**Development Consent Conditions**  
(Medium density residential)

<table>
<thead>
<tr>
<th>Folder /DA No:</th>
<th>DA/616/2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property:</td>
<td>13/20 Glebe Street, RANDWICK NSW 2031</td>
</tr>
<tr>
<td>Proposal:</td>
<td>Alterations and additions to the existing dwelling (Unit 13) including conversion of the semi-basement into a habitable space with associated internal and external alterations, landscaping and associated works.</td>
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<tr>
<td>Recommendation:</td>
<td>Approval</td>
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### Development Consent Conditions

**GENERAL CONDITIONS**
The development must be carried out in accordance with the following conditions of consent.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000* and to provide reasonable levels of environmental amenity.

#### Approved Plans & Supporting Documentation

1. The development must be implemented substantially in accordance with the plans and supporting documentation listed below and endorsed with Council's approved stamp, except where amended by Council in red and/or by other conditions of this consent:

<table>
<thead>
<tr>
<th>Plan</th>
<th>Drawn by</th>
<th>Dated</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Plan, Drawing No. DA-001-B, Rev B</td>
<td>Breakspear Architects</td>
<td>13/11/2019</td>
</tr>
<tr>
<td>Existing &amp; Proposed Plans, Drawing No. DA-002-E, Rev E</td>
<td>Breakspear Architects</td>
<td>27/04/2020</td>
</tr>
<tr>
<td>Proposed Elevations, Drawing No. DA-003-C, Rev C</td>
<td>Breakspear Architects</td>
<td>13/11/2019</td>
</tr>
<tr>
<td>Landscape Plan, Drawing No. DA-004-B, Rev B</td>
<td>Breakspear Architects</td>
<td>13/11/2019</td>
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<table>
<thead>
<tr>
<th>Document</th>
<th>Author</th>
<th>Dated</th>
</tr>
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<tbody>
<tr>
<td>BASIX Certificate, Ref: A361388</td>
<td>Breakspear Architects</td>
<td>13/11/2019</td>
</tr>
</tbody>
</table>

#### Amendment of Plans & Documentation

2. The approved plans and documents must be amended in accordance with the following requirements:

a) Internal privacy measures shall be shown to the new windows at the basement level along the northern elevation of Unit 13 to ensure adequate visual privacy for occupants.

b) A sun shading device shall be provided to the western façade of the new glass bi-fold doors at the basement level to ensure adequate sun shading to the living room.
c) Storage areas shall be shown throughout Unit 13, including underneath the staircase, demonstrating a minimum of 8m³ to ensure adequate internal storage space for occupants.

d) The rear private open space to Unit 13 shall have a maximum depth of 5m to allow for extra communal open space (in-line with the approval for the neighbouring Unit 14). The fencing of the private open space shall be reduced to a maximum height of 1.2m and screen planting having a depth of 500mm shall be incorporated along the eastern and southern side of the private open space.

e) A landscape plan prepared by a qualified professional (i.e. a registered member of either AILDM, AILA or similar) shall be submitted to, and be approved by Council’s Manager of Development Assessment, prior to the commencement of site works and must detail the following:

- A Planting Plan & Plant Schedule which includes proposed species, botanic and common names, pot size at the time of planting, quantity, location, dimensions at maturity and any other details needed to describe the works;
- A predominance of species that are not reliant on high quantities of moisture and fertilizer for survival;
- A high quality selection and arrangement of decorative species throughout the communal areas so as to cater to the future amenity needs of occupants.
- Furniture and equipment to be placed in the communal area shall be dimensioned and detailed on the plans.

Apartment layout

3. Enclosure of the study on the ground floor entry level is not permitted, and the study shall not be used as a bedroom.

REQUIREMENTS BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED

The following conditions of consent must be complied with before a ‘Construction Certificate’ is issued by either Randwick City Council or an Accredited Certifier. All necessary information to demonstrate compliance with the following conditions of consent must be included in the documentation for the Construction Certificate.

These conditions have been applied to satisfy the relevant requirements of the Environmental Planning & Assessment Act 1979, Environmental Planning & Assessment Regulation 2000, Council’s development consent conditions and to achieve reasonable levels of environmental amenity.

Consent Requirements

4. The requirements and amendments detailed in the ‘General Conditions’ must be complied with and be included in the Construction Certificate plans and associated documentation.

External Colours, Materials & Finishes

5. The colours, materials and finishes of the external surfaces to the building are to be compatible with the existing and adjacent development to maintain the integrity and amenity of the building and the streetscape.

Compliance Fee

6. A development compliance and enforcement fee of $80 shall be paid to Council in accordance with Council’s adopted Fees & Charges Pricing Policy, prior to the issue of a Construction Certificate for development.
**Long Service Levy Payments**

7. The required Long Service Levy payment, under the *Building and Construction Industry Long Service Payments Act 1986*, must be forwarded to the Long Service Levy Corporation or the Council, in accordance with Section 6.8 of the *Environmental Planning & Assessment Act 1979*.

   *At the time of this development consent, Long Service Levy payment is applicable on building work having a value of $25,000 or more, at the rate of 0.35% of the cost of the works.*

**Sydney Water Requirements**

8. All building, plumbing and drainage work must be carried out in accordance with the requirements of the Sydney Water Corporation. The approved plans must be submitted to the Sydney Water Tap in™ online service, to determine whether the development will affect Sydney Water’s waste water and water mains, stormwater drains and/or easements, and if any further requirements need to be met.

   *The Sydney Water Tap in™ online service replaces the Quick Check Agents as of 30 November 2015*

   The Tap in™ service provides 24/7 access to a range of services, including:
   - Building plan approvals;
   - Connection and disconnection approvals;
   - Diagrams;
   - Trade waste approvals;
   - Pressure information;
   - Water meter installations;
   - Pressure boosting and pump approvals; and
   - Change to an existing service or asset, e.g. relocating or moving an asset.


   The Principal Certifier must ensure that the developer/owner has submitted the approved plans to Sydney Water Tap in online service.

**REQUIREMENTS TO BE INCLUDED IN THE CONSTRUCTION CERTIFICATE**

The requirements contained in the following conditions of consent must be complied with and details of compliance must be included in the construction certificate for the development.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, Councils development consent conditions and to achieve reasonable levels of environmental amenity.

**Compliance with the Building Code of Australia & Relevant Standards**

9. In accordance with Section 4.17 (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 of the *Environmental Planning & Assessment Regulation 2000*, it is a prescribed condition that all building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).

10. Access and facilities for people with disabilities must be provided in accordance with the relevant requirements of the Building Code of Australia, Disability (Access to Premises – Buildings) Standards 2010, relevant Australian Standards and conditions of consent, to the satisfaction of the Certifier.
**BASIX Requirements**

11. In accordance with Section 4.17 (11) of the *Environmental Planning & Assessment Act 1979* and Clause 97A of the *Environmental Planning & Assessment Regulation 2000*, the requirements and commitments contained in the relevant BASIX Certificate must be complied with.

The required commitments listed and identified in the BASIX Certificate must be included on the construction certificate plans, specifications and associated documentation, to the satisfaction of the Certifier.

*The design of the building must not be inconsistent with the development consent and any proposed variations to the building to achieve the BASIX commitments may necessitate a new development consent or amendment to the existing consent to be obtained, prior to a Construction Certificate being issued.*

**Site stability, Excavation and Construction work**

12. A report must be obtained from a suitably qualified and experienced professional engineer, which includes the following details, to the satisfaction of the Certifier for the development:

   a) Geotechnical details which confirm the suitability and stability of the site for the development and relevant design and construction requirements to be implemented to ensure the stability and adequacy of the development and adjacent land.

   b) Details of the proposed methods of excavation and support for the adjoining land (including any public place) and buildings.

   c) Details to demonstrate that the proposed methods of excavation, support and construction are suitable for the site and should not result in any damage to the adjoining premises, buildings or any public place, as a result of the works and any associated vibration.

   d) The adjoining land and buildings located upon the adjoining land must be adequately supported at all times throughout demolition, excavation and building work, to the satisfaction of the Principal Certifier.

   e) Written approval must be obtained from the owners of the adjoining land to install any ground or rock anchors underneath the adjoining premises (including any public roadway or public place) and details must be provided to the Certifier.

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**REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS**

The following conditions of consent must be complied with prior to the commencement of any works on the site. The necessary documentation and information must be provided to the Council or the ‘Principal Certifier’, as applicable.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000* and to provide reasonable levels of public health, safety and environmental amenity.

**Certification and Building Inspection Requirements**

13. Prior to the commencement of any building works, the following requirements must be complied with:

   a) A Construction Certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the *Environmental Planning & Assessment Act 1979*.

A copy of the Construction Certificate, the approved development consent plans and consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.
b) A Principal Certifier must be appointed to carry out the necessary building inspections and to issue an Occupation Certificate; and

c) A principal contractor must be appointed for the building work and the requirements of the Home Building Act 1989 must be satisfied accordingly; and

d) The principal contractor must be advised of the required critical stage inspections and other inspections to be carried out, as specified by the Principal Certifier; and

e) At least two (2) days notice must be given to the Council, in writing, prior to commencing any works.

**Home Building Act 1989**

14. In accordance with Section 4.17 (11) of the Environmental Planning & Assessment Act 1979 and clause 98 of the Environmental Planning & Assessment Regulation 2000, the relevant requirements of the Home Building Act 1989 must be complied with.

Details of the Licensed Building Contractor and a copy of the relevant Certificate of Home Warranty Insurance or a copy of the Owner-Builder Permit (as applicable) must be provided to the Principal Certifier and Council.

**Construction Site Management Plan**

15. A Construction Site Management Plan must be developed and implemented prior to the commencement of any works. The construction site management plan must include the following measures, as applicable to the type of development:

- Location and construction of protective site fencing / hoardings;
- Location of site storage areas/sheds/equipment;
- Location of building materials for construction;
- Provisions for public safety;
- Dust control measures;
- Details of proposed sediment and erosion control measures;
- Site access location and construction;
- Details of methods of disposal of demolition materials;
- Protective measures for tree preservation;
- Location and size of waste containers/bulk bins;
- Provisions for temporary stormwater drainage;
- Construction noise and vibration management;
- Construction traffic management details;
- Provisions for temporary sanitary facilities.

The site management measures must be implemented prior to the commencement of any site works and be maintained throughout the works, to the satisfaction of Council.

A copy of the Construction Site Management Plan must be provided to the Principal Certifier and Council prior to commencing site works. A copy must also be maintained on site and be made available to Council officers upon request.

**Demolition Work Plan**

16. A Demolition Work Plan must be prepared for the development in accordance with Australian Standard AS2601-2001, Demolition of Structures and relevant environmental/work health and safety requirements.

The Demolition Work Plan must be submitted to the Principal Certifier, not less than two (2) working days before commencing any demolition work. A copy of the Demolition Work Plan must be maintained on site and be made available to Council officers upon request.
If the work involves asbestos products or materials, a copy of the Demolition Work Plan must also be provided to Council not less than two (2) days before commencing those works.

**Construction Noise & Vibration Management Plan**

17. A *Construction Noise & Vibration Management Plan*, prepared in accordance with the Environment Protection Authority (EPA) Guidelines for Construction Noise and Assessing Vibration, by a suitably qualified person, is to be developed and implemented prior to commencing site work and throughout the course of construction, in accordance with the following requirements:

   a) Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents.

   Noise and vibration from any rock excavation machinery, pile drivers and all plant and equipment must be minimised, by using appropriate plant and equipment, silencers and the implementation of noise management strategies.

   b) The *Construction Noise & Vibration Management Plan* must include details of measurements, analysis and relevant criteria and demonstrate that the noise and vibration emissions from the work satisfy the relevant provisions of the *Protection of the Environment Operations Act 1997*, current EPA Guidelines for Construction Noise and Assessing Vibration and Councils conditions of consent.

   c) A further report/correspondence must be obtained from the consultant as soon as practicable upon the commencement of works, which reviews and confirms the implementation and suitability of the noise and vibration strategies in the *Construction Noise & Vibration Management Plan* and which demonstrates compliance with relevant criteria.

   d) Any recommendations and requirements contained in the *Construction Noise & Vibration Management Plan* and associated reports are to be implemented accordingly and should noise and vibration emissions not comply with the terms and conditions of consent, work must cease forthwith and is not to recommence until details of compliance are submitted to Council and the PCA.

   A copy of the *Construction Noise & Vibration Management Plan* and associated acoustic/vibration report/s must be maintained on-site and a copy must be provided to Council and the Principal Certifier accordingly.

**Public Liability**

18. The owner/builder is required to hold Public Liability Insurance, with a minimum liability of $10 million and a copy of the Insurance cover is to be provided to the Principal Certifier and Council.

**REQUIREMENTS DURING CONSTRUCTION & SITE WORK**

The following conditions of consent must be complied with during the demolition, excavation and construction of the development.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000* and to provide reasonable levels of public health, safety and environmental amenity during construction.

**Inspections during Construction**

19. Building works are required to be inspected by the *Principal Certifier*, in accordance with section 6.5 of the *Environmental Planning & Assessment Act 1979* and clause 162A of the *Environmental Planning & Assessment Regulation 2000*, to monitor compliance with the relevant standards of construction, Council’s development consent and the construction certificate.
Building & Demolition Work Requirements

20. The demolition, removal, storage, handling and disposal of products and materials containing asbestos must be carried out in accordance with Randwick City Council’s Asbestos Policy and the relevant requirements of SafeWork NSW and the NSW Environment Protection Authority (EPA), including:

- Work Health and Safety Act 2011;
- Work Health and Safety Regulation 2011;
- SafeWork NSW Code of Practice for the Safe Removal of Asbestos;
- The Protection of the Environment Operations Act 1997;
- Randwick City Council Asbestos Policy (adopted 13 September 2005).

A copy of Council’s Asbestos Policy is available on Council’s web site or a copy can be obtained from Council’s Customer Service Centre.

Removal of Asbestos Materials

21. Any work involving the demolition, storage or disposal of asbestos products and materials must be carried out in accordance with the following requirements:

- Occupational Health & Safety legislation and WorkCover NSW requirements.
- Randwick City Council’s Asbestos Policy.
- A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 10m² of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence. A copy of the relevant licence must be provided to the Principal Certifier.
- On sites involving the removal of asbestos, a sign must be clearly displayed in a prominent visible position at the front of the site, containing the words ‘DANGER ASBESTOS REMOVAL IN PROGRESS’ and include details of the licensed contractor.
- Asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Waste) Regulation 2005. Details of the landfill site (which must be lawfully able to receive asbestos materials) must be provided to the Principal Certifier.
- A Clearance Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos assessor or other competent person), must be provided to Council and the Principal Certifier upon completion of the asbestos related works which confirms that the asbestos material have been removed appropriately and the relevant conditions of consent have been satisfied.

A copy of Council’s Asbestos Policy is available on Council’s web site at www.randwick.nsw.gov.au in the Building & Development Section or a copy can be obtained from Council’s Customer Service Centre.

Excavations, Back-filling & Retaining Walls

22. All excavations and backfilling associated with the erection or demolition of a building must be executed safely in accordance with appropriate professional standards and excavations must be properly guarded and supported to prevent them from being dangerous to life, property or buildings.

Retaining walls, shoring or piling must be provided to support land which is excavated in association with the erection or demolition of a building, to prevent the movement of soil and to support the adjacent land and buildings, if the soil conditions require it. Adequate provisions are also to be made for drainage.
Details of proposed retaining walls, shoring, piling or other measures are to be submitted to and approved by the Principal Certifier.

**Support of Adjoining Land**

23. In accordance with Section 4.17 (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 E of the *Environmental Planning & Assessment Regulation 2000*, it is a prescribed condition that the adjoining land and buildings located upon the adjoining land must be adequately supported at all times.

**Sediment & Erosion Control**

24. Sediment and erosion control measures, must be implemented throughout the site works in accordance with the manual for Managing Urban Stormwater – Soils and Construction, published by Landcom.

Details must be included in the Construction Site Management Plan and a copy must be provided to the Principal Certifier and Council. A copy must also be maintained on site and be made available to Council officers upon request.

**Dust Control**

25. During demolition excavation and construction works, dust emissions must be minimised, so as not to result in a nuisance to nearby residents or result in a potential pollution incident.

Adequate dust control measures must be provided to the site prior to the works commencing and the measures and practices must be maintained throughout the demolition, excavation and construction process, to the satisfaction of Council.

*Dust control measures and practices may include:-*

- Provision of geotextile fabric to all perimeter site fencing (attached on the prevailing wind side of the site fencing).
- Covering of stockpiles of sand, soil and excavated material with adequately secured tarpaulins or plastic sheeting.
- Installation of a water sprinkling system or provision hoses or the like.
- Regular watering-down of all loose materials and stockpiles of sand, soil and excavated material.
- Minimisation/relocation of stockpiles of materials, to minimise potential for disturbance by prevailing winds.
- Landscaping and revegetation of disturbed areas.

**Public Safety & Site Management**

26. Public safety and convenience must be maintained at all times during demolition, excavation and construction works and the following requirements must be complied with to the satisfaction of Council:

a) Building materials, sand, soil, waste materials, construction equipment or other articles must not be placed upon the footpath, roadway or nature strip at any time.

b) The road, footpath, vehicular crossing and nature strip must be maintained in a good, safe, clean condition and free from any excavations, obstructions, trip hazards, goods, materials, soils or debris at all times. Any damage caused to the road, footway, vehicular crossing, nature strip or any public place must be repaired immediately, to the satisfaction of Council.

c) All building and site activities (including storage or placement of materials or waste and concrete mixing/pouring/pumping activities) must not cause or be likely to cause ‘pollution’ of any waters, including any stormwater drainage systems, street gutters or roadways.
Note: *It is an offence under the Protection of the Environment Operations Act 1997 to cause or be likely to cause ‘pollution of waters’, which may result in significant penalties and fines.*

d) Access gates and doorways within site fencing, hoardings and temporary site buildings or amenities must not open outwards into the road or footway.

e) Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container in a public place can be made to Council’s Health, Building and Regulatory Services department.

f) Adequate provisions must be made to ensure pedestrian safety and traffic flow during the site works and traffic control measures are to be implemented in accordance with the relevant provisions of the Roads and Traffic Manual “Traffic Control at Work Sites” (Version 4), to the satisfaction of Council.

Site Signage
27. A sign must be erected and maintained in a prominent position on the site for the duration of the works, which contains the following details:

- Name, address, contractor licence number and telephone number of the principal contractor, including a telephone number at which the person may be contacted outside working hours, or owner-builder permit details (as applicable);
- Name, address and telephone number of the Principal Certifier;
- A statement stating that “unauthorised entry to the work site is prohibited”.

Restriction on Working Hours
28. Building, demolition and associated site works must be carried out in accordance with the following requirements:

<table>
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<tr>
<th>Activity</th>
<th>Permitted working hours</th>
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| All building, demolition and site work, including site deliveries (except as detailed below) | • Monday to Friday - 7.00am to 5.00pm  
• Saturday - 8.00am to 5.00pm  
• Sunday & public holidays - No work permitted |
| Excavating or sawing of rock, use of jack-hammers, pile-drivers, vibratory rollers/compactors or the like | • Monday to Friday - 8.00am to 1.00pm only  
• Saturday - No work permitted  
• Sunday & public holidays - No work permitted |
| Additional requirements for all development | • Saturdays and Sundays where the preceding Friday and/or the following Monday is a public holiday - No work permitted |

An application to vary the abovementioned hours may be submitted to Council’s Manager Health, Building & Regulatory Services for consideration and approval to vary the specified hours may be granted in exceptional circumstances and for limited occasions (e.g. for public safety, traffic management or road safety reasons). Any applications are to be made on the standard application form and include payment of the relevant fees and supporting information. Applications must be made at least 10 days prior to the date of the proposed work and the prior written approval of Council must be obtained to vary the standard permitted working hours.

Building Encroachments
29. There must be no encroachment of any structures or building work onto Council’s road reserve, footway, nature strip or public place.
REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

The following conditions of consent must be complied with prior to the ‘Principal Certifier’ issuing an ‘Occupation Certificate’.

These conditions have been applied to satisfy the relevant requirements of the Environmental Planning & Assessment Act 1979, Environmental Planning & Assessment Regulation 2000, Council’s development consent and to maintain reasonable levels of public health, safety and amenity.

Occupation Certificate Requirements

30. An Occupation Certificate must be obtained from the Principal Certifier prior to any occupation of the building work encompassed in this development consent (including alterations and additions to existing buildings), in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.

Fire Safety Certificates

31. Prior to issuing an Occupation Certificate, a single and complete Fire Safety Certificate, encompassing all of the essential fire safety measures contained in the fire safety schedule must be obtained and be submitted to Council, in accordance with the provisions of the Environmental Planning and Assessment Regulation 2000. The Fire Safety Certificate must be consistent with the Fire Safety Schedule which forms part of the Construction Certificate.

A copy of the Fire Safety Certificate must be displayed in the building entrance/foyer at all times and a copy must also be forwarded to Fire and Rescue NSW.

Structural Certification

32. A Certificate must be obtained from a professional engineer, which certifies that the building works satisfy the relevant structural requirements of the Building Code of Australia and approved design documentation, to the satisfaction of the Principal Certifier. A copy of which is to be provided to Council with the Occupation Certificate.

Sydney Water Certification


Please make early contact with the Water Servicing Co-ordinator, as building of water/sewer extensions may take some time and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifier and the Council prior to issuing an Occupation Certificate or Subdivision Certificate, whichever the sooner.

BASIX Requirements & Certification

34. In accordance with Clause 154B of the Environmental Planning & Assessment Regulation 2000, a Certifier must not issue an Occupation Certificate for this development, unless it is satisfied that any relevant BASIX commitments and requirements have been satisfied.

Relevant documentary evidence of compliance with the BASIX commitments is to be forwarded to the Principal Certifier and Council upon issuing an Occupation Certificate.

Noise Control Requirements & Certification

35. The operation of plant and equipment shall not give rise to an ‘offensive noise’ as defined in the Protection of the Environment Operations Act 1997 and Regulations.
In this regard, the operation of the plant and equipment shall not give rise to an L_{Aeq, 15 min} sound pressure level at any affected premises that exceeds the background L_{A90, 15 min} noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A) in accordance with relevant NSW Environment Protection Authority (EPA) Noise Control Guidelines.

36. A report must be obtained from a suitably qualified and experienced consultant in acoustics, which demonstrates and certifies that noise and vibration from any plant and equipment (e.g. mechanical ventilation systems and air-conditioners) satisfies the relevant provisions of the *Protection of the Environment Operations Act 1997*, NSW Environment Protection Authority (EPA) Noise Control Manual, Industrial Noise Policy and Council’s development consent.

A copy of the report must be provided to the Principal Certifier and Council prior to an occupation certificate being issued.

**OPERATIONAL CONDITIONS**

| The following operational conditions must be complied with at all times, throughout the use and operation of the development. |
| These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, Council’s development consent and to maintain reasonable levels of public health and environmental amenity. |
|Environmental Amenity|
|37. External lighting to the premises must be designed and located so as to minimise light-spill beyond the property boundary or cause a public nuisance. |

**GENERAL ADVISORY NOTES**

| The following information is provided for your assistance to ensure compliance with the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, or other relevant legislation and requirements. This information does not form part of the conditions of development consent pursuant to Section 4.17 of the Act. |
|A1 The requirements and provisions of the *Environmental Planning & Assessment Act 1979* and *Environmental Planning & Assessment Regulation 2000*, must be fully complied with at all times. |

Failure to comply with these requirements is an offence, which renders the responsible person liable to a maximum penalty of $1.1 million. Alternatively, Council may issue a penalty infringement notice (for up to $6,000) for each offence. Council may also issue notices and orders to demolish unauthorised or non-complying building work, or to comply with the requirements of Council’s development consent.

|A2 In accordance with the requirements of the *Environmental Planning & Assessment Act 1979*, building works, including associated demolition and excavation works (as applicable) must not be commenced until: |
|• A Construction Certificate has been obtained from an Accredited Certifier or Council; |
|• An Accredited Certifier or Council has been appointed as the Principal Certifier for the development; and |
|• Council and the Principal Certifier have been given at least two (2) days notice (in writing) prior to commencing any works. |

|A3 Council can issue your Construction Certificate and be your Principal Certifier for the development, to undertake inspections and ensure compliance with the development consent and relevant building regulations. For further details contact Council on 9093 6944. |
This determination does not include an assessment of the proposed works under the Building Code of Australia (BCA), Disability (Access to Premises – Buildings) Standards 2010 and other relevant Standards. All new building work (including alterations and additions) must comply with the BCA and relevant Standards. You are advised to liaise with your architect, engineer and building consultant prior to lodgement of your construction certificate.

Any proposed amendments to the design and construction of the building may require a new Development Application or a Section 4.55 amendment to the existing consent to be obtained from Council, before carrying out such works.

A Local Approval application must be submitted to and be approved by Council prior to commencing any of the following activities on a footpath, road, nature strip or in any public place:

- Install or erect any site fencing, hoardings or site structures;
- Operate a crane or hoist goods or materials over a footpath or road;
- Placement of a waste skip or any other container or article.

For further information please contact Council on 9093 6971.

Specific details of the location of the building/s should be provided in the Construction Certificate to demonstrate that the proposed building work will not encroach onto the adjoining properties, Council's road reserve or any public place.

This consent does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is proposed to be carried out upon any adjoining or supported land, the land owner or principal contractor must obtain:

- The consent of the owners of such adjoining or supported land to trespass or encroach, or
- An access order under the Access to Neighbouring Land Act 2000, or
- An easement under Section 88K of the Conveyancing Act 1919, or
- An easement under Section 40 of the Land & Environment Court Act 1979, as appropriate.

Section 177 of the Conveyancing Act 1919 creates a statutory duty of care in relation to support of land. Accordingly, a person has a duty of care not to do anything on or in relation to land being developed (the supporting land) that removes the support provided by the supporting land to any other adjoining land (the supported land).

External paths and ground surfaces are to be constructed at appropriate levels and be graded and drained away from the building and adjoining premises, so as not to result in the entry of water into the building, or cause a nuisance or damage to any adjoining land.

Finished ground levels external to the building are to be consistent with the development consent and are not to be raised, other than for the provision of approved paving or the like on the ground.

Prior to commencing any works, the owner/builder should contact Dial Before You Dig on 1100 or www.dialbeforeyoudig.com.au and relevant Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.

An application must be submitted to an approved by Council prior to the installation and operation of any proposed greywater or wastewater treatment systems, in accordance with the Local Government Act 1993.
Greywater/Wastewater treatment systems must comply with the relevant requirements and guidelines produced by NSW Health, NSW Office of Environment and Heritage and other relevant regulatory requirements.

A12  Air conditioning plant and equipment shall not be operated during the following hours if the noise emitted can be heard within a habitable room in any other residential premises, or, as otherwise specified in relevant Noise Control Regulations:

- Before 8.00am or after 10.00pm on any Saturday, Sunday or public holiday; or
- Before 7.00am or after 10.00pm on any other day.