

Annexure 1 – Draft Conditions of Consent (DA134/2020)

Planning Conditions

1. **Approved Plans/Documents:** Except where otherwise provided in this consent, the development is to be carried out strictly in accordance with the following plans (stamped approved by Council), excepted as amended by the proceeding conditions of consent.

| Plan No | Title | Author | Rev. | Date |
|---------|--|---------|------|------------|
| DA061 | Existing Site/Demolition Plan | MDP | 03 | 10/11/2020 |
| DA064 | Proposed Site Plan | MDP | 04 | 10/11/2020 |
| DA080 | Demo Plan – Basement Floor | MDP | 01 | 11/06/2020 |
| DA081 | Demo Plan – Ground Floor | MDP | 02 | 04/09/2020 |
| DA082 | Demo Plan – First Floor | MDP | 01 | 11/08/2020 |
| DA083 | Demo Plan – First Floor | MDP | 01 | 11/08/2020 |
| DA090 | Proposed Site Allotment Plan | MDP | 05 | 24/11/2020 |
| DA101 | Level -01 – Basement Floor Plan | MDP | 02 | 10/11/2020 |
| DA102.1 | Level 00 – Ground Floor Setback Plan | MDP | 01 | 10/11/2020 |
| DA102 | Level 00 – Ground Floor Plan | MDP | 04 | 10/11/2020 |
| DA103 | Level 01 – First Floor Plan | MDP | 04 | 10/11/2020 |
| DA104 | Level 02 – Second Floor Plan | MDP | 03 | 10/11/2020 |
| DA108 | Level RF – Roof Plan | MDP | 02 | 24/08/2020 |
| DA200 | Site Elevations | MDP | 02 | 04/09/2020 |
| DA202 | Elevations Sheet 2 – East | MDP | 04 | 10/11/2020 |
| DA201 | Elevations Sheet 1 – North | MDP | 02 | 04/09/2020 |
| DA203 | Elevations Sheet 3 – South | MDP | 01 | 11/08/2020 |
| DA204 | Elevations Sheet 4 – West | MDP | 02 | 04/09/2020 |
| DA205.1 | Central Courtyard Elevations | MDP | 02 | 24/08/2020 |
| DA205.2 | Eastern Courtyard Elevations | MDP | 02 | 24/08/2020 |
| DA206 | Elevations Sheet 5 – South and North | MDP | 03 | 10/09/2020 |
| DA207 | Elevation Sheet 6 – Material South and North | MDP | 01 | 11/08/2020 |
| DA210 | Elevation Sheet 1 – Material - North | MDP | 01 | 11/08/2020 |
| DA211 | Elevations Sheet 2 – Material - East | MDP | 02 | 24/08/2020 |
| DA212 | Elevations Sheet 3 – Material – South | MDP | 01 | 11/08/2020 |
| DA213 | Elevations Sheet 3 – Material – West | MDP | 02 | 04/09/2020 |
| DA214.1 | Central Courtyard Elevations – Material | MDP | 02 | 24/08/2020 |
| DA214.2 | Eastern Courtyard Elevations – Material | MDP | 02 | 24/08/2020 |
| DA301 | Sections – Sheet 1 | MDP | 03 | 10/11/2020 |
| DA302 | Sections – Sheet 2 | MDP | 03 | 10/11/2020 |
| DA303 | Sections – Sheet 3 | MDP | 03 | 10/11/2020 |
| DA304 | Sections – Sheet 4 | MDP | 03 | 10/11/2020 |
| DA306 | Site Sections | MDP | 03 | 10/11/2020 |
| 401 | Landscape Masterplan | Arcadia | E | 11/2020 |
| 402 | Porte-cochere and Welcome Area | Arcadia | E | 11/2020 |
| 403 | Staff Breakout Zone | Arcadia | E | 11/2020 |
| 405 | Community and Event Garden | Arcadia | E | 11/2020 |
| 406 | Community and Event Garden | Arcadia | E | 11/2020 |
| 408 | Central Communal Courtyard | Arcadia | E | 11/2020 |
| 409 | Central Communal Courtyard | Arcadia | E | 11/2020 |
| 411 | Dementia Focused Garden | Arcadia | E | 11/2020 |

| Plan No | Title | Author | Rev. | Date |
|---------|--|---------|------|------------|
| 413 | Dementia Focused Garden – Feature Wall | Arcadia | E | 11/2020 |
| 414 | Streetscape Centennial Avenue | Arcadia | E | 11/2020 |
| 415 | Streetscape Fig Tree Street | Arcadia | E | 11/2020 |
| 416 | Streetscape Fig Tree Street Section | Arcadia | E | 11/2020 |
| 504 | Plant Schedule | Arcadia | E | 11/2020 |
| 000 | Cover Page | Arcadia | E | 13/11/2020 |
| 101 | Landscape Plan | Arcadia | E | 13/11/2020 |
| 102 | Landscape Plan | Arcadia | E | 13/11/2020 |
| 103 | Landscape Plan | Arcadia | E | 13/11/2020 |
| 104 | Landscape Plan | Arcadia | E | 13/11/2020 |
| 105 | Landscape Plan | Arcadia | E | 13/11/2020 |
| 601 | Landscape Details – Paving | Arcadia | E | 13/11/2020 |
| 651 | Landscape Details – Planting | Arcadia | E | 13/11/2020 |
| 701 | Landscape Specification | Arcadia | E | 13/11/2020 |

Note: The development is proposed to be constructed in a staged manner with separate Construction Certificates to be issued for:

- Stage 1 - Enabling works to existing facility while occupied
 - Stage 2 - Demolition and construction of new facility
 - Stage 3 - Upgrade & extension to existing facility, including completion of links to new facility, while occupied.
2. **Retention of Tree No. 56.** Tree No. 55 and 56 are to be retained. The design is to be amended to facilitate the retention of the trees. The amended design is to be submitted and approved to Council's Manager Development Assessment **prior to the issue of the Construction Certificate for Stage 2**. The design is to be generally in accordance with the basement and ground floor plans prepared by Morrison Design Partnership dated 30 November 2020 and submitted as part of the Development Application.
 3. **Street Tree Planting Plan:** A street tree planting plan is to be submitted and approved by Council's Manager Development Assessment prior to the issue of the **Construction Certificate for Stage 3**. The applicant is to install street trees indicated on the approved plan prior to the issue of an **Occupation Certificate for Stage 3** to the satisfaction of Council.
 3. **BCA Requirement:** All building works are required to be carried out in accordance with the provisions of the Building Code of Australia. The Principal Certifier or accredited Fire Safety Engineer shall confirm that all identified Performance Solutions have been completed or implemented for the building **prior to the issue of any Occupation Certificate**.
 4. **Construction Certificates:** The submission of the relevant Construction Certificate and its issue by Council or Private Certifier PRIOR TO CONSTRUCTION WORK commencing for each stage.
 5. **Occupation Certificates:** An Occupation Certificate being obtained from the Principal Certifying Authority before the occupation of any parts of the building the subject of new building works.
 6. **Hours of Work:** All demolition, building construction work, including earthworks, deliveries of building materials to and from the site to be restricted to the following hours:-

Monday to Friday (inclusive) 7am to 5.30pm **High noise generating activities, including rock breaking and saw cutting be restricted to between 8am to 5:00pm with a respite**

period between 12.00 noon and 1.30pm Monday to Friday.

Saturday

8am to 12 noon with **NO** excavation, haulage truck movement, rock picking, sawing, jack hammering or pile driving to be undertaken. Failure to fully comply will result in the issue of a breach of consent P.I.N.

Sunday

No work Sunday or any Public Holiday.

A Notice/Sign showing permitted working hours and types of work permitted during those hours, including the applicant's phone number, project manager or site foreman, shall be displayed at the front of the site.

7. **Sydney Water:** The approved plans must be submitted to Sydney Water online approval portal "Sydney Water Tap In", please refer to web site www.sydneywater.com.au. This is to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. An approval receipt with conditions shall be issued by Sydney Water (if determined to be satisfactory) and is to be submitted to the Principal Certifier **prior to the issue of a Construction Certificate.**
8. **Long Service Levy:** Compliance with Section 6.8 of the *Environmental Planning and Assessment Act 1979*; payment of the Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 (or, where such a levy is payable by installments, the first installment of the levy) – All building works in excess of \$25,000 are subject to the payment of a Long Service Levy at the rate of 0.35%.
9. **Sydney Water – Section 73 Compliance Certificate:** A compliance certificate must be obtained from Sydney Water, under Section 73 of the Sydney Water Act 1994. Sydney Water will determine the availability of water and sewer services, which may require extension, adjustment or connection to Sydney Water mains. A Section 73 Compliance Certificate must be completed before the issue of any Occupation Certificate.

Sydney Water will assess the development and if required will issue a Notice of Requirements letter detailing all requirements that must be met. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator.

Go to www.sydneywater.com.au/section73 or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

SEPP Seniors Conditions

10. **Restriction on Persons Accommodated.** The development may only be for the accommodation of the following only –
 - **Seniors or people who have a disability,**
 - People who live within the same household with seniors or people who have a disability,
 - Staff employed to assist in the administration of and provision of services to the seniors housing within the development.

A restriction as to user is to be registered against the title of the property to which this consent relates **prior to the issue of the Final Occupation Certificate**, in accordance with Section 88E of the Conveyancing Act 1919, limiting use of any accommodation to the kinds of people referred to above. The restriction as to user is to include the definition of **seniors** and **people with a disability** contained within SEPP (Housing for Seniors or People with a Disability) 2004.

Reason: Statutory requirement

11. **Subdivision and Lot Consolidation:** The proposed subdivision (boundary adjustment to No. 7 and 9 Fig Tree Street and No. 1 Charlish Lane) and lot consolidation of all allotments on which the residential care facility is situated into a single allotment, is to occur **prior to the issue of the Final Occupation Certificate** of the development (construction of the new residential care facility).

Reason: To ensure the site is created prior to the occupation of the approved addition.

Tree Conditions

12. **Tree Preservation** Lane Cove Council regulates the Preservation of Trees and Vegetation in the Lane Cove local government area in accordance with State Environmental Planning Policy (Vegetation in non-rural areas) 2017. Part 2 Section 7(1) of the SEPP states *"A person must not clear vegetation in any non-rural area of the State to which Part 3 applies without the authority conferred by a permit granted by the council under that Part."* Clearing of vegetation includes *"a) cut down, fell, uproot, kill, poison, ringbark, burn or otherwise destroy the vegetation, or b) lop or otherwise remove a substantial part of the vegetation."* Removal of trees or vegetation protected by the regulation is an offence against the Environmental Planning and Assessment Act 1979 (NSW). The maximum penalty that may be imposed in respect to any such offence is \$1,100,000.

Reason: To protect the natural environment.

13. **Project Arborist** A Project Arborist of minimal AQF Level 5 qualification is to be appointed **prior to the issue of a Construction Certificate for any Stage** to oversee/monitor trees condition during construction and sign off on tree protection measures. Trees are to be monitored throughout construction and a certificate produced upon completion demonstrating the trees have been maintained in a viable condition. All certificates are to be available to the Principal Certifier within five days of site attendance and must be available to council immediately upon request; failure to produce the latest certificate will be considered a breach of conditions. Final certification is to be submitted to the Principal Certifier **prior to the issue of Occupation Certificate for Stage 3**.

Reason: To provide an independent professional to manage retained trees on site.

14. **Project Arborist Duties** The project Arborist is to attend site monthly and at the following intervals in all Stages:

- a. Prior to the commencement of any works to mark approved trees for removal.
- b. Prior to the commencement of works to approve tree protective measures have been installed.
- c. During the demolition of any structures within the TPZ area of retained trees.
- d. During the installation of structures approved within the TPZ area of any retained tree.
- e. Prior to and during the installation of services where required within the TPZ area of retained trees.
- f. Monthly intervals during the development works.
- g. Upon the completion of the development prior to the Occupation Certificate.

Reason: To monitor trees during critical stages of the development.

15. **Tree Retention** All other trees not specifically approved for removal in this notice of approval must be retained and protected for the life of the development.

Reason: To retain as many healthy trees as possible through the development process.

16. **Structural Root Zone Restriction** No services or structures are to be located within the Structural Root Zones of any retained trees.

Reason: To minimise the development impact on retained trees.

17. **Tree Protection Zone Restriction** No level changes greater than 150 millimetres are to occur within the Tree protection Zones of any retrained trees unless approved in writing by the project arborist.

Reason: To minimise development impacts on retained trees.

18. **Tree Removal** The following trees are approved for removal as part of this consent. Trees may only be removed upon **issue of the Stage 2 Construction Certificate**.

| To Be Read in Conjunction with The Arborist Report Prepared by Tree Talk Dated August 2020 | |
|--|----------------|
| 1,2,3,6,11,17,26,28,29,32,33,35,36,37,52,53, 54 ,57,58,59,60,61,62, E and G. | Total 25 Trees |

The Project Arborist is to attend the site **prior to the removal of any trees** and mark each tree approved for removal with coloured spray paint.

Reason: Trees not retainable under the current proposal.

19. **Replacement Trees** Trees removed as part of the DA process must be replaced at a ratio of a minimum 1:1 and all plantings/landscaping must comply with part J Landscaping of the Lane Cove Development Control Plan 2010 and be installed **prior to the issue of the relevant Occupation Certificate**.

Reason: To provide replenishment planting for trees removed through the development process.

20. **Replacement Planting** The replacement trees listed below are to be 4M above natural ground level at time of installation and therefore covered by Lane Cove Councils Tree Preservation order. All trees are to be maintained in a healthy condition for the life of the development with replacement trees to be installed within 6 months of the trees demise at the next best planting season. This obligation shall become the responsibility of the applicant (Uniting) outside the Council appointed maintenance period.

- 5 x *Angophora costata*
- 5 x *Corymbia gummifera*
- 1 x *Eucalyptus haemastoma*

All other trees are to be supplied in **200 litre** pot sizes.

Councils Landscape Architect shall be advised when the trees have been installed so an inspection of the trees can be conducted by Councils Landscape Architect and the Occupation Certificate shall not be issued until Councils Landscape Architect is satisfied that this condition has been met.

Reason: To provide replenishment planting for trees lost through the development process.

21. **Tree Protection Zone Plan:** A site-specific Tree Protection Plan produced by an AQF5 Consulting Arborist showing protective measures for all retained trees listed in Appendix ES of the Arborist report prepared by Tree Talk dated August 2020 OR within five (5) metres of any works is to be prepared to include management of all phases of the development. The plan is to scale 1:200 at A3 or A1 and be submitted to Council for approval **prior to the issue of any Construction Certificate**. All tree protective measures must be in place prior to any works commencing on the site and must be maintained for the duration of works on the site. The plan must include a work method statement specific to working within the tree protection zones. The plan must meet Australian Standard AS4970-2009 Protection of Trees on Development sites and AS4373-2007 Pruning of Amenity Trees. All the above is required **prior to the issue of any Construction Certificate**.

Reason: To protect the natural environment.

22. **Tree Protection Plan On-Site:** The approved tree protection plan must be incorporated into the approved landscape documentation and the approved site management plan available to all contractors on site **Prior to the issue of any Construction Certificate.**

Reason: To ensure tree protection is managed, accurate and always maintained.

23. **Project Arborist Statement** The Project Arborist is to submit a statement upon completion of the development that all retained trees have been maintained in a healthy, viable condition. The statement is also to recommend remedial advice for trees post construction to mitigate construction impacts long term. The statement is to be submitted to and approved by the Principal Certifier **Prior to the issue of the Stage 3 Occupation Certificate.**

Reason: To provide monitoring to retained trees to minimise development impact.

24. **Works within Tree Protection Zone** Footing, trench or excavation that is within the TPZ of any retained trees must be carried out under the guidance of the Project Arborist and using non-destructive techniques. No tree roots greater than 40mm diameter to be severed or damaged unless approved by the Project Arborist. All roots are to be pruned and documented by the Project Arborist then submitted with the final certificate of compliance upon completion of the project. **Prior to the issue of the relevant Occupation Certificate.** Once Complete and roots have been pruned clear of the area, civil machinery may resume excavation from outside of the tree protection zone.

Reason: To minimise impacts on retained trees.

25. **Street Tree Bond** Pursuant to Section 80A(6)(a) and (7) of the Environmental Planning and Assessment Act 1979, the applicant must, **prior to the issue of any construction certificate**, provide security in the amount of \$50,000 (by way of cash deposit with the Council, or a guarantee satisfactory to the Council) for the payment of the cost of making good any damage caused, as a consequence of the doing of anything to which this development consent relates, to all trees that are standing in the public reserves immediately adjoining the land subject of this development consent. This bond may be forfeited in the event of damages to any of these trees because of the development works as determined by Council's Tree Management Officer, at a minimum the cost of replacing the tree including labour will be deducted from the bond. The applicant shall contact Council to have the street tree inspected **following issue of the Stage 3 Occupation Certificate.**

Reason: To protect Council owned assets.

26. **Project Arborist Supervision:** Footing, trench or excavation that is within the Tree protection Zone of any retained trees must be carried out under the guidance of the Project Arborist and using non-destructive techniques. No tree roots greater than 40mm diameter to be pruned unless approved by the Project Arborist. All roots are to be pruned and documented by the Project Arborist then submitted with the final certificate of compliance upon completion of the project. **Prior to the issue of relevant Occupation Certificate.** Once Complete and roots have been pruned clear of the area, civil machinery may resume excavation from outside of the tree protection zone. Footings and structures approved within the TPZ area are to be installed strictly in accordance with section 7.0 of the Arborist report prepared by Tree Talk, dated August 2020.

Reason: To minimise the impact on retained trees.

Landscaping Conditions

27. **Landscape Completion Report** A landscape practical completion report must be prepared by the consultant landscape architect and submitted to Council or the accredited certifier within 7 working days of the date of practical completion of all landscape works. This report must certify that all landscape works have been completed in accordance with the landscape working drawing. A copy of the report must be submitted to Council **prior to the issue of the Stage 3 Occupation Certificate.** *Where the project is being supervised by a private certifier, for the*

purposes of public record, a copy of the certification must be forwarded to Council within five (5) working days of the date of issue.

Reason: To ensure landscape is completed in accordance with condition no. 1.

28. **Landscaping to Professional Standard and Maintenance** The applicant must ensure that all landscaping is completed to a professional standard, free of any hazards or unnecessary maintenance problems and that all plants are consistent with NATSPEC specifications. **The landscaping installed is to remain and be maintained for the life of the development.**

Reason: To ensure landscaping is construction to a professional standard.

29. **Certification of Drainage** A certificate must be submitted by a qualified practising landscape architect, Landscape / environmental designer or horticulturist, certifying that the proposed subsoil drainage and any associated waterproofing membrane have been installed in accordance with the details shown on the approved landscape working drawings and specification. **Works must not progress until Council or the accredited certifier has confirmed that this condition has been fully satisfied.** *Where the project is being supervised by a private certifier, for the purposes of public record, a copy of the certification must be forwarded to Council within 5 working days of the date of issue.*

Reason: To ensure landscaping is adequately drained and the structure adequately protected from water impacts of landscaping.

30. **Maintenance Contract. Prior to the issue of the Stage 2 Occupation Certificate** the applicant must submit evidence to the satisfaction of Council's Manager Development Assessment that an agreement has been entered into for the maintenance of all site landscaping by a qualified horticulturist, landscape contractor or landscape architect, for a period of 12 months from the date of issue of the Certificate of Occupation.

Reason: To establish the landscaping installed.

31. **End of Maintenance Period Report** At the completion of the landscape maintenance period for all Stages, the consultant landscape architect/ designer must submit a final report to Council, certifying that all plant material has been successfully established, that all of the outstanding maintenance works or defects have been rectified prior to preparation of the report and that a copy of the 12 month landscape maintenance strategy has been provided to the Owner/ Occupier. A copy of the final report must be submitted to Council within 7 days from the expiry of the maintenance period.

Reason: To provide Council and owner a record of maintenance works carried out in accordance with consent and to guide ongoing maintenance works.

32. **Working irrigation system:** All landscaping areas shall have an automatic irrigation system on a timer that provides adequate water for the ongoing health and vitality of the plants. The watering times and frequencies are to be adjusted seasonally to account for the different watering requirements for the temperatures and hours of sunlight for each season and maintained for the life of the development. This obligation shall become the responsibility of the Uniting Management outside the Council appointed maintenance period.

Reason: To provide adequate watering of landscaping.

33. **Landscaping for the Life of the Development:** All plants shall be maintained in a healthy condition for the life of the development with replacement plants installed within 6 months of their demise. This obligation shall become the responsibility of the applicant (Uniting) outside the Council appointed maintenance period.

Reason: To promote the retention of planting and require replacement.

Engineering Conditions

34. **Design and Construction Standards:** All engineering plans and work shall be carried out in accordance with Council's standards and relevant development control plans except as amended by other conditions.
- Reason:** To ensure all works are in accordance with Council's requirements
35. **Materials on Roads and Footpaths:** Where the applicant requires the use of Council land for placement of building waste, skips or storing materials a "*Building waste containers or materials in a public place*" application is to be lodged. Council land is not to be occupied or used for storage until such application is approved.
- Reason:** To ensure public safety and amenity
36. **Works on Council Property:** Separate application shall be made to Council's Urban Services Division for approval to complete, any associated works on Council property. This shall include hoarding applications, vehicular crossings, footpaths, drainage works, kerb and guttering, brick paving, restorations and any miscellaneous works. Applications shall be submitted **prior to the start of any works on Council property.**
- Reason:** To ensure public works are carried out in accordance with Council's requirements
37. **Permit to Stand Plant:** Where the applicant requires the use of construction plant on the public road reservation, an "*Application for Standing Plant Permit*" shall be made to Council. Applications shall be submitted and approved **prior to the start of any related works.** Note: allow 2 working days for approval.
- Reason:** To ensure public safety
38. **Restoration:** Public areas must be maintained in a safe condition always. Restoration of disturbed Council land and assets is the responsibility of the applicant. All costs associated with restoration of public land will be borne by the applicant.
- Reason:** To maintain Council infrastructure
39. **Public Utility Relocation:** If any public services are to be adjusted, because of the development, the applicant is to arrange with the relevant public utility authority the alteration or removal of those affected services. All costs associated with the relocation or removal of services shall be borne by the applicant.
- Reason:** To protect, maintain and provide utility services
40. **Pedestrian Access Maintained:** Pedestrian access, including disabled and pram access, is to be maintained on public footpaths throughout the course of the construction as per AS-1742.3, '*Part 3 - Traffic control devices for works on roads*'.
- Reason:** To ensure pedestrian access is maintained
41. **Council Drainage Infrastructure:** The proposed construction shall not encroach onto any existing Council stormwater line or drainage easement unless approved by Council. If a Council stormwater line is located on the property during construction, Council is to be immediately notified. Where necessary the stormwater line is to be reconstructed or relocated to be clear of the proposed building works. Developer must lodge Stormwater Inspection Application form to Council. All costs associated with the reconstruction or relocation of the stormwater line are to be borne by the applicant. Applicant is not permitted to carry out any works on existing Council and private stormwater pipe lines without Council's approval.
- Reason:** To protect public infrastructure

42. **Services** Prior to any excavation works, the location and depth of all services must be ascertained. All costs associated with adjustment of the public utility shall be borne by the applicant.

Reason: To protect and maintain infrastructure assets

43. **Boundary Levels:** The levels of the street alignment shall be obtained from Council. These levels are to be incorporated into the design of the internal pavements, car parking, landscaping, driveway and stormwater drainage plans and shall be obtained **prior to the issue of the Stage 2 & 3 Construction Certificates**.

Reason: To provide consistent street alignment levels

44. **Council Infrastructure Damage Bond:** The applicant shall lodge with Council a \$5000 cash bond or bank guarantee. The bond is to cover the repair of damage to Council's roads, footpaths, kerb and gutter, drainage or other assets because of the development. The bond will be released upon issuing of the Occupation Certificate. If Council determines that damage has occurred because of the development, the applicant will be required to repair the damage. Repairs are to be carried out within 14 days from the notice. All repairs are to be carried in accordance with Council's requirements. The full bond will be retained if Council's requirements are not satisfied. Lodgement of this bond is required **prior to the issue of any Construction Certificate**.

Reason: To protect and maintain public infrastructure

45. **Excavation Greater Than 1m depth:** Where there are structures on adjoining properties including all Council infrastructures, located within 5 meters of the proposed excavation.

The applicant shall: -

- (a) seek independent advice from a suitably qualified engineer on the impact of the proposed excavations on the adjoining properties
- (b) detail what measures are to be taken to protect those properties from undermining during construction
- (c) provide Council with a certificate from the engineer on the necessity and adequacy of support for the adjoining properties
The above matters are to be completed and documentation submitted to principal certifying authority **prior to the issue of the Stage 2 Construction Certificate**.
- (d) Provide a dilapidation report of the adjoining properties and Council infrastructure. The dilapidation survey must be conducted **prior to the issue of the Stage 2 Construction Certificate**. The extent of the survey must cover the likely "zone of influence" that may arise due to excavation works, including dewatering and/or construction induced vibration. The dilapidation report must be prepared by a suitably qualified engineer.

A second dilapidation report, recording structural conditions of all structures originally assessed shall be submitted to the principle certifying authority **prior to the issue of the Stage 2 Occupation Certificate**.

All recommendations of the suitably qualified engineer are to be carried out during excavation. The applicant must give at least seven (7) days' notice to the owner and occupiers of the adjoining allotments before the excavation works commence.

Reason: To protect surrounding properties and identify vulnerable structures

46. **Drainage Plans Amendments:** The stormwater drainage plan prepared by Northrop, reference No: 192849, revision 3 and dated on 04/09/2020, is to be amended as detailed below by a qualified practising hydraulic engineer and certified by him/her. This amended plan shall show full details of new pipe network amended as follows and satisfying part O of the Council's stormwater DCP;

1. This DA require OSD system. A detailed design for a proposed OSD system shall be submitted to Council. The OSD calculation shall be based on the calculation shown in Appendix 14 in part O of Council stormwater DCP.
2. Proposed drainage system should show pipe sizes and invert levels up to connection point; confirming pipe system satisfies part O of Council' storm water DCP.
3. Sediment control fence shall be placed around the construction site and shown in plan
4. Subsoil agg-line drainage is required around proposed retaining wall, dwelling, or it is necessary and connected to proposed drainage system
5. One silt arrester pit mesh (RH3030) and sump(200mm) is required within the site, at start of the discharge pipe to Council system/kerb line.
6. The pump out system is required in basement and shall satisfy section 5.4 of part O of Council's stormwater DCP. The full details of the hydraulic calculation for pump out system shall be included in stormwater management plan submitted to Council.
7. Runoff from driveway shall be collected by grated driveway pit and connected to pump out system or OSD system
8. A gross pollutant trap (GPT) suitable for this site needs to be designed and added to the amended plans within the property boundary prior to the connection to the street system. The details of this GPT shall be shown in stormwater plan. The access to the GPT for future maintenance is required.

The amended design is to be certified that it fully complies with, AS-3500 and Part O, Council's DCP-Stormwater management; certification is to be by a suitably qualified engineer. The amended plan and certification shall be submitted to the Principal Certifying Authority **prior to the issue of the Stage 2 Construction Certificate.**

The Principal Certifying Authority is to be satisfied that the amendments have been made in accordance with the conditional requirements and the amended plans are adequate for the purposes of construction. They are to determine what details, if any, are to be added to the construction certificate plans, for the issue of the relevant Construction Certificate. An application may be made to Council's Development Engineer to consider any amendment to the above requirements. Any variation must be approved in writing from Council's Development Engineer prior to the issue of the relevant Construction Certificate.

Reason: To ensure the proposed stormwater designs meet and satisfy Part O, Council DCP

47. **Geotechnical Report: Geotechnical Report:** A geotechnical report is to be completed for the excavation proposed for the development. The Geotechnical Report and supporting information are to be prepared by a suitably qualified geotechnical engineer and be submitted to Principle Certifying Authority **prior to issue of the Stage 2 Construction Certificate.**

Reason: To protect the environment and required for any excavation greater than 2m

48. **Drainage Construction:** The stormwater drainage on the site is to be constructed generally in accordance with approved plan.
Certification by a suitably qualified engineer of the above plans is to be submitted to the Principal Certifying Authority stating that the design fully complies with, AS-3500 and Part O, Council's DCP-Stormwater Management. The plans and certification shall be submitted **prior to the issue of the Stage 2 Construction Certificate.**
The Principal Certifying Authority is to satisfy themselves of the adequacy of the certified plans for the purposes of construction. They are to determine what details, if any, are to be added to the Construction Certificate plans, for **the issue of the Stage 2 Construction Certificate.**

Reason: To maintain the stormwater management of the property

49. **Construction Methodology Report:** There are structures on neighbouring properties that are deemed to be in the zone of influence of the proposed excavations. A suitably qualified engineer must prepare a Construction Methodology report demonstrating that the proposed excavation will have no adverse impact on any surrounding property and infrastructure. The report must be submitted to Principal Certifying Authority **prior to issue of the Stage 2 Construction Certificate.** The details must include a geotechnical report to determine the design parameters

appropriate to the specific development and site. The Report must include recommendations on appropriate construction techniques to ameliorate any potential adverse impacts. The development works are to be undertaken in accordance with the recommendations of the Construction Methodology report.

Reason: To protect neighbouring properties

50. **Dilapidation Report** The applicant is to provide a dilapidation report of all adjoining properties and any of Council's infrastructure located within the zone of influence of the proposed excavation.

Dilapidation report must be conducted by a suitably qualified engineer **prior to the commencement of any demolition, excavation or construction works**. The extent of the survey must cover the zone of influence that may arise due to excavation works, including dewatering and/or construction induced vibration. The Initial dilapidation report must be submitted to Principal Certifying Authority **prior to issue of a Stage 2 Construction Certificate**.

A second dilapidation report, recording structural conditions of all structures originally assessed prior to the commencement of works, must be carried out at the completion of the works and be submitted to Principle Certifying Authority **prior to issue of the Stage 3 Occupation Certificate**.

Reason: To provide a record of public and private infrastructure

51. **Dilapidation Report** The applicant is to provide a dilapidation report on the existing Council stormwater pipeline affecting this property.

The dilapidation report must be conducted by a suitably qualified person and a CCTV survey of the pipeline needs to be conducted. The Initial dilapidation report and CCTV footage must be submitted to Principal Certifying Authority **prior to issue of a Stage 2 Construction Certificate**.

A second dilapidation report, recording structural conditions of all structures originally assessed prior to the commencement of works, must be carried out at the completion of the works and be submitted to Principle Certifying Authority **prior to issue of the Stage 3 Occupation Certificate**.

Reason: To provide a record of Council drainage infrastructure.

52. **Council Construction Requirements:** The applicant shall construct / reconstruct the following to Council's satisfaction;

1. New footpath adjacent to the entire frontage of the Fig Tree Street to Council's satisfaction
2. Reinstall all adjustments to the road surfaces
3. Reinstall all existing nature-strips with turf and soil on road reserve.
4. Reinstall all damages identified in dilapidation report

A \$30,000 cash bond or bank guarantee shall be lodged with Council to cover the satisfactory construction of the above requirements. Lodgement of this bond is required **prior to the issue of the Stage 1 Construction Certificate for demolition and tree removal**. The Bond will be held for a period of six months after satisfactory completion of the works. All works shall be carried out **prior to the issue of the Stage 3 Occupation Certificate**. All costs associated with the construction of the above works are to be borne by the applicant.

Reason: In accordance with Council's requirements to restore site

53. **Council Inspection Requirements:** The following items are to be inspected

- All footpath, kerb/gutter and landscaping works
- Any adjustment works in Council road reserve

Each item is to be inspected prior to the pouring of any concrete (formwork) and on completion of the construction. An initial site meeting is to be conducted with council and the contractor prior to the commencement of any of the above works to allow for discussion of Council construction / set out requirements.

An Inspection fee is to be paid **prior to the issue of the Stage 1 Construction Certificate.**

Reason: To ensure completion of work satisfying Council

54. **On-Site Stormwater Detention System - Marker Plate:** The on-site detention system shall be indicated on the site by fixing a marker plate. This plate is to be of minimum size: 100mm x 75mm and is to be made from non-corrosive metal or 4mm thick laminated plastic. It is to be fixed in a prominent position to the nearest concrete or permanent surface or access grate. The wording on the marker plate is described in Council's DCP-Stormwater management. An approved plate may be purchased from Council's customer service desk.

Reason: To ensure clear identification of onsite stormwater infrastructure

55. **On-Site Stormwater Detention Tank:** All access grates to the onsite stormwater detention tank are to be hinged and fitted with a locking bolt. Any tank greater than 1.2 m in depth must be fitted with step irons.

Reason: To prevent unauthorised access and ensure safe access to stormwater infrastructure.

56. **Stormwater Requirement:** The stormwater runoff from the new and altered impervious areas within the development shall be connected to the existing drainage system in accordance with the requirements of Part O of Lane Cove Council's DCP-Stormwater Management.

The existing stormwater system is to be certified that it is in good working order and meets the requirements set out in Part O, Council's DCP-Stormwater Management. The certification is to be carried out by a fully licensed and insured plumber or a suitably qualified engineer **prior to the issue of the Stage 2 Construction Certificate.**

Where an existing element does not comply with current standards the subject element is to be replaced. A drainage design is required detailing the proposed stormwater replacement works. The stormwater drainage plan is to be prepared and certified by a suitably qualified engineer and submitted to the Principal Certifying Authority **prior to the issue of the relevant Construction Certificate.** The design is to be certified that it fully complies with, AS-3500 and Part O, Council's DCP-Stormwater Management.

Reason: To ensure existing and proposed stormwater system comply with Council's requirements.

57. **Proposed Vehicular Crossing:** The proposed vehicular crossing shall be constructed to the specifications and levels issued by Council. The driveway opening width along at the face of kerb is to be no wider than 4.5m, in the interest of pedestrian safety. The driveway shall be 300mm away from existing power pole and existing stormwater pit. This driveway is to be designed to stop road runoff entering the property, to be certified that it fully complies with AS 2890 Series and Council's standards and specifications and constructed in accordance with AS 2890.1.2004 "Off Street Car Parking".

The following plans shall be prepared and certified by a suitably qualified engineer demonstrating:

- Longitudinal section along the extreme wheel paths of the driveway/access ramp at a scale of 1:20 demonstrating compliance with the scaping provisions of AS2890.1. It shall include all levels and grades, including those levels stipulated at boundary levels, both existing and proposed from the centre line of the roadway through to the parking area clearly demonstrated that the driveway complies with Australian Standards 2890.1-2004 "Off Street Car Parking". This is to address the following;

- a. Transitional grades in accordance with AS2890 to be provided.
- b. If a gradient in excess of 25% is proposed, the engineer must certify that this design is safe and environmentally sustainable.
 - Sections showing the clearance to the underside of any overhead structure demonstrating compliance with the clearance provisions of AS2890.1.

A 'Construction of Residential Vehicular Footpath Crossing' application, design and certification shall be submitted to the Principal Certifying Authority **prior to the issue of the Stage 2 Construction Certificate**. All works associated with the construction of the crossing shall be completed **prior to the issue of the Stage 3 Occupation Certificate**.

Reason: To ensure the safety and viability of the retaining structures onsite.

58. **Design of Retaining Structures:** All retaining structures greater than 1m in height are to be designed and certified for construction by a suitably qualified engineer. The structural design is to comply with, all relevant design codes and Australian Standards. The design and certification shall be submitted to the Principal Certifying Authority **prior to the issue of the Stage 2 Construction Certificate**.

Reason: To ensure the safety and viability of the retaining structures onsite

59. **Safety fence along the boundary of the property:** Before commencement of any works, barrier or temporary fencing is to be provided along the full frontage of the property. This fence is for the safety of pedestrians on the public footpath.

Reason: To ensure worksite pollutions are controlled accordingly to protect the environment

60. **Heavy Vehicle Duty Employee and Truck Cleanliness:** The applicant shall
- Inform in writing all contractors of Council's requirements relating to truck cleanliness leaving the site.
 - Keep a register of all contractors that have been notified, the register is to be signed by each contractor. The register must be available for access by Council officers at all times.
 - Place an employee within close proximity of the site exit during site operation hours to ensure that all outgoing heavy vehicles comply with Council's requirements. This employee shall liaise with heavy vehicle drivers and provide regular written updates to drivers on the conditions of entry to the subject site.

Those drivers who have been determined to continually not comply with Council's requirements, either by the developer or authorised Council officers, shall not be permitted re-entry into the site for the duration of the project.

Reason: To protect the environment

61. **Covering Heavy Vehicle Loads:** All vehicles transporting soil material to or from the subject site shall ensure that the entire load is covered by means of a tarpaulin or similar material. The vehicle driver shall be responsible for ensuring that dust or dirt particles are not deposited onto the roadway during transit. It is a requirement under the Protection of the Environment Operations (Waste) Regulation, 1996 to ensure that all loads are adequately covered, and this shall be strictly enforced by Council's ordinance inspectors. Any breach of this legislation is subject to a "*Penalty Infringement Notice*" being issued to the drivers of those vehicles not in compliance with the regulations.

Reason: To ensure worksite pollutions are controlled accordingly to protect the environment

62. **Truck Shaker:** A truck shaker ramp must be provided at the construction exit point. Fences are to be erected to ensure vehicles cannot bypass the truck shaker. Sediment tracked onto the public roadway by vehicles leaving the subject site is to be swept up immediately.

Reason: To protect the environment

63. **Certification of Retaining Structures and Excavations:** A suitably qualified engineer shall provide certification to the principal certifying authority that all retaining structures and excavations have been carried out in accordance with the relevant Australian Standards and Codes of Practise.

The certification and a complete record of inspections, testing and monitoring (with certifications) must be submitted to the principal certifying authority **prior to the issue of the Stage 2 and 3 Occupation Certificate.**

Reason: To ensure retaining walls are constructed according to approved plan

64. **Stormwater System Engineering Certification:** On completion of the drainage system a suitably qualified engineer shall certify that the drainage system has been constructed in accordance with the approved plans, part O Council's DCP-Stormwater Management and AS-3500. The certification is to include a work as executed plan. The work as executed plan shall:

- (a) Be signed by a registered surveyor, &
- (b) Clearly show the surveyor's name and the date of signature.

All documentation is to be submitted to the Principle Certifying Authority **prior to the issue of the Stage 2 & 3 Occupation Certificates.**

Reason: To ensure stormwater infrastructure has been installed in accordance with Australian Standards and Council's requirements

65. **Engineering Certification:** A suitably qualified engineer shall certify that following has been constructed in accordance with the approved plans and is within acceptable construction tolerances.

- Gross Pollutant Trap
- Pump out system basement

Certification is to be submitted to the Principle Certifying Authority **prior to the issue of the Stage 2 Occupation Certificate.**

Reason: Statutory requirement

66. **Positive Covenants OSD and Pump Out System:** Documents giving effect to the creation of a positive covenants over the on-site detention system and over the basement pump out system shall be registered on the title of the property **prior to the issue of the Stage 3 Occupation Certificate.** The wordings of the terms of the positive covenants shall be in accordance with part O Council's DCP-Stormwater Management.

Reason: To ensure Council's footpath and nature strip is free from potential vehicular or other obstructions.

67. **Redundant Gutter Crossing:** All redundant gutter and footpath crossings shall be removed, and the kerb, gutter and footpath reinstated to the satisfaction of Council's Urban Services Division. These works shall be carried out **prior to the issue of the Stage 3 Occupation Certificate.**

Reason: To ensure Council's footpath and nature strip is free from potential vehicular or other obstructions.

Traffic Conditions

68. **Bicycle Parking:** All cycling racks and secure bike parking provided on-site must meet the minimum standards as outlined in Section 4.3 in Part R of the DCP and designed in accordance with AS 2890.3: 2015. Alternative designs that exceed the Australian Standards will also be considered appropriate. Cycle parking in the basement car park should be as close to the car park entrance as possible so as to be both convenient and safe for cyclists to use. Secure bike

lockers or a bike cage should be provided for residents' bikes. The bicycle facilities are to be clearly labelled, and advisory/directional signage is to be provided at appropriate locations.

Reason: To ensure adequate provision for sustainable transport is made.

69. **Car Park Design** The proposed car park design shall comply with AS 2890.1-2004. This includes all parking spaces, ramps, aisles, disabled parking and loading areas. All other aspects of the Car Parking areas including ambulance bays are required to comply with AS 2890.2-2002 for Loading Facilities and Services Vehicles.

Reason: To ensure car park is designed in accordance with Australian Standards.

70. **Vehicular Access** The access to the car park shall comply with Australian Standards. AS 2890.1-2004. Visibility requirements of the proposed access must comply with AS 2890.1-2004.

Reason: To provide safer vehicular access to and from the development.

71. **Accessible Parking** All accessible car spaces in the car park are to be adequately signposted and line marked and provided in accordance with AS2890.6: 2009 including the adjacent shared space and the height clearance.

Reason: To ensure accessible spaces are clearly delineated.

72. **On-site Waste Collection** The garbage collection and holding area is to be clearly signposted and linemarked, and provided in accordance with AS2890.2: 2002. On site garbage collection must be provided for with sufficient headroom and to allow the vehicle to enter and exit in a forward direction.

Reason: To ensure adequate provision is made for on-site waste collection.

73. **Wheel Stops** Install wheel stops on all car parking spaces to prevent any collision with structures or objects.

Reason: To assist drivers in driving safely within the parking areas.

74. **Forward Entry/Exit** All vehicles must front in/ front out to/ from the development.

Reason: To ensure safer access in/out of the development.

75. **Construction Traffic Management Plan** A Construction Traffic Management Plan must be submitted to Lane Cove Council for further approval **before issuing the Stage 1 construction certificate**. Consultation with NSW Police, RMS and Transport for NSW / Sydney Buses will be required as part of preparation of the Construction Traffic Management Plan.

Reason: To ensure the relevant authorities consent to the construction traffic management proposed.

76. **Work Zones** Due to requirements for safe traffic and pedestrian movement, loading or unloading of any vehicle or trailer carrying material associated with the development must not take place on the public road unless within an approved Works Zone. If the Works Zone is required, the developer must give the Council written notice of at least six (6) weeks prior to the date upon which use of the Works Zone will commence and the duration of the Works Zone approval shall be taken to commence from that date. All vehicle unloading/loading activities on a public roadway/footway are to be undertaken within an approved Works Zone.

Reason: Council requirement.

Building Surveyor Conditions

77. **Fire Safety Schedule** A "Fire Safety Schedule" specifying the fire safety measures that are currently implemented in the building premises and the fire safety measures proposed or required to be implemented in the building premises as required by Clause 168 – Environmental

Planning & Assessment Regulation 2000 are to be submitted and approved **prior to the issue of any Construction Certificate.**

Reason: Statutory requirement.

78. **Check Survey** A check survey certificate is to be submitted at the completion of:-

- a The establishment of each level; and
- b The completion of works.

Note: All levels are to relate to the reduced levels as noted on the approved architectural plans and should be cross-referenced to Australian Height Datum.

Reason: To ensure the development is carried out in accordance with the determination.

Environmental Health and Waste Management Conditions

79. **Demolition Works and Asbestos Removal/Disposal** The demolition of any existing structure is to be carried out in accordance with *Australian Standards AS 2601-2001: The Demolition of Structures*. All vehicles leaving the site carrying demolition materials are to have the loads covered and are not to track any soil or waste materials into the road. Pursuant to Section 27A of the Occupational Health and Safety Act 1983 "notification to Commence Demolition Work" form is to be submitted to Workcover at least seven days prior to work commencing. All asbestos, hazardous and/or intractable wastes are to be disposed of in accordance with the Workcover Authority and EPA guidelines and requirements. The asbestos must be removed by a bonded asbestos licensed operator. Dockets/receipts verifying recycling/disposal must be kept and presented to Council when required.

Reason: To ensure lawful disposal of any asbestos material.

80. **Dust Control** The following measures must be taken 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) Any existing accumulations of dust (e.g. in ceiling voids and wall cavities) must be removed using an industrial vacuum cleaner fitted with a high efficiency particulate air (HEPA) filter
- c) All dusty surfaces must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be allowed to enter the street or stormwater system
- d) All stockpiles of materials that are likely to generate dust must be kept damp or covered
- e) Demolition work must not be carried out during high winds, which may cause dust to spread beyond the boundaries of the site.

Reason: To control the emission of dust.

81. **Erosion and Sedimentation Controls – Major Works** Erosion and sediment control devices are to be provided. All devices are to be established prior to the commencement of engineering works and maintained for a minimum period of six months after the completion of all works. Periodic maintenance of the erosion and sedimentation control devices is to be undertaken to ensure their effectiveness.

Reason: Environmental protection.

82. **Stabilised Access Point** A stabilised all weather access point is to be provided prior to commencement of site works, and maintained throughout construction activities until the site is stabilised. These requirements shall be in accordance with Managing Urban Stormwater – Soils and Construction produced by the NSW Department of Housing (blue Book)

Reason: Environmental protection.

83. **Site Water Management Plan** A site water management plan is to be submitted to Council and approved prior to works commencing. The plan is required to be site specific and be in accordance with “Managing Urban Stormwater – Soils and Construction” (the blue book) produced by the NSW Department of Housing.

Reason: Environmental protection.

84. **Stockpiles** Stockpiles of topsoil, sand, aggregate, spoil or other material capable of being moved by water to be stored clear of any drainage line, easement, natural watercourse, footpath, kerb or roadside.

Reason: Environmental and infrastructure protection.

85. **Garbage storage area – Commercial/Industrial** All garbage shall be stored in a designated garbage area, which includes provision for the storage of all putrescible waste and recyclable material emanating from the premises. The area is to be constructed with a smooth impervious floor graded to a floor waste and connected to the sewer. The garbage area/room is to be well ventilated and fitted with fire sprinklers and meet fire safety standards in accordance with the Building Code of Australia. Detailed plans and specifications for the construction of the designated garbage area are **to be submitted with the Stage 2 Construction Certificate**.

Reason: Ensure adequate provision is made for waste collection.

86. **Garbage collection – Commercial/Industrial** Liquid and solid wastes generated on the site shall be collected, transported and disposed of in accordance with the Protection of the Environment operations Act 1997. Records shall be kept of all waste disposal from the site. Waste and recycling material, generated by the premises, must not be collected between the hours of 10pm and 7am on any day.

Reason: Ensure adequate provision is made for waste collection.

87. **Construction Requirements – Garbage Room** Garbage rooms used for the storage of garbage, and rooms used for the washing and storage of garbage receptacles, remain subject to the following requirements:

- Floors of garbage rooms shall be constructed of concrete at least 75mm thick or other approved solid impervious material, graded and drained to an approved drainage outlet connected to the sewer, and shall be finished to a smooth even surface covet at the intersection with walls and plinths
- Walls of garbage rooms shall be constructed of approved solid impervious material and shall be finished to a smooth even surface coved at all intersections
- Ceilings of garbage rooms shall be finished with a rigid smooth faced non-absorbent material capable of being easily cleaned.

Reason: Ensure adequate provision is made for waste collection.

88. **Drainage** Garbage room floors shall be graded to a floor waste, which shall be connected to the sewer. No drainage from garbage rooms shall be connected directly or indirectly to the stormwater drainage system, Council’s street gutter or Council’s drainage system.

Reason: Ensure adequate provision is made for waste collection.

89. **Road Traffic Noise** The residential care facility must be designed and constructed so that road traffic noise levels comply with the satisfactory design sound level in *Australian/New Zealand AS/NZS 2107:2000 Acoustics – Recommended design sound level and reverberation times for building interior*, with windows and doors closed.

Reason: Protection from traffic noise.

90. **Operation of Plant or Equipment** To minimise the impact of noise from the development, all sound producing plant, equipment, machinery, mechanical ventilation systems and or refrigeration systems, shall be designed and or located so that the noise emitted does not exceed 5db(A) above the ambient background level when measured from the boundary of any affected premises between the hours of 8am to 10pm. Between the hours of 10pm and 8am, noise shall not exceed the ambient background level when measured at the boundary of an affected premises. All sound producing equipment shall comply with the Protection of the Environmental Operations Act 1997.

Reason: Acoustic protection.

91. **Noise Control – Car Park Security Grills** To minimise the impact on the amenity of surrounding residents, all sound producing plant, equipment, machinery or fittings within or forming part of the proposed security door fitted to the car parking area entrance shall be acoustically attenuated so that the noise emitted does not exceed 5db(A) above background noise levels. Notwithstanding the above any noise that is emitted shall not be audible within any premises and comply with the Protection of the Environmental Operations Act 1997.

Reason: Acoustic protection.

92. **Noise Monitoring:** Noise monitoring must be carried out by a qualified acoustical consultant if complaints are received, or if directed by Council, and any control measures recommended by the acoustical consultant must be implemented during the demolition work

Reason: Protection of the environment.

93. **Fresh air intake vents** All fresh air intake vents must be located in a position that is free from contamination and at least 6 metres from any exhaust air discharge vent or cooling tower discharge.

Reason: Health requirement.

94. **Exhaust air discharge vents** All exhaust discharge vents must be located in a position where no nuisance or danger to health will be created and at least 6 metres from any fresh air intake vent or natural ventilation opening

Reason: Health requirement.

95. **Bunding – Liquids**

All liquids onsite are to be stored within a bunded area. The size of the area is to be bunded and shall be calculated as follows as a minimum:

- a) In the case of tanks, 110% of the volume of the largest size tank
- b) In the case of small containers and drums, 25% of the total volume of liquid to be stored, with a minimum of 400L capacity.

The bund is to be constructed of a material, which is impervious to the liquid being stored. All bunded areas shall be graded to a pit/sump so as to facilitate emptying and cleaning. All pipework from the enclosed tanks and or/pumps shall be directed over the bund wall and not through it. Hose couplings for the tanks enclosed within the bund. Where possible the bunded areas should be roofed.

After completion, the bund shall be maintained in such a condition, that all spillages or leaks will be retained within the bund, until disposed of by means that do not pollute waters.

Reason: To protect the environment.

96. **Storage of Potentially Contaminated Soils** All stockpiles of potentially contaminated soil must be stored in an environmentally acceptable manner in a secure area on the site.

Reason: To acceptably store contaminated soils.

97. **Assessment of Potentially Contaminated Soils** All stockpiles of potentially contaminated soil must be assessed in accordance with relevant NSW Environment Protection Authority guidelines, such as the publication titled *Environmental Guidelines: Assessment, Classification and Management of Liquid and Non – Liquid Wastes* (EPA, 1999).

Reason: Statutory requirement.

98. **Offsite Disposal of Contaminated Soil** All contaminated soil removed from the site must be disposed at a waste facility that can lawfully receive that waste. Copies of all test results and disposal dockets must be retained for at least 3 years and be made available to authorised Council officers on request.

Reason: Statutory requirement.

99. **Regulated Systems** All air handling and water systems regulated under the *Public Health Act 1991* must be installed, operated and maintained in accordance with the requirements of the *Public Health (Microbial Control) Regulation 2000*. The premise is to be registered with Council together with payment of the approved fee, **prior to occupancy of the building**.

Reason: Statutory requirement.

100. **Access for maintenance purposes** Safe easy access must be provided for the inspection and maintenance of all plant, equipment and components covered by *Australian Standard AS3666.2:2002 Air handling and water systems of buildings – Microbial control – Operation and maintenance*.

Reason: Statutory requirement.

101. **Registration of water cooling and warm water systems** All water cooling and warm water systems regulated under the *Public Health Act 1991* must be registered with Council's Environmental Services Unit within one month of installation.

Reason: Statutory requirement.

102. **Remediation Action Plan** At the completion of the demolition of the existing structures and **prior to commencement of construction**, a Remediation Action Plan is to be submitted to the satisfaction of Council prior to the commencement of construction. Council reserves the right to require a review of the RAP by a NSW EPA Accredited Site Auditor.

Reason: Statutory requirement.

103. **Construction Noise Management Plan** A Construction Noise Management Plan prepared by an appropriately qualified acoustic consultant is to be submitted to Council for approval prior to issue of the Construction Certificate.

Reason: Acoustic protection of residential receivers.

104. **Acoustic Report** Compliance with the recommendations of the Acoustic Report submitted by JHA, Ref. 180326, dated 6 August 2020, as submitted with the Development Application.

Reason: Acoustic protection and privacy.

105. **Construction and Fit out of Food Premises** To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas, all work involving construction or fitting out of the premises shall comply with the requirements of the Food Safety Standards

Code (Australia) and *Australian Standards AS4674 – Design, Construction and Fitout of Food Premises*.

Reason: Public health.

106. **Food Shop Registration Requirements** Occupation of the Stage 2 premises shall not occur until:

- a) a registration application to be submitted to Council's Health and Environment Department for the food shop
- b) notification of the NSW Health Department under Standard 3.2.2 Division 2 Section 4 Notification. This requirement is to be met by notifying through the following website: <http://www.foodnotify.gov.au>

Reason: Public health.

107. **Final Inspection (Food premises)** A final site inspection relating to the works carried out on the premises shall be arranged by the applicant and shall be undertaken by Council before trading commences.

Reason: To ensure compliance with food safety standards.

108. **Grease Trap (Food Premises)** Trade waste water shall be disposed of in accordance with the permit requirements of Sydney Water the proprietor owner shall contact the Trade Waste Office of Sydney Water so as to ensure that the sewerage pre – treatment system installed is appropriate for the proposed use of the premises.

Reason: The lawful disposal of trade waste water.

109. **Maintenance and cleanliness of food preparation areas** To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas all building work in connection with the occupation or the use of the premises intended for the preparation and storage of food shall be designed and implemented in accordance with the requirements of:

- a) Food Act 2003 & Food Regulations 2004
- b) Food Safety Standards 3.1.1, 3.2.2, 3.2.3
- c) Sydney Water Corporation – Trade Waste Section
- d) The Protection of the Environmental Operations Act 1997
- e) Australian Standard AS 1668 Part 1 & 2
- f) The Building Code of Australia.

Reason: Public health.

110. **Service Pipes** Where possible all service pipes must be concealed in the floors, plinths, walls or ceilings in the food premises. Alternatively, service pipes must be fixed on brackets so as to provide at least 25mm clearance between the pipe and any adjacent vertical surface and at least 100mm between the pipe and any adjacent horizontal surface.

Reason: Public health.

111. **Surface Pipe Openings** All service pipe openings in walls, floors and ceilings in the food premises must be made proof against the access of pests.

Reason: Public health.

112. **Cavities and Voids** Inaccessible cavities and voids must not be formed in the construction of the food premises component of the development or the installation of fittings and equipment unless completely sealed to prevent the harbourage of pests

Reason: Public health.

113. **Tubular Metal Supports** Where tubular metal is used in the food premises component of the development for legs, brackets or framework supports the open ends must be suitably capped or sealed to prevent the access of pests.

Reason: Public health.

114. **Protection of Self Service Food** Unpackaged ready to eat food for self service, other than nuts in the shell and whole fruit and vegetables, must be protected by means of suitable sneeze guard and be effectively supervised.

Reason: Public health.

115. **Safety glass** All glass used in the construction of equipment in which food is displayed must be safety glass with any exposed edges bevelled where necessary to prevent chipping.

Reason: Public health.

116. **Sharps Disposal** Sharp disposable instruments (such as needles, lances or blades) be placed in a special sharps disposable container and disposed of in accordance with the "Skin Penetration Guidelines" 1991, published by the NSW Health Department.

Reason: Public health.

117. **Skin Penetration Guidelines** Any person carrying out any of the following skin penetration procedures shall ensure that the requirements of the Local Government Act 1993 and the Public Health Act 1991 and Regulations, and the NSW Department of Health Skin Penetration Guidelines 1991 are met at all times:

- a) Acupuncture
- b) Tattooing
- c) Ear piercing
- d) Hair removal
- e) Any other procedure that involves skin penetration

Reason: Public health.

118. **Waste Collection:** Waste and recycling is to be collected on site by the nominated waste contractor within the basement level, under no circumstances are bins to be presented to the street for servicing.

Reason: To ensure the on-site servicing of waste collection.

Transport for NSW Condition

119. **Compliance with Transport for NSW Requirements:** Compliance with the following requirements of Transport for NSW (TfNSW):

- The redundant driveways on the Centennial Avenue shall be removed and replaced with kerb and gutter to match existing. The design and construction of the kerb and gutter on Centennial Avenue 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 kerb and gutter 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.
- Detailed design plans and hydraulic calculations of any changes to the TfNSW 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.

- A construction zone will not be permitted on Centennial Avenue.
- A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Centennial Avenue during construction activities.
- All buildings and structures, together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth), along the Centennial Avenue boundary.
- All works/regulatory signposting associated with the proposed development are to be at no cost to TfNSW.

Reason: Conditions for the granting of concurrence under the Roads Act 1993

Subdivision Conditions

120. **Subdivision Certificate:** Submission of a subdivision certificate application.

Reason: Statutory requirement.

121. **88B Instrument:** An instrument under 88B of the conveyancing Act 1919 plus two copies is to be submitted to Council prior to the release of subdivision certificate. The 88B instrument shall properly reflect the requirements of the conditions of the development consent, plans forming part of the consent and Council's policies. Where Council, inter-allotment drainage lines or services are located within the development, drainage easements and easements for services shall be created in accordance with Council's minimum widths as set out in Council's DCP-Stormwater Management. Part 2 of the 88B instrument shall contain a provision that any easements, rights of way, covenants shall not be extinguished or altered without the written consent of Council.

Reason: Subdivision certificate requirement.

122. **Linen Plan of Subdivision:** A Linen Plan of Subdivision plus 5 copies are to be submitted to Council **prior to the release of subdivision certificate**. The linen plan of subdivision shall be suitable for endorsement by the general manager pursuant to Section 327 of the local government act and shall properly reflect the requirements of the conditions of the development consent, plans forming part of the consent and Council's policies.

Reason: Subdivision certificate requirement.