

	DA No. 160/16
<b>Site Address and Ward Locality</b>	218 Railway Parade, Kogarah
<b>Proposal</b>	Demolition of existing buildings and construction of a ten (10) storey mixed use development consisting of forty five (45) residential apartments with ground floor commercial/retail and basement carpark
<b>Report Author</b>	Ben Latta (Senior Planner Operational)
<b>Owner</b>	Lilly Forest Pty Ltd
<b>Applicant</b>	Danny Daher
<b>Zoning</b>	B4 – Mixed Use
<b>Date of Lodgement</b>	11/08/2016
<b>Submissions</b>	Four (4) submissions received
<b>Cost of Works</b>	\$16,295,000
<b>Reasons for referral to the IHAP</b>	Supplementary Report prepared in response to additional information and amendments required by the IHAP deferral decision at their meeting of 2 February 2017.

## Supplementary Report

### Proposal

The Development Application for the demolition of existing buildings and construction of a ten (10) storey mixed use development consisting of forty five (45) residential apartments with ground floor commercial/retail and basement carpark on the subject site.

Specifically, the proposed development incorporates:

- Demolition of existing buildings on the site.
- Ground floor including two (2) retail/commercial tenancies with a gross floor area of 175m<sup>2</sup>, residential lobby, services and utility rooms and carparking for seven (7) cars, loading area and bicycle parking.
- Construction of forty-five (45) residential apartments on floors 1 to 9.
- Communal open space area at the rear of first floor and on the tenth floor.
- Basement car parking for fifty-two (52) cars and storage areas for each apartment

### Background

At its meeting of 2 February the Independent Hearing and Assessment Panel considered and deferred DA 160/16, resolving as follows:

*The Georges River Council IHAP as the delegate of the Georges River Council defers determination of Development Application No. 2016/0016 for the demolition of existing buildings and construction of a ten (10) storey mixed use development*

*consisting of forty five (45) residential apartments with ground floor commercial/retail and basement carpark at 218 Railway Parade, Kogarah subject to;*

- (a) *The applicant submitting a Stage 2 detailed investigation report as referred to in the contaminated Land Planning Guidelines.*
- (b) *That notice be given by the Council to the Chief Executive Officer of the Rail Authority for rail corridor of the application accordance with Clause 86 of SEPP Infrastructure 2007.*
- (c) *The applicant submitting revised plans showing the following:*
  1. *Side wall materials are to be amended to provide a high quality façade design solution e.g. Increase used of natural materials and metallic panels rather than reliance on painted render.*
  2. *Reliance on the kitchen highlight windows for unit A1.5 and those above for cross ventilation creates acoustic privacy issues. These units are to be re-designed to avoid this problem.*
  3. *There are privacy issues for the bedroom in unit A1.5 adjacent to the access to the communal open space, a design solution is to be developed to create suitable privacy.*
  4. *An appropriate feature tree is to be provided within the balcony courtyard along the side elevation of unit A1.4.*
  5. *The alignment of the adjacent mixed use development to the south west (corner of Blake Street).*
  6. *A minimum front setback of 3 metres is to be provided to the edge of the balcony for units A4.1 and those above.*
  7. *The balconies to the bedrooms of unit A8.4 and A9.4 are to be deleted to increase the rear setback to achieve greater level of compliance. The sliding doors are to be changed to windows.*

At its meeting of 6 March 2017, Council resolved to amend the IHAP Charter to enable electronic determination of deferred applications without holding a public meeting in particular circumstances.

The Charter was amended with the following paragraph:

*Following consultation with Council's general manager or delegate, the IHAP Chair may determine that it is unnecessary to hold a meeting in public to consider a particular application and determine the matter electronically. Circumstances where a public meeting may not be required includes;*

- *Where the assessment report recommends approval and there are no submission by way of objection, or*
- *Where the IHAP has considered the matter at a public meeting and deferred its decision to request specific additional information from an applicant or Council (such as amended drawings). In this case, an electronic meeting should only occur if Council, after having accepted the amended drawings, has decided that re-exhibition of the amended drawings is not required.*

*When an electronic meeting is proposed, the Council report and recommendations must be made available on the Council's website five business days prior to the matter/application being determined.*

## **Discussion of Deferral Matters**

- (a) *The applicant submitting a Stage 2 detailed investigation report as referred to in the contaminated Land Planning Guidelines.*

At its meeting of 2 February 2017, the IHAP deferred the application due to concerns with the wording of the conclusion of the Preliminary (stage I) Site Investigation (prepared by ADE Consulting, 27 July 2016), which stated that:

*"Subject to the findings of a Phase II Investigation, generally the site will be able to be made suitable for the proposed land use."*

On 3 March 2017 the applicant submitted a (Stage II) Detailed Site Investigation prepared by ADE Consulting Group for the site and is attached to this report for reference.

The report concludes the following:

*"Taking into account the date presented in this report it is the opinion of ADE that the site is not significantly contaminated and is suitable for the proposed land use."*

Subsequent to the findings of the Stage II Detailed Site Investigated, it is considered that the site is suitable for the proposed development and that the provisions of SEPP 55 and Contaminated Land Planning Guidelines are satisfied.

- (b) *That notice be given by the Council to the Chief Executive Officer of the Rail Authority for rail corridor of the application accordance with Clause 86 of SEPP Infrastructure 2007.*

On 2 February 2016 the application was referred to Sydney Trains (RailCorp) as the Rail Authority with respect to the concurrence requirements under Clause 86 of SEPP Infrastructure 2007.

Sydney Trains requested further information which was sent on 16 February 2017. On 24 February 2017 Sydney Trains granted formal concurrence subject to Council imposing the deferred commencement conditions listed in attachment A of their advice. It is recommended that these conditions be added to those already considered by the IHAP at their meeting of 2 February 2017.

- (c) *The applicant submitting revised plans showing the following:*

1. *Side wall materials are to be amended to provide a high quality façade design solution e.g. Increase used of natural materials and metallic panels rather than reliance on painted render.*

The amended plans submitted on 2 March 2017 address the above issue by implementing metallic panels and natural finishes.

2. *Reliance on the kitchen highlight windows for unit A1.5 and those above for cross ventilation creates acoustic privacy issues. These units are to be re-designed to avoid this problem.*

The amended plans move Kitchen windows of units A1.5 and above further to the southeast so they are above the living rooms of those units and further away from the bedrooms of Units A1.1 and above. The bedroom balconies of Units A1.1 and above have also been deleted.

It is considered that the amendments adequately resolve the acoustic privacy concerns raised by the IHAP and are supported.

3. *There are privacy issues for the bedroom in unit A1.5 adjacent to the access to the communal open space, a design solution is to be developed to create suitable privacy.*

In response to the above requirement, the amended plans continue the high solid wall around the private open space terrace of Unit A1.5 on the inner face of the screening planting barrier to the communal open space area. The design solution is considered adequate.

4. *An appropriate feature tree is to be provided within the balcony courtyard along the side elevation of unit A1.4.*

In response to the above requirement the landscape plan was initially amended to include an *Elegantissima*, which requires full sun to grow and was therefore found unsuitable for the shady location.

The plan was again amended to include a *native Gardenia* tree in the balcony courtyard area.

The revised landscape plan was referred to Council's Parks and Recreation Coordinator who made the following comment.

*The Native Gardenia is a rainforest tree that grows in shaded areas if kept moist. It does tolerate temperatures as far as Sydney south.*

The proposed tree is suitable for the location and the proposal is supported and considered to address the

5. *The alignment of the adjacent mixed use development to the south west (corner of Blake Street).*

Drawing No. DA-14 on the amended plans shows the alignment of the setback third floor of the adjoining building at the corner of Blake Street with a corresponding note.

6. *A minimum front setback of 3 metres is to be provided to the edge of the balcony for units A4.1 and those above.*

The amended plans address the above requirement.

7. *The balconies to the bedrooms of unit A8.4 and A9.4 are to be deleted to increase the rear setback to achieve greater level of compliance. The sliding doors are to be changed to windows.*

The amended plans address the above requirement. The plans have been amended to maintain a quality design aesthetic with the provision of an angled concrete frame.

## **Conclusion**

Following review of the supplementary information and amendments undertaken in response to the deferral matters resolved at the Independent Hearing and Assessment Panel Meeting of 2 February 2017, it is recommended that the IHAP grant deferred commencement consent to Development Application No.160/2016 and that the conditions be amended to reflect the amended plans and additional conditions imposed by Sydney Trains.

## **SPECIFIC DEVELOPMENT CONDITIONS**

### **SECTION A - General Conditions**

The conditions that follow in this Section A of the Notice of Determination are general conditions which are imposed to ensure that the development is carried out in accordance with the development consent.

#### **(1) Deferred Commencement**

Pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, this consent will not operate until such time as the following requirements of Council are fulfilled. These requirements are:

- (i) The Applicant shall prepare and provide to Sydney Trains for approval/certification the following final version items:
  - a) Geotechnical and Structural report/drawings that meet Sydney Trains requirements. The Geotechnical Report must be based on actual borehole testing conducted on the site closest to the rail corridor.
  - b) Construction methodology with construction details pertaining to structural support during excavation. The Applicant is to be aware

that Sydney Trains will not permit any rock anchors/bolts (whether temporary or permanent) within its land or easements.

c) Cross sectional drawings showing the rail corridor, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the rail corridor. All measurements are to be verified by a Registered Surveyor.

d) Detailed Survey Plan showing the relationship of the proposed developed with respect to Sydney Trains easement and rail corridor land.

e) If required by Sydney Trains, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.

Any conditions issued as part of Sydney Trains approval/certification of the above documents will also form part of the consent conditions that the Applicant is required to comply with.

This Development Consent does not become operative until the above requirements have been satisfactorily addressed.

## (2) Approved Plans of Consent

The development must be implemented in accordance with the approved plans, specifications and details listed below and any supporting information submitted with the Development Application except as amended by any conditions attached to the Development Consent:

- (i) Architectural plans: - prepared by Architecture and Building Works, Project No. PN-0422, Drawing Nos. DA-08, DA-09, DA-10, DA-11, DA-12, DA-13, DA-14, DA-15, DA-16, DA-17, DA-18, DA-19, DA-20, DA-21, DA-30, DA-31, DA-32, DA-33; received by Council 2 March 2017 and DA-40, DA-60, Rev.A, dated 08/08/2016.
- (ii) Landscape plans:- prepared by Isthmus Landscape Design, Drawing Nos. ISO209DA1, ISO209DA2, dated March 2017.
- (iii) Stormwater plans:- prepared by United Consulting Engineers Pty Ltd, Drawing Nos. 16/MB7145/D01, 16/MB7145/D02, 16/MB7145/D03, 16/MB7145/D04, 16/MB7145/D05, 16/MB7145/D06, dated 03/08/2016.

**2a insert additional IHAP Condition**

## **SECTION B –Prior to the Issue of a Construction Certificate or Demolition Conditions**

The conditions that follow in this Section B of the Notice of Determination relate to the payment of fees, amendments being made to the proposal, further investigation being undertaken or the preparation of documentation that must be complied with prior to the issue of a Construction Certificate or Demolition.

**Note:** A copy of the Construction Certificate shall be forwarded to Council prior to commencement of construction where Council is not the certifier who issued the Construction Certificate.

### (3) Asset & Building Fees

Payment of the following amounts as detailed below:

- |  |             |
|--|-------------|
| • Damage Deposit of  | \$22,665.00 |
| • *Builders Long Service Levy of                             | \$57,032.00 |
| • Driveway and Restoration Works Design<br>Inspection Fee of | \$1,130.00  |
| • Asset Inspection Fee of                                    | \$ 110.00   |

\*Note: The Builders Long Service Levy quoted is based on the market value of the proposed building works and the Levy Rate applicable at the time of assessing the Development Application and may be subject to change prior to payment.

### (4) Restoration Deposit

A deposit of \$22,665.00 shall be lodged with Council to ensure the construction of the following works to be completed at the applicant's expense:

- Construction of a new 150mm high concrete kerb and gutter across the full street frontage in Railway Parade.
- Construction of a new concrete footpath from the back of the new kerb to the boundary across the full street frontage in Railway Parade.
- All associated road pavement restorations.

These works are to be in accordance with plans and specifications to be issued by Council.

### (5) Section 94 Index

Section 94 Contributions are to be paid as detailed below in the following condition, and until paid all contributions will be indexed four (4) times a year (on the following dates) to allow for the cost increases: 31 January, 30 April, 31 July and 31 October.

## **(6) Section 94 Contributions**

As at the date of Development Consent the following contributions have been levied on the subject development under Section 94 of the Environmental Planning and Assessment Act, 1979 and the nominated Section 94 Contributions Plans:

No.1 – Roads and Traffic Management – Residential	\$ 2,194.38
No.8 – Kogarah Town Centre – Streetscape, Open Space & Public Domain	\$698,991.57
No.8 – Kogarah Town Centre – Community Facilities	\$ 12,774.57
No.9 – Kogarah Libraries – Buildings	\$ 11,821.59
No.9 – Kogarah Libraries – Books	\$ 8,428.59
 TOTAL	 \$734,210.43

Any of the above Section 94 Contributions Plans may be inspected at the Georges River Council Customer Service Centres.

## **(7) Dilapidation Report**

Prior to issue of any construction certificate or commencement of any demolition or earth works on site, the applicant shall submit, for acceptance by the Principal Certifying Authority (PCA), with a copy forwarded to Council where Council is not the PCA, a full dilapidation report on the visible and structural condition of the following properties;

- (i) All neighbouring buildings likely to be affected by the excavation as determined by the consulting engineer.

The report must be completed by a suitably qualified consulting structural/geotechnical engineer as determined necessary by that professional based on the excavations for the proposal, the subsoil conditions and any recommendations of a geotechnical report for the site. The report shall have regard to protecting the applicant from spurious claims for structural damage and shall be verified by all stakeholders as far as practicable.”

Reports relating to properties that refuse access to carry out inspections to complete the dilapidation report, after being given reasonable written notice to request access (at least 14 days) at a reasonable time (8.00am-6.00pm), are not to hold up the release of the Construction Certificate.

## **(8) Soil and Water Management**

A Soil and Water Management Control Plan, incorporating contour levels and prepared in accordance with Environmental Site Management Policy shall be submitted to Council detailing all measures to control soil erosion and sedimentation runoff from the site during excavation and construction activities.

**(9) SEPP No 65 Certification**

A design verification statement from a qualified designer shall be submitted that verifying that the plans and specifications achieve the design quality of the development for which consent was granted having regard to the design quality principles of State Environmental Planning Policy No. 65.

**(10) Adaptable Housing Compliance**

The proposed development including the five (5) nominated adaptable units shall comply with the adaptable housing provisions of AS4299 – Adaptable Housing and AS1498 – Access and Mobility (Parts 1 and 2). The Adaptable Housing checklist and circulation diagram demonstrating compliance shall be submitted.

**(11) Ausgrid Sub Station**

The applicant is to confer with Ausgrid to determine if an electricity distribution substation is required. If so, shall be incorporated within the Construction Certificate and it will be necessary for the final film survey plan to be endorsed with an area having dimensions 5m x 4m over the location of the proposed electricity distribution substation to be dedicated to Council as public roadway, or as otherwise agreed with Ausgrid. Ausgrid's requirements are to be met prior to release of the occupation certificate.

**(12) Clearances to Overhead Mains**

If any part of the proposed structure, within 5m of a street frontage, is higher than 3m above footway level, the applicant is to confer with Ausgrid to determine if satisfactory clearances to any existing overhead mains will be affected. If so, the applicant is to make arrangements with Ausgrid for any necessary modification to the electrical network in question.

These works to be at the applicant's expense and Ausgrid's requirements are to be met prior to actual construction commencing on site or as agreed with Ausgrid.

**(13) Sydney Water (DA Only)**

The approved plans must be processed through Sydney Water to determine whether the development will affect any Sydney Water asset's (sewer and water mains, stormwater drains and/or easements) and if any further requirements need to be met. An approval receipt will be issued by Sydney Water which is to be submitted to Council or the Principal Certifying Authority.

Please refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) for;

- Sydney Water Tap in – see Plumbing, building and developing and then Sydney Water Tap in; and
- Building over/adjacent to a Sydney Water Asset - see Plumbing, building and developing, building then Building Approvals or telephone 13 20 92.

#### **(14) Works Zone Approval**

The installation of a "Works Zone" for the site will require the approval from the Traffic Advisory Committee. As a result, the applicant shall provide a formal request to Council's Traffic Section with the duration and exact location of the required "Works Zone" at least 6 weeks prior to its required installation date. All costs associated with the installation of a "Works Zone" will be at the applicants expense.

#### **(15) Works Management Plan**

Prior to the issue of any construction certificate, any demolition or earthworks on the site, the applicant shall submit to Council for approval a "Management Plan" detailing the following to safely manage vehicular and pedestrian traffic during the works at the site:

- Traffic Control Plans and details of how the company proposes to place, erect, dismantle and/or undertake the works at the site.
- All works on the road or road related areas are to be clearly delineated and designed in accordance with the relevant standards, refer to "AS 1742.3 – 2009" and the Roads and Maritime Services "Traffic Control at Worksites (TCAWS) Manual, Version 4.0, 2010"
- The Traffic Control Plans and the works must be prepared/undertaken by RMS accredited (ticketed) personnel.
- Where heavy vehicles associated with the site will be parked whilst waiting to enter the site.
- Location of loading and unloading areas for trucks.
- The route of all trucks conveying materials to and from the site.

Demonstration that pedestrian access past the site is maintained during demolition and construction works.

#### **(16) Design and operational plan - traffic signals in the car park area**

Prior to the issue of the Construction Certificate, the applicant shall submit to Council for approval a detailed design and operational plan for the proposed traffic signals in the car park area, which includes, but is not limited to, alternative provisions as a result of events such as power failure; system breakdown and general service and maintenance.

**(17) Acoustic Assessment – Sydney Trains**

An acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines".

**(18) Electrolysis Risk Report – Sydney Trains**

Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.

**(19) Design, installation and use of lights, signs and reflective materials – Sydney Trains**

The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of Sydney Trains. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

**(20) Design, installation and use of lights, signs and reflective materials –**

If required by Sydney Trains, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

**(21) Track Monitoring Plan – Sydney Trains**

If required by Sydney Trains, a track monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases) is to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate. The Principal Certifying Authority is not to issue a Construction Certificate until written confirmation has been received from Sydney Trains advising of the need to undertake the track monitoring plan, and if required, that it has been endorsed.

**(22) Public Liability Insurance Requirements – Sydney Trains**

If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Rail Corridor Management Group to determine the need for public liability insurance cover. If insurance cover is deemed necessary this insurance be for sum as determined by Sydney Trains and shall not contain any exclusion in relation to works on or near the rail corridor; rail infrastructure. The Applicant is to contact Sydney Trains Rail Corridor Management Group to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.

**(23) Bank Guarantee – Sydney Trains**

If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Rail Corridor Management Group to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.

**(24) Crane Operations Requirements – Sydney Trains**

Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.

**SECTION C – Prior to Commencement of Construction Conditions**

The conditions that follow in this Section C of the Notice of Determination are specific to the proposed development and must be complied with prior to the commencement of construction on the site.

**(25) Geotechnical Report**

Excavation of the site is to extend only to that area required for building works depicted upon the approved plans. All excess excavated material shall be removed from the site. In this regard, all excavated waste materials shall be disposed of at an approved Waste Depot.

No rock breaking or other machinery for the excavation, drilling, cutting or removal of rock shall be used on the site prior to the acceptance by the principal certifying authority of the following documentation:

- (i) A report by a geotechnical engineer detailing the measures recommended in undertaking the works so as to prevent damage to any adjoining or nearby buildings.
- (ii) The type and size of machinery proposed.
- (iii) The routes of all trucks to convey material to and from the site.

#### **(26) On-Site Detention**

A 27.1m<sup>3</sup> On-Site Detention system with a Maximum Site Discharge of 18.3 Litres per Second is to be provided in accordance with the Stormwater Concept Plan and associated Design Assessment Report. The overflow is to be directed to the site drainage system.

#### **(27) Certification by Mechanical Engineer**

To ensure that adequate provision is made for ventilation of the building, mechanical and /or natural ventilation shall be provided. These systems shall be designed in accordance with the provisions of:-

- a) The Building Code of Australia;
- b) Australian Standard AS 1668 Part 1 - 1998;
- c) Australian Standard AS 1668 Part 2 - 2002;
- d) The Public Health Act 2010;
- e) The Public Health Regulation 2012;
- f) Australian Standard 3666.1 - 2002;
- g) Australian Standard 3666.2 - 2002;
- h) Australian Standard 3666.3 - 2000.

Details of all mechanical and /or natural ventilation systems, along with specific certification, provided by an appropriately qualified person, verifying compliance with the abovementioned requirements.

#### **(28) Structural Engineer's Details**

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

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

## (29) Protection of Site – Hoarding

A hoarding or fence must be erected between the work site and the public place if:

- the work involved in the erection or demolition of a building is likely to cause obstruction or inconvenience to pedestrian or vehicular traffic in a public place; or
- if it involves the enclosure of a public place.

If necessary an awning is to be erected which is sufficient to prevent any substance from or in connection with the work from falling into a public place.

Any such hoarding, fence or awning is to be removed when the work has been completed.

If the work site is likely to be hazardous to persons in a public place, it must be kept lit between sunset and sunrise.

## (30) Ground Anchors

Should the proposed development require the installation of ground anchors to a road reserve the following must be complied with:

- The appropriate Roads Act 1993 approvals shall be obtained.
- The anchoring is to be de-stressed once no longer required.
- The work is to be clear of all services contained within the public roadway and the required dial before you dig investigations are to be undertaken in relation to any services that may be in the proposed anchor locations.
- Public liability insurances being held by the builder/ developer with a copy being submitted to Council.
- A works-as-executed plan showing the exact location of all anchoring points being submitted to Council upon their installation.

**It is to be noted that if anchoring into adjacent private properties is required any such approval would need to be obtained from the owners of this property.**

## (31) Driveway

In respect to vehicular access to the proposed development the gutter crossing and driveway are to be reconstructed between the kerb and street alignment to Council's specifications.

In this regard a separate driveway application is to be lodged with Council for works outside the property boundary. Furthermore the design boundary level is to be received from Council prior to construction of the internal driveway.

### **(32) Council Infrastructure Inspection**

Prior to the commencement of any works an authorised representative of the applicant is to organise and attend a meeting on site with Council's Infrastructure Compliance Co-ordinator to discuss protection of Council's infrastructure. To organise this meeting contact Council's Customer Service Centre on 9330 6400.

### **(33) Public Liability Insurance**

All nominated contractors / applicants carrying out driveway and/or restoration works on Council property must carry public liability insurance with a minimum cover of twenty million dollars (\$20,000,000.00). In this regard, prior to commencement of works, the principal contractor is to lodge an "Application for the Construction of Work by Private Contractor" to Council, which includes submitting evidence of their current insurance. The principal contractor must ensure that sub-contractors are also adequately insured.

### **(34) Soil Erosion Controls**

Prior to commencement of any site works, erosion and sediment controls are to be installed in accordance with Environmental Site Management Policy and any approved Soil & Water Management Plan and shall incorporate:

- Measures to prevent sediment and other debris escaping from the cleared or disturbed areas into drainage systems or waterways;
- Controls to prevent tracking of sand, soil, aggregates, etc, by vehicles onto adjoining roadways.

### **(35) Detailed Stormwater Plan**

The submitted stormwater plan has been assessed and approved as a concept plan only. No detailed assessment of the design has been undertaken. A Detailed Stormwater Plan and supporting information of the proposed on-site stormwater management system is to be submitted. The required details in this Plan and the relevant checklist are presented in Council's Water Management Policy.

The design parameters and the general concept of the proposed on-site stormwater management system are to be the same as documented in the approved Concept Stormwater Plan for the proposed development. Any

conceptual variations to the stormwater design will require written approval from Council and will require to be justified and supported by appropriate details, calculations and information to allow for proper assessment.

The Detailed Stormwater Plan is to address the following issue(s):

- a) There is to be a maximum of three piped stormwater connections across the council footway.
- b) The On-Site Detention tank layout is to be amended to allow for the landscaping to be installed above it.

**(36) Road Occupancy Permit / License - RMS**

**A Road Occupancy Permit / License shall be obtained from the Roads and Maritime Services Transport Management Centre for any works that may impact on traffic flow on Railway Parade during demolition and construction at the site.**

**(37) Road Closure Application**

A Road Closure Application form and associated documents shall be submitted to Council for approval at least 5 business days prior to any proposed lane usage for concrete pours, cranes or other activities involved in the demolition, excavation and construction on the site.

**(38) Stage 2 Detailed Investigation for Contamination**

**Prior to demolition and prior to any excavation, the person with the benefit of the consent is to undertake a Stage 2 detailed investigation of the site in accordance with the Contaminated Lands Management Act 1997, SEPP 55– Remediation of Land and “Sampling Design Guidelines for Contaminated Sites” NSW EPA.**

**(39) Remediation works & Validation Report**

**If the Stage 2 detailed site investigation report identifies that remediation works are required, a Remediation Action Plan (RAP) is to be prepared by suitably qualified person, submitted to Principle Certifying Authority (PCA) and RAP must implemented according to the Contaminated Lands Management Act 1997 & SEPP 55 – Remediation of Land.**

**On completion of the remediation works identified on Stage 2 detailed site investigation, a validation report shall be prepared by suitably qualified person and be submitted to Principle Certifying Authority. Validation report shall be prepared in accordance with the Contaminated Lands Management Act 1997 & SEPP 55 – Remediation of Land.**

## **SECTION D – Construction and Operational Conditions**

The conditions that follow in this Section D of the Notice of Determination are imposed to ensure the development is constructed and operates having regard to relevant legislation and does not unreasonably impact on the amenity of the locality or environment during the construction phase or the operation of the use.

### **(40) Inspections -Multi Unit**

The following lists of inspections are the **MANDATORY CRITICAL STAGE INSPECTIONS** that **MUST** be carried out by the Principal Certifying Authority (PCA).

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

Certificates from your engineer or subcontractor are **NOT** acceptable in the first instance for the above inspections. Failure to have your PCA carry out these inspections could result in a delay or refusal to issue an Occupation Certificate.

In addition to the above, it is recommended that the following inspections be carried out for the subject development;

- Erosion Control
- Earthworks/Excavation
- Building setout
- Concrete reinforcement
- Timber and/or steel framework
- Mechanical/Hydraulic work
- Driveways
- Landscaping
- External Finishes

### **(41) Storage of materials on Public Road**

All building materials or waste containers must be stored within the confines of the site. The storage of such building materials, waste containers or equipment associated with the project upon the public roadway, including the pedestrian footway or unpaved verge, is prohibited.

#### **(42) Use of Crane on Public Road**

Prior approval must be obtained from Council a minimum of 24 hours before the use on any site of a crane, hoist or similar machinery that will be used to transfer materials across Council's footpath. This includes cranes that are situated on roadways, footpaths and road reserves.

Any application for approval must be accompanied by the following information:-

- Site sketch indicating the proposed location of the crane, pedestrian controls and traffic controls;
- A copy of current public liability insurance with minimum cover of twenty million dollars (\$20,000,000) indemnifying Council in the event of an incident;
- A copy of an RMS accredited traffic control plan;
- Proof that the local area command of the NSW Police have been advised of the proposal.

The use of a crane, hoist or similar machinery on any site without prior approval is prohibited.

#### **(43) Building Height - Surveyors Certificate**

The proposed building is not to be erected at a height greater than that indicated on the approved plan. A certificate from a Registered Surveyor verifying the correct Reduced Level of the ground floor slab and boundary clearances shall be submitted prior to inspection of the steel reinforcement.

#### **(44) Excavation of Site**

Excavation of the site is to extend only to that area required for building works depicted upon the approved plans. All excess excavated material shall be removed from the site. In this regard, all excavated waste materials shall be disposed of at an approved Waste Depot (details are available from Council).

All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

If the soil conditions require it, retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil shall be provided and adequate provision shall be made for drainage.

**(45) Stormwater to Kerb**

Any stormwater connections to the kerb and gutter are to be in accordance with Council's '*Specification for Construction by Private Contractors*'.

**(46) Redundant Driveway**

All existing vehicular crossings adjacent to the subject premises that have become redundant shall be removed and the footway and kerb and gutter reinstated at the developer/applicants expense.

**(47) Work within Road Reserve**

A Development Consent or any related Construction Certificate does not allow for the erection of a structure or to carry out work in, on or over a public road. Should a structure or work be required a separate approval under S138 of the Road Act 1993 must be granted by Council prior to the commencement of any works within the road reserve. Applications may be made at Council's Customer Service Centre.

**(48) Damage within Road Reserve & Council Assets**

The owner shall bear the cost of restoring any footpath, roadway and any other Council assets damaged due to works at, near or associated with the site. This may include works by Public Utility Authorities in the course of providing services to the site.

**(49) Public Utility & Telecommunication Assets**

The owner shall bear the cost of any relocation or modification required to any Public Utility Authority assets including telecommunication lines & cables and restoring any footpath, roadway and any other Council assets damaged due to works at, near or associated with the site.

**(50) Stormwater Drainage**

All roof water and surface water from paved or concreted areas being disposed of to the street gutter by means of a sealed pipeline constructed in accordance with AS/NZS 3500.3.2. The line must pass through a silt arrestor pit, a standard design is available within Council's Water Management Policy.

**(51) Garbage Room**

The proposed garbage room being provided with the following:-

- a) A smooth concrete floor graded and drained to a floor waste connected to the sewer of the Water Board.
- b) The walls being cement rendered with the intersection of the walls and floor being coved to a radius of not less than 25mm.
- c) The door being close fitting to prevent the access of rats and mice.
- d) A cold water hose cock being provided for the cleaning of containers and the room itself.
- e) Ventilation being provided by means of direct connection to the outside air to the satisfaction of Council.
- f) A sign, minimum size 600mm x 600mm, directing residents not to place recyclables in garbage carts and encouraging residents to recycle. Details of an acceptable wording for the sign are available from Council.

**(52) No Offensive Noise**

To minimise the noise impact on the surrounding environment, the use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to "offensive noise" as defined under the provisions of the Protection of the Environment Operations Act 1997.

**(53) Hours of Construction**

Construction may only be carried out between 7.00 am and 5.00 pm on Monday to Saturday and no construction is to be carried out at any time on a Sunday or a public holiday.

**(54) Restriction on Hours of Excavation (other than single residential dwelling)**

Despite the general hours of construction above,

- a) The hours where rock breaking, cutting, hammering and drilling occur shall be limited to 9:00am – 4:00pm on weekdays only.
- b) A noise management plan for the above works, prepared by a suitably qualified acoustical practitioner in accordance with the Interim Noise

Construction Guidelines prepared by the Department of Environment & Climate Change NSW, must be submitted to Council prior to commencement of any excavation works.

#### **(55) Provision of Amenities**

Toilet facilities are to 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, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site or as specified by Workcover requirements .

- each toilet provided must be a standard flushing toilet and must be connected:
  - to a public sewer; or
  - if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council; or
  - if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

The provision of toilet facilities must be completed before any other work is commenced.

#### **(56) Letter Boxes**

Suitable letter box facilities (including Owner's Corporation in the case of strata units) shall be provided in accordance with Australia Post specifications.

#### **(57) Oil/Silt Separator**

An oil/silt separator sized to the catchment area must be specified on the Stormwater Detailed Plans and located downstream of the proposed basement car park and prior to discharge to councils stormwater system.

#### **(58) Car Wash**

To ensure that waste water is treated in an acceptable manner the car wash bay shall be designed and constructed to ensure that waste water is discharged to the sewer in accordance with the requirements of Sydney Water. Evidence of a permit issued by Sydney Water shall be submitted.

**(59) Basix Certificate Details – DA Only**

Construction of building works given Development Consent must be carried out in accordance with a valid and current BASIX certificate and all required commitments must be satisfied.

**(60) Air Conditioning / Offensive Noise**

Air conditioning plant and equipment shall be installed and operated so as to not create an offensive noise as defined under the Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Noise Control) Regulation 2008.

**(61) Building Finishes**

The building finishes are to be constructed in accordance with the colour board and perspective submitted with the Development Application.

**(62) Allocation of Car Parking Spaces**

A minimum of fifty seven (57) off street car parking spaces shall be constructed, drained, marked and maintained at all times in accordance with the approved plans. These spaces shall be allocated as follows:

- a) Forty five (47) are to be allocated to the residential units.
- b) Eight (8) are to be allocated as visitor parking spaces.
- c) Four (4) are to be allocated to the retail/commercial units.

**(63) Residential Car Parking Spaces – Town Centre**

A minimum of one (1) unrestricted car parking space shall be allocated to each residential unit.

**(64) Commercial/Retail Parking Spaces**

The required commercial/retail car parking spaces shall be allocated evenly amongst the commercial/retail units based on the gross floor area of each unit.

**(65) Visitor Parking**

A directional sign shall be provided at the front of the site indicating the availability of visitor and/or customer parking on site. Those visitor and/or customer spaces shall be marked or signposted.

**(66) Disposal of Stormwater**

All roof water and surface water from paved or concreted areas are to be disposed of in accordance with the Stormwater Plan by means of a sealed pipeline constructed in accordance with AS/NZS 3500.3:2015.

**(67) Vehicle Safety Barriers in Basement Car Park**

The vehicle safety barriers on the Basement 1 and 2 levels shall comply with the requirements of AS/NZS 2890.1:2004 - *Off Street Car Parking, Section 2.4.5.3.*

**(68) Noise & Vibration**

To minimise the impact of noise and vibration from adjoining major road and railway corridor on the occupants, the proposed development constructed in accordance with the recommendations of the acoustic report project number 3003, prepared by Koikas Acoustic Pty Ltd, titled “*DA stage: Environmental noise assessment: Proposed mixed-use development 218-222 Railway Parade Kogarah NSW*” dated 5 August 2016 and submitted as a part of the development application.

**(69) Acoustic Validation Report**

A report prepared by an accredited Acoustic Consultant shall be submitted to Principal Certifying Authority (PCA) certifying that the development complies with the requirements of State Environmental Planning Policy (Infrastructure) 2007, conditions of development consent and recommendations of acoustic report project number 3003, prepared by Koikas Acoustic Pty Ltd, titled “*DA stage: Environmental noise assessment: Proposed mixed-use development 218-222 Railway Parade Kogarah NSW*” dated 5 August 2016. The validation report shall include post construction validation test results.

**(70) Street Trees**

Street tree planting in Railway Parade will be undertaken by Council and comprise four (4) trees at the front of the site with the species selected in consultation with Council’s Parks and Recreation Department. All costs associated with the planting of the trees shall be met by the applicant/owner and paid to Council.

**(71) Sydney Airport Corporation – Maximum Height**

The building **must not exceed** a maximum height of **64.7 metres AHD**, inclusive of all lift over-runs, vents, chimneys, aerials, antennas, lightning rods, any roof top garden plantings, exhaust flues etc.

**(72) Sydney Airport Corporation – Obstacle Lighting 1**

The building **must be obstacle lit by low intensity steady red lighting** during the hours of darkness at the highest point of the building. Obstacle lights are to be arranged to ensure the building can be observed in a 360 degree radius as per subsection 9.4.3 of the Manual of Standards Part 139 - Aerodromes (MOS Part 139).

**(73) Sydney Airport Corporation – Obstacle Lighting 2**

The proponent **must ensure** obstacle lighting arrangements have a remote monitoring capability, in lieu of observation every 24 hours, to alert SACL reporting staff of any outage. For detailed requirements for obstacle monitoring within the OLS of an aerodrome, refer to subsection 9.4.10 of the MOS Part 139.

**(74) Sydney Airport Corporation – Notification of Commencement of Activity**

The proponent **must advise** Airservices at least 3 business days prior to the controlled activity commencing by emailing <[pds.obs@airservicesaustralia.com](mailto:pds.obs@airservicesaustralia.com)> and quoting "SY-CA-380".

**(75) Sydney Airport Corporation – Separate Approvals**

Separate approval **must be sought** under the Regulations for any cranes required to construct the building. Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Regulations. Therefore, it is advisable that approval to operate construction equipment (i.e. cranes) should be obtained prior to any commitment to construct.

**(76) Sydney Airport Corporation – Certificate of Finished Height**

At the completion of the construction of the building, a certified surveyor is to notify (in writing) the airfield design manager of the finished height of the building.

**(77) Shoring and Piling Requirement – Sydney Trains**

Unless advised by Sydney Trains in writing, all excavation, shoring and piling works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects.

**(78) Rock Anchors – Sydney Trains**

No rock anchors/bolts are to be installed into Sydney Trains property or easements.

**(79) Inspection Requirements – Sydney Trains**

Sydney Trains or Transport for NSW (TfNSW), and persons authorised by those entities for the purpose of this condition, are entitled to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and these conditions of consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.

**SECTION E – Prior to Occupation or Subdivision Certificate Conditions**

The conditions that follow in this Section E of the Notice of Determination relate to conditions that ensure that the development is completed in accordance with the requirements of the Development Consent prior to the issue of either an Occupation Certificate or a Subdivision Certificate.

**(80) Adaptable Housing Certification**

Certification shall be provided by a person suitably accredited by the Association of Consultants in Access Australia, verifying that the development has been constructed in accordance with the requirements of AS4299 - *Adaptable Housing* and AS1428 - *Design for Access and Mobility* and in accordance with the report and checklist submitted with the Construction Certificate.

**(81) SEPP No 65 Certification**

A design verification statement from a qualified designer shall be submitted verifying that the development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principals of State Environmental Planning Policy No. 65.

**(82) Completion of Landscaping**

Certification shall be provided from a suitably qualified and experienced Landscape Designer or Landscape Architect. This Certification shall verify that the landscape works have been completed in accordance with the approved detailed landscape plan and relevant conditions of this consent.

Note: A Landscape Designer is a person eligible for membership of the Australian Institute of Landscape Designers and Managers and a Landscape Architect is a person eligible for membership of the Australian Institute of Landscape Architects as a Registered Landscape Architect.

**(83) Consolidation of Lots**

The lots covered by this development consent shall be consolidated into one lot and proof of registration of the consolidation shall be submitted to Council.

**(84) Section 73 Compliance Certificate**

A Section 73 Compliance Certificate under the Sydney Water Act, 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to “Water Servicing Coordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.

Following application a “Notice of Requirements” will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water / sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority.

**(85) Stormwater Compliance Certificate**

A Stormwater Compliance Certificate is to be obtained for the constructed on-site stormwater management systems in conjunction with the works-as-executed drawings and the final inspection. This Certificate is to be signed by an accredited hydraulic engineer (preferably be the original design consultant) and submitted to the Principal Certifying Authority. Copy of the standard Stormwater Compliance Certificate is shown in Council’s Water Management Policy.

If the proposed works involve Council owned stormwater infrastructure (or infrastructure to be owned by Council), then the applicant should organise inspection with Council and pay Council the appropriate inspection fee. Inspection is to be carried out at the following specified stages:

- Prior to backfilling of pipelines trenches.
- Prior to backfilling of drainage connection to pipeline or channels.
  - Prior to casting pits and other concrete structures including kerb and gutter, aprons, pathways, vehicular crossings, dish crossings and pathway steps.

**(86) Positive Covenant**

A Restriction on Use of the land and Positive Covenant shall be created and registered on the title of the property, which places the responsibility for the maintenance of the on-site stormwater management system on the owner of the land. The terms of the instrument are to be generally in accordance with the Council's standard terms and conditions for Restriction on Use of the land and Positive Covenant shown in Council's Water Management Policy.

**(87) Maintenance Schedule**

A Maintenance Schedule for the proposed on-site stormwater management measures is to be prepared and submitted. The Maintenance Schedule shall outline the required maintenance works, how and when these will be done and who will be carrying out these maintenance works.

**(88) Fire Safety Schedule**

Certain items of equipment or forms of construction shall be nominated as "fire safety measures" within the building.

Upon completion of works, and before occupation of the building, each of the fire safety measures is required to be certified by an appropriately competent person (chosen by the owner of the building). The certificate is to state that the measure was inspected and found to be designed, installed and capable of operating to a standard not less than that required by the relevant regulations.

Further, it is the responsibility of the owner of the building that each fire safety measure is again inspected and certified as to its condition every twelve (12) months following the submission to Council of the original certification.

**(89) BASIX Completion Receipt**

In accordance with clause 154C of the Environmental Planning and Assessment Regulation 2000, prior to issuing a final occupation certificate the certifying authority must apply to the Director-General for a BASIX completion receipt.

**(90) Sydney Trains Inspection of Works**

If required by Sydney Trains, prior to the commencement of works, prior to the issue of the Occupation Certificate, or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission

of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.

#### **(91) As Built Drawings – Sydney Trains**

Prior to the issuing of an Occupation Certificate the Applicant is to submit as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into Sydney Trains property or easements, unless agreed to be these authorities. The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied

### **SECTION F – Prescribed Conditions**

The following are prescribed conditions of development consent pursuant to s.80A(11) of the Environmental Planning and Assessment Act 1979 and cl.98 of the Environmental Planning and Assessment Regulation 2000.

#### **(92) Compliance with the Building Code of Australia**

The development must be carried out in accordance with the provisions of the Building Code of Australia.

#### **(93) Insurance Requirements under Home Building Act 1989**

The builder or person who does the residential building work must comply with the applicable requirements of Part 6 of the Home Building Act, 1989. This means that a contract of insurance must be in force in accordance with Part 6 of that Act before any building work authorised to be carried out by the consent commences.

It is the responsibility of the builder or person who is to do the work to satisfy Council that they have complied with the applicable requirements of Part 6 of the Home Building Act, 1989.

If Council is the Principal Certifying Authority it will not carry out any inspections until a copy of the insurance certificate is received.

#### **(94) Erection of Signs**

A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (a) showing the name, address and telephone number of the principal certifying authority for the work, and

- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the work site is prohibited.

The sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

#### **(95) Notification of Home Building Act 1989 Requirements**

Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:

- (a) in the case of work for which a principal contractor is required to be appointed:
  - (i) the name and licence number of the principal contractor, and
  - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
- (b) in the case of work to be done by an owner-builder:
  - (i) the name of the owner-builder, and
  - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified above becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

#### **(96) Shoring and Adequacy of Adjoining Property**

If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- (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.

The above condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

### **(97) Council Notification of Construction**

The erection of a building which is the subject of a Development Consent must not be commenced until:

- a) Detailed plans and specifications of the building have been endorsed with a construction certificate by Council or an accredited certifier.
- b) the person having the benefit of the development consent has:
  - appointed a Principal Certifying Authority (PCA), and
  - notified Council (if Council is not the PCA) *in writing* of the appointment, and
  - given at least 2 days notice to Council of their intention to commence the erection of the building. The notice may be in writing or by phone.

## **SECTION G – Demolition Conditions**

The following conditions are imposed to ensure the demolition associated with the proposed development is carried out having regard to relevant legislation and does not unreasonably impact on the amenity of the locality or environment.

nil

## **END CONDITIONS**

### **Advisory Notes**

#### **(i) Worksite Safety**

It is usually the owner/applicant's responsibility to ensure that the development site is a safe working environment. This may be by the engagement of an appropriately competent principal contractor. There are various legislative and WorkCover requirements with respect to maintaining a safe work-site. Details of these requirements and legislation, as well as, guidance and advisory material, can be found on the WorkCover Website [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au).

#### **(ii) Worksite Safety Scaffolding**

Council is committed to worksite safety and requiring that all scaffolding is installed by competent and qualified professionals with the relative appropriate standards. The applicable Australian Standards for the scaffolding is AS/NZS1576 in respect of the design of the scaffolding and AS/NZS4576 with respect to the erection of the scaffolding. Also, you should ensure that those erecting scaffolding are appropriately qualified and have the appropriate qualifications to erect scaffolding. For further information regarding this please see [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au).

**(iii) Kid Safe NSW**

Kidsafe NSW has produced Safer Homes for Children Design and Construction Guidelines for builders, renovators and home owners. The guidelines identify common hazards for children and recommended practical design applications to improve child safety for all areas of the home. Free copies of the Guidelines are available from Council's Customer Service Centre, or contact Kidsafe on (02) 9845 0890 or their website <http://www.kidsafensw.org/homesafety/index.htm> for more information.

**(iv) Dial Before You Dig**

Underground pipes and cables may exist in the area. In your own interest and for safety, telephone 1100 before excavation or erection of structures. Information on the location of underground pipes and cables can also be obtained by fax on 1300 652 077 or through the following website [www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au).

**(v) Disability Discrimination Act**

This authorisation does not imply that the proposal complies with *Disability Discrimination Act 1992*. The Proponent is responsible to ensure compliance with this and other anti-discrimination legislation. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS 1428.1 – Design for Access and Mobility. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under *The Disability Discrimination Act 1992*.

**(vi) Demolition Waste**

Sorting your construction and demolition waste will save you money. For pricing and disposal options for sorted loads of tiles, bricks, timber concrete or asphalt call Waste Service NSW on 1300 651 116.

**(vii) Property Address**

Property addresses shall be allocated by Council in accordance with the Addressing Standard AS/NZS 4819:2011.

**Attachments**

1. Stage 2 Detailed Site Investigation
2. Amended Architectural Plans
3. Referral Response from Sydney Trains