

SCHEDULE 2

CONDITIONS OF CONSENT DA 447-12-2002

EIGHT STOREY MIXED USE RESIDENTIAL FLAT BUILDING 24-32 WALKER STREET, RHODES

A] THE APPROVED DEVELOPMENT

1.0 PLANS AND INFORMATION

- 1.1 The development shall be in accordance with Development Application No. 447-12-2002 submitted by Meriton Apartments Pty Limited on 21.12.2002, and in accordance with the supporting documentation submitted with that application including, but not limited to, the following:

Statement of Environmental Effects dated 13 December 2002, prepared by Meriton Apartments Pty Limited

Architectural (or Design) Drawings prepared by Meriton Apartments and Pty Ltd and labelled as follows:

Drawing No.DA01 Issue D Cover Sheet Development Calculations issued June 03
Drawing No. DA02 Issue C Site Analysis issued April 03
Drawing No. DA03 Issue D Level 1 Plan (Car parking) issued June 03
Drawing No. DA04 Issue C Level 2 Plan (Car parking) issued 7 June 03
Drawing No. DA05 Issue D Level 3 (Ground) Floor Plan issued 13 May 03
Drawing No. DA06 Issue D Level 4 Floor Plan issued June 03
Drawing No. DA07 Issue D Level 5 Floor Plan issued June 03
Drawing No. DA08 Issue D Level 6 Floor Plan issued June 03
Drawing No. DA09 Issue D Level 7 Floor Plan issued June 03
Drawing No. DA10 Issue D Level 8 Floor Plan issued June 03
Drawing No. DA11 Issue D Level 9 issued June 03
Drawing No. DA12 Issue D Level 10 Floor Plan issued June 03
Drawing No. DA13 Issue C Level 11 Roof Level Floor Plan issued April 03
Drawing No. DA20 Issue C Sections A-A and B-B issued April 03
Drawing No. DA30 Issue D Elevations issued June 03
Drawing No. DA31 Issue B Townhouse Elevations issued April 03
Drawing No. SH01 issue C Shadow 22 June 9.00am issued April 03
Drawing No. SH02 Issue C Shadow 22 June 12.00 noon issued April 03
Drawing No. SH03 Issue C Shadow 22 June 3.00pm issued April 03
Drawing No. A03 Issue C Level 3 - Areas Plan issued April 03
Drawing No. A04 Issue C Level 4 - Areas Plan issued April 03
Drawing No. A05 Issue C Level 5 - Areas Plan issued April 03
Drawing No. A06 Issue C Level 6 - Areas Plan issued April 03
Drawing No. A07 Issue C Level 7 - Areas Plan issued April 03
Drawing No. A08 Issue C Level 8 - Areas Plan issued April 03
Drawing No. A09 Issue C Level 9 - Areas Plan issued April 03
Drawing No. A10 Issue C Level 10 - Areas Plan issued April 03
Drawing No. A11 Issue C Roof - Areas Plan issued April 03

And subject to the following conditions:

B] PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

2.0 DESIGN DETAILS AND CHANGES

- 2.1 The windows to the lobby areas on each level are to be openable, to provide for natural ventilation, in accordance with clause 5.2.7 of the Renewing Rhodes Development Control Plan (RRDCP).
- 2.2 The building is to be appropriately sound insulated from traffic, rail and nearby industrial premises in accordance with clause 5.2.10 of the RRDCP.
- 2.3 The visible light reflectivity from building materials used on the facades of the building shall not exceed 20%, and shall be otherwise designed so as not to result in glare that causes discomfort to, or threatens the safety of pedestrians, cyclists and motorists. Details are to be submitted to the satisfaction of the PCA prior to the issue of the Construction Certificate.
- 2.4 In accordance with clause 5.5.5 of the RRDCP mail boxes are to be provided to Australia Post requirements and a shower room is to be provided either in the basement or on the ground floor near the lift for use by cyclists.
- 2.5 The walls and ceilings of the vehicular entry that are visible from the street, shall be finished in high quality materials and no service ducts or pipes are to be visible. Details are to be submitted to the satisfaction of the PCA prior to the issue of the Construction Certificate.
- 2.6 The residential units at ground level facing Walker Street are to be designed so that they are readily converted to commercial or retail use without structural alteration including;
 - a) Alignment of a glazed 'shop front' on the boundary with Walker Street and
 - b) the raising of the court yard level to match internal levels.
- 2.7 A Certificate and sound insulation report, that shall indicate and demonstrate that the development will comply, or can be modified to comply with the requirements of Section 5.2.10 (1) of the RRDCP in respect of sound insulation between separating floors, ceilings and walls of adjoining dwellings, prepared by a suitably qualified Building Code consultant, shall be submitted to the satisfaction of the PCA. The report (if relevant) shall indicate how the development can be modified to comply and the development shall incorporate those modifications.
- 2.8 In accordance with clause 5.2.6 of the RRDCP a minimum of 75% of the ground floor residential units are to have individual access from outside.
NOTE: The western wall of the courtyards to the ground floor units may need to be fitted with gates/doors to achieve this requirement.

3.0 SITE FACILITIES

- 3.1 A schedule providing details of the total and split storage square metre rates assigned to each dwelling and plans identifying the storage locations shall be submitted to the satisfaction of the Director – Urban Assessments. The storage rates and location shall comply with Section 5.5.5(7) of the RRDCP. Storage areas in the basement are to be assigned to units on the strata plan.
- 3.2 Garden maintenance storage including connections to water and drainage shall be provided for the maintenance of the communal open space.

- 3.3 Provision shall be made in the building's construction for possible installation of commercial kitchen ventilation to cater for any future need as part of a café/mixed business use.

4.0 DISABLED PERSONS ACCESS

- 4.1 The development shall comply with Australian Standard 1428.1, the RRDCP, the Disability Discrimination Act and any relevant Council Policy.
- 4.2 Barrier-free access shall be provided to all of the development shared facilities including, but not limited to, the communal open space, gymnasium and swimming pool, and such access shall be in accordance with the relevant provisions referred to Condition No. 4.0.
- 4.3 The development shall include five adaptable units in accordance with the requirements of AS 4299, Class C. Details or pre- and post- adaptation details shall be submitted to the PCA prior to release of the construction certificate. In addition the development shall incorporate a minimum of 15% visitable units.

5.0 DEMOLITION / REMEDIATION / EARTHWORKS

- 5.1 Demolition or excavation is not to commence until a Construction Certificate has been issued for the proposed development pursuant to the Environmental Planning and Assessment Act, 1979.
- 5.2 A Site Contamination Assessment, prepared by a suitably qualified person, shall be submitted to the satisfaction of the PCA prior to the issue of the Construction Certificate.
- 5.3 An Acid Sulphate Soil Assessment and (if necessary) and Acid Sulphate Soil Management Plan shall be prepared by an appropriately qualified person in accordance with the Acid Sulphate Soil Assessment Guidelines (1998), which was prepared by the Acid Sulphate Advisory Committee. The Assessment and Management Plan shall be prepared in consultation with the Department of Sustainable Natural Resources and shall be submitted to the satisfaction of the PCA prior to the issue of the Construction Certificate.

6.0 ENGINEERING

- 6.1 A stormwater system shall be designed, approved, installed and operated such that any discharge of stormwater across the site boundaries shall be without nuisance to residents or members of the public or negative effect on the environment to the satisfaction of the PCA. The design shall be in accordance with the appropriate part(s) of AS/NZS 3500 and Canada Bay Council's requirements. Any discharge of stormwater to a road reserve shall be to the satisfaction of the relevant road authority. Overland flow from upstream properties shall not be impeded.
- 6.2 A detailed plan for the disposal of all roof-water, surface water and subsoil water from the site shall be submitted to and approved by Council or an accredited certifier. These plans are to show storm water from the ground level hard surfaces (ie the paved areas around the landscaped areas) being directed to the deep soil areas by way of permeable paving or soakage pits. The drainage plan shall detail all local catchments, roof gutters, downpipes, flow quantity, flow direction, pipe and pit sizes, grades, reduced levels and the downstream connection.
- 6.3 The drainage plans shall include details of provision for extreme storms. The overland flow paths, falls to outside surfaces and details shown as required on the drainage plan are to be incorporated into the landscaping plan. Requirements for even grading and provision for unimpeded flow paths are to be highlighted.

- 6.4 A Hydrological report detailing the likely impact of the development on existing ground water flows on and below the site and adjoining properties, shall be prepared by a qualified hydrological engineer. The report shall demonstrate that the development will not adversely affect the natural environment and that adequate levels of health and amenity to the occupants of neighbouring buildings and the locality will be maintained. The report shall be submitted to the satisfaction of the PCA prior to the issue of the Construction Certificate.
- 6.5 Silt and gross pollutant traps shall be fitted and operated to the satisfaction of the PCA on all stormwater drainage lines.
- 6.6 On site detention (OSD) of stormwater shall limit the discharge rate of the site to pre-development conditions. The OSD design shall be submitted to the satisfaction of the PCA
- 6.7 Appropriate access to the roof plant room of the proposed building shall be provided for up to three telecommunications carriers. Any installation of antennas on the roof are to be appropriately screened by RF translucent material matching the building appearance. Details are to be submitted to the satisfaction of the PCA prior to the issue of the Construction Certificate.
- 6.8 A survey shall be carried out of all utility services within the site including relevant information from public utility authorities and excavation, if necessary to determine the position and level of services. Details are to be submitted to the satisfaction of the PCA prior to the issue of the Construction Certificate.
- 6.9 An acoustic design report shall be submitted to the satisfaction of the PCA and shall detail all the major plant and equipment that will be installed on the site, and the noise control measures that are required to ensure any noise emanating is free from tonal, intermittent and impulsive characteristics.

7.0 TRAFFIC AND PARKING

- 7.1 Car park roller doors shall be designed and constructed for quiet operation. Details are to be submitted to the satisfaction of the PCA prior to the issue of the Construction Certificate.
- 7.2 A maximum of 87 car parking spaces are to be provided for the development, comprising:
- 78 residential spaces, inclusive of 7 disability access car spaces
 - 7 visitor spaces, inclusive of 1 disability access car space,
 - 1 retail car space, and
 - 1 service vehicle space.
- Car spaces suitable for use by people with disabilities shall comply with Australian Standard 2890 1993 and are to be located in close proximity to the lift. These car parking spaces shall be clearly sign posted. Details of the parking arrangements shall be submitted to the satisfaction of the PCA prior to the issue of the Construction Certificate.
- 7.3 The design and layout of all car parking and loading areas, vehicular ingress and egress points, driveway ramps and grades, aisle widths and parking bays shall conform to current Australian Standards 2890.1 and 2890.2. A certificate of compliance with the Standards shall be provided by an Accredited Certifier prior to the issue of the Construction Certificate.
- 7.4 A minimum of 29 bicycle parking spaces are to be provided for the development. The bicycle parking facilities shall comply with the *Guide to Traffic Engineering Practice Part 14: Bicycles, Austroads 1999*. Details of the bicycle parking area shall be submitted to the satisfaction of the PCA prior to the issue of the Construction Certificate.
- 7.5 The internal driveway levels shall be designed to meet Council's footpath verge levels such that a fall of 4% is obtained from the boundary line to the line formed by the closer edge of Council's

footpath. 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 with the Construction Certificate.

- 7.6 Full-width, heavy-duty concrete vehicular crossing(s) shall be provided across the footpath at the entrance(s) and exit(s). In this regard the applicant shall submit to Canada Bay Council an application for vehicular crossing(s), obtain approval and pay the appropriate fees and charges. The construction of the driveway shall be completed prior to occupation/use.
- 7.7 All disused or redundant crossings and laybacks shall be removed and the kerb, gutter and footpath reconstructed at the applicant's expense in accordance with the Public Domain Technical Manual attached to the RRDCP and to the satisfaction of Council's Manager of Assets and Infrastructure. In this regard the applicant shall submit to Council an application for concrete work and pay the appropriate fees and charges.
- 7.8 The costs of all traffic management measures associated with the development shall be the responsibility of the applicant.
- 7.9 Each pair of stacked car parking spaces shall be attached to the same strata title comprising a single dwelling.
- 7.10 Service vehicles must be able to enter and leave the loading facilities in a forward direction within the confines of the loading facilities and car park.

8.0 LANDSCAPING

- 8.1 A revised site landscaping plan that complies with clause 5.4 of the RRDCP, and the landscaping details and planting schedules shall be submitted to and approved by the Director – Urban Assessments prior to the issue of the Construction Certificate. The revised plan is to include the construction, at the applicants cost, of the pedestrian path, kerb, gutter, road verge and landscaping on the western side of Walker Street, fronting the development detailed in accordance with the RRDCP and Council requirements.
- 8.2 The area of deep soil landscaping shall not be less than 20% of the total area of the site; and the minimum dimension of each part of the deep soil landscaping shall be two (2) metres.

9.0 ECOLOGICALLY SUSTAINABLE DEVELOPMENT (ESD)

- 9.1 The applicant shall submit to the Director- General a certificate from an accredited NSW NATHER assessor that a minimum of 80% of all dwellings will achieve at least a rating of 4 stars. Only appliances and fixtures that achieve 3.5 stars or are rated AAA are to be installed. Certification of compliance with this condition is to be provided to the PCA and the consent authority prior to an occupation certificate being issued. In addition, the applicant shall ensure (perhaps via lease arrangements or strata management documents) that an Environmental Plan of Management be incorporated into the building management procedures to ensure ongoing compliance with this condition.
- 9.2 The proposed residential building shall be insulated to achieve energy efficiency and thermal comfort. Details are to be submitted to the satisfaction of the PCA prior to the issue of the Construction Certificate.
- 9.3 The development shall incorporate, where possible, solar powered external lighting. Details of the location and type of devices shall be submitted to the satisfaction of the PCA prior to the issue of the Construction Certificate.

- 9.4 A Waste Management Plan shall be prepared in consultation with Canada Bay Council. The plan is to be submitted to the satisfaction of the PCA prior to the issue of the Construction Certificate.
- 9.5 An Environmental Plan of Management for the development, prepared in consultation with the EPA, Council and other relevant bodies, shall be submitted and approved by the Director – Urban Assessments prior to the issue of a Construction Certificate, and shall be implemented.
- 9.6 The Environmental Plan of Management shall address, but not be limited to, the following matters:
- (a) roof and wall insulation (R3 and R1.5 minimum, respectively) and the use of construction detailing and building materials that would enhance the thermal efficiency of the development,
 - (b) provision of sarking if there are to be any roof cavities,
 - (c) glazing specifications,
 - (d) specification for the ventilation of car parking areas shall comply with AS 1668,
 - (e) specification of the lighting fittings to be used, including those for the interior, exterior and car parks, including the choice of fittings to minimise the use of electricity,
 - (f) consideration of the use of solar hot water systems and/or the use of photo voltaic systems to generate some of the electricity requirements, and
 - (g) use of AAA-rated appliances and other proposed measures to reduce water consumption.

10.0 HEALTH

- 10.1 All mechanical ventilation systems shall be installed in accordance with Part F4.5 of the Building Code of Australia and shall comply with Australian Standards AS1668.2 and AS 3666 "Microbial Control of Air Handling and Water Systems of Building", to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details shall be submitted to the satisfaction of the PCA prior to the issue of the Construction Certificate.

11.0 SIGNAGE & ADVERTISING

- 11.1 Any proposed advertising signage or lighting is to be the subject of a separate development application.

12.0 MONETRAY CONTRIBUTIONS AND CONTRIBUTIONS IN LIEU

- 12.1 This condition has been imposed in accordance with Section 94 of the Environmental Planning and Assessment Act 1979, the Concord s94 Contributions Plan 2000 (a copy of which may be inspected at the offices of the City of Canada Bay Council during business hours), the Rhodes Peninsula Contributions Framework Plan Nov. 2001 and the Rhodes Transport Management Plan (copies of which may be inspected at the offices of Urban and Transport Planning during business hours).
- 12.2 Section.94 Contributions These are to be made towards the provision of public amenities and services and, subject to adjustment in accordance with paragraph 7 Part 2 of the Concord s.94 Plan, are as specified below:

A: Residential Development (66 units)	
a) Open space:	\$ 135 409.94
b) Community facilities:	\$ 133 151.53
c) Roads:	<u>\$ 71 342.29</u>
Sub-total s.94 levies Residential:	\$ 339 903.75
B: Non Residential (64.7m ² Retail)	
a) Open space	\$ nil

b) Community facilities (incl \$657.39 child care)	\$ 695.82
c) Roads	<u>\$ 1 339.49</u>
Sub-total s.94 levies Retail	\$ 2 035.31

C: Less offset

a) no offset applicable

Total s.94 Contributions **\$341 939.06**

- 12.3 Transport Management Works: These comprise other cash contributions and/or works-in-kind as identified in the Rhodes Transport Management Plan.

Cash contributions Railway Station

Station upgrade \$ 40 589.00 ⁽¹⁾

Overpass link \$ 180 538.50 ⁽²⁾

Total \$ 221 127.55

Programs and Studies \$ 5 043.32

⁽¹⁾ To be paid direct to State Rail Authority (SRA)

⁽²⁾ To be paid to SRA in accordance with deed or to Department of Infrastructure Planning and Natural Resources

Share of Roadworks under TMP

Additional Works \$ n/a

Sub-total \$ nil

- 12.4 Contributions are to be satisfied before a construction certificate is issued for any works approved by this consent. Contributions can be satisfied by:
- Paying the total of the s94 amounts specified to the City of Canada Bay Council; and
 - Paying the cash contributions required by the TMP to the Department; or
 - By paying such, if any amount, once monetary offsets from the provision works-in-kind have been deducted and agreed to by the consent authority subject to any terms of that agreement.

The amount of monetary offset for a work-in-kind cannot be greater than the total monetary amount specified for that work in the Contributions Plan.

- 12.5 All monetary amounts referred to in this condition are based on those specified within the Concord Section 94 Contributions Plan 2000 (as adjusted by the Rhodes Peninsula Contributions Framework) and the actual amount for payment or for calculating offsets must be adjusted in accordance with paragraph 7 of Part 2 of that Plan.

- 12.6 A copy of the receipt of payment shall be given to the Accredited Certifier, if not Council, or alternatively evidence that the Director General on behalf of the consent authority has agreed to the offset referred to above before the construction certificate is issued.

- 12.7 Prior to the issue of the Construction Certificate, the applicant must pay the damage deposit of \$7000.00 to Canada Bay Council. The full amount shall be refunded upon completion of works provided there is no damage to Council's property as a result of the works.

- 12.8 At the discretion of the Director General, the applicant will pay to Department Urban and Transport Planning a contribution towards the engagement of a community liaison officer engaged by the Department to carry out liaison and consultation functions on behalf of all developments within the SREP 29 Rhodes Peninsula precinct. The financial contribution required will be a maximum of \$3500.00.

C] PRIOR TO COMMENCEMENT OF WORKS

13.0 DEMOLITION / REMEDIATION / EARTHWORKS

- 13.1 Details of the proposed excavation works method, prepared by an appropriately qualified person shall be submitted to the satisfaction of the PCA and a copy sent to the consent authority and Council, prior to the commencement of demolition works. Details shall be in accordance with any Council, Workcover or Australian Standards requirements.
- 13.2 The applicant shall submit the following details (which shall be in accordance with the requirements of the EPA) to the satisfaction of the PCA prior to the commencement of excavation:
- (a) spoil detention methods and locations on site and off site,
 - (b) testing for contamination of spoil and results of testing
 - (c) environmental and occupational health safeguards for the removal, handling and disposal of contaminated spoil and the management of contaminated runoff,
 - (d) suitability of the spoil for the intended use.
- 13.3 Excavated material shall be managed in accordance with the waste provisions of the Protection of the Environment Operations Act and the 1999 NSW EPA Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-liquid Wastes. Contaminated spoil must not be mixed with clean fill.
- 13.4 The PCA and Council shall be given written notice, at least 48 hours prior to the commencement of excavation, shoring or underpinning works on the site.
- 13.5 The applicant shall contact the "Dial before you Dig" service prior to the commencement of excavation, to ascertain the presence and type of underground utility services on the vicinity of the development.

14.0 ENGINEERING

- 14.1 The applicant shall submit the following details to the satisfaction of the PCA prior to commencing or constructing that portion of the approved development:
- a) Structural drawings prepared and signed by an appropriately qualified practising Structural Engineer that comply with:
 - (i) the relevant clauses of the Building Code of Australia
 - (ii) the relevant Australian Standards listed in the BCA
 - (iii) the relevant development consent, and
 - (iv) drawings and specifications comprising the Construction Certificate;

15.0 CONSTRUCTION MANAGEMENT

- 15.1 Toilet facilities shall be provided at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out. Toilets shall be provided at the rate of 1 for every 20 persons or part thereof, employed at the site and each toilet:
- (a) must be a standard flushing toilet
 - (b) must be connected:
 - (i) to a public service, or
 - (ii) if a connection to the public sewer is not practicable, to an accredited sewerage management facility approved by the Council, or
 - (iii) if connection to a public sewer or an accredited sewerage management facility is not practicable, to some other sewage management facility approved by the Council.
- The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.

15.2 All measures specified in the Construction Certificate to control water, soil erosion and sedimentation shall be installed prior to the commencement of construction works. Infringement Notices, incurring a monetary penalty, may be issued by the consent authority or Council where measures are not provided or maintained.

15.3 A Construction Management Plan, a Construction Traffic Plan of Management, Soil and Water Management Plan, a Waste Management and Minimisation Plan and a Noise Management Plan shall be prepared to the satisfaction of the PCA with a copy being submitted to Council and Department of Infrastructure Planning and Natural Resources, prior to the commencement of works.

15.3.1 The Construction Management Plan shall address, but not be limited to, the following:

- (a) details of construction staging and timing
- (b) details and responsibilities of the site environmental manager (incl. contact telephone number)
- (c) site dust control and noise control measures and monitoring
- (d) use of mobile cranes
- (e) details of hoardings
- (f) details of eradication of vermin
- (g) control of runoff during the works
- (h) barricade permits
- (i) protection of environmental amenity of adjoining residential properties
- (j) site areas for storage of excavated and construction material and waste containers
- (k) covering of heavy vehicle loads to prevent spillages onto public roads
- (l) vehicle wheel wash facilities and management of associated run off.

15.3.2 The Construction Traffic Plan of Management prepared in consultation with the Council and other relevant bodies shall address, but not be limited to, the following matters:

- (a) truck numbers and worker numbers at different stages,
- (b) ingress and egress from the site for construction vehicles, including their routes through the local area and the measures that will be implemented to ensure only those routes are used,
- (c) operating hours for trucks removing demolished and excavated materials,
- (d) procedures to ensure parking and standing of construction vehicles are contained within the site, and
- (e) measures to ensure safe pedestrian movement in the surrounding area,

15.3.3 A Construction Soil and Water Management Plan shall be prepared in consultation, and addressing the requirements of, City of Canada Bay Council and other relevant bodies, which provides details of:

- (a) the control, collection, disposal and management of stormwater, surface and sub-surface waters,
- (b) erosion and sediment control measures to be installed and maintained on site, and
- (c) the control of urban runoff and measures to prevent soil erosion.

The Plan shall be in accordance with the relevant specifications and standards contained in the manual Managing Urban Stormwater – Soils and Construction issued by the NSW Department of Housing in 1998.

The Applicant shall ensure that all erosion and sediment controls are implemented and maintained to a satisfactory level at all times.

15.3.4 The Waste Management and Minimisation Plan, prepared in consultation with Council, Resource NSW and other relevant bodies shall address, but not be limited to, the following matters:

- (a) policies and procedures to be adopted to ensure that waste is minimised and recycling is maximised both on and off the construction site,
- (b) facilities that will be provided in the recyclables storage areas, communal open space areas and in the basement waste management facilities for the separation of waste and the various types of recyclable materials.

15.3.5 A Noise Management Plan for construction shall be prepared in consultation with Council and be submitted to the satisfaction of the PCA with a copy being submitted to the Council and the consent authority prior to the commencement of works. In particular, the Noise Management Plans should contain details in regard to the following matters:

- (a) Details of noise control measures to be undertaken during the construction and operational stages for noise generated by the development
- (b) Details in respect of, but not limited to: tests for ascertaining acoustic parameters; anticipated airborne noise for all major noise generating activities and duration of these activities, specific physical and managerial measures for controlling noise, noise control equipment to be fitted to machinery, predicted noise levels at sensitive receivers, noise monitoring and reporting procedures, measures for dealing with exceedances, arrangements to inform residents of activities likely to affect their noise amenity, contact point for residents, complaints handling systems, reporting of complaints and response actions.
- (c) Measures employed to minimise the risk of potential noise and vibration impacts may include, but not necessarily be limited to, the use of the quietest practical construction equipment and other measures outlined in AS 2436 1981 *"Guide to Noise Control on Construction, Maintenance and Demolition Sites"* and shall have regard to the guidelines contained in the NSW EPA, Environmental Noise Control Manual Chapter 171.

- 15.4 Construction Management Plans shall be reviewed by the applicant during the construction period for currency and accuracy. Should contact details or procedural matters alter, the applicant will advise the Council and Department Urban and Transport Planning of those amended details.
- 15.5 A single vehicle/plant access to the development site shall be provided in order to minimise ground disturbance and transport of soil onto any public place.
- 15.6 Where construction/building works require the use of a public place including a road or footpath, approval shall be obtained from Canada Bay Council. Details of the barricade construction, area of enclosure and period of work shall be submitted to the satisfaction of Canada Bay Council prior to the commencement of work.
- 15.7 The consent authority and Canada Bay Council shall be given written notice, at least two days prior to work commencing on site, of the name and details of the PCA and the date construction work is proposed to commence.
- 15.8 Any damage to roads and road works that is caused by construction vehicles and activities shall be rectified at the applicants expense and such rectification shall be carried out by the applicant to the satisfaction of the relevant authority.
- 15.9 Hours of construction work, excluding the use of rock breakers, shall be:
- | | |
|---------------------|---|
| Mondays to Fridays: | 7:00am to 5:00pm |
| Saturdays: | 7:00am to 4:00pm (if inaudible at residential premises, |
| otherwise | 8:00am to 1:00pm) |
- No work is to be carried out on Sundays and public holidays.
- 15.10 Hours for use of heavy vehicles (over 8 tonnes), use of rock breakers, piling or jack hammering is only to be carried out between the hours of:
- | | |
|--------------------|-------------------------|
| Mondays to Fridays | 8.00a.m. to 4.00p.m and |
|--------------------|-------------------------|

Saturdays 8.30a.m. to 1.00p.m.
No work must be carried out on Sundays or public holidays.

- 15.11 Any proposal to carry out work outside the hours referred to in Conditions 15.9 and 15.10 shall be subject to the approval of the Director-General.
- 15.12 The approved hours of work and a 24 hour telephone number shall be prominently displayed at all times on the site and must be visible from at least two separate public streets or public spaces, and the application shall ensure that the number is continually attended by a person with authority over the construction works.

16.0 HEALTH

- 16.1 All hazardous materials shall be removed from the site and shall be disposed of at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any works. Details demonstrating compliance with the relevant legislative requirements, particularly the method of containment and control of emission of fibres to the air, are to be submitted to the satisfaction of the PCA prior to the removal of any hazardous materials.

17.0 FURTHER APPROVALS

- 17.1 Prior to the commencement of any works the applicant shall ensure that all waste related approvals for the management and disposal of waste are obtained under the Protection of the Environment Act 1997 and the Waste Avoidance and Recovery Act 2001.
- 17.2 A Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained. The application for the certificate should be made through an authorised Water Servicing Coordinator. Provision is to be made for a dual supply to Sydney Water requirements for future connection to an approved waste water recycling plant. The applicant is to ascertain the requirements of Sydney Water and Sydney Olympic Park Authority in this regard.

D] DURING CONSTRUCTION

18.0 DEMOLITION / REMEDIATION / EARTHWORKS

- 18.1 All required soil erosion and sediment control measures shall be maintained during the entire construction period until disturbed areas are restored by turfing, paving or revegetation.
- 18.2 All excavations and backfilling associated with the erection or demolition of a building shall be executed safely and in accordance with appropriate professional standards. Such work is to be guarded and protected to prevent it from being dangerous to life or property.

19.0 ENGINEERING

- 19.1 The buildings shall be set out by a registered surveyor to verify the correct position of each structure in relation to property boundaries and the approved alignment levels.

20.0 CONSTRUCTION MANAGEMENT

- 20.1 A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of the consent authority, Council or the PCA.
- 20.2 A site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of project details, including contact details of the builder.

- 20.3 All street trees shall be protected at all times during construction. Any tree on the footpath which is damaged or removed during construction shall be replaced to the satisfaction of Canada Bay Council.
- 20.4 Adequate measures shall be taken to prevent dirt and dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures must be adopted;
- (a) all vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust and other materials
 - (b) covers are to be adequately secured
 - (c) cleaning of footpaths must be carried out regularly
 - (d) roadways must be kept clean
 - (e) gates are closed between vehicle movements
 - (f) gates are fitted with shade cloth
 - (g) the site is hosed down when necessary
- (a) All loading and unloading associated with construction shall be accommodated on-site. If this is not feasible, an application may be made to Council for the provision of a construction zone.
- (b) The public way shall not be obstructed by any materials, vehicles, refuse skips or the like, under any circumstances at any time during construction.

E] PRIOR TO SUBDIVISION OR STRATA / STRATUM SUBDIVISION

- 21.1 An application under Part 4A of the EP&A Act, 1979 shall be submitted to the consent authority along with a plan of subdivision prepared by a registered surveyor, for certification prior to the issue of the Subdivision Certificate.
- 21.2 The applicant shall submit to the satisfaction of the consent authority, the following information, prior to the issue of the Subdivision Certificate:
- (a) Documentary evidence of the payment of the open space/ community facilities/ transport and access contribution(s),
 - (b) An Occupation Certificate,
 - (c) Documentary evidence that the property has been developed in accordance with plans approved by Development Consent No. 447-12-2002 and of compliance with the conditions of that Consent, (or a Compliance Certificate) and
 - (d) S73 Compliance Certificate.
- 21.3 An application under Section 37 of the Strata Titles Act, 1973, shall be submitted to the consent authority and approval obtained prior to the issue of the certified strata plan of subdivision.
- 21.4 Each pair of stacked car parking spaces shall be attached to the same strata title comprising a single dwelling.
- 21.5 A note shall be added to all sales documents to advise potential purchasers:
- a) for all units and townhouses in the development, the existence of an industrial use at the adjoining site to the north.
 - b) for all ground floor units, that commercial and retail uses are permitted for those units at ground level by the prevailing planning instruments.

F] PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

22.0 ENGINEERING

- 22.1 A Fire Safety Certificate shall be furnished to the PCA for all the Essential Fire or Other Safety Measures forming part of this approval prior to issue of an Occupation Certificate. A copy of the Fire Safety certificate must be submitted to the consent authority and Council by the PCA
- 22.2 An Annual Fire Safety Statement must be provided to Council and the NSW Fire Brigade commencing within 12 months after the date on which the consent authority's initial Fire Safety Certificate is received.
- 22.3 Following completion, installation and testing of all the mechanical ventilation systems, the applicant shall provide evidence to the satisfaction of the PCA, prior to the issue of the Occupation Certificate, that the installation and performance of the mechanical systems complies with:
- (c) The Building Code of Australia
 - (d) Australian Standard 1668 and other relevant codes
 - (e) The development consent and any relevant modifications, and
 - (f) Any dispensation granted by the Fire Brigade.
- 22.4 A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the PCA prior to the issue of an Occupation Certificate. A copy of the Certificate with a microfilm set or electronic in pdf format of the final drawings shall be submitted to the consent authority and the Council after:
- (a) the site has been periodically inspected and the Certifier is satisfied that the Structural Works is deemed to comply with the final Design Drawings; and
 - (b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.
- 22.5 Prior to occupation of the development and prior to issue of an occupation certificate the applicant shall register a positive covenant and/or a restriction as to user or an instrument under section 88e and or section 88b of the Conveyancing Act as appropriate, in favour of Council insuring the ongoing retention, maintenance and operation of any on-site stormwater detention systems. It shall be in the form described in Appendices B2-B7 of the Upper Parramatta River Catchment Trust On-site Detention Handbook and generally to the reasonable satisfaction of Canada Bay Council's Manager, Assets and Infrastructure.
- 22.6 Prior to occupation or use of the building, 'works as executed' plans and a compliance certificate shall be submitted to the PCA in accordance with the protocols laid down in the Upper Parramatta River Catchment Trust's 'On-site Detention Handbook' section 4.3.2 to 4.3.4 and appendices B10, B11 and B12 certifying that the stormwater disposal system has been constructed in accordance with the approved details/plans and fully complies with appropriate SAA Codes and Standards. It is strongly recommended that the OSD designer be involved in the supervision of the work in progress.

23.0 CONSTRUCTION MANAGEMENT

- 23.1 An Occupation Certificate must be obtained from the PCA and a copy furnished to the consent authority and the Council prior to the occupation of the building.
- 23.2 Any hoarding or similar barrier that was erected to protect a public place, temporary toilet, temporary erosion or sediment control devices, temporary builder's signs or other site information signs are to be removed from the site prior to the occupation of the building.

- 23.3 Any temporary site access provided for the purpose of construction works is to be removed and the kerb and gutter and/or previous road works reinstated in a satisfactory manner prior to the occupation of the building.

24.0 AMENITY

- 24.1 The management and facilities for the storage and handling of waste must comply with the requirements of Council's Policy. Details are to be submitted to the satisfaction of the PCA prior to the occupation of the building.

25.0 SURRENDER OF EXISTING CONSENTS

- 25.1 The applicant shall surrender to the consent authority any development or building consent for works not constructed as part of any earlier consent for any part of the land to which this development application relates.

26.0 PRESCRIBED CONDITIONS

- 26.1 The development shall comply with conditions prescribed pursuant to Section 80A (11) of the Environmental Planning and Assessment Act 1979.

27.0 COMPLIANCE REPORTS

- 27.1 The applicant, or another party acting upon the consent, shall submit reports to the Director-General documenting compliance with this consent and each condition.

28.0 DISPUTE RESOLUTION

- 28.1 In the event that the applicant or government body, other than Department of Infrastructure Planning and Natural Resources, cannot agree on specifications or requirements of this consent, that matter shall be referred by either party to the Director-General, or if not resolved, to the Minister, whose determination of the disagreement shall be final and binding on the parties.

NOTES

1. To ascertain the date upon which the consent becomes effective, refer to Section 83 of the Act,
2. To ascertain the date upon which the consent is liable to lapse, refer to Section 95 of the Act,
3. Section 97 of the Act confers on an applicant who is dissatisfied with the determination of a consent authority a right to appeal to the Land and Environment Court exercisable within 12 months of the receipt of this notice,
4. The applicant should ensure that all additional approvals and agreements are obtained from other authorities, as relevant.
5. All references to:
 - the consent authority means the Minister for Infrastructure & Planning
 - the Minister means the Minister for Infrastructure and Planning the Director-General means the Director-General of the Department of Infrastructure & Planning
 - the council means Canada Bay Council
 - the BCA means the Building Code of Australia, and
 - the PCA means the Principal Certifying Authority
 - the Department means the Department of Urban and Transport Planning
6. Any advice or notice to the consent authority shall be served on the Director-General of Planning.