots that are exposed and all scaffold to be placed on scaffold boards or plywood sheeting.

(d) Construction material, goods and sheds must not be stored or placed under the tree canopy or within 2 metres of tree trunks.

(e) No storage within tree protection zone unless authorised by Project Arborist.

(f) Temporary signs or other items must not be fixed into or attached to a tree.

(g) Any excavation within in any area known to, or suspected of having tree roots greater than 40mm diameter must be supervised by the Project Arborist and undertaken by hand. Any trenching works for services, hydraulics, drainage etc must not be undertaken within 3 metres of any tree truck.

(h) Alternative installation methods for services, such as directional boring/drilling, or redirection of services shall be employed where large woody roots greater than 40mm diameter are encountered during the installation of services.

(i) Existing sections of kerbs adjacent to any street tree shall not be removed without written approval from Council's Tree Services Team because the removal of kerbs adjacent to mature trees can cause trees to become unstable and fail.

(j) Any damage sustained to a tree must be immediately reported to the Council's Tree Services Team.

Reason: Tree Protection

30. <u>Building Survey</u>

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:

(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.

(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.

(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.

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.

Reason: To ensure compliance with the approved plans

31. Acid Sulphate Soils

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.

Reason: Environmental protection

32. Imported Fill

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.

Reason: Environmental protection

33. Exportation of Fill or Soil

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.

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.

Evidence that the requirements specified above have been satisfied must be provided to the Principal Certifier at the time of disposal.

Reason: Environmental protection

34. Contaminated Land Unexpected Finds

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.

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.

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.

Reason: Environmental protection

35. Site requirements

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.

- 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 shall 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.

(h) Damage to adjoining properties and prevention of nuisance –

- 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.

(i) Stamped plans - Stamped plans, specifications, documentation and the consent shall be available on site at all times during construction.

Reason: Compliance and environmental amenity

36. Compliance with the Building Code of Australia - (Prescribed condition - EP&A Regulation clause 98(1)(a))

Building work must be carried out in accordance with the requirements of the BCA.

Reason: Prescribed Condition

37. Implementation of BASIX commitments - (prescribed condition under clause 97A(2) EP&A Regulation)

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.

Reason: Prescribed Condition

38. Shoring and adequacy of adjoining property - (Prescribed condition - EP&A Regulation clause 98E)

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 —

(a) Protect and support the building, structure or work from possible damage from the excavation, and

(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.

Reason: Prescribed Condition

39. Waste Management Plan

Requirements of the approved Waste Management Plan shall be complied with during all site preparation works, demolition (if proposed) and throughout all construction works.

When implementing the Waste Management Plan the developer is to ensure:

(a) The disposal of any demolition and construction waste must be undertaken in accordance with the requirements of the Protection of Environment Operations Act 1997

(b) All waste on site is to be stored, handled and disposed of in such a manner as to not create air pollution, offensive noise or pollution of land and water as defined by the Protection of Environment Operations Act 1997

(c) Generation, storage, treatment and disposal of hazardous waste is conducted in accordance with the relevant waste legislation administered by the EPA and relevant Occupational Health and Safety legislation administered by WorkCover NSW

(d) All waste generated (including excavated materials) which cannot be reused or recycled must be transported to a facility which can lawfully accept it

(e) Records are retained regarding the details and location of the disposal of all demolition and construction waste (including excavated material) and are to be kept on site as evidence 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

(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

(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

Reason: Waste Management

40. <u>Inspection of on-site stormwater detention / overland flowpath / stormwater quality improvement devices works</u>

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:

On-site Stormwater Detention:

(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.

Overland Flowpath:

(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 in accordance with the approved plan.

(c) Final Inspection.

Reason: To ensure compliance with approved plans

41. Fire Safety Certificate

A final Fire Safety Certificate shall be obtained in accordance with Part 11, Section 83 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation, prior to the issue of the Final Occupation Certificate for the building.

A copy of the Fire Safety Certificate and fire safety schedule shall be: -

- Forwarded to City of Canada Bay Council.
- Forwarded to the Commissioner of the New South Wales Fire Brigade; and
- Prominently displayed in the building.

Reason: Fire Safety

42. Mechanical Ventilation

Upon completion of the mechanical installation and before issue of the Occupation Certificate, the designing engineer shall submit the following to the registered certifier:

(a) A schedule indicating the air flows at each register.

(b) A certificate detailing the systems compliance with AS 1668 Australian Standard "Mechanical Ventilation and Air Conditioning Code, Parts 1 and 2".

Reason: Mechanical Ventilation

43. 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 6.1 of the Act) unless an Occupation Certificate has been issued in relation to the building or part.

The Principal Certifying Authority is required to be satisfied, amongst other things, that:

- 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.

New building includes an altered portion of, or an extension to, an existing building.

Reason: Statutory Requirement

44. Council Inspection – Waste Management Facilities

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 Council's design specifications.

The time for the inspection must be arranged with Council at least 2 business days prior to the Principal Certifier suggested appointment time.

Reason: Waste Management

45. Waste Collection Agreement with Council

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.

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.

The provision of Council's waste collection service will not commence until formalisation of the agreement.

Reason: Waste Management

46. Prospective Owners/Tenants Ineligible for Parking Permits

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.

Reason: Parking

47. Damage Caused During Construction

Where damage has occurred to Council's assets you must lodge a Vehicular Crossing Location & / or Ancillary Works Application and then complete the repair works prior to the issue of an Occupation Certificate and the refund of the damage deposit.

Reason: Asset protection

48. Stormwater Controlled Systems

Covenant & Restriction as to User

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.

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'.

OSD Identification Plate

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.

Maintenance Schedule of the stormwater management system

A maintenance schedule for the stormwater drainage, on-site stormwater detention and stormwater quality improvement device including a sketch plan of the components forming the sites stormwater drainage system shall be submitted to the Principal Certifier. The maintenance schedule shall be prepared by a qualified stormwater/hydraulic engineer.

49. Waste Management Plan

Prior to the issue of an occupation certificate, a servicing, maintenance and inspection plan is to be prepared by the turntable provider and provided to the Principal Certifier.

The plan is also to include a requirement that the bin/hoist lift room and waste chute room are to be locked and accessible only to the building caretaker.

50. Waste Management Contingency Plan

Prior to the issue of an occupation certificate, a contingency plan is to be prepared by the turntable provider for submission to the Principal Certifier, to include the use of a manual system to be available in case of turntable breakdown and is to include breakdown assistance being provided within 4 hours.

OCCUPATION AND ONGOING USE

51. Noise - air conditioners

The development must comply with the requirements of *Protection of the Environment Operations (Noise Control) Regulation 2017* and shall not:

(a) emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):

Air Conditioners

(i) before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday;

(ii) before 7.00am and after 10.00pm on any other day;

(b) emit a sound pressure level when measured at the boundary of any other residential property, at a time other than those specified in (i) and (ii) above, which exceeds the

background (LA90, 15minutes) by more than 5dB(A). The source noise level must be measured as a LAeq 15 minute.

Reason: Noise control and amenity

52. Annual Fire Safety Statement

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 shall:

- deal with each essential fire safety measure in the building premises; and
- be given within twelve months after the last such statement was given, or it no such statement was given, within twelve months after a final fire safety certificate was first issued for the building.

As soon as practicable after a final fire safety certificate is issued, the owner of the building to which it relates: -

- 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.

Reason: Fire Safety

53. Waste Management Plan Implementation

The approved Waste Management Plan is to be implemented throughout the ongoing use of the development.

Reason: Waste Management

54. 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.

Reason: Waste Management

55. 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.

Reason: Waste Management

56. 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.

Reason: Waste Management

57. Signage

Adequate signage is to be provided and maintained on how to use the waste management system and what materials are acceptable for recycling within all waste storage areas of the development.

All signage must comply with Council's specifications for waste collection.

Signage is also to be provided and maintained which clearly identifies which bins (and containers) are to be used for general waste and recycling and what materials can be placed in each bin.

Reason: Waste Management

58. Visitor Parking

The visitor parking spaces must not at any time be allocated sold or leased to an individual owner/occupier and must be retained as common property by the Owners Corporation.

Reason: Visitor Parking