



Attachment 4 to Item 2.1.1

Conditions

Date of meeting: 16 February 2023
Location: By audio-visual link
Time: 10:00 a.m.

Application Number: DA0097/22
Proposal Details: Community Facility – Alterations and additions to the community facility
Legal Description: Lot 1 DP 1127074
Property Address: 22 Bosworth Street RICHMOND NSW 2753

Schedule 1

Deferred Commencement

- **Deferred Commencement Consent**

This is a 'Deferred Commencement' Consent and does not operate until the matters listed in Schedule 1 of this consent have been addressed.

All matters listed in Schedule 1 are required to be satisfactorily addressed within 12 months from the Determination Date that is shown on this consent. Failure to satisfy these matters by the specified date will result in the lapsing of this consent.

Upon receipt of satisfactory evidence in relation to the matters listed in Schedule 1, Council will give written notice to the person having benefit of the consent advising of the date from which this consent is to operate. The requirements of the consent will then be subject to the conditions listed in Schedule 2 and any additional conditions imposed by Council associated with the satisfaction of Schedule 1.

Schedule 1 Matters

a) **Extinguishment of Existing Easement**

The existing easement for sewerage purposes 3.66m wide and variable (Registered Deed, BK 3641 No 880) over Lot 1 in DP1127074 is to be extinguished.

All costs associated with the release must be borne by the developer.

Satisfactory documentation must be provided to Hawkesbury City Council showing that the easement for sewer has been extinguished.

Schedule 2

General Conditions

1. **Approved Plans and Supporting Documentation**

The development must be carried out in accordance with the approved plans and supporting documentation listed below which have been endorsed by Council's approved stamp, except where amended in red on the plans and/or amended by other conditions of consent:

a) Plans Reference:

Drawing Reference No.	Drawing Description	Prepared by	Issue No.	Date
Sheet No. 01 of 09	Cover Sheet	Cubbitt's Granny Flats and Home Extensions	I	7/09/2022
Sheet No. 02 of 09	Commitments & Schedules	Cubbitt's Granny Flats and Home Extensions	I	7/09/2022
Sheet No.	Demolition Plan	Cubbitt's Granny Flats and	I	7/09/2022

03 of 09		Home Extensions		
Sheet No. 04 of 09	Site Plan	Cubbitt's Granny Flats and Home Extensions	I	7/09/2022
Sheet No. 06 of 09	Proposed Floor Plan	Cubbitt's Granny Flats and Home Extensions	I	7/09/2022
Sheet No. 07 of 09	Elevations	Cubbitt's Granny Flats and Home Extensions	I	7/09/2022
Sheet No. 08 of 09	Elevations & Sections	Cubbitt's Granny Flats and Home Extensions	I	7/09/2022
Sheet No. 09 of 09	Landscape Plan	Cubbitt's Granny Flats and Home Extensions	I	7/09/2022
Sheet No. D01 of 01	Driveway Plan	Cubbitt's Granny Flats and Home Extensions	C	7/09/2022
C1	Cover Sheet & Notes	ACOR Consultants (CC) Pty Ltd	B	4/10/2022
C2	Impervious Area Plan	ACOR Consultants (CC) Pty Ltd	B	4/10/2022
C3	Stormwater Management Plan - Part 1	ACOR Consultants (CC) Pty Ltd	B	4/10/2022
C4	Stormwater Management Plan - Part 2	ACOR Consultants (CC) Pty Ltd	B	4/10/2022
C5	Stormwater Management Details	ACOR Consultants (CC) Pty Ltd	B	4/10/2022

b) Document Reference:

Document Title	Reference	Prepared By	Date
Schedule of Finishes	BWA 22999	-	29/04/2022
Acoustic Report - Aircraft Noise	2021-470	Acoustic Noise & Vibration Solutions P/L	18/11/2020

No works other than those approved (including the raising or lowering of ground levels on the site or construction of retaining walls on any property boundary) are permitted by this consent.

Note: Details of the development shown in the approved plans and documents referenced are altered in the manner indicated by:

- (i) any amendments made by Council on the approved plans or documents;
- (ii) any notes, markings, or stamps on approved plans or documents; and
- (iii) any conditions contained in this consent.

2. **Works Must Not Commence Until a Construction Certificate is Issued**

Construction or preparatory work (including earthworks or tree and/or vegetation removal) must not commence until:

- a) a Construction Certificate is obtained from either Council or an Accredited Certifier;
- b) a Principal Certifier is appointed; and
- c) a Notice of Commencement is lodged with Council.

Note: If the Construction Certificate is issued by an Accredited Certifier that is not Council it will

be necessary to lodge the Construction Certificate and other approved documents with Council within two days of such approval (a registration fee is payable upon lodgement).

3. **Appointment of a Principal Certifier**

No work shall commence until:

- a) A Principal Certifier is appointed for the building/engineering works and the following details relating to the carrying out of the works have been provided:
 - (i) name and licence number of the builder/contractor undertaking the construction works; or
 - (ii) name and permit number of the owner-builder (if relevant);
- b) The Principal Certifier has:
 - (i) provided a copy of the notice of its determination to the consent authority, and to Council (within two days after the date of the determination);
 - (ii) notified the person having benefit of the consent of any critical stage inspections and other inspections that it requires to be carried out in relation to the approved work;
 - (iii) notified Council of its appointment (not less than two days before commencement of building work);
- c) The person having benefit of the consent (if not carrying out work as an owner-builder) has:
 - (i) appointed a principal contractor who must hold a 'contractor licence' if any residential building work is involved;
 - (ii) notified the Principal Certifier of the appointment of the principal contractor;
 - (iii) notified the principal contractor of any critical stage inspections or any other inspections that are required to be carried out in relation to the approved work; and
- d) At least two days' notice are to be provided to Council of the date on which it is proposed to commence work associated with this development consent.

4. **Part 6 Certificates Required**

The accredited certifier must provide copies of all Part 6 Certificates issued under the *Environmental Planning and Assessment Act 1979* relevant to this development to Council within seven days of issuing the certificate.

Note: A registration fee applies.

5. **Civil Works Specification - Private Land**

Council requires the following works to be carried out as part of the development:

- a) Earthworks;
- b) Stormwater drainage work;
- c) On-site-detention system;
- d) Access and car parking;

All civil construction works required by this consent must be undertaken in accordance with Hawkesbury Development Control Plan 2002 – Appendix E 'Civil Works Specification'.

A Construction Certificate is required to be in force prior to work commencing. It may be necessary to obtain appropriate Compliance Certificates for certain aspects of the development prior to the issue of a Construction Certificate.

Inspections must be carried out either by Council or a Certifier. Should Council be engaged to issue compliance certificates or carry out inspections, fees can be provided on request.

6. Occupation Certificate Required Prior to The Use of The Building

The building must not be occupied or used prior to the issuing of an Occupation Certificate by the Principal Certifier. Where a partial Occupation Certificate has been issued, only that part of the building to which the Certificate applies may be occupied or used.

A copy of any Occupation Certificate must be submitted to Council within two days of its issue.

7. Works on Public Land - Not Permitted Without Approval

No work can be undertaken within adjoining public lands (i.e. Parks, Reserves, Roads etc.) without the prior written consent of Council or other relevant authority. In this regard the person having benefit of the consent is to contact Council prior to the commencement of any design works or preparation of a Construction and Traffic Management Plan.

The developer must bear the cost of all works associated with the development that occurs on public land, including the restoration of any damaged areas.

8. Asbestos Removal

If asbestos containing materials are encountered during construction or demolition work; measures must be in place in accordance with SafeWork NSW guidelines and the *Occupational Health & Safety Regulation 2001*. Work must not commence or continue until all the necessary safeguards required by SafeWork NSW are fully in place.

In accordance with Safework NSW requirements, a SafeWork NSW licensed Asbestos Removalist is to be engaged to undertake asbestos removal.

Prior to commencing demolition of buildings likely to comprise asbestos containing material (ACM), a commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring 400mm x 300mm must be erected in a prominent visible position on the site in accordance with Australian Standard AS 1319 - 'Safety Signs for the Occupational Environment'.

The person entitled to act on this consent must notify adjoining residents in writing five working days prior to the demolition.

Asbestos waste must only be disposed of at a landfill site authorised to receive such waste. All receipts and supporting documentation must be retained in order to verify lawful disposal and are to be made available to Council on request.

9. Prescribed Conditions - Compliance with National Construction Code

All building works must be carried out in accordance with the requirements of the National Construction Code (Building Code of Australia).

10. Archaeology - Discovered During Excavation

As required by the *Heritage Act 1977*, in the event that items, relics, historical cultural fabric and/or deposits are encountered/discovered where they are not expected, works must cease immediately and Council and the NSW Government's Heritage Council must be notified of the discovery.

In the event that archaeological resources are encountered, further archaeological work may be required before works can re-commence, including the statutory requirement under the Heritage Act 1977 to obtain the necessary approvals/permits from the Heritage Council.

Note: The *Heritage Act 1977* imposes substantial penalty infringements and/or imprisonment for the unauthorised destruction of archaeological resources, regardless of whether or not such archaeological resources are known to exist on the site.

11. **Excavation - Aboriginal Relics**

If any Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work:

- a) all excavation or disturbance of the area must stop immediately in that area; and
- b) Heritage NSW must be advised of the discovery.

All necessary approvals from the Heritage NSW must be obtained and a copy provided to Council prior to works recommencing.

Note: If an Aboriginal object is discovered, an Aboriginal Heritage Impact Permit may be required under the *National Parks and Wildlife Act 1974*.

12. **Fire Safety Upgrading Works**

Where it is proposed to extend a fire service to cover the new part (e.g. hydrants, sprinklers, detectors, emergency lighting), confirmation is to be sought from a suitably qualified consultant, as to the compatibility and compliance of the existing system, to serve the new part. Where existing systems are not compatible, the existing system(s) shall be upgraded to meet the requirements of the current standard.

Prior to the Issue of Construction Certificate

13. **Long Service Levy Payment**

The payment of a long service levy as required under Part 5 of the *Building and Construction Industry Long Service Payments Act 1986* is required. Evidence that the levy has been paid, is to be submitted to the Certifier prior to the issue of any Construction Certificate.

Note: All building and construction work costing \$250,000 and above are subject to the payment of a Long Service Levy at the rate of 0.25%. Payments can be made at Long Service Payments Corporation offices or most councils.

14. **Public Safety - Clear Pedestrian Sight Lines**

Clear pedestrian sight lines are to be provided at the driveway entry in accordance with Figure 3.3 of Australian Standard AS 2890.1 'Parking facilities - Off-street car parking'. This requires that there be no boundary/retaining wall, fence or landscaping higher than 900 millimetres within a 2.5 metres by 2 metres sight triangle at each side of the entryway to the site. Any walls/fences/landscaping are to be adjusted in order to comply with this requirement.

Details demonstrating compliance with these requirements are to be submitted to the Certifier prior to the issue of the Construction Certificate.

15. **Access for Persons with a Disability**

Details demonstrating compliance with Australian Standard AS 1428.1 'Design for Access and Mobility and Disability (Access to Premises - Buildings) Standards 2010' in relation to the development are to be submitted to the Certifier prior to issue of a Construction Certificate.

16. Car Parking and Allocation of Spaces

Car parking spaces must be provided generally in accordance with Architectural Plans, prepared by Cubitt's Granny Flats and Home Extensions, Job No. 22999, Dwg's No. 01 to 09, Issue I dated 07-Sep-2022 and Dwg's No. D01 Issue C dated 07-Sep-2022, the Hawkesbury Development Control Plan 2002 and National Construction Code (Building Code of Australia) AS 2890.6 'Parking facilities: Off-street parking for people with disabilities'. The minimum number of spaces provided must be as follows:

- Two - Staff/Visitor
- One - Accessible Car Spaces.

All vehicular parking spaces are to be identified by line-marking and appropriate signposting.

A suitably qualified and practising civil engineer is to certify the access, manoeuvrability and parking for the development comply with all requirements of this condition.

Details demonstrating compliance with the above requirements must be submitted to the Certifier prior to issue of the Construction Certificate.

17. Driveway Construction - Within Property

A standard residential vehicular driveway must be constructed within the property. The driveway must:

- a) have a sealed finish; and
- b) be constructed in accordance with Hawkesbury Council's 'Driveway Specification' and Hawkesbury Development Control Plan 2002 - Appendix E - Civil Works Specification.

Details of the driveway are to be included on plans submitted to the Certifier prior to issue of a Construction Certificate.

18. Vehicle Entry and Exit from Commercial Property

The vehicular usage of the site must be constructed to comply with the following requirements:

- a) all vehicles must be loaded and unloaded entirely within the property in a safe and practical manner;
- b) all vehicles must be driven in a forward direction at all times when entering and leaving the premises; and
- c) vehicles entering and exiting the site must not create queuing which adversely affects vehicles travelling on the public road network.

Loading and unloading areas are to be clearly designated and the swept paths of the longest vehicle entering and exiting the subject site must be in accordance with:

- a) Australian Standard AS 2890.1 'Parking facilities - Off-street car parking' and
- b) Australian Standard AS 2890.2 'Parking facilities - Off-street commercial vehicle facilities'.

Details demonstrating compliance with the above requirements must be submitted to the Certifier prior to issue of the Construction Certificate.

19. **Engineer Designed Pavement - Commercial**

The carpark pavement must be designed by a qualified civil/geotechnical engineer and certified to be satisfactory for the expected traffic loadings. AUSTRROADS Guide to Pavement Technology can be used as the design guideline for the pavement design.

The above details must be incorporated on appropriate submitted plans prior to the issue of the Construction Certificate to the satisfaction of the Certifier.

20. **Kerb Design**

Plans must clearly show that all kerb used is to be in accordance with Table 6.9 of Part I Appendix E 'Civil Works Specification' of the Hawkesbury Development Control Plan 2002.

Details demonstrating compliance with this condition are to be submitted to the Certifier prior to the issue of the Construction Certificate.

21. **On Site Stormwater Detention Design Compliance**

On-Site Detention (OSD) for stormwater is required to be provided for this development. Details including calculations are to be shown on plans submitted for the Construction Certificate to the Satisfaction of the Certifier. OSD must comply with the following:

- a) OSD must be provided to maintain all stormwater discharges for storms up to the 1 in 100 Average Recurrence Interval storm event at pre-development levels; and
- b) the OSD system is to be designed in accordance with the Hawkesbury Development Control Plan - Appendix E, Civil Works Specification (Part 1 - Design Specifications and Part 2 - Construction Specifications).

Details demonstrating compliance with the above requirements must be submitted to the Accredited Certifier prior to issue of the Construction Certificate.

22. **Overland Flow**

The development must not create adverse impacts to neighbouring properties in relation to overland flow and must meet the following requirements:

- a) water flowing from the property must not be redirected or concentrated to adjoining properties;
- b) water flowing into the property from adjoining lots must not be impeded or diverted; and
- c) water flow must follow the natural flow directions without increasing velocity.

In this respect the kerb must be constructed in accordance with the approved stormwater plans parallel to the northern boundary for the length of the new driveway to control overland flow by directing it into the stormwater pit.

Details demonstrating compliance with the above must be provided to the Certifier prior to the issue of a Construction Certificate.

23. **Detailed Drainage Design - Commercial**

A detailed drainage design of the site must be submitted to and approved by the Certifier prior to the release of the Construction Certificate. The detailed plan must:

- a) be generally in accordance with Stormwater Management Plan, prepared by ACOR Consultant, Project No. CC220003, Dwg's No. C1 to C5, Rev. B, dated 04-

Oct-2022;

- b) drain to the Bosworth Street;
- c) indicate the method of disposal of all stormwater and must include existing ground levels, finished surface levels on all paved areas, estimated flow rates, invert levels and sizes of all pipelines;
- d) be to the satisfaction of the Certifier;
- e) be designed to cater for a 1 in 20 year Average Recurrence Interval storm event;
- f) show details of any overflow drainage paths and that they be designed to cater for 1 in 100 year Average Recurrence Interval storm event; and
- g) comply with the Hawkesbury Development Control Plan 2002 - Appendix E and Australian Standard AS 3500 - 'Plumbing and Drainage' unless a variation is specifically noted and approved by the Development Application concept drainage plan.

24. Grated Drain

A grated stormwater drain must be constructed across the driveway adjacent to the front boundary. Details to this effect are to be included on plans Submitted to the Certifier prior to issue of a Construction Certificate.

25. Pit Grates

All pits must have flush fitting grates. All pits larger than 600mm x 600mm are to be grated galvanised steel grid hinged and be heavy duty type where traffic loading is expected.

Details to this effect are to be included on plans submitted to the Certifier prior to issue of the Construction Certificate.

26. Erosion and Sediment Control Plan

Prior to the issue of the Construction Certificate, the applicant must submit to and obtain the Accredited Certifier approval of an Erosion and Sediment Control Plan (ESCP). The ESCP must show the location of site boundaries, adjoining roads, approximate grades, vegetation, site access, impervious areas, existing and proposed site drainage and a north point.

The ESCP must take into account the requirements of Landcom's publication 'Managing Urban Stormwater - Soils and Construction' (2004). The plan must show the following:

- a) timing of works;
- b) nature and extent of earthworks, including the amount of any cut and fill;
- c) where applicable the diversion of runoff from upslope lands around the disturbed areas;
- d) location of all soil and other material stockpiles including topsoil storage;
- e) location and type of proposed erosion and sediment control measures;
- f) site rehabilitation proposals; and
- g) frequency and nature of maintenance program.

27. Restriction of Fill to Within Footprint of Rear Carparking Area

No fill is to be placed beyond the footprint of the rear car parking area.

Details demonstrating compliance with the requirements of this condition are to be submitted to the Certifier prior to the issue of the Construction Certificate.

28. Aircraft Noise - Acoustic Report

The building must be constructed to satisfy the requirements of the Acoustic Report - Aircraft Noise, Ref No. 2021-470, prepared by Acoustic Noise & Vibration Solutions Pty Ltd and dated 18 November 2021 and Australian Standard AS 2021 'Acoustics - Aircraft noise intrusion - Building siting and construction'.

Details demonstrating compliance with this requirement must be submitted to the Certifier prior to issue of the Construction Certificate.

29. Compliance with the Building Code of Australia - Fire Services and Equipment

Detailed plans showing the existing and proposed fire services and equipment suitable for the intended class of building and proposed use, is to be supplied.

The design and installation of these services and equipment are to be compliant with the Building Code of Australia and relevant Australian Standards.

Details are to be provided to the Certifier prior to issue of the Construction Certificate.

30. Structural Engineer's Design - Concrete and Structural Steel

A qualified Structural Engineer's design for all reinforced concrete and structural steel must be provided to the Certifier prior to issue of Construction Certificate.

31. Outdoor Lighting Design - RAAF Base Richmond

Any outdoor lighting design shall comply with the requirements of Part 5 Chapter 7 of Australian Defence Force Publication 602 'Extraneous Lighting Near Aerodromes' and Section 9.21 of Civil Aviation Safety Authority Manual of Standards Part 139 Aerodromes.

Details demonstrating compliance with this requirement are to be provided to the Certifier prior to the issue of the Construction Certificate.

Notes: (a) Luminaries with no upward light component (e.g. aero screen type) are to be used for any outdoor lighting.

(b) Outdoor lighting installations complying with Part 5 Chapter 7 of ADFP-602 and Section 9.21 of MOS 139 will in most instances be acceptable having regard to aircraft operations.

(c) The suitability for aircraft operations of any lighting installation will be subject to both ground and flight survey (inclusive of ATC Tower). Should the installation at the time of survey, or at any future period, be considered detrimental to the safety of aircraft operations the Department of Defence or Civil Aviation Safety Authority (CASA) may require the lighting to be extinguished or suitably modified so as to eliminate such concern.

32. External Materials - Materials Having Low Reflective Qualities (RAAF Base Richmond)

All roof materials used on the approved building are to have a low reflective quality to minimise glare impact associated with aircraft operations in conjunction with RAAF Base Richmond.

Details demonstrating compliance with this requirement must be submitted to the Certifier prior to issue of the Construction Certificate.

Prior to Any Works Commencing on Site

33. Principal Certifier - Details

The applicant must advise Council of the name, address and contact number of the Principal Certifier, in accordance with Section 6.6(2) of the *Environmental Planning and Assessment Act 1979*.

34. Toilet Facilities

Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

Each toilet must:

- a) be a standard flushing toilet connected to a public sewer;
- b) be attached to an approved on-site effluent disposal system;
- c) be a temporary chemical closet that is regularly maintained; and
- d) appropriate facilities for the disposal of sanitary items are to be provided within the toilet.

35. Survey Certificate - Building to be Verified by a Registered Surveyor

In order to ensure compliance with approved plans, a Survey Certificate, prepared by a Registered Surveyor, including locating any easements affecting the subject land, is to be undertaken:

- a) a set-out survey prior to the placement of any footings showing the proposed building and its relationship to the boundaries.

Progress surveys must be submitted to the Principal Certifier at the time of carrying out relevant progress inspections. Under no circumstances is work allowed to proceed should such survey information be unavailable or reveal discrepancies between the approved plans and the works as constructed.

36. Notice of Commencement

No work shall commence until a notice of commencement has been provided to Council. This notice is to be provided not less than two days from the date on which it is proposed to commence work associated with this Development Consent. The notice must also contain:

- a) details of the appointment of a Principal Certifier (PCA) providing name, address and telephone number; and
- b) details of the name, address and licence details of the Builder.

37. Prescribed Conditions - Shoring and Adequacy of Adjoining Property

Development that involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- a) protect and support the building, structure or work from possible damage from the excavation; and

- b) where necessary, underpin the building, structure or work to prevent any such damage.

Note: This 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.

38. **Principal Certifier Site Sign**

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 Certifier for the work;
- 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.

Any such 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.

39. **Safety Fencing**

The site is to be secured by a fence, in accordance with Safework NSW requirements, to prevent unauthorised access during the period of all works.

40. **Demolition - General**

All demolition works must be carried out in accordance with the following:

- a) all demolition work must be carried out strictly in accordance with Australian Standard AS 2601 'The Demolition of Structures';
- b) demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current SafeWork NSW 'Demolition License' and an appropriate SafeWork NSW Asbestos License and comply with SafeWork NSW Code of Practice 'How to Safely Remove Asbestos';
- c) site safety/security fencing must be provided prior to commencement of any work on-site and must be removed only when all hazards, including site waste, have been removed. The site safety/security fencing must comply with the following Australian Standards:
 - (i) Demolition Sites - Australian Standard AS 2601 - 'Demolition of structures';
 - (ii) Construction Sites - Australian Standard AS 4687 - 'Temporary fencing and hoardings';
 - (iii) Ongoing Site Safety/Security - Australian Standard AS 1725 - 'Chain-link fabric security fencing and gates';
- d) demolition work must be carried out only between the hours of 7am to 6pm Mondays to Fridays and 8am to 4pm Saturdays. No work is to be carried out on Sundays or public holidays;
- e) no trees must be removed from the site unless they are shown for removal on the approved plans, or separately approved by Council;

- f) erosion and sediment control measures must be installed prior to any demolition works commencing and maintained in accordance with the requirements contained in the Hawkesbury Development Control Plan 2002;
- g) all waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water;
- h) public footways and roadways adjacent to the site must be fully maintained and cleared of obstructions during construction. No building materials, waste containers or skips may be stored on the road reserve or footpath without prior separate approval from Council;
- i) any materials stored on site must be stored away from any drainage path or easement, natural watercourse;
- j) demolition activity must not cause damage to or adversely affect the structural integrity of adjoining buildings;
- k) waste must be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation;
- l) no material is to be burnt on site;
- m) details as to the method and location of disposal of demolition materials (weight dockets, receipts, etc.) must be kept on site as evidence of approved methods of disposal and recycling; and
- n) the site must be grassed or otherwise rendered erosion resistant immediately upon completion of demolition.

41. Demolition - Notice

- a) Notice is to be given to Council of the date on which it is proposed to commence demolition. This notice must:
 - (i) be given not less than two days before the date on which it is proposed to commence demolition work;
 - (ii) provide details of the name, contact details of the demolisher/contractor undertaking the work;
 - (iii) provide the relevant SafeWork NSW License details of the demolisher/contractor; and
 - (iv) details of the demolisher/contractors current Public Liability/Risk Insurance Policy providing for a minimum cover of \$10 million.
- b) Notice is to be given to adjoining property owners of the date on which it is proposed to commence demolition. This notice must:
 - (i) be given not less than two days before the date on which it is proposed to commence demolition work;
 - (ii) provide details of the name, contact details of the demolisher/contractor undertaking the work; and
 - (iii) provide the telephone number of SafeWork NSW Asbestos/Demolition Hotline - 1800 672 718.

42. Restriction of Site Access to Prevent Unauthorised Material

The property entry and exit points must be secured at all times to prevent the unauthorised entry of vehicles, and to ensure that the site manager can control and prevent dumping of

waste and potentially contaminated material whilst fill material is being imported or managed on site.

43. **Asbestos Material Handling**

Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under Clause 458 of the *Work Health and Safety Regulation 2017*.

In addition to the above, the following must be satisfied:

- a) the person having the benefit of this consent must provide the Principal Certifier with a copy of a signed contract with such a person before any development or works commence;
- b) any such contract must indicate whether any bonded asbestos material or friable asbestos material will be removed, and if so, must specify the landfill site (that may lawfully receive asbestos) to which the bonded asbestos material or friable asbestos material is to be delivered;
- c) if the contract indicates that bonded asbestos material or friable asbestos material will be removed to a specified landfill site, the person having the benefit of the consent must give the Principal Certifier a copy of a receipt from the operator of the landfill site stating that all the asbestos material referred to in the contract has been received by the operator.

44. **Demolition - Work Plans**

The demolition work must comply with the provisions of Australian Standard AS 2601 'The Demolition of Structures'. The work plans required by Australian Standard AS 2601 must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard.

The work plans and the statement of compliance must be submitted and be to the satisfaction of the Principal Certifier prior to the commencement of works.

45. **Erosion and Sediment Control for Minor Development**

Erosion and sediment control devices are to be installed and maintained until the site is fully stabilised in accordance with Hawkesbury Council's publication *Guidelines for Erosion and Sediment control on a building site (2017)*.

46. **Sydney Water - Endorsement of Approved Plans**

The approved plans must be submitted to and endorsed by Sydney Water via the 'Sydney Water Tap-in' website to determine whether the development will affect Sydney Water's water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to Sydney Water's website.

Evidence of the building plan approval must be forwarded to the Principal Certifier prior to the commencement of works.

During Construction

47. **Construction Hours**

Clearing of land, running of machinery, excavation, and/or earthworks, building works and the

delivery of building materials must be carried out between the following hours:

- a) between 7am and 6pm, Mondays to Fridays inclusive;
- b) between 8am and 4pm, Saturdays;
- c) no work on Sundays and public holidays; and
- d) works may be undertaken outside these hours where:
 - (i) the delivery of vehicles, plant or materials is required outside these hours by the Police or other authorities;
 - (ii) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; and
 - (iii) a variation is approved in advance in writing by Council.

48. **Site Management During Construction**

The following requirements relating to site management apply during and immediately following construction:

- a) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
- b) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.
- c) Copies of receipts stating the following must be given to the Principal Certifier:
 - (i) the place to which waste materials were transported;
 - (ii) the name of the contractor transporting the materials; and
 - (iii) the quantity of materials transported off-site and recycled or disposed of.
- d) Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.
- e) During construction:
 - (i) all vehicles entering or leaving the site must have their loads covered;
 - (ii) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads; and
 - (iii) any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to the public.
- f) At the completion of the works, the work site must be left clear of waste and debris.

Note: In the event it is not possible to keep the footpath or road reserve clear during construction works written approval from Council must be obtained prior to any closing of the road reserve or footpath area. The closure must take place in accordance with Council's written approval. The area must be signposted and such signposting be maintained in a way that ensures public safety at all times.

49. **Loading and Unloading During Construction**

The following requirements relating to loading and unloading apply during construction:

- a) All loading and unloading associated with construction activity must be accommodated

on site.

- b) If, during excavation, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- d) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate approval must be obtained from Council.

50. **Critical Stage Inspections**

Prior to the commencement of building work and at nominated stages during the construction of the building, a minimum of 48 hours' notice is required to be provided to allow the Principal Certifier to ensure that the critical stage inspections are undertaken.

Note: Critical stage inspections are required to be carried out in accordance with Clause 162A of the *Environmental Planning & Assessment Regulation 2000*.

51. **Termite Treatment**

The development must be treated for termites in accordance with the National Construction Code and Australian Standard AS 3660.1 - 2014 - 'Termite Management - New Building Work' by a suitably qualified, licenced person.

A Certificate of Compliance is to be provided to the Principal Certifier and a Notice of Treatment is to be provided to the metre box.

52. **Smoke Detection and Alarm System**

An automatic fire detection and alarm system must be installed in the building in accordance with the National Construction Code (Building Code of Australia). Alarms and detectors must be installed by a licenced electrician and multiple alarms must be interconnected.

A Certificate of Compliance must be provided to the Principal Certifier prior to the occupation of the development.

53. **Overland Stormwater Flow Management**

The works associated with the development must ensure that:

- a) all natural water flow from adjoining properties is not impeded or diverted; and
- b) surface and subsurface water flows are not redirected or concentrated onto adjoining properties.

54. **Earthworks - General Requirements**

All earthworks on site must comply with the following:

- a) topsoil must be stripped only from approved areas and must be stockpiled for re-use during site rehabilitation and landscaping;
- b) once the topsoil has been removed the natural batter must be suitably stepped, scarified or roughened to prevent slipping and the fill is to be keyed in to hold the

toe of the fill batter in place;

- c) filling must comprise either uncontaminated Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM). Contamination certificates for all source material must be provided to the Principal Certifier prior to placing any fill on site;
- d) a ticketing system is to accompany any material being brought to the site. A register is to be kept on site to cross reference against the source records. An independent site auditor is to be engaged to undertake appropriate certification regarding the monitoring and validation of the fill material imported to the site as being sound, suitable for the proposed use and free of contamination;
- e) where batters exceed a ratio of three horizontal to one vertical, retaining walls, stoneflagging or terracing must be constructed;
- f) all fill within the site shall be placed in layers not exceeding 300mm thickness and compacted to achieve a minimum dry density ratio of 98% when tested in accordance with Australian Standard AS 1289 - 'Methods of testing soils for engineering purposes unless otherwise specified'; and
- g) all disturbed areas are to be stabilised/revegetated, using a minimum 300mm surface layer of topsoil, as soon as practicable after the completion of filling works.

Note: ENM is defined by the Excavated Natural Material Exemption - NSW Environment Protection Authority.

55. **Earthworks - Removal, Management and Transportation of Fill**

All excavated fill material that is to be removed from the site must only be sent to:

- a) a NSW Environment Protection Authority licensed waste disposal facility. A copy of the receipts from the waste disposal facility must be kept and must be provided to the Principal Certifier prior to the issue of a Final Occupation Certificate, or authorised officer of Council upon request; or
- b) a site which has a current development consent for the importation of fill material or falls under exempt development provisions.

All removed excavated material must be transported and disposed of in accordance with the NSW Environment Protection Authority guidelines applicable at the time of removal.

56. **Erosion and Sediment Control Plan - Implementation**

Erosion and sediment control devices are to be installed and maintained until the site is fully stabilised in accordance with the approved Erosion and Sediment Control Plan.

57. **Asbestos Management**

If asbestos containing material (ACM) is encountered during any work, measures must be in place in accordance with SafeWork NSW Guidelines and the Work Health and Safety Regulation 2017. Work shall not commence or continue until all the necessary safeguards required by SafeWork NSW are fully in place.

Only contractors who are appropriately licensed for asbestos removal and disposal by SafeWork NSW may carry out the removal and disposal of ACM from demolition and construction sites.

Prior to commencing the removal of any structures containing asbestos, a commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS"

measuring 400mm x 300mm must be erected in a prominent visible position on the site in accordance with Australian Standard AS 1319 - 'Safety Signs for the Occupational Environment'.

The person entitled to act on this consent must notify adjoining residents in writing five working days prior to the demolition work commencing.

Asbestos waste must only be disposed of at a landfill site authorised to receive such waste. All receipts and supporting documentation must be retained in order to verify lawful disposal and are to be made available to Council on request.

Prior to Issue of Occupation Certificate

58. Survey Certificate at Completion

A Survey Certificate, prepared by a Registered Surveyor, is to certify the location of the building in relation to the boundaries of the allotment.

The certificate is to be submitted to the Principal Certifier prior to the issue of any Occupation Certificate.

59. Suitability of Glazing - Windows and Doors

Glazing materials installed in the building must be in accordance with Australian Standards AS 1288 'Glass in Buildings - Selection and Installation' and AS 2047 - 'Windows and external glazed doors in buildings', e.g. windows, doors, footlights, balustrades and shower screens.

A Certificate of Compliance is required to be provided to the Principal Certifier prior to the issue of an Occupation Certificate.

Note: The certificate is required to be signed by the manufacturer and the installer.

60. Suitability of Glazing - Balustrades

Glass balustrades must be designed and installed in accordance with Australian/New Zealand Standard AS/NZS 1170.1 'Structural design action s- Permanent, imposed and other actions'.

Engineering certification must be provided to the Principal Certifier for glass balustrading used in the development prior to the issue of an Occupation Certificate.

61. Infrastructure Repair and Completion of Works

Prior to the issue of any Occupation Certificate:

- a) all works in the road reserve must be fully completed; and
- b) any public infrastructure damaged as a result of the development must be repaired to the satisfaction of Council.

62. On-site Stormwater Detention - Plan of Management

A Plan of Management for the on-site stormwater detention facilities must be prepared setting out all design and operational parameters for the detention facilities including design levels, hydrology and hydraulics, inspection, maintenance requirements and time intervals for such inspection and maintenance.

The Plan of Management is to be submitted to and approved by Council prior to the issue of the final Occupation Certificate.

63. On-site Stormwater Detention - Positive Covenant Required

A positive covenant must be created on the title of the land providing the following:

- a) the registered proprietors will at all times maintain, repair and keep the on-site stormwater detention facilities in a good and safe condition and state of repair, in accordance with the approved design to the reasonable satisfaction, at all times, of Council, having due regard to the Plan of Management for the operation and maintenance of the on-site stormwater detention facilities;
- b) the liability under the Covenant will jointly and severally bind the registered proprietors of the facility; and
- c) Council only will be entitled to release or modify the Covenant.

The terms of the positive covenant are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Council prior to lodgement with NSW Land Registry Services.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the final Occupation Certificate.

64. On-site Stormwater Detention - Compliance Certification

Upon completion of the on-site stormwater detention system, certification from a consulting engineer and a works as executed drawing are to be provided to Council stating that the works are in accordance with or satisfy the design intent of the approved system.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of any Occupation Certificate.

65. Fire Safety Certificate

A Final Fire Safety Certificate for all new (or altered) fire safety measures is required to be provided to Council prior to the issue of an Occupation Certificate.

66. Detailed Works As Executed Plans

'Works As Executed' plans must be submitted to the Principal Certifier prior to issue of an Occupation Certificate by a registered surveyor certifying compliance with the approved design plans. The 'Works As Executed' dimensions and levels must be shown in red on a copy of the approved Construction Certificate plans.

The plans must verify:

- a) finished surface levels;
- b) extent and depth of fill material;
- c) surface and invert levels of any pits;
- d) invert levels and sizes of any pipelines;
- e) floor levels of all buildings, carparking area;
- f) signage and line-marking of all carparking area; and
- g) top of kerb levels at the front of the lot and new built kerb within the site.

All levels must relate to the datum level of the approved design plans.

Operational Conditions

67. Hours of Operation

The premises must operate or trade only between the following hours:

Mondays to Wednesday & Friday	9:30am to 4:00pm
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Thursday	9:30am to 1:00pm and 3:00pm to 7:00pm
Saturday	9:30am to 12:30pm
Sunday/Public Holidays	Closed

Other internal operations such as cleaning, preparation, and office administration may be undertaken outside of the above hours provided no disturbance to the amenity of the neighbourhood occurs.

68. **Annual Fire Safety Statement**

The owner of the building is responsible for the lodgement with Council of an Annual Fire Safety Statement from a competent person so as to confirm the essential fire safety measures required to be provided in the building exist and are being maintained. The Annual Fire Safety Statement must be issued within 12 months of the issue of the Final Fire Safety Certificate, and then on an annual basis thereafter.

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

- a) Forwarded to the Commissioner of Fire and Rescue New South Wales by email to afss@fire.nsw.gov.au; and
- b) Prominently displayed in the building.

Advisory Notes

(i) **Equitable Access**

The applicant must make themselves aware of the *Discrimination Against People with Disabilities Act (DDA)* and assess their responsibilities and liabilities with regards to the provision of access for all people.

(ii) **Acid Sulfate Soils - Monitoring of Excavation During Works**

All excavations are to be monitored to ensure that acid sulphate soils are not encountered during works. Signs that may indicate the presence of acid sulphate soils include:

- a) change in colour of the soil into grey and green tones;
- b) effervescence;
- c) the release of sulphur smelling gases such as sulphur dioxide or hydrogen sulphide; and
- d) lowering of the soil Ph by at least one unit.

Should any of the above indicators be present excavation work on the site is to stop and Council is to be notified to determine what action is required to be taken before work may commence.

(iii) **Site Contamination Discovered During Demolition or Construction**

Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about contamination, Council must be immediately notified and works must cease. Works must not recommence on site until an agreed management strategy is developed in consultation with Council.

(iv) **Dial Before You Dig**

Prior to commencement of work, you are required to contact the free national community service 'Dial Before You Dig' on 1100 regarding the location of underground services in order to prevent injury, personal liability and even death. Enquiries should provide the property details and the nearest cross street/road.

(v) **Requirements of 88B Instrument**

The applicant must make themselves aware of any User Restriction, Easements and Covenants to this property and must comply with the requirements of any Section 88B Instrument relevant to the property in order to prevent the possibility of legal proceedings against them.

(vi) **Works on Public Land - Public Liability Insurance**

Any person or contractor undertaking works on public land must take out a Public Risk Insurance policy with a minimum cover of \$10 million in relation to the occupation of public land and the undertaking of approved works within Council's road reserve or public land, as approved by this consent.

The policy is to note, and provide protection/full indemnification for Council, as an interested party. A copy of the policy must be submitted to Council prior to commencement of any works. The policy must be valid for the entire period that the works are being undertaken.

(vii) **Utilities and Services**

Utilities, services and other infrastructure potentially affected by construction and operation must be identified prior to construction to determine requirements for access to, diversion, protection, and/or support.

Consultation with the relevant owner and/or provider of services that are likely to be affected by the proposed development must be undertaken to make suitable arrangements for access to, diversion, protection, and/or support of the affected infrastructure as required. The cost of any such arrangements must be borne by the developer.