

STATUTORY  
PLANNING  
SERVICES

STANDARD CONDITIONS OF CONSENT

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## Deferred Commencement Conditions

### **DADCA01 - Deferred Commencement Approval**

This is a 'Deferred Commencement Consent' under Section 4.6(3) of the Environmental Planning and Assessment Act, 1979, (as amended). This consent does not become operative until the applicant has satisfied the requirements listed in Schedule 'A' of this consent. All issues shall be satisfactorily resolved within a period of 3 months from the 'Determination Date', that is shown on this consent. Upon compliance with the issues under Schedule 'A', and written confirmation from Council to that effect, then the consent shall become operative from a "Date of Endorsement" (to be included on the written notification) subject to the conditions listed in Schedule 'B' and any additional conditions arising from the requirement of Schedule 'A'.

(Reason: Statutory requirement)

### Schedule A

## General Conditions

### **DAGCA01 - Approved Plans and Supporting Documents**

The development shall be carried out substantially in accordance with the approved stamped and signed plans and/or documentation listed below **except where modified by any following condition**. Where the plans relate to alteration or additions only those works shown in colour or highlighted are approved.

| <b>Reference/Dwg No</b> | <b>Title/Description</b>   | <b>Prepared By</b> | <b>Date/s</b> |
|-------------------------|--|--------------------|---------------|
|                         | Acid Sulphate Soil Management Plan                               |                    |               |
|                         | Acoustic Report  |                    |               |
|                         | Architectural plan   |                    |               |
| Cert. No.               | BASIX Certificate  |                    |               |
|                         | Construction/ Demolition Management Plan                         |                    |               |
|                         | Contaminated Land - Initial Site Investigation Report (Stage 1)  |                    |               |
|                         | Contaminated Land - Detailed Site Investigation Report (Stage 2) |                    |               |
|                         | Contaminated Land - Remedial Action Plan (Stage 3)               |                    |               |
|                         | Geotechnical Report  |                    |               |
|                         | Management Plan (insert relevant plan name/s)                    |                    |               |
|                         | Landscape Plan   |                    |               |
|                         | Arborist Report  |                    |               |
|                         | Tree Management Plan   |                    |               |
|                         | Transplant Method Statement                                      |                    |               |
|                         | Sample Boards  |                    |               |
|                         | Materials & Finishes Schedule                                    |                    |               |
|                         | Soil & Water Management Plan                                     |                    |               |
|                         | Statement of Environmental Effects                               |                    |               |
|                         | Statement of Heritage Impact                                     |                    |               |
|                         | Subdivision Plans  |                    |               |
|                         | Traffic Report   |                    |               |
|                         | Waste Management Plan  |                    |               |
|                         | Street Numbering Plan  |                    |               |

**Note 1:** Modifications to the approved plans will require the lodgement and consideration by Council of a modification pursuant to Section 4.55 of the Environmental Planning and Assessment Act.

**Note 2:** A warning to all Accredited Certifiers. You should always insist on sighting the original Council stamped approved plans/documentation and not rely solely upon the plan reference numbers in this condition. Should the applicant not be able to provide you with original copies, Council will provide you with access to its files so you that may review our original copies of approved documentation.

**Note 3:** *The approved plans and supporting documentation may be subject to conditions imposed under section 4.17 of the Act modifying or amending the development (refer to conditions of consent which must be satisfied prior to the issue of any Construction Certificate).*

*(Reason: To confirm and clarify the terms of consent)*

**DAGCA02 - Child Care Centre**

This approval is given for the use of the land for the purposes of a Child Care Centre with a maximum of <\*\*\*\*> children. A separate approval and/or license will be required from the Department of Community Services for the operation of a child care centre from the subject premises.

*(Reason: Clarify approved use)*

**DAGCA03 - Construction within Boundary**

All approved construction including but not limited to footings, walls, roof barges and guttering are to be constructed wholly within the boundaries of the premises.

*(Reason: To ensure compliance with approved plans)*

**DAGCA05 - Heritage - No Demolition of Extra Fabric**

Alterations to, and demolition of, the existing building shall be limited to that documented on the approved plans (by way of notation) or conditioned in this consent. No approval is given or implied for removal and/or rebuilding of any portion of the existing building which is shown to be retained.

Should any portion of the existing building which is indicated on the approved plans to be retained, be damaged for whatever reason, all the works in the area of this damaged portion are to cease and written notification given to Council. No work is to resume until the written approval of Council is obtained. Failure to comply with the provisions of this condition will result in the Council immediately instituting legal proceedings.

*(Reason: Heritage conservation)*

**DAGCA06 - Separate Approvals**

Separate Development Approval shall be obtained for the <\*\*\*\*>.

*(Reason: To control the future development of the site)*

**DAGCA07 - Time Limited Consent**

This is a time limited consent and this condition limits the period during which the development may be carried out as follows:

- (a) *The extended hours of use subject to this consent must cease on or before <time and date>;*
- (b) *The use of the development must, on or before <time & date> revert back to the use, hours of use approved under Development Consent No<consent no.> dated <insert previous consent date> including compliance with all conditions of that consent as though this time limited consent had not been granted;*

If a new development application or section 4.55 application is not lodged and determined within the time limits imposed by this consent, the development subject to this consent must cease as conditioned.

**Note 1:** Where this condition is amended or deleted by any further section 4.55 or the ongoing use is subject to a further development application, Council may, if it favourably considers such amendment or application, seek the surrender of previous consents.

This condition has been imposed to allow a review of the practical effect of this consent through the submission of a new development application or the further assessment of an application to amend or delete this condition under section 4.55 of the Act prior to this consent's expiration in accordance with this condition.

**Note 2:** The purpose of the condition is to allow development that may have an adverse impact upon the amenity of the neighbourhood, to proceed for a trial period whereby towards the end of the trial period, the person(s) with the benefit of this consent can seek the amendment or deletion of this condition pursuant to section 4.55 of the Act or submit a new development application where the imposed continuation of the development is not substantially the same development.

*(Reason: Clarify terms of this consent and provide Council with control for future use of premises)*

### **DAGCB01 - Australia Post Guidelines**

Mail deliveries are to be in accordance with Australia Post Guidelines, as set out in the Australia Post publication "General Post Guide - September 2007". A copy of this Guide can be obtained from Australia Post's web page at [www.auspost.com.au](http://www.auspost.com.au). A copy of the brochure may be obtained from Australia Post. In general, a clearly marked mailbox (or group of mailboxes) shall be provided within 500mm of the footpath alignment.

*(Reason: To ensure compliance with mail delivery regulations)*

### **DAGCB02 - Compliance with Disability Discrimination Act**

This approval does not necessarily protect or guarantee against a possible claim of discrimination (intentional or unintentional) under the *Disability Discrimination Act 1992*, and the applicant/owner is therefore advised to investigate their liability under this Act. **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.

*(Reason: To inform of relevant access requirements for persons with a disability)*

### **DAGCB03 - Front Fence Height**

The new front fence is to be a maximum height of 1.2 metres above Council's footpath at any point of measurement, the fence being stepped if necessary to comply with the height requirement.

*(Reason: Streetscape)*

### **DAGCB04 - Food Premises - General**

The construction and operation of the food premises shall comply with all applicable legislation/regulation and standards, including:

- The Food Act 2003
- Food Regulation 2015
- Food Standards Australia and New Zealand - Food Standards Code
- The cooking appliances require an approved air handling system designed in accordance with AS1668.1-1998 and AS1668.2-1991 or alternative solution satisfying the performance objectives of the Building Code of Australia. No approval is granted for the burning of wood fired fuel.
- The construction, fitout and finishes of the food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code under the *Food Act 2003* and AS 4674 - Design, Construction and Fitout of Food Premises where:
  - (a) The floor of the food premises must be finished in an approved non-absorbent material, evenly laid, graded and drained to a trapped floor waste.
  - (b) The floor must be coved at the intersection with the walls.
  - (c) The walls of the food preparation area must be of solid construction and finished with glazed ceramic tiles or other rigid, smooth-faced impervious material.
  - (d) Ceilings within the food preparation and storage areas must be free of gaps and open joints and must be finished with an impervious sealed material. Suspended ceiling panels are not permitted in food preparation areas, food storage areas or areas where open food is displayed or served.
  - (e) Hand wash basin/s, with hot and cold running water mixed through a common spout, liquid hand wash soap and hand drying facilities must be provided in all food preparation bar areas, and toilets used by food handlers and must be no further than 5m travel distance from a place where a food handler is handling food. All taps to hand wash basins must be hands free. (For example: sensor taps, knee operated taps or foot pedal taps). Liquid soap and paper towel dispensers or other hand drying facilities must be located next to and in close proximity the hand wash basin.
  - (f) A single bowl sink and a dishwasher must be provided in the food preparation or designated area, (of a capacity to handle the food preparation equipment) in addition to the hand basin.
  - (g) A separate and dedicated food preparation sink is to be provided within the food premises (where foods are prepared by immersion in water.)
  - (h) A cleaners sink for the purpose of cleaning floor mops and other cleaning equipment must be provided within the premises separate from the food preparation and storage area.
  - (i) The appliances used to store potentially hazardous food must have a capacity to keep food hotter than 60oC or colder than 5oC and be provided with a thermometer, accurate to 1oC and which can be easily read without opening the appliance.
  - (j) All self service unpackaged ready to eat food must be provided and maintained with protective barriers and have separate serving utensils, in accordance with Standard 3.2.2 of the *Food Standards Code* under the *Food Act 2003*.
  - (k) Clothing lockers and change rooms for male and female staff must be provided in the premises in a separate location to the food handling and storage areas.
  - (l) To ensure the adequate storage and collection of waste, all garbage and recyclable materials emanating from the premises must be stored in a designated waste storage area. The waste storage area must be designed and

constructed in accordance with AS 4674 - Design, Construction and Fitout of Food Premises, and must be:

- i. Provided with a hose tap connected to the water supply;
- ii. Paved with impervious floor materials;
- iii. Coved at the intersection of the floor and walls;
- iv. Graded and drained to a waste disposal system in accordance with the relevant regulatory authority (Sydney Water);
- v. Adequately ventilated (mechanically if necessary) so that odour emissions do not cause offensive odour as defined by the Protection of the Environment Operations Act 1997;

Detailed plans and specifications for the construction of the waste storage area are to be submitted to the Certifying Authority with the Construction Certificate.

- (m) Cool room(s), refrigerated chambers and strong-rooms are to be constructed in accordance with G 1.2 of the Building Code of Australia.
- (n) The floor of the coolroom must be graded to the door and a floor trapped waste outlet must be located outside the coolroom as near as possible to the door opening.
  - i. All proposed shelving in the coolroom must be free-standing, constructed of galvanised steel angle section or other approved material with the lowest shelf at least 150mm clear of the floor.
  - ii. The floor of the coolroom must be constructed of impermeable concrete or coated, topped or otherwise finished with an impervious material to a smooth even surface and coved at the intersections with the walls to a minimum radius of 25mm.
  - iii. Adjacent floors, walls, ceilings and other surfaces are able to be easily and effectively sanitised
- (o) An approved audible alarm device must be located outside the coolroom(s) but controllable only from within the coolroom(s) and be able to achieve a sound pressure level outside the chamber or coolroom(s) of 90 d B (A) when measured 3 metres from the sounding device.
- (p) All service pipes, electrical conduits, refrigeration condensate pipes and the like must be chased into walls and floors or at least 25mm off the wall.
- (q) All openings in walls, floors and ceilings, through which service pipes pass, must be vermin proof.
- (r) Where fittings are butt joined together they must be sealed to eliminate any cavities or crevices. Alternatively, a clear space of at least 75mm is to be provided between fittings.
- (s) The following requirements apply to clearances and supports of equipment:
  - i. All stoves, refrigerators, cupboards and similar fittings must have metal legs made of non-corrosive metal or moulded plastic at a minimum height of 150mm above the floor. If placed flush on solid plinths the solid plinth is to be a minimum of 75 mm high.
  - ii. All shelving must be fixed 25mm clear of the walls on solid metal brackets.

*(Reason: Compliance legislation and standards)*

#### **DAGCB05 - Footpath Clearance - Gates**

Gates must be installed so they do not open onto Council's footpath.

*(Reason: Adequate access and egress)*

#### **DAGCB06 - Height**

The maximum height of the proposed development shall be A.H.D. <\*\*\*\*> and measured at <\*\*\*\*>.

*(Reason: Compliance)*

#### **DAGCB07 - Lighting**

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

*(Reason: Protect amenity of surrounding area)*

#### **DAGCB09 - Signage - Under Awning**

The under awning sign/s must at no point be less than 2.6 m from the finished ground level.

*(Reason: To ensure compliance with approved plans)*

#### **DAGCB10 - Site Management**

The following procedures apply:

- (a) Implement the site management plan and measures, and provide for erosion and sediment control according to the SSROC "Do It Right On Site" publication;
- (b) Prevent sediment and/or building materials being carried or washed onto the footway, gutter, road, or into Council's stormwater drainage system;

- (c) Ensure soil/excavated material is not transported on wheels or tracks of vehicles or plant and deposited on surrounding roadways;
- (d) 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;
- (e) Ensure safe loading and unloading of excavation machines, building materials, formwork and the erection of the structures within the site;
- (f) Ensure storage on site of all excavated material, construction materials and waste containers during the construction period (except where otherwise approved); and
- (g) Ensure support of any excavation beside any adjoining property or the road reserve is designed by a Chartered Civil Engineer.

*(Reason: Environmental protection)*

**DAGCB12 - Street Numbering of Lots and Units**

The proposed units and/or new allotments shall be numbered as follows:-

<insert required numbering eg. 2/20 Queens Road, Five Dock>

Numbering of units/properties shall be conspicuously displayed at the front of the property and shall be maintained in accordance with Council's Street Numbering Policy.

Should the property be strata subdivided, the approved numbering system shall be included in the final plans of strata subdivision.

*(Reason: Identification of Property for Emergency Services and Mail Deliveries)*

**DAGCB13 - Swimming Pool /Spa**

The approved swimming pool/spa must comply with the *Swimming Pools Act 1992* and relevant standards.

*(Reason: Statutory requirement)*

**DAGCB14 - Swimming Pool/ Spa Pump Noise**

The swimming pool or spa pump/s must comply with the requirements of Protection of the Environment Operations (Noise Control) Regulation 2008 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):
  - (i) before 8.00am and after 8.00pm on any Saturday, Sunday or public holiday; or
  - (ii) before 7.00am and after 8.00pm on any other day; or
- (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 (L<sub>A90, 15minutes</sub>) by more than 5dB(A). The source noise level must be measured as a LAeq 15 minute.

*(Reason: Amenity and Compliance)*

**DAGCB15 - Telecommunications /TV Antennae**

No more than one telecommunications/TV antenna will be provided to each dwelling/building.

*(Reason: Environmental amenity)*

**DAGCB16 - Tree Preservation**

All street trees and trees on private property that are protected under Canada Bay Council's controls, shall be retained except where Council's prior written consent has been obtained.

*(Reason: Tree preservation)*

**DAGCB17 - Weed Control**

The person having the benefit of the development consent must undertake appropriate measures to ensure that, as a result of demolition; land left vacant does not become an area of weed seed production on the site and to prevent their spread into surrounding bushland or public open space areas.

*(Reason: Environmental amenity)*

### **DAGCC01 - Hoarding Requirements**

Where any works associated with the approved development are located in close proximity to a public place such that occupation of part of the public place may be required to complete the development, then it will be necessary to erect either an "A" Class or "B" Class hoarding. Should a hoarding need to be constructed on or over Council land/property, then the following requirements will apply:-

The approved development includes/requires either an "A" Class or "B" Class or both type of hoarding to be erected. Should such a hoarding need to be constructed on or over Council land/property, then the following requirements will apply:-

- **"A" Class Requirements**

An engineer certified "A" Class hoarding is to be constructed on the footpath adjacent to the building site to protect pedestrians during demolition of the existing building and construction of the new building.

- **"B" Class Hoardings**

An engineer certified overhead "B" Class hoarding, complying with the requirements of the Department of Industrial Relations & Technology, shall be constructed over Council's footpath to protect pedestrians during demolition of the existing building and the erection of the new building.

**A formal hoarding application shall be made to Council and demolition or construction work must not commence** until the hoarding has been erected and then approved by Council and all applicable fees and charges paid.

*(Reason: Public safety)*

### **DAGCC02 - Skin Penetration - General**

The construction and operation of the premises shall comply with all applicable legislation/regulation and standards, including:

- Local Government (General) Regulation 2005;
- Public Health Act 2010;
- Public Health Regulation 2012; AS/NZS 4815:2006-Office-based health care facilities - Reprocessing of reusable medical and surgical instruments and equipment, and maintenance of the associated environment and;
- AS 2182-1998 Sterilisers - Steam – Benchtop
- **Handwashing facilities** - Hand wash basins must be provided in each treatment room and provided with warm water mixed from a continuous hot and cold water supply through a common spout. A continuous supply of liquid soap and single use hand towels must be provided adjacent to all hand washing basins.
- **Floor Materials** - The floor of the treatment rooms are to be constructed of material that is impervious, non-slip, non-abrasive and is capable of being easily and effectively cleaned.
- **Wall Materials** - The walls of the treatment rooms are to be constructed of material that is durable, smooth, easily cleaned and impervious to moisture.
- **Toilet Facilities** - For the purpose of carrying out colonic lavage a toilet must be available within the immediate vicinity of the person undergoing treatment using an open system, and within close proximity to the treatment room, when undergoing a treatment using the closed system.
- **Equipment Sink** - An equipment sink with hot and cold water that is capable of reaching a temperature of 40°C is to be located within the premises for the purpose of cleaning equipment. The sink must be large enough to enable equipment to be scrubbed under water.

*Please note: The equipment sink may not be used as staff kitchen sink. A separate sink should be provided for staff to clean eating and drinking utensils and for the preparation of food and drink*

- **Sterilisation** - Equipment used for beauty therapy treatments that are designed or likely to penetrate the skin must be sterilised in accordance with the AS 2182:1998 *sterilizers- steam -benchtop* and AS/NZS 4815:2001 *'Office based health care facilities - cleaning, disinfection and sterilisation of re-usable medical and surgical instruments and equipment and maintenance of the associated environment, and AS 2182-1998 Sterilisers - Steam - Benchtop*

- **Storage of Equipment** - Cleaned equipment and/or linen are to be stored in a clean, dust free environment, away from soiled equipment/linen to prevent any potential contamination.
- **Use of Hazardous Substances** - Material Safety Data Sheets of all hazardous substances used, such as bleaches and nail products must be kept on site and readily available to all staff. Staff must be trained how to safely use and store these chemicals prior to the commencement of work.
- **Clinical & Sharps Waste** - A separate waste bin is to be provided for the disposal of clinical and sharps waste. Containers used for the disposal of sharps must comply with the requirements of AS 4261:1994 'reusable container for the collection of sharp items used in human and animal medical applications' or if they are not reusable AS 4031:1992 'non-reusable containers for the collection of sharp medical items used in health care areas'.

Clinical and sharps waste must be collected and disposed of by an authorized contractor in accordance with the Protection of the Environment Operations (Waste) Regulation 2014 Dockets/receipts of hazardous waste disposal must be kept on site for five (5) years and presented to Council when required.

**Disposal of Clinical and Sharps waste in the general waste stream is dangerous and highly illegal.**

*(Reason: Compliance, health and safety)*

**DAGCC03 - Use of Hazardous Substances**

Material Safety Data Sheets of all hazardous substances used, such as bleaches and nail products must be kept on site and readily available to all staff. Staff must be trained how to safely use and store these chemicals prior to the commencement of work.

*(Reason: Health and Safety)*

**DAGCC04 - Ventilation**

To ensure that adequate provision is made for ventilation of the premises, mechanical and/or natural ventilation systems shall be designed, constructed and installed in accordance with the provisions of:

- The Building Code of Australia; and
- Protection of the Environment Operations Act 1997; and
- Any proposed mechanical ventilation system shall comply with the Australian Standard AS 1668-1991 (parts 1 & 2). Prior to installation, the design is to be certified by a person competent to do so. At completion of the installation of the system and prior to the issue of the occupation certificate, the work shall be certified by a person competent to do so. The certification shall include:-
  - i. Date of inspection, Inspection, testing and commissioning details
  - ii. The name and address of the individual who carried out the test and
  - iii. A statement that the service has been designed, installed and is capable of operating to above the standard

**Ventilation above cooking equipment** *(delete if not applicable)*

Mechanical ventilation must be provided above cooking equipment and is to be designed and installed in accordance with relevant Australian Standards 'The use of ventilation and air conditioning in buildings - Ventilation design for indoor air contaminant control'.

*(Reason: Compliance with relevant standards)*

**DAGCC05 - Waste Management**

Requirements of the approved Waste Management Plan shall be complied with during site preparation and throughout demolition and construction. Waste management and its storage must not pose a threat to public health or the environment.

*(Reason: Compliance with approval)*

**DAGCC06 - Fill Material**

**Imported Fills**

Clean fill imported onto the site shall be validated to ensure it is suitable for the proposed land use.

All fill imported onto the site shall be validated by either one or both of the following methods during remediation works:

1. Documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
2. Sampling and analysis of the fill material shall be conducted in accordance with NSW EPA (1995) Sampling Design Guidelines.
3. Any fill material that is imported onto the site must be analysed and classified by an appropriately qualified and experienced environmental consultant in accordance with relevant NSW EPA guidelines, including the "Waste Classification Guidelines" 2014.

To ensure that fill material is suitable for the proposed [use], only material classified as Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM) is permitted to be imported onsite.

Any waste-derived material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifying Authority or the City of Canada Bay upon request.

**Classification of waste**

Prior to the exportation of waste (including 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 DECC 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 DECC Waste Classification Guidelines (2014) which makes particular reference to the management and disposal of Acid & Potential Acid Sulfate Soils. The classification of the material is essential to determine where the waste may be legally taken. The Protection of the Environment Operations Act 1997 provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the EPA.

Evidence that the requirements specified above have been satisfied must be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate. Where an Occupation Certificate is not required this evidence must be provided to the satisfaction of Council's Manager Health, Building & Environment.

*(Reason: To ensure that imported fill is of an acceptable standard for environmental protection purposes)*

**DAGCD01 - Approved Stormwater Drainage Design**

The stormwater drainage system for the proposed development shall be constructed in accordance with the following approved plans and documentation, endorsed with Council's Stamp, and Council's "Appendix 2 - Engineering Specifications of the Canada Bay Development Control Plan", except where amended by other conditions of consent:

| Drawing No. | Title/Revision No. | Prepared by: | Dated: |
|-------------|--------------------|--------------|--------|
|             |                    |              |        |
|             |                    |              |        |
|             |                    |              |        |

**Important Note:**

- The approved Stormwater Drainage Plan as identified above is for Concept Only. The designer is responsible for providing sufficient information and/or updates to the Stormwater Drainage Plan suitable for Construction Certificate approval.
- Should any changes be required to the approved stormwater drainage plan as referred to above, the amended design shall achieve equivalent performance standards in accordance with Council's "Appendix 2 - Engineering Specifications of the Canada Bay Development Control Plan".
- Construction Certificate Approval does not include approval for works external to the property. Where the proposed design extends beyond the property boundary, separate approval under Section 138 of the Roads Act 1993, must be obtained from Council prior to the commencement of works. The applicant is advised to contact Council for clarification of proposed works for which approval under Section 138 applies.

*(Reason: Stormwater management)*



## Conditions which must be satisfied prior to the commencement of demolition of any building or structure

### **DAPDA01 - Heritage - Submission of Photographic Survey**

**Prior to the Commencement of demolition** a photographic survey shall be submitted to Council. The photographic survey shall be prepared in accordance with the guidelines "Archival Recording of Heritage Items Using Film or Digital Capture" published by the NSW Heritage Office.

Three copies of the Photographic Survey shall be submitted in an unbound report format. Each copy should contain:

#### **For Film-based Projects:**

- A very brief report or introduction which explains the purposes of the report and gives a brief description of the subject, as well as details of the sequence in which images were taken. The report may also address the limitations of the photographic record and may make recommendations for future work;
- measured plans of the building at 1: 100 scale;
- a site plan of the building at min 1: 200 scale;
- plans of the building marked up to indicate where the photographs were taken and the direction of the photograph;
- the report should include all technical details including camera and lenses, film type, exposure and colour information;
  - Catalogue sheets, photographic plan, supplementary maps;
  - B&W materials:
    - One set of archivally processed and numbered B&W negatives stored in archival sheets or envelopes
    - Three sets of archivally processed proof (contact) sheets, labelled and cross-referenced to the catalogue sheets;
  - Colour materials:
    - Three sets of colour transparencies (either original transparency plus two duplicates or three original images taken concurrently) numbered, labelled and cross-referenced to the catalogue sheets and stored in archival slide sheets.

#### **Digital Projects**

- A very brief report or introduction which explains the purposes of the report and gives a brief description of the subject, as well as details of the sequence in which images were taken. The report may also address the limitations of the photographic record and may make recommendations for future work;
- measured plans of the building at 1: 100 scale;
- a site plan of the building at min 1: 200 scale;
- plans of the building marked up to indicate where the photographs were taken and the direction of the photograph;
- the report should include all technical details including camera and lenses, image file size and format, technical metadata associated with the images, and colour information;
- Catalogue sheets, photographic plan, supplementary maps;
- Three sets of colour thumbnail image sheets (e.g. A4 page with six images by six images) showing images and reference numbers.
- The thumbnail sheets should be processed with archivally stable inks on archivally acceptable photographic paper and cross referenced to catalogue sheets;
- One full set of 10.5x14.8cm (A6) colour prints OR, if a large project, a representative set of selected images processed with archivally stable inks on archivally acceptable photographic paper.
- A CD or DVD containing electronic image files saved as RAW files with associated metadata, and cross-referenced to catalogue sheets.

The report should be presented on archival quality paper in a suitable archival binder and slipcase, and all storage of individual components must be in archival quality packaging suitable for long term storage.

*(Reason: Heritage record)*

### **DAPDB01 - Construction Certificate - Prior to the Commencement of any Demolition Works**

Where demolition is associated with the erection of a new structure, or an altered portion of or an extension to an existing building, the demolition of any part of a building is "commencement of building work" pursuant of section 6.6 of the Act. In such circumstance all conditions of this consent must be satisfied prior to any demolition work. This includes, but is not limited to, the **issue of a Construction Certificate, appointment of a PCA and Notice of Commencement under the Act.**

*(Reason; Statutory Requirement)*

## **DAPDB02 - Demolition**

### **Demolition - General**

- a. That two (2) working days (i.e. Monday to Friday exclusive of public holidays) prior to the commencement of any demolition work, notice in writing is to be given to the Council. Such written notice is to include:
- The date when demolition will commence,
  - Details of the name, address and business hours contact telephone number of the demolisher, contractor or developer.
  - The licence number of the demolisher, and relevant WorkCover licenses, (see minimum licensing requirements in (d) below, and
  - Copies of the demolisher's current public liability/risk insurance policy indicating a minimum cover of \$10,000,000.00.
- b. Demolition of buildings and structures must comply with all current and relevant Australian Standards.
- c. Demolition works are restricted as follows:
- Monday to Saturday inclusive - 7:00am - 5:00pm
  - Sundays and Public Holidays - No work
- d. 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 demolition commencing advising the following:
- The date when demolition will commence;
  - Details of the name, address and business hours contact telephone number of the demolisher, contractor or developer;
  - The telephone number of WorkCover's Hotline 13 10 50.

### **Demolition Involving the Removal of Asbestos**

#### General Information

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](http://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.

#### NOTE:

- 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 10m<sup>2</sup> 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](http://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 removalist 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;

Standard Conditions of Consent

- 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.

*(Reason: To ensure compliance with the relevant legislation and to ensure public and work safety)*

**DAPDB03 - Site Safety Fencing - Demolition only**

Erect site fencing to a minimum height of 1.8m complying with WorkCover Guidelines, to exclude public access to the site throughout the demolition. The fencing **must be erected before the commencement of any demolition work** and maintained.

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

Hoardings

If applicable, a separate Hoarding Application for the erection of an A class (fence type) or B class (overhead type) hoarding along the street frontage(s) complying with WorkCover requirements must be obtained including:

- payment to Council of a footpath occupancy fee based on the area of footpath to be occupied and Council's Schedule of Fees and Charges before the commencement of work; and
- provision of 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 provided to Council.

*(Reasons: Statutory Requirement and health and safety)*

**DAPDB04 - Tree Preservation - during demolition**

All street trees and trees on private property that are protected under Canada Bay Council's controls, shall be retained and protected during demolition works except where Council's prior written consent has been obtained.

*(Reason: Tree Preservation and Protection)*

**DAPDB05 - Erosion and Sediment Control During Demolition**

Erosion and sedimentation controls shall be in place **prior to the commencement of demolition works** and shall be maintained throughout the demolition of the building and any regrading of the ground levels, approved removal of vegetation etc. The controls shall be installed in accordance with the details approved by Council and/or as directed by Council officers. These requirements shall be 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 during the demolition works and made available to Council officers on request.

*(Reason: Environmental protection)*

## Conditions which must be satisfied prior to the issue of a Construction Certificate

### **DACCA01 - Access for People with Disabilities**

Access for people with disabilities must be provided in accordance with the requirements of 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.

*(Reason: To inform of relevant access requirements for persons with a disability)*

### **DACCA02 - Disabled Toilets**

Plans and details of the disabled toilet/s complying with the relevant Australian Standards, the Building Code of Australia, 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 plans must be approved by the Accredited Certifier **prior to issue of a Construction Certificate**.

*(Reason: To inform of relevant access requirements for persons with a disability)*

### **DACCB01 - Additional Development Application Fees**

In accordance with Regulation 50(1)(c) and the table to Regulation 246 of the Environmental Planning and Assessment Act Council must charge a development application fee based on the estimated cost of works applied for.

The construction costs of the approved development are estimated at **\$<Est. cost>** and the applicable Development Application Fee on this amount would be **\$<Fee>** which includes a Planning Reform Fee of **\$<<fee>>**. As a Development Application fee of **\$<DA fee paid>** was paid when lodging the application, the difference of **\$<Additional DA fee paid>** (including **\$<Fee>** Planning Reform Fee) shall be paid to Council **prior to the issue of a Construction Certificate**.

*(Reason: Statutory Requirement)*

### **DACCB02 - Damage Deposit for Council Infrastructure**

A Damage Deposit (calculated in accordance with Council's adopted Fees and Charges) of **\$<Fee>** shall be paid to Council **prior to the issue of the Construction Certificate**.

This Damage Deposit shall be refunded upon completion of all works, at the Occupation or Final Certificate stage.

Any costs associated with works necessary to be carried out to rectify any damages caused by the development, shall be deducted from the Damage Deposit.

**Note:** Full panel concrete footpath replacement in areas where connection to all services are required. This includes driveways and road concrete panels. This will stop differential settlement and maintain the integrity of council infrastructure and asset.

*(Reason: Protection of Council infrastructure)*

### **DACCB03 - Long Service Levy Payments**

The payment of a long service levy as required under part 5 of the *Building and Construction Industry Long Service Payments Act 1986*, in respect to this building work, and in this regard, proof that the levy has been paid, is to be submitted to Council **prior to the issue of a Construction Certificate**. Council acts as an agent for the Long Services Payment Corporation and the levy may be paid at Council's Office.

*(Reason: Statutory requirement)*

### **DACCB04 - Section 7.11 Contributions**

The following Section 7.11 Development Contributions are required towards the provision of public amenities and services in accordance with the City of Canada Bay s7.11 Development Contributions Plan.

Based on the following rates, as at December 2018 (CPI 115.2)

| Infrastructure Type                 | Per Person Contribution | Studio/One bedroom dwelling | Two bedroom dwelling | Three + bedroom dwelling | Additional Lot  |
|-------------------------------------|-------------------------|-----------------------------|----------------------|--------------------------|-----------------|
| Community Facilities                | \$805.06                | \$1,159.27                  | \$1,650.33           | \$2,179.39               | \$2,179.39      |
| Civil Infrastructure                | \$781.63                | \$1,125.52                  | \$1,602.28           | \$2,115.94               | \$2,115.94      |
| Plan Preparation and Administration | \$88.42                 | \$127.32                    | \$181.25             | \$239.35                 | \$239.35        |
| Open Space and Recreation           | \$5,712.93              | \$8,226.49                  | \$11,711.13          | \$15,465.32              | \$15,465.32     |
| <b>TOTAL</b>                        | <b>\$7,338.04</b>       | <b>\$10,638.60</b>          | <b>\$15,144.99</b>   | <b>\$20,000</b>          | <b>\$20,000</b> |

Based on the following number of Dwellings and Bedrooms:

| No. of Dwellings | No. of Studio & One beds | No. of Two beds | No. of Three or more beds | No. of Additional lots |
|------------------|--------------------------|-----------------|---------------------------|------------------------|
|                  |                          |                 |                           |                        |
| <b>TOTAL</b>     |                          |                 |                           |                        |

Any change in the Consumer Price Index between December 2018 (CPI 115.2) and the date that the Section 7.11 Development Contribution is paid, will be added/subtracted from the amount cited above.

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

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

A copy of the City of Canada Bay Section 7.11 Development Contributions Plan may be obtained from Council's website.

*(Reason: To retain a level of service for the existing population and to provide the same level of service to the population resulting from new developments)*

**DACCB05 - Strathfield Triangle Development Contributions Plan**

The following Section 7.11 Development Contributions are required towards the provision of public amenities and services in accordance with the Strathfield Triangle Development Contributions Plan.

Based on the following rates, as at December 2018 (CPI 115.2)

|                   | Per Resident      | Studio/One bedroom dwelling | Two bedroom dwelling | Three + bedroom dwelling |
|-------------------|-------------------|-----------------------------|----------------------|--------------------------|
| Contribution Rate | \$8,328.36        | \$10,744.02                 | \$15,823.89          | \$20,000.00              |
| <b>TOTAL</b>      | <b>\$8,328.36</b> | <b>\$10,744.02</b>          | <b>\$15,823.89</b>   | <b>\$20,000.00</b>       |

Based on the following number of Dwellings and Bedrooms:

| No. of Dwellings | Per Resident | Studio/One bedroom dwelling | Two bedroom dwelling | Three + bedroom dwelling |
|------------------|--------------|-----------------------------|----------------------|--------------------------|
|                  |              |                             |                      |                          |
| <b>TOTAL</b>     |              |                             |                      |                          |

Any change in the Consumer Price Index between December 2018 (CPI 115.2) and the date that the Section 7.11 Development Contribution is paid, will be added/subtracted from the amount cited above.

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

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

A copy of the Strathfield Triangle Development Contributions Plan may be obtained from Council's website.

*(Reason: To retain a level of service for the existing population and to provide the same level of service to the population)*

resulting from new developments)

**DACCB06 - Section 7.11 Contributions (Rhodes)**

The following development contributions are required towards the provision of public amenities and services in accordance with the *Renewing Rhodes Contributions Framework*.

Based on the following rates as at September 2001, CPI 135.3. (These rates have since been recalibrated to CPI 75.6, Sept Qtr. 2012)

| Infrastructure Type  | One bedroom dwelling | Two bedroom dwelling | Three bedroom dwelling | Four bedroom dwelling |
|----------------------|----------------------|----------------------|------------------------|-----------------------|
| Open Space           | \$1,196.39           | \$2,175.26           | \$2,827.84             | \$4,350.52            |
| Community Facilities | \$1,176.44           | \$2,138.98           | \$2,780.67             | \$4,277.96            |
| Roads                | \$630.33             | \$1,146.06           | \$1,489.88             | \$2,292.12            |
| <b>TOTAL</b>         | <b>\$3,003.17</b>    | <b>\$5,460.30</b>    | <b>\$7,098.39</b>      | <b>\$10,920.60</b>    |

Based on the following number of dwellings and bedrooms:

| No. of Dwellings | # of One beds | # of Two beds | # of Three beds | # of Four beds |
|------------------|---------------|---------------|-----------------|----------------|
|                  |               |               |                 |                |
| <b>TOTAL</b>     |               |               |                 |                |

Any change in the Consumer Price Index between September 2001, CPI 135.3 (Recalibrated to CPI 75.6 Sept Qtr. 2012) and the date that the development contribution is paid, will be added / subtracted from the amount cited above.

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

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

A copy of the Renewing Rhodes Contributions Framework may be obtained from Council's website.

(Reason: To retain a level of service for the existing population and to provide the same level of service to the population resulting from new developments)

**DACCB07 - Section 7.12 Levy Contributions**

The following Section 7.12 Levy Contribution is required towards the provision of public amenities and services in accordance with the City of Canada Bay Section 7.12 Plan 2005.

Pursuant to Section 4.17 of the *Environmental Planning and Assessment Act 1979*, and the City of Canada Bay Section 7.12 Levy Contributions Plan 2005, a contribution of 0.5% (for works between \$100,001.00 and \$200,000.00) or 1% (for works over \$200,000.00) of the cost of development amounting to **\$<insert total amount>** shall be paid to Council **prior to the release of any associated Construction Certificate**.

The amount to be paid will be adjusted at the time of actual payment, in accordance with the provisions of the Canada Bay Section 7.12 Levy Contributions Plan 2005. The Consumer Price Index All Group Index Number for Sydney at the time of the development application determination is **115.2**.

**Please Note:** Any change in the Consumer Price Index (CPI) between the date of this approval and the date that the Section 7.12 Contribution is paid will be added/subtracted from the amount cited above. The amount will be adjusted at the time of actual payment in accordance with Canada Bay Section 7.12 Levy Contributions Plan 2005.

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

A copy of the Canada Bay Section 7.12 Levy Contributions Plan 2005 and accompanying Fact Sheet may be inspected or obtained from the City of Canada Bay Civic Centre, 1A Marlborough Street, Drummoyne during business hours or on Council's web site at [www.canadabay.nsw.gov.au](http://www.canadabay.nsw.gov.au).

(Reason: To provide high quality and diverse public amenities and services to meet the expectations of the existing and new residents of the City of Canada Bay)

**DACCB08 - Fees to be paid to Council prior to issue of the Construction Certificate**

|                                 |   |
|---------------------------------|---|
| Damage Deposit                  | \$<Fee>                                     |
| Additional DA Fee               | \$<Fee>                                     |
| Additional Planning Reform Levy | \$<Fee>                                     |
| Sect. 7.11 Contributions        | \$<Fee> + CPI                               |
| Sect. 7.12 Contributions        | \$<Fee> + CPI                               |
| Stormwater Bond                 | \$<Fee>                                     |
| Tree Bond                       | \$<Fee>                                     |
| Landscaping Bond                | \$<Fee>                                     |
| Long Service Levy               | \$<Fee>                                     |
| Vehicular Access Crossing Fee   | \$<Fee>                                     |
| <b>TOTAL</b>                    | <b>\$&lt;Fee&gt; + CPI where applicable</b> |

**PLEASE NOTE that other fees and charges may be applicable to the proposal.**

The applicant is advised to obtain a copy of Council's latest Fees and Charges schedule available at Council's Customer Services Section. Further information as to other fees and charges applicable to your development may be obtained by contacting Council's Customer Services Centre on 9911 6555 during office hours.

*(Reason: Statutory requirement and information)*

**DACCC01 - Fire Safety Upgrade - Change of building use (cl. 93 of the Regulation) - minor or no building works for example internal fit-out or cosmetic changes**

Council considers pursuant to clause 93 of the Regulation that it is appropriate to require the existing building to be upgraded to total or partial conformity with the BCA.

The Construction Certificate plans and specification required to be submitted to the Certifying Authority pursuant to clause 139 of the Regulation must detail building upgrade works required by for the approved use.

The Certifying Authority must be satisfied that such work, to be implemented as part of the development, will upgrade the building to bring it into compliance with the provisions of the BCA in force at the date of issue of the Construction Certificate.

**Note:** *The Certifying Authority issuing the Construction Certificate has no power to remove the requirement to upgrade the existing building as required by this condition. Where this condition specifies compliance with performance requirements of the BCA, the Certifying Authority (subject to their level of accreditation) may be satisfied as to such matters. Where this condition specifies compliance with prescriptive (deemed to satisfy) provisions of the BCA, these prescriptive requirements must be satisfied and cannot be varied unless this condition is reviewed under section 82A or amended under section 96 of the Act.*

*(Reason: Fire Safety)*

**DACCC02 - Fire Safety Upgrade - Rebuilding, alterations, enlargement or extension of an existing building (cl. 94 of the Regulation)**

Council considers pursuant to clause 94 of the Regulation that it is appropriate to require the existing building to be upgraded to total or partial conformity with the BCA.

The Construction Certificate plans and specification required to be submitted to the Certifying Authority pursuant to clause 139 of the Regulation must detail building upgrade works required by this condition.

The Certifying Authority must be satisfied that such work, to be implemented as part of the development, will upgrade the building to bring it into compliance with the following provisions of the BCA in force at the date of issue of the Construction Certificate:

- (a) Volume 1, F4.5(b) - Ventilation of Rooms
- (b) Housing Provisions, Clause 3.7.2.2 - Requirements for Smoke Alarms
- (c) Housing Provisions, Clause 3.9.1 - Stair Construction
- (d) Housing Provisions, Clause 3.9.2 - Balustrades
- (e) <<insert upgrade work required by Fire Safety Officer or Building Surveyor report. Note: this will typically involve a minimum requirement ensuring that all habitable dwellings and sole occupancy units have hard wired smoke detection>>

**Note:** The Certifying Authority issuing the Construction Certificate has no power to remove the requirement to upgrade the existing building as required by this condition. Where this condition specifies compliance with performance requirements of the BCA, the Certifying Authority (subject to their level of accreditation) may be satisfied as to such matters. Where this condition specifies compliance with prescriptive (deemed to satisfy) provisions of the BCA, these prescriptive requirements must be satisfied and cannot be varied unless this condition is reviewed under section 8.2 or amended under section 4.55 of the Act.

*(Reason: Fire Safety)*

**DACCD01 - Foreshore Access - Public**

- (a) The public foreshore access generally as identified on the approved plans must be made available for the public and an appropriate restriction and easement to Council's favour must be created under Section 88E of the Conveyancing Act.
- (b) The easement must reserve the land for the purposes of landscaping, public recreation and access, and allow unrestricted public access to this area including the right of the public to pass, re-pass and remain upon the land for recreational and access purposes. Provided however that restrictions equivalent to the Ordinances and By-laws governing the use of Council parks would be allowed.
- (c) Notices must be prominently displayed at each end of the path clearly indicating the availability of public access.
- (d) Appropriate means of preventing direct access to the whole of the foreshore area fringed by mangroves must be provided to the satisfaction of Council. Details must be submitted and approved by Council **prior to the issue of a Construction Certificate**.
- (e) The public access area must be maintained to the satisfaction of Council by the proprietors of the land including lighting, upkeep and repair of paths, landscaping, furniture and the like, as well as the sea wall and fencing. In addition the proprietors must hold an appropriate public liability insurance and indemnify the City of Canada Bay Council.
- (f) No access paths or the like are permitted within this area from the adjoining private use portion of the land other than as shown on the approved plans. No gates or the like are permitted within or at either end of the public foreshore access.

*(Reason: Facilitate public access)*

**DACCD02 - Foreshore Protection**

- (a) The works must be carried out so that:
  - i. No materials are eroded, or likely to be eroded, are deposited, or likely to be deposited, on the bed or shore or into the waters of the Parramatta River; and
  - ii. No materials are likely to be carried by natural forces to the bed, shore or waters of the Parramatta River.
- (b) Any material that does enter the Parramatta River must be removed immediately.
- (c) Best practice methods shall be adopted for the on-site control of runoff, sediment and other pollutants during, and post, construction.  
Methods must be in accordance with the relevant specifications and standards contained in the manual *Managing Urban Stormwater - Soils & Construction* issued by the NSW Department of Housing/Landcom in 2004 and any other relevant Council requirements.
- (d) The erosion, sediment and pollution controls must be installed and stabilised before commencement of the site works. This does not include the works associated with the construction of the appropriate controls.
- (e) The erosion, sediment and pollution control system must be effectively maintained at or above design capacity for the duration of the works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.
- (f) Any material that is to be stockpiled on the site must be stabilised to prevent erosion or dispersal of the material.
- (g) The foreshore must be fully protected for the duration of the works. This includes preventing the storage of any machinery, materials, equipment, supplies, or waste receptacles within the inter-tidal area.
- (h) No works are to be undertaken on land owned by NSW Maritime (That is, below MHWM) without the relevant approvals being granted by NSW Maritime.

*(Reason: Environmental protection)*

**DACCE01 - Amendments to Approved Plans**

The following amendments shall be made to the approved plans prior to the issue of a Construction Certificate:-

- a) <text>

**Note:** This involves a change to the Development Application plans as submitted to and approved by Council. Any changes in this regard shall be reflected as amended plans to be submitted to the Accredited Certifier **prior to the issue of a Construction Certificate** for the proposed development.

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



### **DACCE02 - Construction Management Plan**

**Prior to the issue of a Construction Certificate**, submit to the Accredited 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)*

### **DACCE02A - Construction Traffic Management Plan (CTMP)**

**Prior to the issue of a Construction Certificate**, the applicant shall submit and have approved by Council's Engineers, a detailed Construction Traffic Management Plan (CTMP). The plan shall demonstrate how construction and delivery vehicles will access the development site during the demolition, excavation and construction phase of the development. The plan shall be certified by a suitably qualified and experienced traffic consultant and all traffic associated with the subject development shall comply with the terms of the approved Construction Traffic Management Plan.

The following matters (at a minimum) must be addressed in the CTMP:

- (a) A detailed description and route map of the proposed truck/construction vehicle access routes.
- (b) The locations of any proposed Construction Works Zones along the site frontage.
- (c) Provide a construction schedule.
- (d) Tradesperson parking (parking shall be provided on-site where possible).
- (e) Provide relevant Traffic Control Plans (must be certified by a suitably qualified RMS ticket holder).
- (f) Provide relevant Pedestrian Management Plans.
- (g) A site plan which indicates site entrances and exits, turning areas within the site for construction and spoil removal vehicles allowing a forward ingress and egress for all construction vehicles on the site (superimposed truck swept path diagrams). Site entrances and exits shall be controlled by a certified traffic controller.

*(Reason: Traffic safety and amenity during construction phase)*

### **DACCE03 - Continuous Awnings**

The awning over the footpath, as indicated on the approved drawings, shall not encroach within 600mm from the face of the kerb. The height of the completed awning shall not vary from within the range of 3 metres to 4.5 metres above the completed footpath. The awning shall be detachable from the building without causing any concealed structural failure. Provision for awning cut-outs shall be made for existing and/or new trees. Details in this regard must be indicated on the architectural plans **to be submitted with the Construction Certificate**.

*(Reason: Pedestrian amenity)*

### **DACCE04 - Obtaining a Construction Certificate for Building Work**

This Development Consent does not constitute approval to carry out construction work. Construction work may only commence **upon the issue of a Construction Certificate, appointment of a Principal Certifying Authority (PCA), and lodgement of Notice of Commencement**.

Please note that if demolition works forms part of the extent of works approved in the same application, then demolition must not commence **prior to the issue of a Construction Certificate**.

*(Reason: Information)*

### **DACCE05 - Waste Water Control**

The applicant shall contact Sydney Water, to determine the requirements for the disposal of wastewater and liquid trade waste (including grease traps or grease arrestors). The applicant must provide a copy of the Authority to connect to the sewer system **prior to the issue of a Construction Certificate**.

There is to be no discharge of wastewater to the stormwater system.

(Reason: Information)

**DACCF01 - Canopy Tree/s**

To ensure the preservation of the landscape character of the area, the landscape plan submitted **with the Construction Certificate** application shall incorporate a canopy tree/s, to achieve a minimum #m height at maturity and located # on the site. The tree is to be supplied from a minimum # litre container and be maintained by the applicant until the tree is properly established.

(Reason: Preservation of the landscape character of the area)

**DACCF02 - 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 and provided to the satisfaction of the Accredited Certifier **with the Construction Certificate application**. 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: Ensure landscape survival)

**DACCF03 - Landscape Plan**

A landscape plan prepared by a qualified landscape architect or landscape consultant to a scale of 1:100 or 1:200, conforming to all relevant conditions of consent is to be submitted to the satisfaction of the Accredited Certifier **with the Construction Certificate application**.

The plan must include the following information:

- location of all existing and proposed landscape features including materials to be used;
- delineate and identify all trees to be retained, removed or transplanted;
- existing and proposed finished ground levels;
- top and bottom wall levels for both existing and proposed retaining and free standing walls and
- detailed plant schedule which includes proposed species listed by botanical (genus and species) and common names, quantities of each species, pot sizes and the estimated size at maturity.

Consideration within the design should be given to the scale of planting in proportion to the proposed development, consistency with the existing landscape character of the area, potential views, solar access and privacy for neighbouring development.

(Reason: Landscape quality)

**DACCF04 - On Slab Landscaping**

To ensure the site landscaping thrives the on slab landscaping shown on the approved landscaping plan is to be designed to include a minimum soil depth of 650mm for shrubs and trees and 300mm for grass and ground covers, adequate drainage and a permanent, automatic irrigation system conforming to Sydney Water's current *Waterwise* Policy. Details shall be submitted **with the Construction Certificate application**.

(Reason: Ensure landscape survival)

**DACCF05 - Tree Replacement**

The landscape plan submitted **with the Construction Certificate application** shall incorporate the following replacement tree/s to ensure the preservation of the landscape character of the area.

| <u>Species</u> | <u>Location</u> | <u>Pot Size</u> |
|----------------|-----------------|-----------------|
| <text>         | <text>          | <text>          |

(Reason: Preservation of the landscape character of the area)

**DACCF06 - Tree Transplantation**

Tree transplantation shall take place in accordance with the Transplant method Statement approved **with the Construction Certificate** and under the supervision of a qualified arborist or horticulturist.

(Reason: Ensure survival of transplanted tree/s)

**DACCF07 - Tree Transplantation - Tree Transplantation Method Statement**

A Tree Transplantation Method Statement (TTMS) shall be submitted **with the Construction Certificate application** to the satisfaction of the Accredited Certifier. The TTMS is to relate to the following approved tree/s to be transplanted:

| <u>Species</u> | <u>Present Location</u> | <u>Required Location</u> |
|----------------|-------------------------|--------------------------|
| <text>         | <text>                  | <text>                   |

The method statement shall be prepared by a qualified arborist or horticulturist and shall detail the following:

- pre-transplantation schedule of works;
- preparation of transplant site;
- transplantation method and
- post-transplantation after-care and duration.

The above details shall be reflected in the final Landscape Plans **to be submitted with the Construction Certificate application**.

*(Reason: Tree preservation)*

**DACCG01 - Available Visitor Car Parking Signage**

A sign shall be erected in a suitable location on the property near the driveway entrance indicating where visitor parking is available on the site. Details shall be submitted **prior to the issue of the Construction Certificate**.

*(Reason: Adequate access and egress)*

**DACCG02 - Bicycle Storage Provision**

Provision for bicycles shall be in accordance with the City of Canada Bay Development Control Plan for Bicycle Parking and Storage Facilities. Details shall be submitted **prior to the issue of the Construction Certificate**.

*(Reason: Convenience)*

**DACCG03 - Car Parking Areas for Multiple Use Buildings**

The following car parking and service vehicle requirements apply:-

- <\*\*\*\*>car spaces shall be provided on the development site.  
This shall comprise of:-
  - <\*\*\*\*>residential spaces;
  - <\*\*\*\*>visitor spaces;
  - <\*\*\*\*>business/commercial/retail premises spaces;
  - <\*\*\*\*>hotel guest spaces;
  - <\*\*\*\*>hotel function area spaces.<\*\*\*\*>car parking spaces for people with mobility impairment, in accordance with AS 2890.1.
- All car spaces shall be allocated and marked according to this requirement.
- 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.**
- 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.
- The parking bays shall be delineated by line marking.
- 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:-

- Signage indicating "Entry Only" shall be prominently displayed at the entrance to the development.
- Signage indicating "Exit Only" shall be prominently displayed at the exit to the development.
- One-Way directional arrows shall be painted on the driveway pavement 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)*

**DACCG04 - Disabled Car Parking Spaces**

<\*\*\*\*>of the car parking spaces provided as part of the total requirement shall be reserved for disabled persons. These spaces shall be a minimum of 3.2m wide x 5.5m long and located near pedestrian access routes designed for disabled persons. Each space shall be clearly marked as such.

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: To inform of relevant access requirements for persons with a disability)*

**DACCG05 - Emergency Vehicles - Pavement Design**

Internal access roads and driveways, which are required for access by service and/or emergency vehicles, shall be designed to withstand minimum laden weight of up to 24 tonnes. Details shall be submitted to and approved by the Accredited Certifier **prior to the issue of the Construction Certificate**.

*(Reason: Adequate access and egress)*

**DACCG06 - Maintaining Sight Lines (multi- unit development)**

All new walls adjacent to vehicular crossings must be lowered to a height of 600mm above the internal driveway level for a distance of 1.50m within the site or splayed 1.5 metre by 1.5 metre to provide satisfactory sight lines. Details are to be submitted to the Accredited Certifier **prior to the issue of a Construction Certificate** showing compliance with this condition.

*(Reason: Safety)*

**DACCG07 - Off Street Parking Provision - General**

<\*\*\*\*> off-street car parking spaces suitably marked in accordance with the approved plans (unless elsewhere specified) shall be provided. Each space shall have minimum dimensions in accordance with the relevant Australian Standard.

Details are to be submitted to the Accredited Certifier **prior to the issue of a Construction Certificate** showing compliance with this condition.

*(Reason: Parking and access)*

**DACCG08 - Off Street Car Parking Space Provision**

Car parking spaces shall be provided in accordance with the approved plans for the parking of resident and visitor vehicles on the site. In this regard, no less than <\*\*\*\*> spaces are required and designated as follows:

- (a) <\*\*\*\*> spaces per unit.
- (b) <\*\*\*\*> spaces for visitors.

- All car spaces shall be allocated and marked accordingly. If the development is to be strata subdivided, the car park layout must respect the above allocation and thereafter regarded as part of the entitlement of that unit.
- Each space shall have minimum dimensions in accordance with the relevant Australian Standard.
- Under no circumstances shall parking spaces be sold, let or otherwise disposed of for use other than in accordance with this condition.
- Visitor spaces shall only to be used by persons visiting residents of the property or persons with legitimate legal reason to be upon the land.
- Access to visitor parking shall not be restricted without development approval.
- A sign shall be erected at the vehicular entrance indicating the availability of visitor parking. Such spaces shall be clearly marked.

Details are to be submitted to the Accredited Certifier **prior to the issue of a Construction Certificate** showing compliance with this condition.

*(Reason: Parking and access)*

**DACCG09 - Ramp Width Requirements (multi-unit development)**

The internal driveway must be a minimum 5.50m wide (clear width) for the first 6 metres inside the property so as to allow entering & exiting vehicles to pass within the site. Should the driveway narrow after this point it is then to be designed with a minimum 1.5m x 1.5m splay to allow the passing to work. The building plans shall indicate compliance with this requirement **prior to the issue of a construction certificate.**

*(Reason: Safety and traffic management)*

**DACCG10 - Speed Hump and Stop Sign on Exit**

The applicant shall install a stop sign and a speed hump at the exit from the site. The stop sign must be accompanied by the associated line marking and the speed hump shall be set back by 1.5 metres from the boundary alignment. The devices shall be designed and constructed in accordance with the provision of all relevant Australian Standards. The building plans shall indicate compliance with this requirement **prior to the issue of a construction certificate.**

*(Reason: Traffic safety and management)*

**DACCG11 - Stacked Parking**

Any stacked parking spaces (maximum 2 spaces, nose to tail) must be attached to the same strata title comprising a single dwelling unit or commercial/retail tenancy, subject to the maximum parking limit applying. The stacked parking spaces must be designated (with appropriate signage) for employee or tenant parking only (not visitor parking). Details in this regard must be reflected in the plan documentation to be **lodged with a Construction Certificate** application. Manoeuvring of stacked vehicles must occur wholly within the property.

*(Reason: Compliance and appropriate allocation of parking)*

**DACCG12 - Stop Signs**

Appropriate sign(s) shall be provided and maintained within the site at the point(s) of vehicular egress to compel all vehicles to stop before proceeding onto any public way.

*(Reason: Adequate access and egress)*

**DACCH00 - Obscure Glazing for Privacy in Wet Areas**

All bathroom, ensuite and toilet windows shall be installed with obscure glazing.

*(Reason: Amenity)*

**DACCH01 - Lattice Screens for Privacy**

The <\*\*\*\*> side of the <\*\*\*\*> shall be screened to a height of 1.65 metres with lattice or similar material, having a minimum density of 85%. The changes in this regard shall be reflected as amended plans to be submitted to the Accredited Certifier **prior to the issue of a Construction Certificate** for the proposed development.

*(Reason: Amenity)*

**DACCH02 - Privacy - Balustrades**

In order to protect the privacy of adjoining premises, the balustrade to <\*\*\*\*> shall have a minimum density of <\*\*\*\*>% and be a minimum of 1.5 metres in height. The changes in this regard shall be reflected as amended plans to be submitted to the Accredited Certifier **prior to the issue of a Construction Certificate** for the proposed development.

*(Reason: Amenity)*

**DACCH03 - Privacy - Obscure Glass**

The <\*\*\*\*> windows on the <\*\*\*\*> elevation shall consist of obscure glass. The changes in this regard shall be reflected as amended plans to be submitted to the Accredited Certifier **prior to the issue of a Construction Certificate** for the proposed development.

*(Reason: Amenity)*

**DACCH04 - Window Sill Heights for Privacy**

The glazed surface of the <\*\*\*\*> windows on the <\*\*\*\*> elevation shall have a minimum sill height of <\*\*\*\*>mm. The changes in this regard shall be reflected as amended plans to be submitted to the Accredited Certifier **prior to the issue of a Construction Certificate** for the proposed development.

*(Reason: Amenity)*

### **DACCI01 - Damage Report**

**Prior to the issue of the Construction Certificate**, a Damage Report Form shall be completed and submitted to Council. This Damage Report Form is for the evaluation of the existing condition of the road reserve, and shall be filled out and signed by the Applicant and submitted to Council. This form is generally for "minor works" (as defined in the Driveways and Ancillary Works Application Form). For "major works", a Dilapidation Report will be required.

This Form is used to assist Council in determining the refund of any damage deposits and any likely repairs necessary upon the completion of the development.

When lodging the Damage Report Form, fees are payable in accordance with Council's fees and charges schedule, which will go towards administration and inspection costs.

The cost of repairing any damage to Council property (including the footpath, verge, street trees, kerb, gutter, road pavement or the like) during and/or immediately after construction must be paid to Council or shall be deducted from the damage deposit bond. Repair of damaged Council property by the Applicant or his agent is not permitted unless approved by Council.

For roadways requiring asphaltic concrete works or adjustment works, these shall be done to a minimum width as specified by Council. Minimum dimensions are given in Council's Specification for Driveway Construction or Specification for Restoration Works.

*(Reason: Maintain public assets)*

### **DACCI02 - Footpath Design Levels**

Where requested, detailed footpath levels shall be obtained from Council's Civil Infrastructure Assets Design & Investigations Manager **before finalisation of the footpath and driveway design for Construction Certificate Application**. Any required adjustments shall be included in the plans and the interface across the street boundaries shall be designed to incorporate smoothly the designated levels.

Unless an alternative specific design is submitted and approved by Council, the footpath levels adjoining the site shall generally be as follows:

- (a) The internal driveway levels shall be designed to meet Council's footpath verge levels such that a maximum cross fall of 2.5% is achieved where the formal footpath meets the driveway.
- (b) The level of the boundary line as it crosses the driveway shall incorporate a cross fall equivalent to the general longitudinal grade of the street. Any required adjustments shall be included in the plans and submitted for approval (under Section 138 of the Roads Act) **prior to the release of the Construction Certificate**. Care should be taken in steep landforms to ensure scraping of vehicles is avoided.

**Note: Care should be taken in steep landforms to ensure scraping of vehicles is avoided.**

*(Reason: Public Infrastructure)*

### **DACCI03 - Protection of Public Places**

The adjoining or adjacent public area is not to be obstructed by any materials, vehicles, refuse skips and the like, under any circumstances unless approved in writing by Council.

If the work involved in the demolition or construction of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves the closure of a public place, a barrier, fence or hoarding shall be erected **prior to the commencement of any work** subject to approval of a Traffic Management Plan.

An application to occupy public space is to be submitted to Council for approval prior to commencement of works.

Where a hoarding is required, an application for hoarding is also to be submitted to and approved by Council prior to commencement of any work. Hoardings shall be erected to comply with the requirements of WorkCover, the Principal Certifying Authority and with relevant Australian Standards.

*(Reason: Safety)*

**DACCI04 - Submission of Plans for Works within the Road Reserve**

The submission to Council of three (3) copies and an electronic copy of Civil Engineering drawings for the design of all works within the road reserve required adjacent/near/outside <insert address> including long and cross sections, details of proposed structures, ancillaries (eg. footpaths, signage etc.) and specifications.

The drawings must be approved by Council in writing and all fees and charges paid **prior to the issue of the Construction Certificate**.

Such design shall be:

- (a) Prepared and submitted on A1, or A3 size sheets, undertaken by a consulting Civil Engineer,
- (b) Approved in writing by Council under Section 138 of the Roads Act., prior to the issue of the Construction Certificate, and
- (c) All Civil Engineering works adjacent/near/outside [address] is to be fully supervised by Council. A maintenance period of six (6) months or as specified by Council shall apply to the work after it has been completed and approved. 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 conditions, and
- (d) Upon completion of the works, the Applicant is to provide to Council two (2) copies 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 the Design Engineer.

**Note: Driveway construction will require a separate approval through a Driveway Application.**

*(Reason: To ensure compliance of engineering works/Council assets are constructed to acceptable standards for engineering works)*

**DACCI05 - Vehicular Crossings**

Full-width, heavy-duty concrete vehicular crossing(s) shall be installed across the footpath at the entrance(s) and/or exit(s) to the site, subject to separate Council approval. In this regard the Applicant must obtain a copy of Council's "Appendix 2 – Engineering Specifications of the Canada Bay Development Control Plan" and lodge an application for vehicular crossing(s) (available from Council's Customer Services Centre or can be downloaded from Council's website), and pay the appropriate fees and charges **prior to the lodgement of the Construction Certificate**.

*(Reason: To ensure appropriate access to the site can be achieved)*

**DACCJ01 - Hoardings**

A Hoarding Application 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. The copy is to be provided to Council **prior to the issue of a Construction Certificate**.

*(Reason: Safety & information)*

**DACCJ02 - Redundant Vehicular Crossings and Ancillary Works**

Where new pavement, repair or reinstatement of footpath or other ancillary works such as kerb and gutter and stormwater pit construction is proposed, the Applicant shall complete a Section 138 Civil Works in the Public Domain Area Application for major works, or for minor works (as defined in the Driveways & Ancillary Works Application) adjacent to the site, an application for "Driveway & Ancillary Works" and submit the application to Council for approval **prior to the issue of a Construction Certificate**. Both forms are available from Council's Customer Services Centre or can be downloaded from Council's website.

All disused or redundant vehicle crossings and laybacks shall be removed and reinstated with concrete kerb and gutter or to the existing edging profile as specified by Council and the footpath area is to be restored to the satisfaction of Council's Utilities & Development Engineer, **prior to the issue of the Occupation Certificate**.

*(Reason: Public infrastructure maintenance)*

**DACCJ03 - Separate Approval for Works in the Public Road (External Works) - Section 138 Roads Act**

Pursuant to Section 138 of the Roads Act 1993 and **prior to the issue of a Construction Certificate**, the applicant must submit detailed plans to and obtain a written approval from the Appropriate Road Authority (usually Council for Local and Regional Roads and both Council and Roads & Maritime Services (RMS) for Arterial Roads), for any works in the road reserve.

Additionally, where the work involves closure of a carriageway on a State Road, Regional Road, or it is such that it may impact the traffic flow on a State Road or Regional Road, or is within close proximity of a Traffic Facility (eg Traffic Lights) then a Road Occupancy License (ROL) must be obtained from the Planned Incidents Unit of the Traffic Management Centre of the RMS. The application should be lodged at least 10 days prior to the planned commencement date.

*(Reason: Protection of Public Assets and information)*

**DACCK01 - Application for a Construction Certificate**

The applicant must apply to Council or an Accredited Certifier for a Construction Certificate to carry out the relevant building works that are approved by this consent. The details to be included in the application for a Construction Certificate are:

- (a) Architectural plans and specifications complying with the Building Code of Australia (BCA), relevant Australian Standards, and the development consent and conditions.
- (b) If Council issues the Construction Certificate, engineering details must be submitted for approval for all structural elements, including but not limited to, piers, footings, reinforced concrete slab, first floor joist layout, roof trusses, steel beams and the like. The details must be prepared by a practising consulting structural engineer. Also a certificate from the engineer must be included certifying that the design fully complies with appropriate SAA Codes and Standards and the Building Code of Australia requirements.

**Note:** The engineer/s undertaking certification must be listed on the National Professional Engineers Register under the appropriate category.

- (c) Geotechnical report for the site, prepared by a qualified geotechnical engineer detailing the foundation conditions of the site and solutions for consideration by a structural Engineer.
- (d) Essential services plan outlining the existing and proposed fire safety measures.
- (e) Disabled access provisions to common and public areas in accordance with AS1428.
- (f) If an alternative solution to the "deemed to satisfy" provisions of BCA is proposed, the following details must be lodged:

- Performance requirements that the alternative solution intends to meet.
- Assessment methods used to determine compliance with the performance requirements, including if and how each performance objective impacts on other requirements of the BCA; and
- A statement about the person who prepared the alternate solution, indicating qualifications, experience, insurance details, and membership of an approved accreditation body

**Note:** The performance-based application may be required to be reviewed by a suitably qualified independent body at the applicant's expense. Any fees relating to any review are required to be paid **prior to the issue of the Construction Certificate**.

*(Reason: Statutory requirement)*

**DACCK01A - Application for a Construction Certificate (Residential Developments)**

The applicant must apply to Council or an Accredited Certifier for a Construction Certificate to carry out the relevant building works that are approved by this consent. The details to be included in the application for a Construction Certificate are:

- (a) Architectural plans and specifications complying with the Building Code of Australia (BCA), relevant Australian Standards, and the development consent and conditions.
- (b) If Council issues the Construction Certificate, engineering details must be submitted for approval for all structural elements, including but not limited to, piers, footings, reinforced concrete slab, first floor joist layout, roof trusses, steel beams and the like. The details must be prepared by a practising consulting structural engineer. Also a certificate from the engineer must be included certifying that the design fully complies with appropriate SAA Codes and Standards and the Building Code of Australia requirements.

**Note:** The engineer/s undertaking certification must be listed on the National Professional Engineers Register under the appropriate category.

- (c) If an alternative solution to the "deemed to satisfy" provisions of BCA is proposed, the following details must be lodged:
  - Performance requirements that the alternative solution intends to meet.
  - Assessment methods used to determine compliance with the performance requirements, including if and how each performance objective impacts on other requirements of the BCA; and
  - A statement about the person who prepared the alternate solution, indicating qualifications, experience,



insurance details, and membership of an approved accreditation body

**Note:** The performance-based application may be required to be reviewed by a suitably qualified independent body at the applicant's expense. Any fees relating to any review are required to be paid **prior to the issue of the Construction Certificate**.

*(Reason: Statutory requirement)*

**DACCK02 - BASIX Commitments**

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

Where a change or changes are proposed in the BASIX commitments, the applicant must submit a new BASIX Certificate to the Accredited Certifier and Council. If any proposed change in the BASIX commitments is inconsistent with the development consent the applicant will be required to submit a modification to the development consent to Council under Section 4.55 of the Environmental Planning and Assessment Act 1979.

All commitments in the BASIX Certificate must be shown on the plans accompanying the Construction Certificate **prior to the issue of any Construction Certificate**.

*(Reason: Statutory Compliance)*

**DACCK03 - Energy Australia Requirements**

The approved development must comply with the requirements of Energy Australia. **Prior to the issue of a Construction Certificate**, the applicant shall demonstrate to the Accredited Certifier that any such requirements have been complied with.

*(Reason: Statutory requirement)*

**DACCK04 – S7.4 Planning Agreement**

In accordance with Section 7.7(3) of the Environmental Planning and Assessment Act 1979, the Voluntary Planning Agreement offered by the developer in respect of the Development Application, the subject of this consent, to <insert agreed outcomes from agreement> must be entered into **prior to the issuing of a Construction Certificate by the Accredited Certifier**. The terms of the Voluntary Planning Agreement must, thereafter, be adhered to.

*(Reason: To ensure compliance with the terms of the S7.4 Agreement)*

**DACCK05 - Planning Agreement S7.4 - Bank Guarantee/Bond**

A Bank Guarantee/Bond for the amount agreed by Council to cover the cost of the works involved in the Voluntary Planning Agreement shall be submitted to Council **prior to the issue of a Construction Certificate by the Accredited Certifier**. The Bank Guarantee shall be registered with Council and a stamped copy recording the receipt of the Guarantee by Council shall be produced for the **Accredited Certifier prior to the issue of the Construction Certificate**.

*(Reason: Fees and charges)*

**DACCK06 - Surrender of Consent**

The applicant shall surrender the consent relating to DA No. <\*\*\*\*> for <address> and <use> by submitting an application for 'Surrender of a Consent' to Council in accordance with the *Environmental Planning and Assessment Regulation 2000*, **prior to release of the Construction Certificate**.

*(Reason: To ensure that there is certainty as to the consent applying to the land)*

**DACCK07 - Fire Hydrant Booster Assembly**

In order to ensure an overall high quality finish and streetscape presentation, details of the location, enclosure and landscaping treatment to the fire hydrant booster assembly are to be submitted to, and approved by Council, prior to the issue of a Construction Certificate.

*(Reason: Streetscape amenity)*

**DACCL01 - Detailed Stormwater Drainage System Design**

**Prior to the issue of the Construction Certificate** 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 and approved by the Accredited Certifier.

Should any changes be required to the approved stormwater drainage plan, the amended design shall achieve equivalent performance standards in accordance with Council's "Appendix 2 – Engineering Specifications of the Canada Bay Development Control Plan".

**Important Note:** Construction Certificate Approval does not include approval for works external to the property. Where the proposed design extends beyond the property boundary, separate approval under Section 138 of the Roads Act 1993, must be obtained from Council prior to the commencement of works.

The applicant is advised to contact Council for clarification of proposed works for which approval under Section 138 applies.

*(Reason: Stormwater management)*

#### **DACCL02 - Certification of the Stormwater Drainage System Design**

The proposed stormwater design shall be certified by a suitably qualified person, in accordance with Council's "Appendix 2 – Engineering Specifications of the Canada Bay Development Control Plan", and shall be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate**.

Certification of the proposed stormwater design shall be obtained from a Chartered Professional Civil Engineer with Institution of Engineers, Australia Corporate Membership and registered on the National Engineers Register (NER) and shall be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate**. . *(Delete this paragraph if works are for minor residential structures or additions)*

*(Reason: Adequate stormwater management)*

#### **DACCL03 - Construction or Re-direction of a Stormwater Drainage System**

No line of natural drainage or any stormwater drainage channel, pipeline, pit or any other drainage infrastructure shall be filled in, relocated, diverted or otherwise interfered with, except by the construction of a pit, pipeline of a specific size, material and location approved by Council.

Where consent is granted for the changes to a drainage line or system, Engineering Plans in accordance with Council's "Appendix 2 – Engineering Specifications of the Canada Bay Development Control Plan" **shall be submitted prior to the issue of a Construction Certificate**.

*(Reason: Protection of existing drainage infrastructure)*

#### **DACCL04 - Erosion and sedimentation controls**

Erosion and sedimentation controls must be provided to ensure:

- (a) Compliance with the approved Soil and Water Management Plan
- (b) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval)
- (c) All 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 to be implemented on site must be submitted **with the Construction Certificate Application**. Under no circumstances may any works commence prior to these details being approved by the Accredited Certifier and the controls being in place on the site

*(Reason: Environmental protection)*

#### **DACCL05 - Grated Drain to Garage**

A grated trench drain shall be provided across the (garage entrance/driveway/street boundary). Unless otherwise designed by a Qualified Civil Engineer, the dimensions of the trench grate shall not be less than 200mm wide by 150mm deep at the

shallow end, and have a “bottom” slope of 2 %. This trench drain shall be connected to an approved drainage system. The grated drain calculation shall be in accordance with AS/NZS3500.

The above information must be indicated on all relevant drawings **to be submitted with the Construction Certificate**.

*(Reason: Environmental protection)*

#### **DACCL06 - Rainwater Re-use**

A rainwater harvesting system shall be provided in accordance with either the BASIX minimum requirements, any relevant Council Rainwater Re-use Policy and/or “Engineering Requirement for Developments, Technical Specification”, whichever is applicable. A detailed stormwater plan showing the proposed re-use system shall be submitted and approved by Council or an Accredited Certifier **prior to the issue of the Construction Certificate**.

*(Reason: Compliance and Amenity)*

#### **DACCL07 - Silt Arrestors and Gross Pollutant Traps**

Silt and gross pollutant traps shall be fitted in all stormwater pits, designed in accordance with Council’s “Appendix 2 – Engineering Specifications of the Canada Bay Development Control Plan” and to the satisfaction of Council or an Accredited Certifier. Details are to be submitted with the design **prior to the issue of the Construction Certificate**.

*(Reason: Environmental Protection)*

#### **DACCL08 - Installation of Temporary Rock Anchor**

Where rock anchors are proposed for the protection of Council’s land or assets such as utility services, footpaths, kerb and gutter and other ancillary infrastructure, “An Application to Install Temporary Rock Anchors” shall be submitted with the relevant fees & charges paid **prior to the issue of a Construction Certificate**. An Application for the use of temporary rock anchors will only be considered if there is no other alternative method of stabilization. In this regard, a statement from a qualified Structural or Geotechnical Engineer is required to be submitted with the application.

The Applicant/Developer must provide full details of the proposed installation design details and certification from a Qualified Civil, Structural or Geotechnical Engineer, for Council’s approval, **prior to the issue of a Construction Certificate**.

The Civil, Structural or Geotechnical Engineer must be a fully Qualified Chartered Professional Engineer with current Institution of Engineers, Australia Corporate Membership and registered on the National Engineers Register (NER).

*(Reason: Protection of Council Assets)*

#### **DACCL09 - Control of Seepage Water**

A holding tank shall be provided to store seepage water for a period of 24 hours. The discharge of seepage water to the kerb is to be restricted between 11:00pm and 3:00am at a maximum discharge rate of 5.0 L/s. A minimum of seepage rate of 0.001 L/s per sqm shall be adopted to calculate the capacity of the holding tank unless a geotechnical report prepared by a qualified Geotechnical Consultant is submitted which provides a different seepage rate, **prior to the issue of a Construction Certificate**.

*(Reason: Prevention of public nuisance)*

#### **DACCL10 - Stormwater Connection to Public Drainage System within property**

If a stormwater connection into Council’s drainage system within a property is proposed, a separate application shall be submitted to Council under Section 68 of the Local Government Act for approval **prior to the issue of a Construction Certificate**. Council will undertake inspections of the connection at various stages (at exposure stage, connection stage and backfilling stage).

*(Reason: Protection and Maintenance of Council assets)*

#### **DACCM01 - 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 and 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: Safety)*

**DACCM02 - Geo-technical Report**

A comprehensive geo-technical engineering report assessing the impact and safety of the proposed works shall be prepared by a suitably experienced and qualified geo-practitioner and **submitted with any Construction Certificate**. The report must include the results of subsurface investigations involving either test pits to rock, or preferably the drilling of cored boreholes (to 1m below the proposed final excavation level). The report shall describe inter alia:-

- (a) an indication of the nature and depth of any uncontrolled fill at the site;
- (b) an indication of the nature and condition of the material to be excavated;
- (c) indications of groundwater or seepages;
- (d) required temporary measures for support of any excavations deeper than 1m adjacent to property boundaries;
- (e) statement of required excavation methods in rock and measures required to restrict ground vibrations;
- (f) other geo-technical information or issues considered relevant to design and construction monitoring.

*(Reason: Structural safety)*

**DACCM02B - Environmental Management Plan**

On completion of remedial works, an Environmental Management Plan (EMP) shall be prepared by an appropriately qualified and experienced environmental consultant. The EMP must be prepared in accordance with relevant NSW EPA Guidelines.

This Long-term EMP shall describe the nature and location of the contamination and prescribe how the contaminants will be managed and the responsible parties for this management in the long-term.

The Long-term EMP shall be submitted for review by a NSW EPA accredited site auditor prior to the commencement of construction and the issue of a construction certificate.

Note: A Long-term Environmental Management Plan (EMP) is also known as a Long-term Site Management Plan (SMP).

**DACCM03 - Structural Adequacy of Existing Structure**

A Certificate of Structural Adequacy prepared and signed by a qualified practising Structural Engineer with suitable professional indemnity cover must be submitted to the Accredited Certifier in respect of the load carrying capabilities of the existing structure to support the proposed additions **prior to the issue of a Construction Certificate**.

*(Reason: Structural safety)*

**DACCM04 - Support and Protection for Neighbouring Buildings**

If an excavation associated with the approved development extends below the level of the base of the footings of a building on an adjoining allotment of land, the person having the benefit of the development consent must, at the person's own expense, comply with the requirements of clause 98E of the Environmental Planning and Assessment Regulation 2000, including:

- (1) (a) protect and support the adjoining premises from possible damage from the excavation, and  
(b) where necessary, underpin the adjoining premises to prevent any such damage.
- (2) The condition referred to in subclause (1) 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.

Details shall be submitted to the Accredited Certifier **prior to the issue of a Construction Certificate**.

*(Reason: Structural safety)*

**DACCM05 - Acid Sulfate Soils - Preliminary Assessment**

A preliminary acid sulfate soil assessment is required on this site as it is within 500m of a class 2 acid sulfate soil classification. The proposed development has the potential of removing greater than 1 tonne of soil from the site or lowering the water table to below 1 metre. This is to be carried out by a suitably qualified person in accordance with the acid sulfate soils assessment guidelines (ASSMAC August 1998). The preliminary assessment shall be submitted to Council **prior to the issue of a Construction Certificate**.

*(Reason: Compliance and Environmental Protection)*

**Note:** The Acid Sulphate Soils Management Plan submitted and approved with the Development Application sets out the management of the site in detail.

*(Reason: Compliance with condition of consent)*

**DACCM06 - Acid Sulfate Soils - Detailed Assessment**

A detailed acid sulfate soil assessment is required. This is to be carried out by a suitably qualified person and in accordance with the acid sulfate soils assessment guidelines (ASSMAC August 1998). The detailed assessment shall be submitted to Council **prior to the issue of a Construction Certificate**.

*(Reason: Compliance and Environmental Protection)*

**DACCM07 - Statement from a Geotechnical Engineer**

A Statement is to be provided by a suitably qualified geo-technical engineer stating that no more than 1 tonne of soil will be removed from the site and the groundwater table will not be affected by the development. This Statement shall be submitted to Council **prior to the issue of a Construction Certificate**.

*(Reason: Compliance and Environmental Protection)*

**DACCN01 - 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 to a customer pole erected near the front property boundary (within 1 metre)

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

Details are to be submitted **with the application for a Construction Certificate**.

*(Reason: Environmental Amenity)*

**DACCN02 - Electricity Substation**

Any required electricity substation must be located within the boundaries of the site.

Documentary evidence of compliance, including correspondence from the energy authority is to be provided to the Accredited Certifier **prior to the issue of a Construction Certificate** detailing the energy authority's requirements.

**Note:** Where an electricity substation is required but no provision has been made to place it within the approved building or its site and no details are provided on the approved development consent plans, a section 96 application is required to be submitted to Council for approval of an appropriate location for the required electricity substation.

*(Reason: Access to utility)*

**DACCN03 - Telecommunications**

Provision must be made for relocation of telecommunications network assets including underground placement of any existing aerial cables and infrastructure. Any costs associated with the relocation of the above are at the requestor's expense.

Should you need to discuss access to or relocation of any Telstra assets please contact Telstra's Network Integrity team by email [F1102490@team.telstra.com](mailto:F1102490@team.telstra.com) or by phone: 1800 810 443 (opt1).

Details are to be submitted **with the application for a Construction Certificate**.

*(Reason: Environmental Amenity)*

**DACCO01 - Installation of Stage 1 vapour recovery (VR1)**

*The proponent must install VR1 control equipment in accordance with Part 6 of the Protection of the Environment Operations (Clean Air) Regulation 2010 and the Standards and Best Practice Guidelines for VR at Petrol Service Stations, as published from time to time.*

*(Reason: Environmental Protection)*

**DACCO02 - Installation of Stage 2 vapour recovery (VR2)**

The proponent must install VR2 control equipment in accordance with Part 6 of the Protection of the Environment Operations (Clean Air) Regulation 2010 (the Regulation) and the *Standards and best practice guidelines for vapour recovery at petrol service stations*, as published from time to time.

*(Reason: Environmental Protection)*

## Conditions which must be satisfied prior to the commencement of any development work

### **DAPCA01 - Bushland Protection**

To control the spread of weeds or exotic seeds into the adjoining bushland reserve, a strip of filter fabric is to be attached to the sediment fence **prior to the commencement of demolition, excavation or building works**. The filter fabric is to be a minimum of 50mm into the existing ground and is to extend a minimum 150mm above existing ground. The filter fabric is to be securely attached to the entire length of the sediment fence. The build-up of sediment against the filter fabric is to be regularly removed and disposed of responsibly off site to ensure on-going effectiveness.

*(Reason: Tree preservation)*

### **DAPCA02 - Initial Arborist Report**

The applicant must engage a suitably qualified and experienced arborist (Australian Qualification Framework Level 5 or above) to assess the impact of the proposed works and employ industry best practices (e.g. minimise compaction, soil build up and or excavation within the Primary Root Zone\*) to ensure the longevity of the trees to be retained. The arborist is to prepare and submit, to the satisfaction of the Accredited Certifier, a report **prior to works proceeding** documenting the measures to be employed and certifying that they have been implemented.

- primary root zone = 10 x trunk diameter 1400mm from ground level (measured as a radius from the centre of the trunk).

*(Reason: Qualified assessment of impact of proposed works on trees to be retained)*

### **DAPCA03 - Protection of Landscape Features**

To limit the potential for damage to the following tree/s to be retained, the area beneath their canopies must be fenced **prior to the commencement of demolition, excavation or building works**.

| <u>Species</u> | <u>Location</u> |
|----------------|-----------------|
| <text>         | <text>          |

The fencing must extend <\*\*\*\*>mm beyond the trees trunk, be kept in place until the completion of the building works and be marked by appropriate signage notifying site workers that the tree is to be retained and protected. The fencing should be a minimum of 1800mm high chain link fencing. All fencing shall be maintained for the duration of the construction works.

All areas within the perimeter of the safety fencing shall be covered with woodchip mulch to a depth of 100mm (or where steep grades prevent this, the area shall be protected with a suitable material) to facilitate moisture levels. Adequate soil moisture must be maintained during the course of the construction works through the implementation of a permanent or temporary automatic drip irrigation system.

*(Reason: Protection of trees to be retained)*

### **DAPCA04 - Removal of Trees**

The following trees are approved for removal:

| <u>Species</u> | <u>Location</u> |
|----------------|-----------------|
| <text>         | <text>          |

To ensure the protection of tree/s to be retained on site all removals are to be undertaken by a suitably qualified arborist practicing industry current arboricultural best practice methods.

Trunk protection to applicable trees must be in place **prior to the commencement of any works**.

*(Reason: Compliance with consent and tree protection)*

### **DAPCA05 - Trunk Protection**

To limit the potential for damage to trees to be retained, trunk protection measures must be installed for the following tree/s **prior to the commencement of demolition, excavation or building works**:

| <u>Species</u> | <u>Location</u> |
|----------------|-----------------|
| <text>         | <text>          |

Trunk protection shall comprise the placement of 2000mm lengths of 100mm x 50mm hardwood battens organized vertically at 150mm centres around the trunk and secured in place by metal strap bindings or ten gauge fencing wire fixed at 300mm centres. Prior to placing battens a soft protective padding must be installed to the ends of the timbers to prevent damage to the bark and conductive tissue. Under no circumstances are the battens to be secured to the tree by a method that involves the trunk being penetrated by a nail, screw, rod or the like. **Trunk protection must remain in place for the duration of the works.**

*(Reason: Tree trunk protection)*

**DAPCB01 - Appointment of Principal Certifying Authority**

No work shall commence in connection with this Development Consent until:

- (a) A construction certificate for the building work has been issued by:
  - (i) the consent authority; or
  - (ii) an accredited certifier; and
- (b) the person having the benefit of the development consent has:
  - (i) appointed a principal certifying authority for the building work, and
  - (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
- (b1) the principal certifying authority has, no later than 2 days before the building work commences:
  - (i) notified the Council of his or her appointment, and
  - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- (b2) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
  - (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
  - (ii) notified the principal certifying authority of such appointment, and
  - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- (c) the person having the benefit of the development consent has given at least 2 days notice to the Council of the person's intention to commence the erection of the building.

Note: If the principal certifying authority is the Council, the nomination will be subject to the payment of a fee for the service to cover the cost of undertaking all necessary inspections and the issue of the appropriate certificates.

Under the Environment Planning and Assessment (Quality of Construction) Act, 2003, a sign must be erected in a prominent position on the work site showing the name, address and telephone number of the principal certifying authority; the name of the principal contractor (if any) for the building work and a telephone number at which that person may be contacted outside working hours. That sign must also state that unauthorised entry is prohibited. The sign must not be removed until all work has been completed.

*(Reason: Statutory requirements)*

**DAPCB02 - Construction Certificate**

No work shall commence until you:

- (a) Obtain a Construction Certificate from either the City of Canada Bay Council or an Accredited Certifier - a fee applies for this service; and
- (b) Lodge with the City of Canada Bay Council any Construction Certificate obtained from an Accredited Certifier (together with associated plans and documents) - a fee applies for this service

*(Reason: Statutory Requirement)*

**DAPCB04 - Home Building Compensation Fund**

No residential building work within the meaning of the *Home Building Act 1989* may commence until:

- (a) A contract of insurance in accordance with Part 6 of the Home Building Act 1989 is entered into and in force, where such a contract is required under that Act (this is a prescribed condition of consent pursuant to clause 98 1(b) *Environmental Planning and Assessment Regulation 2000*;
- (b) The PCA is satisfied that the principal contractor for the work is the holder of the appropriate licence and is covered by the appropriate insurance, in each case if required by the Home Building Act 1989 (unless the work is to be carried out by an owner-builder);
- (c) If the work is to be carried out by an owner builder, that the owner builder is the holder of any owner-builder permit required under the *Home Building Act 1989*;



- (d) Written notice of the following information has been provided to Council (this is a prescribed condition of consent pursuant to clause 98B of the *Environmental Planning and Assessment Regulation 2000*):
- (i) In the case of work for which a principal contractor is required to be appointed:
    - The name and licence number of the principal contractor, and
    - The name of the insurer by which the work is insured under Part 6 of the *Home Building Act 1989*,
  - (ii) In the case of work to be done by an owner-builder:
    - The name of the owner-builder, and
    - If the owner-builder is required to hold an owner-builder permit under the *Home Building Act 1989*, the number of the owner-builder permits.

Where Council is not the PCA, the PCA is responsible for notifying Council of the above matters.

Where arrangements for doing residential building work change **while the work is in progress** so that the above information becomes out of date, the PCA (where not the Council) must provide Council with written notice of the updated information.

*(Reason: Statutory requirement)*

#### **DAPCB05 - Notice of commencement**

No work shall commence until you submit a notice of commencement (form will be attached with issue of a Construction Certificate or available from our website) giving Council:

- (a) Not less than two (2) days' notice of the date on which it is proposed to commence work associated with this Development Consent;
- (b) Details of the appointment of a Principal Certifying Authority (either Canada Bay Council or another Accredited Certifier)
- (c) Details of the name, address and licence details of the Builder.

*(Reason: Statutory Requirement)*

#### **DAPCB06 - 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 in accordance with Clause 146 of the Environmental Planning and Assessment Regulation 2000. The site shall be maintained in a clean and orderly condition during demolition and construction works.

#### *Hoardings*

If applicable, a separate Hoarding Application for the erection of an A class (fence type) or B class (overhead type) hoarding along the street frontage(s) complying with WorkCover requirements must be obtained including:

- payment to Council of a footpath occupancy fee based on the area of footpath to be occupied and Council's Schedule of Fees and Charges before the commencement of work; and
- provision of 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 provided to Council.

*(Reasons: Statutory Requirement and health and safety)*

#### **DAPCB07 - Principal Certifying Authority (PCA) Sign**

**Prior to commencement of any work**, signage must be erected in a prominent position on the work site identifying:

- The Principal Certifying Authority (PCA) by showing the name, address and telephone number of the PCA;
- The Principal Contractor by showing the Principal Contractor's name, address and telephone number (outside of work hours) for that person.
- The sign must state that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the work is being carried out, but must be removed when the work has been completed.

This clause does not apply to building work, subdivision 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)*

**DAPCB08 - Sydney Water Tap in Approvals**

The approved plans must be submitted through the Sydney Water 'Tap in' portal to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Sydney Water 'Tap in' customers will receive an approval receipt. For further details please refer to Sydney Water's web site at [www.sydneywater.com.au/tapin](http://www.sydneywater.com.au/tapin) or call 1300 082 746.

The Accredited Certifier must ensure that the plans have been approved through the Sydney Water 'Tap in' process and an approval receipt issued **prior to the commencement of works**.

*(Reason: Statutory Requirement)*

**DAPCB09 - Toilet Amenities on Construction Site**

**Prior to commencement of any building works**, toilet facilities for employees must be provided in accordance with WorkCover NSW requirements.

Where female workers are present on site, appropriate measures for sanitary item disposal should be made, such as a disposal unit provided in the portable toilet or sewer connected toilet closet.

*(Reason: Statutory Requirement - Health and amenity)*

**DAPCB10 - Notice of Requirements from Sydney Water**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through Sydney Water or an authorised Water Servicing Coordinator (WSC). An assessment will be made to determine the availability of water and sewer services, which may require extension, adjustment or connection to Sydney Water mains. Please refer to Sydney Water's website at [www.sydneywater.com.au/section\\_73](http://www.sydneywater.com.au/section_73) or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

Following application, Sydney Water will assess the development and if required will issue a "Notice of Requirements" letter detailing all requirements that must be met. Please apply early as building of water and services can be time consuming and may impact on other parts of your development such as building, driveway or landscape design.

The Notice of Requirements must be submitted to the Accredited Certifier **before the commencement of works**. A Section 73 Compliance Certificate must be obtained before the issue of an Occupation Certificate.

*(Reason: To comply with statutory requirements)*

**DAPCC01 - Erosion & Sediment Control: Minor works - Prior to construction**

Erosion and sedimentation controls shall be in place **prior to the commencement of site works**; and maintained throughout construction activities until the site is landscaped and/or suitably revegetated. The controls shall be in accordance with the details approved by Council and/or as directed by Council Officers. These requirements shall be 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 at all times during construction and made available to Council officers on request.

Erosion and sediment control measures as detailed in the submitted Erosion and Sediment Control Plan must be installed and operating **prior to and during all construction works**.

*(Reason: Environmental protection)*

**DAPCC02 - Soil & Water Management during Construction**

Landcom's "Managing Urban Stormwater - Soil and Conservation" August 1998 outlines the general requirements for the preparation of a soil and water management plan. All works shall be conducted in accordance with a soil and water management plan that has been submitted and approved by the Accredited Certifier **prior to the commencement of works**. A copy of the plan shall be kept on-site and made available to Council's Officers on request. All erosion and sediment control measures must be maintained in a functional condition throughout the duration of the works.

*(Reason: Environmental protection)*

## Conditions which must be satisfied during any development work

### **DADWA01 - Burning and Burying of Waste**

No materials or rubbish resulting from the land clearing, demolition and building works must be burnt or buried on the site.

*(Reason: Health and amenity)*

### **DADWA02 - 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.

*(Reason: Safety and amenity)*

### **DADWA03 - Disruption of Traffic**

During any construction works on the public road that is associated with this approval, the Applicant must provide appropriate signage and traffic control facilities as per the requirements of AS 1742.3 and the RTA "Traffic Control at Works Sites" manual.

*(Reason: Safety and information)*

### **DADWA04 - 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:

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

*(Reason: Environmental amenity)*

### **DADWA05 - Excavation - Water**

All excavations must be kept free from the accumulation of water.

*(Reason: Health and safety)*

### **DADWA06 - Prevention of Nuisance**

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.

*(Reason: Health and amenity)*

**DADWB01 - Acid Sulphate Soils Plan - Compliance**

The Principal Contractor/Owner Builder and any sub-contractor must comply with the approved Acid Sulphate Soil Management Plan and the Acid Sulphate Soils - Planning Guidelines by the NSW Acid Sulphate Soils Management Advisory Committee Guidelines, August 1998.

**Note:** The Acid Sulphate Soils Management Plan submitted and approved with the Development Application sets out the management of the site in detail.

*(Reason: Compliance with condition of consent)*

**DADWB02 - Acid Sulphate Soils**

Any excavation works carried out on site should be closely monitored to ensure no signs of Potential Acid Sulphate Soil (PASS) or Actual Acid Sulphate Soil (AASS) 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 is to be notified and a suitably qualified environmental scientist should be contracted to further assess the site.

*(Reason: Environmental protection)*

**DADWB02B - Acid Sulphate Soils Consultant's Report**

All recommendations made in the Preliminary Site Investigation dated *(insert date)* prepared by *(insert consultants name)* must be implemented. Any change made to the site that that will or is likely to impact the recommendations of the Preliminary Site Investigation will require a further assessment and is to be provided to Council prior to the commencement of works.

*(Reason: Compliance and Environmental Protection)*

**DADWB03 - Construction Management Plan**

All development activities and traffic movements must be carried out in accordance with the approved Construction Management Plan.

All controls in the Plan must be maintained at all times. A copy of the Plan must be kept on site at all times and made available to the Accredited Certifier and Council on request.

*(Reason: Compliance with condition of consent)*

**DADWB04 - Damage to Adjoining Properties**

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.

*(Reason: Structural safety)*

**DADWB05 - Stamped Plans**

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

*(Reason: To ensure compliance with approved plans)*

**DADWB06 - Site requirements during demolition and construction**

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

- (a) All demolition is to be carried out in accordance with Australian Standards AS 2601-2001.
- (b) Demolition must be carried out by a registered demolition contractor.
- (c) 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.
- (d) No blasting is to be carried out at any time during construction of the building.
- (e) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- (f) 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.
- (g) Any demolition and excess construction materials are to be recycled wherever practicable.

- (h) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- (i) 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.
- (j) 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.
- (k) All materials on site or being delivered to the site are to generally be contained within the site. The 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.
- (l) 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.
- (m) 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.
- (n) 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.
- (o) Building operations such as brick cutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
- (p) 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.

*(Reason: To ensure that demolition, building and any other site works are undertaken in accordance with relevant legislation and policy and in a manner which will be non-disruptive to the local area.)*

#### **DADWC01 - 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 Environment.

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: To ensure compliance with Statutory Requirements)*

#### **DADWC02 - Interim Site Audit Review**

A NSW EPA Accredited Site Auditor shall review the Validation Report and Environmental Management Plan to certify that the site remediation has been completed in accordance with the approved Remedial Action Plan.

Following this, the Site Auditor shall prepare and submit to Council an Interim Site Audit Advice in accordance with the NSW EPA 'Guidelines for the NSW Site Auditor Scheme' 2006.

The applicant must also comply with any additional requirements or conditions imposed by the accredited site auditor if required.

The Interim Site Audit Advice must be submitted to the satisfaction of City of Canada Bay, **prior to the issue of a construction certificate.**

*(Reason: To ensure compliance with Statutory Requirements)*

#### **DADWC03 - Construction Environmental Management Plan for Remediation**

A Construction Environmental Management Plan (CEMP) must be prepared for the proposed remedial works in accordance with the requirements of the approved Remedial Action Plan. The CEMP must be prepared by an appropriately qualified and experienced environmental consultant.

The CEMP for Remediation must include, but not be limited to, the following:

- i. Asbestos Management Plan.
- ii. Project Contact Information.
- iii. Site Security Details.

## Standard Conditions of Consent

- iv. Timing and Sequencing Information.
- v. Site Soil and Water Management Plan
- vi. Noise and Vibration Control Plan.
- vii. Dust Control Plan.
- viii. Air Monitoring.
- ix. Odour Control Plan.
- x. Health and Safety Plan.
- xi. Waste Management Plan.
- xii. Incident Management Contingency.
- xiii. Unexpected Finds Protocol.

The CEMP must be prepared and implemented to the satisfaction of the supervising environmental consultant. The environmental site management measures must remain in place and be maintained throughout the period of the remediation works, until completion of site remediation and the site has been validated.

Note: An appropriately qualified and experienced environmental consultant may be certified under the 'Certified Environmental Practitioner' (CEnvP) Scheme or equivalent.

*(Reason: To ensure compliance with Statutory Requirements)*

### **DADWC04 - Site Validation Report**

**Prior to the issue of a Construction Certificate**, a Site Validation Report is to be forwarded to Council for approval. The validation report is to be prepared by a suitably qualified environmental consultant specialising in land contamination in New South Wales, EPA contaminated land legislation and guidelines including the Contaminated Land Management Act. The report shall document the following:

1. The extent of validation sampling, and the results of the validation testing,
2. That the remediation and validation of the site has been undertaken in accordance with the approved Remedial Action Plan, prepared by [ ], dated [ ], reference [ ]
3. That the site is suitable for the proposed use.
4. The Validation Report must be submitted for review by a NSW EPA accredited site auditor prior to the commencement of construction and the issue of a construction certificate

*(Reason: To ensure compliance with Statutory Requirements)*

### **DADWC05 - Site Audit Statement**

**Prior to the issue of a construction certificate** a section A Site Audit Statement (SAS) is to be obtained from a NSW EPA Accredited Site Auditor and submitted to Council. The SAS must confirm that the site has been remediated in accordance with the approved Remediation Action Plan and clearly state that site is suitable for the proposed use. Conditions on the Site Audit Statement shall form part of this consent.

- (a) Where the SAS is subject to conditions that require ongoing review by the Auditor or Council these should be submitted to and approved by Council before the SAS is issued. In circumstances where the SAS conditions (if applicable) are not consistent with the consent, a S96 application pursuant to the Environmental Planning & Assessment Act 1979 may be required to formalise those conditions as part of the development consent.
- (b) A Construction Certificate must not be issued by the PCA unless a Site Audit Statement has been submitted to the Council in accordance with this condition and Council verify that the Site Audit Statement is acceptable.

*(Reason: To ensure compliance with Statutory Requirements)*

### **DADWC06 - Remediation**

Prior to the issue of a Construction Certificate, the site is to be remediated in accordance with:

- (a) Remedial Action Plan, prepared by [insert name] dated [insert date] reference [insert reference]; and
- (b) Council's Contaminated Land Policy; and
- (c) State Environmental Planning Policy No. 55 - Remediation of Land; and
- (d) The guidelines in force under the Contaminated Land Management Act; and
- (e) The applicant must engage an appropriately qualified and experienced environmental consultant to supervise all aspects of site remediation and validation.

The environmental consultant must manage all aspects of the remediation works in accordance with the approved Remedial Action Plan.

Note: An appropriately qualified and experienced environmental consultant should be certified by one of the following certification schemes; or equivalent:

- the EIANZ Contaminated Land Assessment Specialist Certified Environmental Practitioner (CLA Specialist

- CEnvP) scheme.
- Site Contamination Practitioners Australia - Certified Practitioner (SCPA)

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination must be immediately notified to the City of Canada Bay Council in writing and the Principal Certifying Authority.

Any variations to the approved Remediation Action Plan shall be submitted to and approved in writing by the Accredited Site Auditor and Council prior to the continuing of such work.

*(Reason: Compliance with Statutory Requirements)*

#### **DADWC07 – Removal of Underground Storage Tanks**

Decommissioning and removal of underground storage tanks are to be supervised by a 'Duly Qualified Person', in accordance with, but not limited to:

- i. The Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014.
- ii. AS 1940 - 2004 The Storage and Handling of Flammable and Combustible Liquids.
- iii. AS 4976-2008 The removal and disposal of underground petroleum storage tanks.
- iv. Work Health & Safety Act 2011 and Work Health & Safety Regulation 2011.
- v. WorkCover NSW requirements.

Note 1: Any work involving underground fuel tanks and piping is potentially dangerous and must be carried out by an experienced person in accordance with safety and work permit procedures. Further to this, WorkCover NSW requires notification of the abandonment or removal of underground fuel tanks. For further information contact WorkCover NSW, ph13 10 50 or [workcover.nsw.gov.au](http://workcover.nsw.gov.au)

Note 2: A 'Duly Qualified Person' is a competent person with relevant experience in the removal and abandonment of underground fuel tanks as required by the UPSS Regulation 2008, and must be drawn from an environmental consultancy that is a member of the "Australian Convenience & Petrol Marketers Association" (ACAPMA) - Equipment and Services Council, or equivalent.

#### **Completion of Remediation - Validation**

On completion of remedial works, the site shall be validated and a Validation Report submitted to the satisfaction of the City of Canada Bay, Manager Health, Building & Environment, within 60 days of the completion of the works.

The Validation Report must be prepared by an appropriately qualified and experienced environmental consultant in accordance with the requirements of the relevant NSW EPA guidelines including the NSW EPA Guidelines for Consulting Reporting on Contaminated Sites 2011.

Note 3: The Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014 requires the Validation Report to be submitted to City of Canada Bay within 60 days of the removal of the underground fuel tanks.

*(Reason: To ensure compliance with Statutory Requirements)*

#### **DADWC08 - 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. The analytical results of any discharge must comply with relevant EPA and ANZECC 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 ANZECC 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 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.

NOTE: 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.

*(Reason: Environmental Amenity)*

#### **DADWD01 - Road Opening Permit**

**Pursuant to Section 138 of the Roads Act, should any work on the verge, footpath, public road reserve or public reserve (open space) be required, approval will need to be obtained from Council.** In this regard the Applicant is to contact Council's Customer Services Centre to apply for a Road Opening Permit, for works in relation to the excavation of the verge (e.g. for the purpose of installation of services such as private stormwater, private gas line, private sewer, private water pipe, etc.). This Permit is to be obtained **prior to any works on the verge, footpath, public road reserve or public reserve being undertaken.**

**Important Note:** Road Opening Permits do not include driveways, laybacks, footpath and major stormwater drainage construction which are covered separately by the Driveways and Ancillary Works Application (for minor domestic works) or a Section 138 Works Application (for major or public works).

*(Reason: Maintain public asset)*

#### **DADWE01 - Arborist Inspections**

Prior to the commencement of works the applicant must engage a suitably qualified and experienced arborist (Australian Qualification Framework Level 5 or above) to assess the impact of the proposed works and employ best practices (e.g. minimise compaction, soil build up and or excavation within the Primary Root Zone\*) to ensure the longevity of the tree to be retained. The arborist is to attend on site during critical stages of excavation and construction works within the vicinity of tree/s to be retained and is to record the following information:

- methods of excavation or construction used to carry out the works;
- any damage sustained by the tree/s as a result of the works;
- any subsequent remedial works required to be carried out by the consulting arborist as a result of the damage; and
- any future or on-going remedial work required to be carried out to ensure the long term retention of the tree/s

\* primary root zone = 10 x trunk diameter 1400mm from ground level (measured as a radius from the centre of the trunk).

*(Reason: Qualified assessment of impact of works on trees to be retained)*

#### **DADWE02 - Protection of Landscape Features**

To minimise impacts on trees to be retained, no permanent fill or storage of building materials, excavated fill or topsoil during the site works shall take place within their drip lines.

*(Reason: Tree preservation)*

#### **DADWE03 - Pruning Adjoining Trees**

Subject to the adjoining owners consent, permission is granted for the selective pruning of overhanging branches from the following tree/s located on the adjoining property:

| <u>Species</u> | <u>Location</u> |
|----------------|-----------------|
| <text>         | <text>          |

This approval does not imply any right of entry onto a neighbouring property nor does it allow pruning beyond a common boundary. However, where compliance with AS 4373 - 1996 Pruning of Amenity Trees requires entrance to a neighbouring property it shall be necessary for the applicant to negotiate with the tree owner. All pruning must be undertaken by a suitably qualified person.

*(Reason: Tree preservation and amenity of neighbouring property)*

#### **DADWE04 - Pruning - Tree Preservation**

Pruning of the following tree/s is permitted:

| <u>Species</u> | <u>Location</u> |
|----------------|-----------------|
| <text>         | <text>          |

No more than ##% of the entire crown is to be removed as part of this approval. The pruning shall not give the crown an



unbalanced appearance and all pruning must be undertaken by a qualified arborist and conform to AS 4373 - 1996 Pruning of Amenity Trees.

(Reason: Tree preservation and amenity)

**DADWE05 - Screen Planting**

To ensure private and visual amenity is maintained the following species are to be planted in the following locations for the purpose of screening and privacy:

| <u>Species</u> | <u>Location</u> | <u>Container Size</u> |
|----------------|-----------------|-----------------------|
| <text>         | <text>          | <text>                |

The planting is to be maintained for the life of the planting in hedge form with a minimum maintained height of ##mm at maturity.

(Reason: Privacy and amenity and landscape quality)

**DADWE06 - Tree Preservation - Driveway or Paving Works Within Critical Root Zone**

Driveway and or paving works within the drip line of the following tree/s must be constructed to ensure that the existing moisture infiltration and gaseous exchange to the tree root system are maintained. In this regard, details demonstrating that this can be achieved for the following tree/s must be provided by an appropriately qualified person to the satisfaction of the Accredited Certifier:

| <u>Species</u> | <u>Location</u> |
|----------------|-----------------|
| <text>         | <text>          |

(Reason: Tree preservation)

**DADWE07 - Tree Preservation - Excavation Within Critical Root Zone**

To minimise disturbance to retained trees, no excavation shall take place within the critical root zone (CRZ)\*, measured as a radius from the centre of the trunk of the tree. Excavation may occur between the critical and primary root zones (PRZ)\*, but only by hand under the supervision of an experienced arborist.

| <u>Species</u> | <u>Location</u> | <u>CRZ</u> | <u>PRZ</u> |
|----------------|-----------------|------------|------------|
| <text>         | <text>          | <****> mm  | <****> mm  |

In the event that major structural of feeder roots (>50mm in diameter) are encountered between the critical and primary root zones, the consulting arborist is to recommend and or implement appropriate measures to ensure the long term retention of the tree. If these measures involve structural alterations to the building or work, such measures must be certified by a practicing structural engineer that the modified plans comply with the relevant Building Code of Australia and/or Australian Standards. (Note: Council's Landscape Architect or Tree Management Officer maybe contacted for advice regarding appropriate tree protection measures).

\* critical root zone = 5 x trunk diameter 1400mm from ground level (measured as a radius from the centre of the trunk).

\* primary root zone = 10 x trunk diameter 1400mm from ground level (measured as a radius from the centre of the trunk).

(Reason: Tree preservation)

**DADWF01 - Noise - Construction**

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

- Construction period of 4 weeks and under – The L90 level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 20 dB(A) at the boundary.
- Construction period greater than 4 weeks but not exceeding 26 weeks – The L90 level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 10 dB(A) at the boundary.
- Construction period exceeding 26 weeks – The L90 level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 5 dB(A) at the boundary.

Should complaints of a noise nuisance be substantiated, Council may require the acoustic treatment of the premises to ensure compliance with the NSW Department of Environment and Climate Changes 'Interim construction noise guideline' and AS 2436-2010 – 'Guide to noise and vibration control on construction, demolition and maintenance sites' for the control of construction noise. A further acoustic assessment & report will be required to be provided to Council assessing the premises in working order.

*(Reason: Noise Attenuation)*

**DADWF02 - Noise - Plant**

All works carried out on site during construction/demolition/excavation or earthworks shall comply with the NSW Protection of the Environment Operations Act 1997. Approved and effective silencing measures shall be provided and maintained on all power-operated plant used on site if required.

*(Reason: Safety and Amenity)*

**DADWF03 - Noise & Vibration**

The construction of the development and preparation of the site, including operation of vehicles, must be conducted so as to avoid unreasonable noise or vibration and cause no interference to adjoining or nearby occupations. 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 Accredited 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.

*(Reason: Noise attenuation)*

**DADWG01 - Obstruction of Road or Footpath**

The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste bins or any other matter is not permitted unless approved in accordance with Council's Waste Skip Bin Policy. A Penalty Infringement Notice may be issued for any offence.

*(Reason: Protection of infrastructure, safety & information)*

**DADWG02 - Protection of Public Places**

If the work involved in the demolition or construction of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves the closure of a public place, a hoarding or fence shall be erected. Hoardings shall be erected to comply with the requirements of WorkCover and the Principal Certifying Authority.

*(Reason: Safety)*

**DADWH01 - Compliance with Building Code of Australia**

All building work must be carried out in accordance with the provisions of the Building Code of Australia. Note: Applicants who have lodged an objection and who have been granted exemption under clause 187(6) & 188(4) of the *Environmental Planning and Assessment Regulation 2000*, must comply with the Building Code of Australia in all other respects.

*(Reason: Prescribed statutory control)*

**DADWH02 - Critical Stage Inspections - General**

Critical stage inspections must be called for by the Principal Contractor or Owner Builder as required by the Principal Certifying Authority (PCA), any PCA Service Agreement, the Act and the Regulation.

Work must not proceed beyond each critical stage until the PCA is satisfied that work is proceeding in accordance with this consent, the Construction Certificate(s) and the Act. 'Critical Stage Inspections' means the inspections prescribed by the Regulations for the purposes of section 6.5 of the Act or as required by the PCA and any PCA Service Agreement.

**Note 1:** The PCA may require additional inspections beyond mandatory critical stage inspections in order that the PCA be satisfied that work is proceeding in accordance with this consent.

**Note 2:** The PCA may, in addition to inspections, require the submission of Compliance Certificates, survey reports or evidence of suitability in accordance with Part A2.2 of the BCA in relation to any matter relevant to the development.

*(Reason: Statutory requirement)*

**DADWH03 - Inspections for Building Work (Classes 1 or 10)**

Where applicable inspections of the development site may be required to be undertaken at the following stages:

- (a) After the excavation for, and prior to the placement of, any footings;
- (b) Prior to pouring any in-situ reinforced concrete building element;
- (c) Prior to covering of the framework for any floor, wall, roof or other building element;
- (d) Prior to the covering waterproofing in any wet areas;
- (e) Prior to covering any stormwater drainage connections;
- (f) After the building work has been completed and prior to any occupation certificate being issued in relation to the building; and
- (g) Other.

**If the person having the benefit of the development consent appoints Council as the PCA, Council will give written advice as to what critical stage inspections apply.**

Prior to issuing an occupation certificate or subdivision certificate the PCA must be satisfied that the work has been inspected on the above occasions.

Except as provided by subclause (g), the inspections may be carried out by the PCA or, if the PCA agrees, by another certifying authority.

The final inspection detailed at subclause (g) may only be carried out by the PCA.

For each inspection the principal contractor (or owner-builder) must notify the PCA at least forty eight (48) hours in advance that the site is ready to be inspected prior to the commencement of work on the next stage.

*(Reason: Statutory Requirements)*

**DADWH04 - Inspections for Building Work - Critical Stages (Classes 2,3 or 4)**

Where applicable inspections of the development site may be required to be undertaken at the following stages:

- (a) Prior to covering of waterproofing in any wet areas, for a minimum of 10 % of rooms with wet areas within a building;
- (b) Prior to covering any stormwater drainage connections;
- (c) After the building work has been completed and prior to any occupation certificate being issued in relation to the building; and
- (d) Other.

**If the person having the benefit of the development consent appoints Council as the PCA, Council will give written advice as to what critical stage inspections apply.**

Prior to issuing an occupation certificate or subdivision certificate the PCA must be satisfied that the work has been inspected on the above occasions.

Except as provided by subclause (d), the inspections may be carried out by the PCA or, if the PCA agrees, by another certifying authority.

The final inspection detailed at subclause (d) may only be carried out by the PCA.

For each inspection the principal contractor (*or owner-builder*) must notify the PCA at least forty eight (48) hours in advance that the site is ready to be inspected prior to the commencement of work on the next stage.

*(Reason: Statutory Requirements)*

**DADWH05 - Critical Stage Inspections for Building Work (Classes 5, 6, 7, 8 or 9)**

Where applicable inspections of the development site may be required to be undertaken at the following stages:

- (a) Prior to covering any stormwater drainage connections; and
- (b) After the building work has been completed and prior to any occupation certificate being issued in relation to the building;
- (c) Other.

**If the person having the benefit of the development consent appoints Council as the PCA, Council will give written advice as to what critical stage inspections apply.**

Prior to issuing an occupation certificate or subdivision certificate the PCA must be satisfied that the work has been inspected on the above occasions.

Except as provided by subclause (c), the inspections may be carried out by the PCA or, if the PCA agrees, by another certifying authority.

The final inspection detailed at subclause (c) may only be carried out by the PCA.

For each inspection the principal contractor (*or owner-builder*) must notify the PCA at least forty eight (48) hours in advance that the site is ready to be inspected prior to the commencement of work on the next stage.

*(Reason: Statutory Requirements)*

**DADWH06 - Inspection Records & Compliance Certificates**

The PCA or accredited certifier undertaking each of the inspections must make a **record of each inspection** in accordance with Clause 162B of the Environmental Planning and Assessment Regulations 2000 and, if the person is not the PCA, forward a copy to the PCA.

A copy of any **compliance certificates** issued in respect of the building work and any documents referred to in the certificate must be provided to Council within two (2) days of the certificate being issued.

A compliance certificate must be issued where:

- (a) Either:
  - (i) Council is appointed the PCA; or
  - (ii) Council is the PCA but agrees to an accredited certifier undertaking certain inspection/s, and
- (b) The PCA or accredited certifier is of the opinion that the stage of work he or she has inspected is satisfactory.

*(Reason: Statutory Requirement)*

**DADWI01 - Progress Survey - Major Development (greater than two stories)**

In order to ensure compliance with approved plans, a Survey Certificate, prepared to Australian Height Datum, shall be prepared by a Registered Surveyor showing the following:

- (a) At the completion of excavation, prior to the placement of any footings, showing the completed level of the excavation and its relationship to the boundaries;
- (b) Prior to placement of concrete, the ground floor level, showing the level of the form work and its relationship to boundaries including relevant footpath and roadway levels;
- (c) Prior to placement of concrete at each second floor level showing the principal level of the formwork and the intended relationship of the completed works to the boundary;
- (d) Prior to roofing, or completion of the highest point of the building, showing the anticipated level of the completed work and the relationship to the boundary; and
- (e) At completion, works showing the relationship of the building to the boundary.

Progress certificates in response to points (a) through to (e) shall be produced to the Council or the Principal Certifying Authority 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 reveals discrepancies between the approved plans and the proposed works.

*(Reason: To ensure compliance with approved plans)*

**DADWI02 - Survey Report - Minor Development**

In order to ensure compliance with approved plans, a Survey Certificate to Australian Height Datum shall be prepared by a Registered Surveyor as follows:-

- (a) At the completion of the first structural floor level indicating the level of that floor and the relationship of the building to the boundaries.

Standard Conditions of Consent

- (b) At the completed height of the building, prior to the placement of concrete form work, or the laying of roofing materials.
- (c) At completion, the relationship of the building and any penetrations thereto, to the boundaries.

Progress certificates in response to points (a) through to (c) shall be provided to the Council or the Principal Certifying Authority 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 approved plans)*

## Conditions which must be satisfied prior to the issue of any Occupation Certificate relating to the use of the building or part

### **DAOCA01 - Food Premises - Final Inspection**

**Prior to the issue of an Occupation Certificate**, a City of Canada Bay Pre Occupation Food Premises Inspection report is to be obtained from Council confirming satisfactory compliance with applicable food legislation.

*(Reason: To ensure compliance of the food premises with the Food Act 2003, Food Regulations 2015, Food Standards Australian and New Zealand - Food Standards Code and Australian Standard 4674-2004 Design, construction and fit-out of food premises)*

### **DAOCA02 - Food Shop Registration Requirements**

**Prior to the issue of any Occupation certificate** a Business Registration Form must be completed and submitted to Council. This form is available online at [www.canadabay.nsw.gov.au](http://www.canadabay.nsw.gov.au). In the instance details on the original registration form change, Council is to be notified of the change within seven (7) days of the change occurring.

*(Reason: Registration and notification to relevant authorities)*

### **DAOCB01 - Certification of Engineering Works**

**Prior to occupation**, the following documents must be submitted to the Principal Certifying Authority.

- a) A Certificate from a Chartered Professional Engineer with Institution of Engineers, Australia Corporate Membership and registered on the National Engineers Register (NER) under the appropriate professional category, and
- b) "Work - As - Executed" drawings of the engineering works prepared by a Registered Surveyor or equivalent.

The abovementioned Certificate is to certify that:

- (i) the stormwater drainage system, and/or
- (ii) the car parking arrangement and area including circulating ramps, and/or
- (iii) any related footpath works, and/or
- (iv) the basement mechanical pump and well system, and/or
- (v) the proposed driveway and layback, and/or
- (vi) other civil works have been constructed in accordance with the Council approved plans and details and satisfies the design intent and complies with the appropriate SAA Codes relevant Standards and Council's Policies and Specifications.

Where Council is not the Principal Certifying Authority, two (2) copies of the above documents are to be provided to Council **prior to the issue of any Occupation Certificate**. These documents are to be retained on Council's Construction Certificate file.

*(Reason: Asset management)*

### **DAOCB02 - Strata Subdivision Approval**

This approval does not include approval to strata subdivide the subject property. Should strata subdivision of the property be sought, a **separate development application** must be submitted to Council for approval **prior to occupation and/or use of the building/s**.

*(Reason: Information)*

### **DAOCB03 - Street Numbering Strategy**

The Principal Certifying Authority must be satisfied that the Council approved Street Numbering Strategy has been carried out on site **prior to the issue of any Occupation Certificate**.

The approved Street Numbering Strategy must not be altered in any way without prior consent of Council.

*(Reason: Compliance)*

**DAOCC01 - Civil Works on the Footway**

The Applicant is required to carry out the following works:

- Reconstruct sections of cracked or defective footpath along the full frontage of the site, and/or
- Reconstruct existing public drainage pit/pipe system, and/or
- Construct a new vehicular crossing, and/or
- Remove any redundant vehicular crossings and replace with kerb and gutter to match the adjoining.

The above works must be completed to the written satisfaction of Council **prior to issue of any Occupation Certificate**.

Note: The above works will require the submission of the relevant application for the works to be undertaken.

Where the Applicant nominates Council to undertake the civil and stormwater works, they must contact Council's Manager Construction, City Services in order to obtain an estimated cost for construction and contract to undertake the works.

*(Reason: To preserve Council's assets and amenity)*

**DAOCC02 - Construction of Concrete Footpath**

A concrete footpath of width <footpath width 1200/2000/ specify> metres shall be constructed (to replace/across the (cracked or damaged sections/ full length) adjacent to the (front/front and side) of the property.

The above works must be constructed **prior to the release of any Occupation Certificate**.

Note: The above works will require the submission of the relevant application for the works to be undertaken.

Where the applicant would like Council to undertake the civil and stormwater works, they should contact Council's Manager Construction, City Services to obtain an estimated cost of construction and contract to undertake the works.

*(Reason: To preserve Council's assets and amenity)*

**DAOCC03 - Construction of Concrete Kerb and Gutter**

Standard 150mm high concrete kerb with gutter shall be constructed (to replace/across the) (damaged sections/full length) adjacent to the (front/front and side) of the property.

The above works must be programmed and constructed **prior to the issuing of any Occupation Certificate**.

Note: The above works will require the submission of the relevant application for the works to be undertaken.

Where the Applicant would prefer Council to undertake the civil and stormwater works, they should contact Council's Manager Construction, City Services to obtain an estimated cost of construction and contract to undertake the works.

*(Reason: To preserve Council's assets and amenity)*

**DAOCD01 - Occupation Certificate (section 6.9 of the Act)**

A person must not commence occupation or use (or change of use where an existing building) of the whole or any part of a new building (within the meaning of section 6.10 of the Act) unless an Interim Occupation Certificate or Final Occupation Certificate has been issued in relation to the building or part.

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.

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

*(Reason: Statutory requirement)*

**DAOCD02 - Evidence of Lawful Asbestos Disposal**

An Occupation Certificate for a development involving the removal of asbestos must not be issued until such time the applicant provides the principal certifying authority with a copy of receipt/s confirming lawful disposal of asbestos waste.

**NOTE:** Asbestos waste must be disposed at a waste management facility licensed by the NSW Environment Protection Authority (EPA) to accept such waste. Please see Appendix F of City of Canada Bay's Asbestos Policy, Contact NSW EPA on 131 555 or visit [www.epa.nsw.gov.au](http://www.epa.nsw.gov.au) for a list of waste management facilities licensed to accept asbestos waste.

*(Reason: Health and Safety)*

**DAOCE01 - Drainage System - Maintenance of Existing**

Where elements of the existing drainage system is to be utilised, the existing drainage system shall be overhauled and maintained clear of silt and accumulated debris. Silt and the like shall be *removed*, not flushed from the system.

A certificate shall be provided by a suitably qualified person to the satisfaction of the Principal Certifying Authority, (a registered plumber or a person of equivalent or greater experience or qualification) **prior to the issue of an Occupation Certificate** to confirm that the system is in good working order and adequate to accept additional flows.

*(Reason: Maintenance and environment)*

**DAOCF01 - Operation of Stage 1 vapour recovery (VR1)**

The proponent must comply with cl.69 of the POEO (Clean Air) Regulation 2010 prior to the petrol service station being operational.

*(Reason: Environmental Protection)*

**DAOCF02 - Stage 1 vapour recovery (VR1)**

The proponent must ensure that all design, installation and testing of new or modified petrol service stations is performed by a **duly qualified person**, which is defined in the Regulation as, in relation to any activity, a person who has such competence and experience in relation to that activity as is recognised in the relevant industry as appropriate to carry out that activity.

*(Reason: Environmental Protection)*

**DAOCF03 - Operation of Stage 2 vapour recovery (VR2)**

The proponent must comply with cl.72 of the Regulation in relation to the VR2 control equipment fitted to each prescribed petrol dispenser prior to the petrol service station being operational.

*(Reason: Environmental Protection)*

**DAOCF04 - Stage 2 vapour recovery (VR2)**

The proponent must ensure that all design, installation and testing of new or modified petrol service stations is performed by a **duly qualified person**, which is defined in the Regulation as, in relation to any activity, a person who has such competence and experience in relation to that activity as is recognised in the relevant industry as appropriate to carry out that activity.

*(Reason: Environmental Protection)*



## Conditions which must be satisfied prior to the issue of any Subdivision Certificate

### **DASCA01 - Construction of Right of Way**

The right of way is to be suitably paved and drained to the satisfaction of Council or the PCA **prior to the release of the Subdivision Certificate**. In this regard the applicant is to submit engineering design drawings to Council or the PCA for approval and construct the works according to the plans as approved. The plans must take account of potential construction traffic, and include conduits to allow the later installation of services and shall comply with Council's "Appendix 2 – Engineering Specifications of the Canada Bay Development Control Plan".

*(Reason: Environmental Protection)*

### **DASCA02 - Electricity substation - Dedication as road and/or easement for access**

Where an electricity substation is provided on the site adjoining the road boundary, the area within which the electricity substation is located must be dedicated as public road, free of cost to Council. The size and location of the electricity substation is to be in accordance with the requirements of the appropriate energy authority and Council. The opening of any access doors shall not intrude onto public road (footway or road pavement).

Where access to the electricity substation is required from a public place and across the site, an easement for access across the site from the public place must be created upon the final plan of subdivision burdening the subject site and benefiting the Crown in right of New South Wales and any Statutory Corporation requiring access to the electricity substation.

The above details must be included on the final plan of subdivision **prior to the release of the Subdivision Certificate**.

*(Reason: Formalisation of access to utility)*

### **DASCA03 - Prior to Issue of Subdivision Certificate**

**Prior to the issuing of any Subdivision Certificate** under section 37A of the *Strata Schemes (Freehold Development) Act 1973*, and section 66A of the *Strata Schemes (Leasehold Development) Act 1986*, and in accordance with section 29A of the *Strata Schemes (Freehold Development) Regulation 2007* and section 30A of the *Strata Schemes (Leasehold Development) Regulation 2007*, the PCA is required to be satisfied that:

- (a) the floors, external walls and ceilings depicted in the proposed strata plan for the building correspond to those of the building as constructed, and
- (b) the floors, external walls and ceilings of the building as constructed correspond to those depicted in the building plans that accompanied the construction certificate for the building, and
- (c) any facilities required by the relevant development consent (such as parking spaces, terraces and courtyards) have been provided in accordance with those requirements.

As construction of the building nears completion, or after it has been completed, a Council or accredited certifier must inspect the building, and the common property areas around the building, so as to be satisfied, as required by section 66AA of the Act, that the above requirements have been met.

The Council or accredited certifier should also be satisfied that:

- (d) All required inspections (including each applicable mandatory critical stage inspection) have been carried out; and
- (e) Any preconditions to the issue of the certificate required by a development consent or complying development certificate have been met.

*(Reason: Statutory Requirements)*

### **DASCA04 - Application for Subdivision Certificate**

An application for a Subdivision Certificate shall be lodged with Council or an Accredited Certifier for approval to enable the subdivision plans to be submitted to and registered with Land and Property Information (formerly Land Titles Office). Should the Subdivision Certificate application be lodged with Council, a final plan of subdivision and six (6) copies shall be included with the application.

*(Reason: To comply with statutory requirements)*

**DASCA05 - Section 73 Certificate from Sydney Water**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained before the issue of the Subdivision Certificate. Application must be made through Sydney Water or an authorised Water Servicing Coordinator (WSC). Please refer to Sydney Water's website at [www.sydneywater.com.au/section 73](http://www.sydneywater.com.au/section_73) or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

The original of the Section 73 Certificate must be presented to the Accredited Certifier **prior to the issue of Subdivision Certificate**.

Please note: Council will require a copy of the Section 73 Certificate in addition to sighting the original before issuing the Subdivision Certificate.

*(Reason: To comply with statutory requirements)*

**DASCA06 - Commencement of Subdivision Works & Appointment of PCA**

Subdivision work in accordance with a consent **must not commence until:**

- (a) **A Construction Certificate has been issued;**
- (b) The person having the benefit of the development consent has appointed the Principal Certifying Authority (PCA);  
and
- (c) The PCA (if not Council) has, no later than two (2) days before the subdivision work commences, notified the Council (or other consent authority where applicable) of the PCA's appointment.
- (d) The person having the benefit of the consent has given at least two (2) day's notice to the Council of the person's intention to commence the subdivision work.

*(Reason: Statutory Requirements)*

## Conditions which must be satisfied prior to the issue of a Final Occupation Certificate

### **DAFOA01 - Fire Safety Certificate**

A final Fire Safety Certificate shall be obtained in accordance with Part 9, Division 4 of the Environmental Planning and Assessment (Amendment) Regulation 2000, **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:-

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

*(Reason: Fire safety)*

### **DAFOA02 - Certificate of Test of Mechanical Ventilation**

On the satisfactory completion of work and **prior to the issue of an Occupation Certificate**, a Certificate of Test of Mechanical Ventilation shall be supplied to the Principal Certifying Authority from an approved mechanical ventilation engineer.

*(Reason: To ensure compliance with approved plans)*

### **DAFOB01 - Covenant – Housing for Seniors or People with a Disability**

**Prior to occupation of the premises**, a covenant prepared pursuant to Section 88E of the Conveyancing Act shall be placed on the title of the land occupied by the development to prohibit the occupation of the premises by residents other than:

- Seniors as defined in Clause 8 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004; and
- Other persons who are defined in Clause 18 (1) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

*(Reason: Compliance)*

### **DAFOB02 - Evacuation Plan - Child Care Centres**

**Prior to the issue of an Occupation Certificate** for the child care centre, an evacuation plan complying with AS3745 should be prepared and implemented. The emergency evacuation should consider:

- (a) The mobility of children and how this is to be accommodated during an evacuation;
- (b) The location of a safe congregation area, away from the evacuated building, busy roads, other hazards and the evacuation points of other residents or tenants within the building or surrounding buildings;
- (c) Where the Child Care Centre is part of a larger building or complex, that the emergency evacuation plan is complementary and consistent with other emergency evacuation plans in place; and
- (d) The supervision of children during the evacuation and at the safe congregation area with regard to the capacity of the Child Care Centre and the child/staff ratios.

Centres which accommodate children under 2 years of age are to have a large mobile cot (on wheels) so groups of babies can be quickly evacuated.

*(Reason: Safety)*

### **DAFOB03 - Health Compliance - Final inspection**

Prior to the issue of an Occupation Certificate, the premises shall be inspected by Council's Environmental Health Officer and a Pre Occupation Skin penetration Inspection report is to be obtained from Council confirming **satisfactory** compliance with the *Public Health Act 2010* and *Public Health Regulation 2012* And the Local Government (General) Regulation 2005 NSW Health Department Skin Penetration - Code of Best Practice.

*(Reason: Compliance with relevant legislation, guidelines and codes)*

**DAFOB04 - Registration of Premises Skin Penetration**

**Prior to the issue of an Occupation certificate** a Business Registration Form must be completed and submitted to Council. This form is available online at [www.canadabay.nsw.gov.au](http://www.canadabay.nsw.gov.au). In the instance details on the original registration form change, Council is to be notified of the change within seven (7) days of the change occurring.

*(Reason: Business registration)*

**DAFOB04B - Registration with Chinese Medicine Board of Australia Acupuncture**

Premises conducting acupuncture procedures must be registered with the Chinese Medicine Board of Australia. A copy of the registration shall be provided to Council prior to commencement of use.

*(Reason: Business registration)*

**DAFOB05 - Wash down of Brickwork**

**Prior to occupation or use**, the brickwork shall be thoroughly cleaned down on all sides. All necessary precautions shall be taken to ensure that this work does not affect neighbouring properties.

*(Reason: Visual amenity and environmental health)*

**DAFOB06 - Pollution Control - Service Stations, Transport Depots, Mechanical Repairers and Similar Uses**

Storage tanks, fuelling areas, product mixing, filling and preparation areas, repair work bays must be bunded and all waste water collected and discharged to the sewer in accordance with the requirements of Sydney Water. Documentary evidence of compliance with Sydney Water's requirements must be submitted to Council or an Accredited Certifier **prior to occupation of the site**.

*(Reason: Environmental Protection)*

**DAFOC01 - Arborist's Report - Follow up**

As part of the on-going assessment of the tree/s to be retained, the consulting arborist engaged by the applicant is to assess their health and any impacts suffered by them as a result of the proposed approved development. Findings are to be compiled in a detailed report to be provided to the satisfaction of the Principal Certifying Authority at the completion of construction and **prior to issue of the Final Occupation Certificate** which documents the following:

- methods of excavation or construction used to carry out the works;
- any damage sustained by the tree/s as a result of the works;
- any subsequent remedial works required to be carried out by the consulting arborist as a result of the damage and
- any future or on-going remedial work required to be carried out to ensure the long term retention of the tree/s

*(Reason: Ensure survival of trees to be retained)*

**DAFOD01 - Street Tree Removal/Replacement Fee**

The applicant shall meet the full cost for Council to:-

- (a) Remove the existing street tree/s and replant <\*\*\*\*> litre (container size) tree/s. The location and species of the replacement street tree/s shall be determined by Council's Manager of Assets & Infrastructure.
- (b) Provide and plant <\*\*\*\*> litre (container size) street tree/s once the works are completed and details of the proposed species are to be submitted to and approved by Council's Manager of Assets & Infrastructure, Parks, in accordance with Section 80A (2) of the Environmental Planning & Assessment Act 1979, **prior to issue of the Final Occupation Certificate**.

The tree/s shall be maintained in a healthy and vigorous state for a period of 12 months from the date of planting or until established.

*(Reason: Tree preservation and environmental amenity)*

**DAFOD02 - Unpaved Verge Area**

The applicant shall construct/reconstruct the unpaved verge area with grass, species and installation approved by Council **prior to issue of a Final Occupation Certificate**.

*(Reason: Environmental protection)*

**DAFOE01 - Certification of the Constructed Stormwater Drainage System**

The constructed stormwater drainage system shall be certified by a Chartered Professional Civil Engineer with Institution of Engineers, Australia Corporate Membership and registered on the National Engineers Register (NER), in accordance with Council's Appendix 2 – Engineering Specifications of the Canada Bay Development Control Plan", **prior to issue of the Final Occupation Certificate.**

*(Reason: Adequate stormwater management)*

**DAFOE01A - Certification of the Constructed Stormwater System (Minor/Small Scale Residential Works)**

The constructed stormwater system shall be certified by a suitably qualified person, in accordance with Council's "Appendix 2 – Engineering Specifications of the Canada Bay Development Control Plan", prior to the issue of the Final Occupation Certificate.

*(Reason: Adequate stormwater management)*

**DAFOE02 - Covenant & Restriction as to User for Stormwater Controlled Systems**

**Prior to occupation and the issuing of an Occupation Certificate**, the Applicant shall register a Positive Covenant and a Restriction as to User, under section 88E and or section 88B of the Conveyancing Act as appropriate in favour of Council ensuring the ongoing retention, maintenance and operation of the stormwater facility (in regards to the on-site stormwater detention system (OSD), mechanical pump-out system, charged lines (which are related to the OSD system), etc.).

**Easement Registration**

Where any drainage line or service conduit is to traverse any property other than that which it serves, an appropriate easement will be required. In this case, the applicant shall register an easement of width as specified in Council's "Appendix 2 – Engineering Specifications of the Canada Bay Development Control Plan", over the proposed stormwater drainage line or service concurrently with any subdivision registration.

The wording on the 88B Instrument is to make reference to the Council file where the Construction plans and the "Work-as-Executed", (as built), plans are held. Typical wording can be obtained from Council's " Appendix 2 – Engineering Specifications of the Canada Bay Development Control Plan " document.

*(Reason: Compliance and adequate maintenance of drainage system)*

**DAFOE03 - OSD Identification Plate**

**Prior to issue of Final Occupation Certificate**, 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 and not to tamper with it in any manner without the written consent of Council.

The applicant can obtain the OSD identification plate from the Council at a cost.

*(Reason: To ensure that the OSD system is installed and identified in accordance with this approval)*

**DAFOF01 - Subdivision - Evidence of Consolidation**

The existing allotments shall be consolidated into a single lot. Evidence that the plan of consolidation has been registered as a deposited plan by the Land and Property Information Office must be submitted to Council prior to occupation of the site.

*(Reason: Information)*

**DAFOF02 - Variation to Covenant**

The consent shall not be activated until A Release or Extinguishment of Restriction on the Use of Land form (Form No. 13RRE) from the Department of Lands (Land and Property Information Branch) is completed and approved by the Department of Lands. **Evidence of submission of this form to the Department of Lands shall be provided prior to the issue of a Construction Certificate.**

*(Reason: Statutory requirement)*

**DAFOF03 - De-stressing the Installed Rock Anchors**

Upon completion of works, the rock anchors are to be completely de-stressed or removed without damage to Council's assets or to existing utility services. Proof shall be provided in the form of certification from the Qualified Structural or Geotechnical Engineer **prior to the issue of an Occupation Certificate**.

**Important Note:** The Applicant/Developer will be liable for any current or future damage caused by the rock anchors during installation, whilst being installed, during de-stressing or during their removal including any damage to public land, and/or any impact on the public land that would prevent its future use or re-development or damage to existing services.

*(Reason: Protection of Public Asset)*

**DAFOF04 - Creation or Relocation of Stormwater Drainage Easement**

The applicant shall provide to Council or an Accredited Certifier, a plan of survey by a Registered Surveyor showing the position of the pipe relative to the existing stormwater drainage easement. If the pipe is not wholly within the easement then the easement shall be adjusted such that the pipe is centrally located within the easement **prior to the issue of an Occupation Certificate**.

No building shall be erected on or over the easement. In this regard, a survey certificate shall be submitted to Council or an Accredited Certifier at formwork stage and prior to pouring of concrete slabs or footings, which demonstrates compliance with this requirement **prior to the issue of an Occupation Certificate**.

Footings are to be founded below a plane rising at 45 degrees from the line of the invert of the Council pipe and are to be outside the easement.

*(Reason: Protection of Council Assets)*

**DAFOG01 - 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 purchasers 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: To ensure that prospective residents and/or tenants are aware that on-site parking is available in the building and that no on-street parking permits will be issued by Council.)*

## Conditions which must be satisfied during the ongoing use of the development

### **DAOUA01 - Amplified Music (No speakers or music outside)**

Music and other amplified sound played on the premises shall not give rise to offensive noise as defined under the provisions of the *Protection of the Environment Operations Act 1997*. The sound level output shall not exceed 5 dB(A) above the ambient background level at the boundary of the premises.

Speakers must not be installed and music must not be played in any of the outdoor areas associated with the premises including the public domain. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises

*(Reason: Environmental amenity)*

### **DAOUA02 - Sex Services Premises**

The construction and ongoing use of the premises shall be in accordance with the relevant provisions of the *Public Health Act 2010 and Regulations* and the NSW Health and WorkCover NSW *Health and Safety Guidelines for Brothels Guide 2001*.

*(Reason: Public health)*

### **DAOUA03 - Business premises - amenity**

The business shall be conducted and patrons controlled at all times so that no interference occurs to the amenity of the area, adjoining occupations and residential premises.

*(Reason: Amenity)*

### **DAOUA04 - Dance Parties**

The Dance Party referred to as <\*\*\*\*> to be held at <\*\*\*\*> on <\*\*\*\*> between the hours of <\*\*\*\*> must comply with the requirements of the '*Guidelines For Dance Parties*', dated April 1998, and released by the Department of Local Government. A Compliance Certificate must be submitted to Council two (2) weeks prior to the date of the Dance Party.

*(Reason: Amenity, health & safety)*

### **DAOUA05 - Trading Outside the Building**

At no time may any signs, sound amplification equipment and the like or goods for sale or display be placed on the public road, public footpath, service land, parking area and driveways, public or private pedestrian walkways, outside the shop or in the immediate vicinity without prior consent of Council.

*(Reason: Safety and amenity)*

### **DAOUA06 - Deliveries**

No deliveries are to occur before 7.00am or after 8.00pm weekdays and before 9.00am or after 5.00pm weekends and public holidays, to prevent noise disruption to the surrounding area.

*(Reason: To control noise impacts)*

### **DAOUA06B - Waste & Recycling Collection**

The collection of waste and recycling must only occur between 6.00am and 8.00pm weekdays and 9.00am and 5.00pm weekends and public holidays, to avoid noise disruption to the surrounding area.

Garbage and recycling must not be placed on the kerbside for collection more than one hour before the scheduled collection time. Bins and containers are to be removed from the kerbside within one hour of collection and returned to the designated 'Garbage Room #### as shown on DA-### Job. No. ##### dated #####.

The garbage and recyclable storage and bins must be adequate to contain the volume and type of garbage and recyclable matter on the food premises

All garbage and recyclable matter must be enclosed in the waste bins with lids completely closed at all time

*(Reason: To regulate noise and garbage collection arrangements)*

**DAOUA07 - Flashing Lights**

No flashing, moving or intermittent lighting, visible from any public place may be installed on the premises or external sign associated with the development.

*(Reason: Environmental protection)*

**DAOUA08 - Fork Lift Trucks**

Fork lift trucks or other similar loading, lifting and/or carrying appliances used in conjunction with the premises must not be operated over or upon any public road or footway at any time.

*(Reason: Safety and Legal Requirements)*

**DAOUA09 - Health Care Consulting Rooms: Staff Numbers**

A maximum number of <\*\*\*\*> medical practitioners/dentists/health care professionals including optometrists, can use the dwelling house as medical consulting rooms. The medical practitioners/ dentists/ health care professionals must practise in partnership and there can be no more than <\*\*\*\*> employees associated with the practice.

*(Reason: To ensure compliance with approved plan)*

**DAOUA10 - Hours of Business Operation**

The hours of operation are restricted to between:

- <\*\*\*\*> time <\*\*\*\*> from <\*\*\*\*> to <\*\*\*\*>.

*(Reason: Ensure business operates between approved hours)*

**DAOUA11 - Hours of Industrial Operation**

The premises must not be open for business, nor machinery, including vehicles, operated upon the property otherwise than between the hours of am to <\*\*\*\*>pm Mondays to Fridays, and <\*\*\*\*>am to <\*\*\*\*>pm on Saturdays.

The premises must not open for business on Sundays or Public Holidays.

This condition does not apply in respect to refrigeration equipment/or machinery used for preparation or cooking of baked goods, unless they create a nuisance or were not part of the original consent.

*(Reason: Ensure industry operates between approved hours)*

**DAOUA12 - Maximum Number of Staff**

A maximum number of <\*\*\*\*> staff are permitted to work on the premises at any one time. Any increase in this number shall be subject to the further written consent of Council.

*(Reason: Environmental Amenity)*

**DAOUA13 - Lighting Nuisance**

The use of floodlighting or the like, to advertise or attract attention or for the convenience of patrons must be controlled so as not to cause any distraction or disturbance to nearby or adjacent residents, pedestrians or motorists. The use of flashing lights is strictly prohibited.

*(Reason: Environmental amenity)*

**DAOUA14 - Loading**

All loading and unloading operations shall be carried out wholly within the confines of the site, at all times. All delivery vehicles shall enter and leave the site in a forward direction.

*(Reason: Adequate servicing)*

**DAOUA15 - Offices - Ancillary Use**

No part of the premises may be used as offices or for any other commercial activity, including a showroom or display area, except where such facility is ancillary and sub-ordinate to the principal use of the premises. The proportion of floor space of the building used for offices or showrooms and the like, must not be increased above that shown on the approved plan.



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*(Reason: To ensure compliance with approved use)*

**DAOUA16 - Outdoor Furniture**

No furniture or other structure is permitted to be fixed to the pavement, without the consent of City of Canada Bay Council.

*(Reason: Amenity, health & safety and information)*

**DAOUA17 - Patron Behaviour**

The business proprietors shall take all steps necessary to ensure that no noise nuisance occurs from persons entering or leaving the premises.

*(Reason: Environmental health)*

**DAOUA18 - Portable Signs**

Portable signs or goods, commonly described as 'sandwich boards' and the like for sale or display shall not be placed on the footway or other public areas.

*(Reason: Amenity, health and safety)*

**DAOUA19 - Restaurant/Cafe Serviced Area - Furniture Location**

All furniture must be kept strictly within the serviced area as defined on the approved drawing number <\*\*\*\*>.

*(Reason: To ensure compliance with approved plans)*

**DAOUA20 - Seating Capacity**

A sign shall be erected in a prominent position in the building/premises stating the maximum number of persons/seating capacity of the approved entertainment venue/function centre/pub/registered club/restaurant/café (*delete whichever is not applicable*) as set out in Condition No. <\*\*\*\*> of this consent.

*(Reason: Compliance)*

**DAOUA21 - Signage - Illumination**

*Hours of Sign Illumination*

Signage must not be illuminated between the hours of 11.00pm and 7.00am daily.

*Flashing or Moving Signs*

Signage must not flash or have any moving components.

*Intensity of Sign Illumination*

The intensity and hours of illumination of the sign must be varied if, at any time in the opinion of Council, injury is being caused to the amenity of the neighbourhood.

*Wiring*

Any wiring to approved signage must be concealed within the fabric of the building or contained behind the sign and must not be visible on the facade of the building.

*(Reason: To ensure compliance with approved plans and environmental amenity)*

**DAOUA22 - Operational Plan of Management: (Boarding Houses)**

A final Operational Plan of Management is to be formulated and submitted to Council for approval **prior to the issue of a Construction Certificate**.

The Plan of Management must include the minimum criteria as stipulated in Schedule 2 (Standards for Places of Shared Accommodation) of the Local Government (General) Regulation, 2005 under the Local Government Act 1993, the Public Health Act, 1991, Boarding Houses Act 2012 and Boarding Houses Regulation 2013.

The plan shall be dated and the name and signature of the author of the document shall be included. The Plan of Management shall be displayed in prominent locations within the premises and a copy of the Plan shall be provided to all residents of the boarding house. The on-site Caretaker shall be responsible for ensuring that the terms of the Plan are adhered to at all times.

This Operational Plan of Management must incorporate the following:

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- (a) All the measures to be implemented on the premises in terms of safety & security, amenity and health including but not limited to matters relating to curfews and after-hours access, bringing of visitors on to the site, drug and alcohol policy (including smoking), and use of communal areas etc; and
- (b) All the responsibilities of the Caretaker/Manager; and
- (c) An Incident Register shall be maintained by the Caretaker. This Register must be produced upon demand by any Council officer or NSW Police Officer. The Register must contain a direction that all incidents of a criminal nature are to be reported to the Police immediately; and Standard Conditions of Consent
- (d) Prior to commencement of the boarding house use, a notification letter shall be forwarded to Council, the Police and neighbours providing contact details for the Caretaker/Manager so that any issues regarding the operation of the premises etc can be addressed promptly. Evidence of this letter being forwarded as required in this condition shall be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate and commencement of the use.
- (e) The Plan of Management referred to in this condition shall be reviewed by Council annually from the date of the issue of an Occupation Certificate by the Principal Certifying Authority. The operator of the boarding house shall contact Council annually to carry out this review and the review shall include the Incident Register referred to in point (3) above. Should amendments be made to the Plan of Management an updated version of same shall be provided to Council and the residents of the boarding house within one (1) month of the annual review being completed.

*(Reason: To minimise the impact of the use on surrounding residences)*

#### **DAOUA23 - Operational Plan of Management (Hotels, Restaurants, Bars etc)**

A final Operational Plan of Management is to be formulated and submitted to Council for approval **prior to the issue of a Construction Certificate**. The Plan of Management shall be displayed in prominent locations within the premises. The Manager/Publican shall be responsible for ensuring that the terms of the Plan are adhered to at all times.

This Operational Plan of Management must incorporate the following:

- (a) All the measures to be implemented on the premises in terms of safety & security and amenity of surrounding residential properties including but not limited to matters relating to hours of operation, security staff and their responsibilities, training of staff in responsible service of alcohol procedures, control of amplified music and live band performances etc; and
- (b) All the responsibilities of the Manager/Publican particularly with respect to co-ordination of security measures, training and management of staff, and co-ordination of any matters involving the NSW Police Service; and
- (c) An Incident Register shall be maintained by the Manager and shall be produced upon demand by any Council officer or NSW Police Officer. The Register must contain a direction that all incidents of a criminal nature are to be reported to the Police immediately; and
- (d) Prior to commencement of the use, a notification letter shall be forwarded to Council, the Police and neighbours providing contact details for the Manager/Publican so that any surrounding property owner/occupier wishing to raise issues regarding the operation of the premises etc can access the management of the premises promptly. Evidence of this letter being forwarded as required in this condition shall be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate and commencement of the use.
- (e) The Plan of Management referred to in this condition shall be reviewed by Council annually from the date of the issue of an Occupation Certificate by the Principal Certifying Authority. The operator of the premises shall contact Council annually to carry out this review and the review shall include the Incident Register referred to in point (3) above. Should amendments be made to the Plan of Management an updated version of same shall be provided to Council and the residents of the boarding house within one (1) month of the annual review being completed.

*(Reason: To minimise the impact of the use on surrounding residences)*

#### **DAOUA24 - Promotion of Public Transport Options**

Copies of the relevant Bus/Train Timetables servicing the local area in the vicinity of the premises shall be made available, free of charge, to patrons and shall be clearly displayed within the premises. The available public transport options to and from the site shall be included in any advertising material, web sites etc. for the proposed use.

*(Reason: To encourage the use of public transport to gain access to and from the premises)*

#### **DAOUA25 - Boarding House**

This approval is for a 'boarding house', defined under the Canada Bay Local Environmental Plan 2013 as a building:

- (a) that is wholly or partly let in lodgings, and
- (b) that provides lodgers with a principal place of residence for 3 months or more, and

- (c) that may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
- (d) that has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers, but does not include backpackers' accommodation, a group home, a serviced apartment, seniors housing or hotel or motel accommodation.

The approved boarding house must operate within its definition above. The approved boarding house cannot be strata or community title subdivided.

*(Reason: Clarify extent of consent)*

#### **DAOUA25B - Boarding House - Use & Operation**

The construction and operation of the boarding house shall comply with all applicable legislation/regulation and standards, including:

- a) Boarding Houses Act 2012
- b) Boarding Houses Regulation 2013
- c) Local Government Act 1993
- d) Local Government Regulation 2005

The use and operation of the premises must:-

1. Comply with the requirements of Schedule 2 (Standards for Places of Shared Accommodation) of the Local Government (General) Regulation, 2005 under the Local Government Act 1993, the Public Health Act, 2010 including, Boarding Houses Act 2012 and Boarding Houses Regulation 2013 including:

##### **(i) Maximum number of boarders and lodgers**

The maximum number of persons accommodated in a bedroom, or in a cubicle of a dormitory, must not exceed the number determined by allowing a minimum floor area within the bedroom or cubicle in accordance with the relevant provisions under the *Public Health Act 1991* for each person.

**Note :** On the commencement of this Regulation, the relevant provision was clause 46 of the *Public Health (General) Regulation 2012* .

##### **(ii) Notices**

- (1) A sign indicating the permissible maximum length of time during which a person may board or lodge in the premises must be conspicuously displayed to public view outside the premises.
- (2) A schedule showing the numeral designating each bedroom and dormitory and the number of persons permitted to be accommodated in each must be conspicuously displayed on the premises.
- (3) Each bedroom must be numbered in accordance with the schedule and there must be displayed clearly on the door of or in each bedroom the maximum number of persons allowed to be accommodated in the bedroom.

##### **(iii) Light and ventilation**

- (1) Adequate light and ventilation must be maintained in the premises.
- (2) All partitions forming cubicles in a dormitory must be adequately constructed and provide adequate ventilation.

##### **(iv) Kitchen facilities**

- (1) Any kitchen facilities and utensils for the storage or preparation of food must be kept in a clean and healthy condition, in good repair, free from foul odours and, as far as practicable, free from dust, flies, insects and vermin.
- (2) The floor of any kitchen must have an approved impervious surface.

##### **(v) General cleanliness**

- (1) All parts of the premises and all appurtenances (including furniture, fittings, bedsteads, beds and bed linen) must be kept in a clean and healthy condition, and free from vermin.
- (2) Pans, receptacles or other waste storage devices must be kept covered and all waste must be deposited in appropriate pans, receptacles or other waste storage devices.

##### **(vi) Furniture and fittings**

Appropriate furniture and fittings must be provided and maintained in good repair.

##### **(vii) Long term residences**

If the place is one in which persons may board or lodge for 7 days or longer, an adequate number of beds (each provided with a mattress and pillow and an adequate supply of clean blankets or equivalent bed clothing), adequate storage space and blinds, curtains or similar devices to screen bedroom and dormitory windows for privacy must be provided for the occupants.

**2. Care of surrounding buildings**

The owner/manager of the building must ensure that the forecourt and the surrounds of the building including pavements and gutters are to be kept clean and free of litter at all times.

**3. No speakers or music permitted outdoors or in the communal areas**

Speakers must not be installed and music must not be played in any of the outdoor areas associated with the premises, including the open communal area. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premise

**4. Hours of use- communal areas**

The hours of use of the communal open area must be restricted to between X:00am and X:00pm Monday to Sunday.

*(Reason: To minimise the impact of the use on surrounding residences)*

**DAOUA26 - Display Notice**

A Notice is to be prominently displayed in the front window of the business to which this Notice refers. The Display Notice must include the following:

- (a) Details of all public transport options located within 400m of the subject premises;
- (b) The clear display of the number of seats approved inside and outside (footpath) the establishment; and
- (c) The clear display of the approved hours of operation.

*(Reason: Minimise impact and compliance)*

**DAOUA27 - Maximum number of Boarding Rooms and Lodgers**

This approval is granted for the use of the land for the purposes of a Boarding House comprising a maximum of (...) Boarding Rooms (plus one Manager's Room??). This will include xx Double Rooms (maximum 2 persons per room) and xx Single Rooms (maximum 1 person per room).

All lodgers shall be required to reside on the premises for a minimum period of three (3) months in accordance with the definition of a Boarding House under the Canada Bay Local Environmental Plan 2013.

*(Reason: To clarify the terms of the approval and to control the maximum number of lodgers living in the premises at any one time)*

**DAOUA28 - Registration of Boarding House (Boarding House Act 2012)**

The approved Boarding House must be registered with NSW Fair Trading within twenty-eight (28) days of commencing operations. Details about the Boarding Houses Register and the registration process are available on the Fair Trading website. Boarding House owners/operators are also required to lodge an Annual Return within 28 days of the 12 month anniversary of the date of the initial registration. Should the premises cease operating as a Boarding House, NSW Fair Trading must be notified of such within 28 days of the cessation of the use.

**Prior to the issue of any Occupation Certificate** a Business Registration Form must be completed and submitted to Council. This form is available online at [www.canadabay.nsw.gov.au](http://www.canadabay.nsw.gov.au). In the instance details on the original registration form change, Council is to be notified of the change within seven (7) days of the change occurring.

Note: Council must conduct an initial compliance investigation and inspection of the premises within 12 months of its registration.

*(Reason: Registration and notification to relevant authorities)*

**DAOUB01 - Annual Fire Safety Statement**

Pursuant to Part 9, Division 5 of the Environmental Planning and Assessment Regulation (as amended) the owner of the building shall furnish Council with an Annual Fire Safety Statement from a competent person so as to certify the essential fire safety measures in the building. The Annual Fire Safety Statement shall be within 12 months of the issue of the fire safety certificate, and then on an annual basis.

A copy of the Fire Safety Statement obtained and Fire Safety Schedule shall also be:-

1. Forwarded to the Commissioner of the New South Wales Fire Brigade; and
2. Prominently displayed in the building

*(Reason: Fire safety)*

#### **DAOUC01 - Chemical Storage**

All chemicals, paints and other liquids shall be stored in approved receptacles in an area that is bunded or has a spill containment system that will minimise the risk of pollution from liquid spills and leaks. Where applicable the construction of bunds must comply with the requirements of:

- Australian Standard AS 1940D1993: The storage and Handling of Flammable and Combustible Liquids;
- Australian Standard AS 4452B1997: The storage and Handling of Toxic Substances; and
- The Dangerous goods Act 1975

*(Reason: Environmental protection)*

#### **DAOUC02 - Control of Litter**

The occupant or person in control of the premises must take all practicable steps to ensure that the area of public footpath or public area adjacent to the premises is maintained in a clean and tidy condition. Where a litter problem arises and the offending material is found to usually include wrappers, containers or the like, and remains of goods or items which it might reasonably be assumed were purchased at the subject premises, the shopkeeper must comply with any direction of City of Canada Bay Council with regard to the regular sweeping, collection and disposal of rubbish.

*(Reason: Environmental health)*

#### **DAOUC03 - Industrial Waste Materials**

The applicant shall ensure that:

- (a) Industrial waste materials must not be discharged onto the site, or onto neighbouring land or into any road, drain, pipeline or watercourse.
- (b) Storage tanks, fuelling areas, product mixing, filling and preparation areas, and the like and wash bays provided for cleaning and maintenance of vehicles, machinery, equipment and the like, must be bunded and all waste water collected and discharged to the sewer in accordance with the requirements of Sydney Water. Documentary evidence of compliance with the Sydney Water's requirements must be submitted to the Principal Certifying Authority, prior to use or occupation of the building/additions. Vehicles, machinery, equipment or the like, must not be washed or steam cleaned or the like, except in areas provided especially for the purpose in accordance with this condition. Where the approval of Sydney Water, in accordance with the requirements of this condition, is not forthcoming, some other method of treatment and removal of wastes must be installed and/or implemented to the satisfaction the Principal Certifying Authority.
- (c) Any overflow or spillage of fuel, oil, solid or liquid chemicals, or the like, must be dealt with in accordance with the requirements for treatment of waste materials as set out in (a) and (b) of this condition.

*(Reason: Environmental health)*

#### **DAOUC04 - Liquid Waste**

The repair, servicing and maintenance of all vehicles must take place in a bunded work bay drained to a holding tank or like device so that any liquid wastes produced from such repair, servicing or maintenance can be either:

- (a) Retained for recycling; or
- (b) Disposed of in accordance with the requirements of Sydney Water.

*(Reason: Environmental protection)*

#### **DAOUC05 - Microbial Control**

The installation and ongoing operation of the water cooling systems, evaporative coolers and hot/warm water systems within the premises shall be undertaken in accordance with the relevant provisions of:

- Public Health Act 2010 and Public Health Regulation 2012
- Australian Standard AS/NZS 3666 - Air Handling and Water Systems of Buildings - Microbial Control, Parts 1, 2 & 3 of 2011; and
- 2004 NSW Health Code of Best Practice for the Control of Legionnaires Disease.

*(Reason: Health and safety)*

**DAOUC06 - Noise, Air or Water Pollution - Protection of the Environment Operations Act 1997**

The activities carried out on site shall not constitute a nuisance in relation to noise, air or water pollution as specified under the Protection of the Environment Operations Act 1997.

*(Reason: Environmental protection)*

**DAOUC07 - Pollution Control**

The use of the premises must incorporate facilities that will prevent the discharge of any pollutant, which may degrade the environment or be prejudicial to its inhabitants including but not limited to:

- (a) All pollution control devices (including drainage systems, sumps and traps) must be regularly maintained;
- (b) All liquid wastes must be collected and disposed of in a manner which does not pollute the stormwater system;
- (c) The repair, servicing and maintenance of all vehicles must take place in a bunded work bay drained holding tank or like device so that any liquid wastes produced from such repair, servicing, and maintenance can either be:
  - Retained for recycling or;
  - Disposed of in accordance with the requirements of Sydney Water
- (d) All paints, chemicals and other liquids shall be stored in approved receptacles which are to be housed in a suitably constructed bunded area;
- (e) No spray painting of vehicles shall take place outside the spray booth; and
- (f) Appropriate equipment and absorbent material must be provided and maintained in a prominent position in order to combat any spill.

*(Reason: Environmental protection)*

**DAOUC07B - Compliance with an Environmental Management Plan**

Any future intrusive ground works carried out that have the potential to conflict with any residual contamination remaining onsite must only be carried out in accordance with the Environmental Management Plan as referenced by the Site Auditor on the final Site Audit Statement and approved by the Council.

*(Reason: Environmental protection)*

**DAOUC08 - Registration of Water Cooling and Warm Water Systems**

**Prior to the issue of an Occupation certificate** a Cooling Tower and Warm Water System (Regulated Systems) Registration Form must be completed and submitted to Council. This form is available online at [www.canadabay.nsw.gov.au](http://www.canadabay.nsw.gov.au). In the instance details on the original registration form change, Council is to be notified of the change within seven (7) days of the change occurring.

*(Reason: Registration and notification to relevant authorities)*

**DAOUC09 - Smoke Nuisance**

The ongoing operation of the solid fuel heater shall be in accordance with the relevant provisions of the Protection of the Environment Operations Act 1997, and relevant regulations. The operation of a solid fuel heater shall not cause the emission of a visible plume of smoke from a chimney for a continuous period of not less than 10 minutes, including a period of not less than 30 seconds when the plume extends at least 10 metres from the point at which the smoke is emitted from the chimney.

*(Reasons: Environmental health)*

**DAOUC10 - Storage/Display of Goods/Machinery**

No goods or machinery can be placed outside the confines of the shop area.

*(Reason: Health and safety)*

**DAOUC11 - Water Quality Treatment Systems**

To ensure that the environment is protected from pollution **after development**, appropriate water quality treatment systems or pollution control devices are to be installed to ensure that the following minimum pollutant loads are retained on the site:

| Pollutant                    | Retention of post-development loads    |
|------------------------------|--|
| Total Suspended Solids (TSS) | 80%                                    |
| Total Phosphorus (TP)        | 45%                                    |
| Total Nitrogen (TN)          | 45%                                    |
| Gross Litter                 | Litter - retain 70%<br>Material > 50mm |

These devices are to be installed and monitored regularly to ensure that they achieve their treatment objectives and that their performance meets the above criteria. If they fail to meet these objectives or if so required by the Appropriate Regulatory Authority (ARA), it shall be modified to achieve them, and the systems upgraded.

These systems shall be designed to ensure ease of maintenance.

*(Reason: Environmental protection)*

**DAOUC12 - Acoustic Assessment**

All recommendations contained in the approved acoustic assessment report prepared by *(insert name of consultant/company and date of report)* shall be adopted, implemented, and adhered to.

The Principal Certifying Authority (PCA) shall obtain a certificate from an appropriately qualified acoustic consultant, stating that the recommendations outlined in the above stated report have been completed and that relevant noise criteria have been satisfied **prior to the issue of any Occupational Certificate.**

Any changes made to the proposal that would alter the outcome will require a further assessment and a copy of this further report shall be provided to the PCA for approval and all recommendations of the report shall be adopted, implemented and available upon request of the Council.

*(Reason: Noise Control and Amenity)*

**DAOUC13 - Further Acoustic Assessment**

Following occupation of the building/premises, should it be found that the measures recommended in the acoustic assessment are not sufficient, or have been incorrectly installed or a noise issue (relating to the development) not previously identified arises (through complaint or otherwise), the owner/ occupier shall, upon request by Council, employ the services of a qualified acoustic consultant to undertake a post occupation assessment of the development and complete an assessment report with recommendations to rectify the situation . A copy of this report shall be submitted to Council for approval and from there noise attenuation works shall be implemented.

*(Reason: Noise Control and Amenity)*

**DAOUC14 - Further Acoustic Assessment (Licensed Premises)**

Following occupation of the building/premises should substantiated complaints or breaches of noise regulation occur, a suitably qualified acoustic consultant may be engaged, with the Council and the licensee/operator of the premises agreeing on the acoustical consultant, to measure noise emanating from the building/premises and to recommend appropriate action. The reasonable cost of such appointment shall be borne by the licensee/operator and any works recommended by the acoustic consultant shall also be borne by the licensee/operator and carried out within a time frame set by Council.

*(Reason: Noise Control and Amenity)*

**DAOUC15 - Noise (General)**

The use of the premises shall comply with the requirements of the Environmental Pollution Authority's Industrial Noise Policy 2000 and shall not give rise to the transmission of offensive noise as defined in the Protection of the Environment Operation Act 1997 (NSW).

*(Reason: Noise Control and Amenity)*

**DAOUC16 - Noise Complaints - General**

The development must not cause offensive noise as defined by the *Protection of the Environment Operation Act 1997 (NSW)*. Following occupation, should complaints of a noise nuisance be received and substantiated by an authorised officer, an acoustic assessment shall be conducted by a qualified acoustic consultant and the resulting report shall be provided to Council for assessment. Should the recommendations in the report be accepted, the owner/occupier shall then implement all recommendations contained in the assessment report within a timeframe agreed to by Council.

*(Reason: Noise Control and Amenity)*

**DAOUC17 - Noise Complaints Relating to Use or Equipment**

Following occupation of the Child Care Centre/installation of the pool pump/installation of the air conditioning unit (*delete whichever scenario is not applicable*), should substantiated complaints or breaches of noise regulations occur, a suitably qualified acoustic consultant shall be engaged, with the Council and the operator/owner of the premises agreeing on the acoustical consultant, to measure noise emanating from the building/premises and to recommend appropriate action. The reasonable cost of such appointment shall be borne by the operator/owner and any works recommended by the acoustic consultant shall also be borne by the operator/owner and carried out within a time frame set by Council.

*(Reason: Amenity and Noise Control)*

**DAOUC18 - Noise - air conditioners/swimming pool pumps/ spa pump in residential buildings**

**Air Conditioners** (*delete if not applicable*)

The air conditioner/s must comply with the requirements of *Protection of the Environment Operations (Noise Control) Regulation 2008* 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):
  - (i) before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
  - (ii) before 7.00am and after 10.00pm on any other day; and
- (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 ( $L_{A90, 15\text{minutes}}$ ) by more than 5dB(A). The source noise level must be measured as a LAeq 15 minute.

**Swimming Pool Pump/ Spa Pump** (*delete if not applicable*)

The swimming pool or spa pump/s must comply with the requirements of *Protection of the Environment Operations (Noise Control) Regulation 2008* 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):
  - (i) before 8.00am and after 8.00pm on any Saturday, Sunday or public holiday; or
  - (ii) before 7.00am and after 8.00pm on any other day; or
- (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 ( $L_{A90, 15\text{minutes}}$ ) by more than 5dB(A). The source noise level must be measured as a LAeq 15 minute.

*(Reason: Noise Control and Amenity)*

**DAOUC19 - Compliance with Noise Control Legislation**

The applicant shall ensure that all activities within the premises comply with the relevant sections of the *Protection of the Environment Operations Act 1997* and Regulations; the NSW Environment Protection Authority Industrial Noise Policy (2000) and relevant Australian Standards on Noise Control on Construction, Maintenance and Demolition Sites.

*(Reason: Noise Control and Amenity)*

**DAOUC20 - Waste Management Plan**

The demolition, construction, and ongoing waste management activities related to this development shall be undertaken in accordance with the relevant provisions of Council's Development Control Plan. A copy of this document is available from Council's Customer Service Centres during office hours.

The Development Control Plan requires submission of a detailed Waste Management Plan (WMP) for the proposed development. Details relating to each stage of the development such as demolition (where applicable), construction, and the ongoing waste disposal from the occupied premises shall be included in the WMP. The WMP must identify the types of waste that will be generated and all proposals to re-use, recycle or dispose of the waste.

Submission of the completed WMP shall be undertaken prior to the issue of a Construction Certificate.

*(Reason: Waste Management Control)*



**DAOUC21 - Mechanical Exhaust**

The proposed spray booth and mechanical exhaust ventilation system must comply with AS 1668 set and the Building Code of Australia (BCA). Details of the proposed spray booth and mechanical ventilation system must be submitted to the satisfaction of Council or an Accredited Certifier prior to the issue of construction certificate.

*(Reason: Compliance and Amenity)*

**DAOUC21B - Minimal Cooking - No Mechanical Ventilation**

Minimal cooking is permitted on the premises. The combined total power output of all appliances used in the preparation of food is limited to gas and electrical cooking appliances - 8 Kw and 29 megajoules/hour respectively

*(Reason: To regulate the use of the premises)*

**DAOUC21D - Method of Cooking**

The cooking of food at the premises by barbecue or charcoal methods is not permitted. This approval does not permit the installation of barbecue or charcoal cooking appliances.

*(Reason: To regulate the use of the premises)*

**DAOUC22 - Greywater Diversion Device**

The greywater diversion device must:

- Comply with the *Local Government (General) Regulation 2005* and *Local Government Act 1993*.
- Comply with the *NSW Code of Practice: Plumbing and Drainage 3rd Edition 2006*.
- Not be located in an area registered as environmentally sensitive. Areas registered as environmentally sensitive are listed on the Department of Energy, Utilities and Sustainability web site ([www.deus.nsw.gov.au](http://www.deus.nsw.gov.au)).
- Not divert water from kitchen or toilet plumbing.
- Not be located where there is already an on-site sewage management facility.
- Not be located on a property serviced by a dual reticulation system.
- Have a switching or selection facility so that greywater can be easily diverted back to sewer.
- If connected to, or modifies the existing plumbing system be a WaterMark licensed device (previously a Plumbing Safety licence), and must be installed by a licensed plumber.
- Additional requirements:
- A washing machine standpipe, or WaterMark licensed diversion device must deliver the greywater to a sub-surface irrigation system.
- Any diversion other than by gravity is only via a licensed non-storage surge tank and pump system installed by a licensed plumber.
- A non-storage surge attenuation measure is to be installed as part of the diversion system (non-storage surge attenuation can be in the form of a tank system, a mulch basin or similar).
- Sydney Water shall be notified in writing by the installing plumber that the device is in place.
- Any diversion devices installed prior to the fixture trap must have provision to automatically maintain the water seal in the trap.

*(Reason: Health and Amenity)*

**DAOUC23 - Greywater Treatment Systems (GTS)**

Greywater must not be stored on the property unless within an approved greywater treatment system. The greywater treatment system and associated reuse distribution system must:

- Comply with the *Local Government (General) Regulation 2005* and *Local Government Act 1993*.
- Comply with the *NSW Code of Practice: Plumbing and Drainage 3rd Edition 2006*.
- Be accredited by the NSW Department of Health.
- Be installed by a licensed plumber.
- Be installed to prevent the incidence of cross-connection, overflow and backflow.

Additional requirements:

- Sydney Water shall be notified in writing by the installing plumber that the system is in place. Written notification shall be in the form of "as completed plans" (e.g. an amended sewer service diagram) or other documentation as required by Sydney Water.
- Where the GTS is connected to internal fixtures for toilet flushing and washing machine use, a back-up water supply is required to ensure a constant water supply to all fixtures should the GTS fail.

Greywater must be contained within the property and not allowed to migrate onto neighbouring properties.

*(Reason: Health and Amenity)*

**DAOUD00 - Registration of Covenant**

The applicant must register a covenant on the title of the land under Section 88E of the Conveyancing Act 1919, to indicate that contaminated fill is being managed under a management plan onsite. Evidence of the registration of the covenant shall be submitted to Council and the Principal Certifying Authority, **prior to the issue of an Occupation Certificate**.

The covenant shall be binding upon the registered proprietors of the subject land and successors on the title. The instrument shall nominate the City of Canada Bay as the only authority empowered to release, vary or modify the terms of the covenant.

This covenant shall also include, but not necessarily be limited to, the following;

- i) Survey delineating the position, depth and dimensions of the containment cell.
- ii) The Environmental Management Plan as reviewed by the NSW EPA accredited site auditor, as required by the development consent.

*(Reason: Statutory requirement and information)*

**DAOUD01 - Landscape Strategy - Single Dwelling**

To ensure the survival of landscaping following work, the owner/occupier is to implement the landscape maintenance strategy submitted with the Construction Certificate application for a **12 month period following the release of the Occupation Certificate**.

*(Reason: Ensure survival and quality of landscape features)*

**DAOUD02 - Registration of Final Plan with Land and Property Information**

Once a Subdivision Certificate is issued by City of Canada Bay Council, the Final Plan of Subdivision must be registered with Land and Property Information. Documentary evidence that the linen plan has been registered with Land and Property Information must be submitted to City of Canada Bay Council as soon as possible.

*(Reason: Statutory requirement and information)*

**DAOUD02B - Survey of Containment Material Containment Area**

Prior to the placement of a visual marker layer as required by the RAP, the contaminated fill containment area must be delineated and surveyed by a Registered Surveyor and identified on a survey drawing.

This survey drawing must be submitted to the satisfaction of the supervising environmental consultant and be included in the Validation Report, **prior to construction works**.

**DAOUD03 - Visitor Parking Restriction**

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

*(Reason: Compliance)*

**DAOUD04 - Australia Post Guidelines**

Mail deliveries are to be in accordance with Australia Post Guidelines, as set out in the Australia Post publication "General Post Guide - September 2007". A copy of this Guide can be obtained from Australia Post's web page at [www.auspost.com.au](http://www.auspost.com.au). A copy of the brochure may be obtained from Australia Post. In general, a clearly marked mailbox (or group of mailboxes) shall be provided within 500mm of the footpath alignment.

*(Reason: To ensure compliance with mail delivery regulations)*

**DAOUE01 - Admission Times - Licensed Premises**

No person shall be admitted onto the premises after <time>.

*(Reason: Disturbance and public interest)*

**DAOUE02 - Bottle, Can or Garbage Disposal**

No bottle, can or garbage disposal shall take place between the hours of 8.00pm and 7.00am daily.

*(Reason: Disturbance and public interest)*

**DAOUE03 - Control of Noise Upon Exiting Premises**

A clearly visible sign shall be permanently erected immediately adjacent to the entry/exit doors indicating that patrons are to leave in an orderly fashion and shall leave the vicinity of the premises in a manner that does not disturb the quiet and good order of the neighbourhood.

*(Reason: Public interest)*

**DAOUE04 - Glass or Open Containers**

No person shall be permitted to take glasses or open containers of liquor off the licensed premises when leaving. In particular, patrons shall not be permitted to drink on the footpath in <place> outside the premises. Any patron not complying with a direction to move inside the premises shall be refused further service.

*(Reason: Safety/litter)*

**DAOUE05 - Harm Minimisation Principles**

The licensee shall implement forthwith Harm Minimisation Principles and any Industry Code(s) of Practice in relation to the responsible serving of alcohol. Any employee shall undergo necessary training modules to satisfy current requirements.

*(Reason: Public responsibility)*

**DAOUE06 - Licensed Premises Noise**

The LA10 noise level emitted from the licensed premises shall not exceed the background noise level in any octave band centre frequency (31.5Hz - 8 Hz inclusive) by more than 5dB (A) between 7am and 12 midnight at the boundary of any affected residence

Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12 midnight and 7am.

*(Reason: Environmental health)*

**DAOUE07 - No Live Bands**

No live bands shall perform on the premises.

*(Reason: Noise attenuation)*

**DAOUE07B - Licensed Premises - Acoustic Assessment**

An appropriately qualified acoustic consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants must be employed by the proprietor of the premises to monitor the noise generated before the entertainment commences and details of that appointment submitted to Council.

During the first 60 days of entertainment being provided at the premises, the attended acoustic monitoring must be undertaken in accordance with the following:

- (a) The acoustic consultant must:
  - (i) measure and verify that the noise emanating from the premises complies with the noise criteria in the "Noise Use (Licensed Premises)" condition; and
  - (ii) if necessary, make recommendations to mitigate the noise emanating from the premises complies with the noise criteria in "Noise Use (Licensed Premises)" condition.
- (b) The noise measurements must be:
  - (i) undertaken without the knowledge of the applicant, manager or operator of the premises; and
  - (ii) taken on at least three different occasions during peak occupancy & whilst entertainment is in progress
  - (iii) submitted to Council within 7 days of the testing.
- (c) If the acoustic consultant recommends that additional treatment or works be undertaken under condition (a)(ii) above, those recommendations must be:
  - (i) submitted to Council with the noise measurements as required in (b)(ii) above; and
  - (ii) implemented to the acoustic consultant's and the Council's satisfaction within one (1) month from the date of the acoustic consultant's report or as directed by the consultant during the assessment.
- (d) If the acoustic consultant's recommendations are not implemented in accordance with this condition, the premises must not be used for entertainment.

*(Reason: Noise attenuation)*

**DAOUE08 - Patron Behaviour - Security Staff**

The Management must ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood. In this regard, Management is responsible for the control of noise and litter generated by patrons of the premises and must ensure that patrons leave the vicinity of the premises in an orderly manner. The Management will employ private security staff to ensure that this condition is complied with to the satisfaction of Council.

*(Reason: Amenity, health and safety)*

**DAOUE09 - Protection of Neighbour Amenity at Closing**

An announcement shall be made at the cessation of the entertainment to the effect that patrons shall leave the premises and the vicinity quickly and quietly to avoid disturbance of the neighbourhood.

*(Reason: Public interest)*

**DAOUE10 - Security Management Plan**

Management must ensure the implementation of the Security Management Plan which specifies security patrol, surveillance and other security and response methods and security management of the public and private domain within and surrounding the site.

*(Reason: Amenity, health and safety)*

**DAOUE11 - Security Personnel**

A minimum of <\*\*\*\*> uniformed security personnel licensed under the Securities Industry Act, 1975 (NSW) shall be engaged by the licensee/secretary on <\*\*\*\*> between the hours of <\*\*\*\*> and <\*\*\*\*> and shall patrol the area to ensure that patrons of the licensed premises do not loiter or linger in the area nor cause any nuisance or annoyance to the quiet and good order of the neighbourhood.

*(Reason: Safety)*

## Advisory Notes (ANN) -

Please note: the following may not apply to all consents

### **DAANN01 - Dial Before You Dig**

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at [www.1100.com.au](http://www.1100.com.au) or telephone 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.



### *Telecommunications Act 1997 (Commonwealth)*

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's mobile network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800 810 443.

### **DAANN02 - Dividing Fences**

The erection of dividing fences under this consent does not affect the provisions of the *Dividing Fences Act 1991*. Under this Act, all relevant parties must be in agreement prior to the erection of any approved dividing fence/s under this consent.

Council has no regulatory authority in this area and does not adjudicate civil disputes relating to the provision of or payment for the erection of dividing fences.

If there is a neighbour dispute about the boundary fence and you are seeking mediation, you may contact the Community Justice Centre or if legal advice or action is required, you may contact the Chamber Magistrate.

### **DAANN03 - Footway Lease - Business Use of Footpath**

The operator of an approved business must apply to Council to lease Council's property (i.e. footways, plazas, or portions of public ways) should it be required for use in conjunction with the approved business.

The use of any footpath area for the purposes of additional dining to the approved business requires separate Council approval by application under section 125-127 & 137-139 of the *Roads Act, 1993* prior to the commencement of any such use.

A leasing fee will apply to the use of Council's property. The lease must be executed upon commencement of the operation of the refreshment room and is required to be renewed annually.

### **DAANN04 - Lapsing of Consent**

In accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979 (as amended), this Development Consent lapses five (5) years after the date from which it operates unless building, engineering or construction work has physically commenced. **A Construction Certificate must be obtained and the works commenced in accordance with the approved plans and specifications within five (5) years from the date of this Development Consent.**

### **DAANN05 - Owner Builders**

Under the *Home Building Act 1989* any property owner who intends undertaking construction work to a dwelling or dual occupancy over the value of \$5,000 must complete an approved education course and obtain an owner-builder permit from the Office of Fair Trading. See [www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au).

**DAANN06 - Process for Modification**

The plans and/or conditions of this Consent are binding and may only be modified upon written request to Council under Section 4.55 of the Environmental Planning and Assessment Act, 1979 (as amended). The request shall be accompanied by the appropriate fee and application form. You are not to commence any action, works, contractual negotiations, or the like, on the requested modification unless and until the written authorisation of Council is received by way of an amended consent.

**DAANN07 - Review of Determination**

In accordance with the provisions of Section 8.2 of the Environmental Planning and Assessment Act 1979(as amended) the applicant can request Council to review this determination. The request must be made within a period of 6 months from the date shown on this determination. A fee, as prescribed under Council's current Management Plan - Fees and Charges, is payable for such a review.

**DAANN08 - Right of Appeal**

Section 8.7 and 8.10 of the Environmental Planning and Assessment Act 1979 (as amended), gives the applicant the right to appeal to the Land and Environment Court within six (6) months after the date on which you receive this notice. Section 97 does not apply to the determination of a development application for State significant development or local designated development that has been the subject of a Commission of Inquiry.

**DAANN09 - Signage Approval**

A **separate development application** for any proposed signs which are either externally fitted or applied must be submitted for the approval of Council, prior to the erection or display of any such signs. This does not apply to signs which are classified as being 'Exempt Development'.

**DAANN10 - Skips on Council Footpath**

The applicant must apply to Council's Customer Services Centre and pay the respective minimum ten (10) day application fees and deposit, should a mini-skip type or larger builder's waste container be required to be left on Council's footpath, nature strip or roadway for the removal of any builder's waste etc. These fees must be paid prior to the container's placement. In the event of the container being removed within the ten day period, and the Council being notified, a pro-rata refund will be made. If the container is to remain at the site for longer than ten days, a further fee must be paid before the ten day period expires. No consultation is necessary if placing the container within the property to which this application is related. However, caution should be exercised in placing the bin to ensure no damage occurs to Council property.

**DAANN11 - WorkCover Requirements**

The Work Health and Safety Act 2011 and subordinate regulations, codes of practice and guidelines control and regulate the development industry.

Further information can be obtained from WorkCover NSW's website at <http://www.workcover.nsw.gov.au/newlegislation2012/your-industry/construction/Pages/default.aspx> or through their head office: WorkCover NSW, 92-100 Donnison Street, GOSFORD 2250 Postal address: WorkCover NSW, Locked Bag 2906, LISAROW 2252, Phone (02) 4321 5000, Fax (02) 4325 4145.

**DAANN12 - DECC Contaminated Land Orders**

The subject site or part of the subject site is affected by a current Ongoing Maintenance Order under Section 28 of the Contaminated Land Management Act 1997. For further information regarding this Order, contact the Department of Environment and Climate Change (DECC) by phone:131555. A copy of the Order can be downloaded from the DECC webpage at [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)

**DAANN13 - Community Association Approval**

Separate approval for the proposed works may be required from the Community Association for the Community Titles estate in which the property is located. You are advised to check the Community Management Statement and/or By-laws for your estate and discuss your proposal with the Community Association Executive prior to obtaining a Construction Certificate for the proposal

## List of Amendments

| Condition Amended   | Date Updated     | Details                              |
|---|------------------|--------------------------------------|
| DACCB04   | 11 February 2015 | Change in CPI and related figures    |
| DACCB05   | 17 February 2015 | Change in CPI and related figures    |
| DACCB04   | 28 April 2015    | Change in CPI and related figures    |
| DACCB05   | 28 April 2015    | Change in CPI and related figures    |
| DAPCB04   | 28 April 2015    | Updated due to change in legislation |
| DAGCB14   | 8 May 2015       | Condition updated                    |
| DAPDB02   | 15 May 2015      | Condition updated                    |
| DAOCD02   | 15 May 2015      | New Condition added                  |
| DACCB04   | 23 July 2015     | Change in CPI and related figures    |
| DACCB05   | 23 July 2015     | Change in CPI and related figures    |
| DAGCA02   | 7 September 2015 | Additional wording inserted          |
| DACCB04   | 29 October 2015  | Change in CPI and related figures    |
| DACCB05   | 29 October 2015  | Change in CPI and related figures    |
| DAOUA27   | 2 November 2015  | New condition added                  |
| DAOUA28   | 2 November 2015  | New condition added                  |
| DAPCB08   | 24 November 2015 | Condition title and wording updated  |
| DACCB04   | 2 February 2016  | Change in CPI and related figures    |
| DACCB05   | 2 February 2016  | Change in CPI and related figures    |
| Various   | 2 March 2016     | Standard Conditions review           |
| DACCB04, DACCB05, DACCB07   | 27 May 2016      | Change in CPI and related figures    |
| DACCB04, DACCB05, DACCB07   | 2 August 2016    | Change in CPI and related figures    |
| DAOUC20   | 4 August 2016    | Condition wording updated            |
| DACCB04   | 3 November 2016  | Change in CPI and related figures    |
| DACCB05   | 3 November 2016  | Change in CPI and related figures    |
| DACCB07   | 3 November 2016  | Change in CPI and related figures    |
| DADWB06   | 19 December 2016 | Condition wording updated            |
| DACCG13, DACCG14, DACCG15   | 20 January 2017  | Conditions deleted                   |
| DACCD01, DACCJ03, DACCL03, DACCL07, DAOCB01, DAOCC03, DAFOE02, DACCL08, DAFOF03, DACCB04                            | 20 January 2017  | Condition wording updated.           |
| DACCI01, DACCJ02, DACCL01, CACCL05, DADWD01, DAOCB01, DAOCC01, DASCA01, DAFOE01, DAFOE03, DAFOF04, DACCL09, DACCL10 | 20 January 2017  | New conditions added.                |
| DACCB05, DACCB07  | 31 January 2017  | Change in CPI and related figures    |
| DAOCC02, DAOCC03  | 2 March 2017     | Condition wording updated            |

Standard Conditions of Consent

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|--|-------------------|---|
| DADWC01, DADWC02, DADWC04,<br>DADWC05, DADWC06, DADWC07,<br>DADWC08, DADWA04, DAGCC06,<br>DAOUD00, DAOUD02B, DAOUC12,<br>DAOUC13,DAOUC15, DAOUC16,<br>DAOUC18, DAOUA01, DADWF01,<br>DADWF02, DAOUE07B, DAOUC08,<br>DAOUC09, DAGCC02, DAFOB03,<br>DAFOB04, DAFOB04B, DAOUA06,<br>DAOUC21D, DAGCB04, DAOUA28 | 23 March 2017     | Condition wording updated                             |
| DACCO01, DACCO02, DAOCF01,<br>DAOCF02, DAOCF03, DAOCF04  | 23 March 2017     | New Conditions added.                                 |
| DACCE02A, DAFOG01  | 21 April 2017     | New Conditions added                                  |
| DACCB04, DACCB05, DACCB07  | 3 May 2017        | Change in CPI and related figures                     |
| DAFOE01A   | 12 May 2017       | New Condition added                                   |
| DAPCB08, DAPCB10, DASCA05  | 16 August 2017    | Condition wording updated                             |
| DAFOB01  | 15 September 2017 | Condition wording updated                             |
| DACCB04, DACCB05, DACCB07  | 3 May 2017        | Change in CPI and related figures                     |
| DACCK07  | 21 November 2017  | New Condition added                                   |
| DAGCD01, DACCI05, DACCL01,<br>DACCL02, DACCL03, DACCL06,<br>DACCL07, DASCA01, DAFOE01,<br>DAFE01A  | 1 December 2017   | Condition wording updated                             |
| DACGCC01   | 5 December 2017   | Condition wording updated                             |
| DACCB04, DACCB05, DACCB07  | 16 February 2018  | Change in CPI and related figures                     |
| DADWF01  | 22 February 2018  | Condition wording updated                             |
| Various  | 15 March 2018     | Conditions updated in accordance with new legislation |
| DACCB04, DACCB05, DACCB07  | 7 May 2018        | Change in CPI and related figures                     |
| DACCL02  | 7 May 2018        | Condition wording updated                             |