

**ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979  
NOTICE OF DETERMINATION OF APPLICATION**

**DEFERRED COMMENCEMENT**

TBA

Meow Investments Pty Ltd  
Suite 2 Wharf 19-21, Jones Bay Wharf  
Pirrama Road  
PYRMONT NSW 2009

Dear Sir/Madam,

Pursuant to Section 81 of the Act, Council has granted “deferred commencement” to your Development Application described as follows:

**PROPERTY:** LOT 496, DP 1137079  
**STREET ADDRESS:** NIJONG DRIVE PEMULWUY  
**DEVELOPMENT CONSENT NO.** 2010/163/1  
**DECISION:** JOINT REGIONAL PLANNING PANEL  
**DATE FROM WHICH CONSENT OPERATES:** TO BE ADVISED UPON SATISFACTORY COMPLETION OF SCHEDULE ‘A’  
**DATE OF EXPIRY OF CONSENT:** TBA  
**PROPOSED DEVELOPMENT:** CONSTRUCTION OF 83 RESIDENTIAL APARTMENTS IN 5 x 3 STOREY RESIDENTIAL FLAT BUILDINGS OVER 3 BASEMENT PARKING AREAS IN 3 STAGES

This Development Application is APPROVED in accordance with the Environmental Planning & Assessment Act 1979 and is subject to compliance with the requirements of Holroyd City Council, the Building Code of Australia, the Local Government Act 1993, and the following conditions as set out hereunder and/or endorsed upon the attached plans.

**PURSUANT TO SECTION 80(3) OF THE ACT, THIS CONSENT IS NOT TO OPERATE UNTIL COUNCIL IS SATISFIED THAT ALL SCHEDULE ‘A’ CONDITIONS HAVE BEEN SATISFIED.**

## SCHEDULE "A"

**Consent to the construction of 83 residential apartments in 5 x 3 storey residential flat buildings over 3 basement parking areas in 3 stages shall not operate until all of the following Schedule "A" conditions have been complied with to Council's satisfaction.**

**Please note that this consent shall lapse if the approved development is not physically commenced by the "date of expiry of consent" shown on the front page of this document. It is therefore in your interest to attend to the following matters as soon as possible. When Council is satisfied that Schedule "A" has been complied with, a letter will be issued advising of the "date from which Consent operates".**

### **Landscape plans / Trees**

1. A fully documented final landscape plan is to be submitted, at a minimum scale of 1:100, together with an associated specification prepared for the site by an appropriately qualified person. The landscape plan must be designed in conjunction with all other plans and provide for the following:
  - 1.1 Replacement of exotic plant species proposed within the street view, i.e., within boundary setbacks with Australian native species, with a minimum of 30% of these native plants to be of locally occurring species.
  - 1.2 Exotic plant species may be used within the internal courtyard area, i.e., that area located between Block C and D.
  - 1.3 Provide alternative tree planting locations. In this regard, an overlay of proposed OSD stormwater pipes reveals large trees are proposed over much of the stormwater system piping. This will create medium to long term maintenance issues and potential damage. Tree locations shall be offset from stormwater lines and other such services.
  - 1.4 1.8m high timber lapped and capped fencing shall be provided to the boundary adjoining the landscaped pedestrian spine, and indicated on site and/or landscape plans.
  - 1.5 Landscape plans to indicate fully automated commercial grade drip irrigation system installed to all areas and connected to rainwater tank.
2. Existing street trees as shown on Works As Executed (WAE) drawings for consent 200969/1 shall be indicated on site, stormwater and landscape plans. Alternatively, a site survey shall be carried out to identify and locate existing street trees, and to be indicated on amended site, OSD, and landscape plans. Proposed "TL" street trees are to be deleted. The applicants Landscape Architect is encouraged to carry out a site inspection now that subdivision civil works are completed, to sight installed streetscape works.
3. The layout around Entry 2 does not coincide on site/landscape to OSD plans. Amendments to relevant plans for the correct layout are required.

**Stormwater Design**

- 4. Full details of the hydraulic evaluation of the entire stormwater drainage system in accordance with submitted concept plan shall be prepared by a practising Civil Engineer. Plans shall include details for the design and construction of a stormwater drainage system for the collection and disposal of all roof and surface water drainage from the site. Design and construction of the drainage system shall be in accordance with Council’s standards and specifications for stormwater drainage.

**On Site Detention**

- 5. Four (4) copies of plans and calculations for the design shall be submitted to Council, together with the payment of a **\$560** checking fee. Inadequately prepared drawings and calculations will incur an additional checking fee of **\$186**.

**Pump Systems**

- 6. Fully detailed design drawings and calculations shall be prepared by a practising Civil Engineer for the basement pump-out system. Design and construction of the pump-out system shall be in accordance with Council’s standards and specifications. The pump-out system shall be certified in conjunction with the stormwater drainage plan.

**Basement Pump Systems**

- 7. The catchment area draining into the pump out system and storage tank exceeds the recommended catchment area of 50m<sup>2</sup> in Holroyd Development Control Plan 2007. The pump specifications and performance curve details show that the system is not capable of discharging the stormwater in a **1 in 100 year storm event – 6 minute duration**. In this regard, full details of the pump specifications and pump performance curves shall be provide on the plans demonstrating that the pumps are capable of discharging the stormwater in a 1 in 100 year storm event. Alternatively, a separate pump out system and storage shall be provided for each access ramp and sub soil drainage (i.e minimum 3 pump out systems and storage required).
- 8. The applicant’s Engineer shall make provisions for a gross pollutant trap (GPT) to be provided onsite for the drainage system at ground level.

**Access**

- 9. To reduce travel distances and provide a more direct path of travel from the basement lift to adaptable units in blocks C and D amended plans shall be submitted provided for the following:
  - 9.1 Provide internal entry doors from the common corridors to each adaptable unit in Block C.
  - 9.2 Provide a ramp along the west side of Block D to access adaptable units.
- 10. Architectural plans showing typical pre & post adaptable unit layout plans for Blocks D & E are to be submitted to Council.

**Six (6) full size, 1 A4 reduced copy and an electronic copy on CD of all amended plans and documentation is required.**

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## SCHEDULE "B"

**This consent cannot operate until such time as Council is satisfied with the evidence produced in response to Schedule "A" and has notified the applicant in writing of the date from which the consent operates.**

### PRELIMINARY

1. This consent shall lapse if the above development is not physically commenced by the date of expiry shown on the front page of this Consent. Any person entitled to act on the consent may apply to Council at least thirty (30) days before this two year period expires, for an extension of one year, provided that good cause is shown. **Note: Failure to lodge an application for extension of consent will mean the consent lapses and a fresh application will be required that will be assessed in accordance with current controls.**
  
2. Development shall take place in accordance with the attached endorsed documents:
  - Revised plans submitted to satisfy Schedule A and prepared generally in accordance with:
    - Architectural plans prepared by Architex, Job No. 1915, Drawing Nos. DA00, DA01, DA04 to DA09, DA11 to DA20, Issue A, dated 8 March 2010 and DA02, DA03, DA10 and DA 21, Issue B, dated 4 June 2010,
    - Engineering plans prepared by United Consulting Engineers Pty Ltd, Drawing Nos. 10MB4030/D01, 10MB4030/D02 and 10MB4030/D03, Issue B, dated 28 May 2010,
    - Landscape plans prepared by Greenland Design Pty Ltd, Drawing Nos. 0245.L.01, 0245.L.02, 0245.L.03 and 0245.L.04, Amendment B, dated 8 June 2010;
  - BASIX Certificate Number 298821M, dated 15 March 2010;
  - Schedule of External Colours and Finishes in Part 3.16 of the Statement of Environmental Effects prepared by Architex, dated 15 March 2010;
  - Waste Management Plan and details in Part 3.20 of the Statement of Environmental Effects prepared by Architex, dated 15 March 2010 and further detail provided in letter dated 7 June 2010;
  - Social Impact Assessment prepared by Joe Manion and Associates, dated April 2010;
  - General Terms of Approval from the NSW Office of Water, Reference: ERM10/03983, dated 3 May 2010;
  - Letter from the Holroyd Local Area Command (Police) dated 29 April 2010;
  
- a) As amended in red by Council. All amendments are to be incorporated in the Construction Certificate plans.

3. The development is to be constructed in accordance with the Staging Plan drawn by Architex, Job No. 1915, Drawing No. DA16, Issue A, dated 8 March 2010.
4. All building work shall be carried out in accordance with the requirements of the Building Code of Australia. Fully detailed plans including fire safety details shall be submitted with the Construction Certificate application. No work is to commence until such time as a Construction Certificate is obtained for the work/building permitted by this Consent.

**Appointment of Council or a Private Certifier as the Principal Certifying Authority (PCA)**

5. Either Council or a Private Certifier is to be appointed as the Principal Certifying Authority (PCA) for the development in accordance with Section 109E of the Act.

Accordingly, wherever reference is made to the Principal Certifying Authority in this Consent, it refers to Council or the Private Certifier as chosen by you.

**Note:** Once you have chosen either Council or a Private Certifier as the PCA, you cannot change from one to the other, or from one Private Certifier or another, without the approval of DIPNR.

6. The applicant shall consult with, as required:
  - (a) Sydney Water Corporation Limited
  - (b) Integral Energy
  - (c) Natural Gas Company
  - (d) A local telecommunications carrierregarding their requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on site or on the adjacent public road(s).
7. The proposed structure/s are to be located clear of existing Council easements. Special footings will be required where the proposed/existing structures are adjacent to a drainage easement. The footings shall be taken down to the invert level of the existing drainage structure or to solid rock, whichever is the lesser. The footing depth may decrease by 500mm for every 1000mm increment in distance the footing is from the easement boundary.  
The footing system is to be designed by a practising professional structural engineer.
8. Building materials, builders sheds, waste bins, site fencing, gates or any material of any description shall not be left or placed on any footway, road or nature strip. Footways and nature strips shall be maintained, including the cutting of vegetation, so as not to become unsightly or a hazard for pedestrians. Offenders will be prosecuted.

**BASIX (Building Sustainability Index)**

9. Under Clause 136D of the Environmental Planning & Assessment Regulation 2000, it is a condition of this Development Consent that all the commitments listed as per Condition 2 in relation to BASIX are fulfilled.

**General Terms of Approval from NSW Office of Water**

10. Compliance with all General Terms of Approval issued by the NSW Office of Water on 3 May 2010, prior to, during, and at the completion of construction.

**NOTE: FEES, BONDS & CONTRIBUTIONS INDICATED IN CONDITIONS OF THIS CONSENT MAY VARY IN ACCORDANCE WITH THOSE ADOPTED BY COUNCIL AT SUBSEQUENT ANNUAL REVIEWS OF ITS "FEES AND CHARGES" AND SUBSEQUENT CHANGES TO THE BUILDING PRICE INDEX. FEES CHARGED WILL BE THOSE CURRENT AT THE TIME OF PAYMENT.**

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## **PRIOR TO ISSUE/RELEASE OF CONSTRUCTION CERTIFICATE**

**The following conditions must be complied with prior to the issue of a Construction Certificate. In many cases the conditions require certain details to be included with or incorporated in the detailed plans and specifications which accompany the Construction Certificate:-**

### **Separate Construction Certificate Applications**

11. Separate Construction Certificate Applications are to be made for each of the three (3) construction stages of the development, commencing with Stage 1, as nominated in the Staging Plan.

### **Controlled Activity Approval from the Office of Water**

12. The Construction Certificate for Stage 1 will not be issued over any part of the site requiring a Controlled Activity Approval from the NSW Office of Water until a copy of the Approval has been provided to Council.

### **Payment of Bonds, Fees and Long Service Levy**

13. The Principal Certifying Authority is to ensure and obtain written proof that all bonds, fees and contributions as required by this consent have been paid to the applicable authority. This includes all Long Service Levy payments to be made to the Long Service Payments Corporation.

### **Section 94 Contribution**

14. A monetary contribution and/or bank guarantee in lieu of Works in Kind for the provision of Open Space to the value of **\$152,736.60** being for 83 units shall be paid to Council. Council reserves the right to refuse submission of a bank guarantee for Works in Kind should the proposed works and/or value be considered unreasonable.

This contribution is imposed under the Holroyd SEPP 59 Residential Lands Contribution Plan 2004 which came into force on 11 August 2004. A copy of this plan can be inspected at Council's Civic Centre located at 16 Memorial Avenue, Merrylands between the hours of 8am and 4.30pm Monday to Friday. This contribution will form part of the funding towards the purchase/embellishment of Local, District and Regional Open Space and the administration of Council's Section 94 Contribution fund.

The acceptance by Council of a bank guarantee for Works in Kind does not imply any agreement by Council to the undertaking of the proposed Works in Kind. All proposed Works in Kind are to be constructed in accordance with the timeframe outlined under Clause 5.7 of the Holroyd SEPP 59 Residential Lands Contribution Plan 2004.

The value of all bank guarantees submitted to Council for Works in Kind shall be reviewed on a 12 monthly basis from the date of acceptance/lodgement. This is to be undertaken so as to ensure that the value of bank guarantees are in accordance with monetary contributions required under the Holroyd SEPP 59 Residential Lands Contribution Plan 2004 at the time of review.

**Note:** The value specified above is subject to the Consumer Price Index (CPI) and, in accordance with Clause 2.8 of the Contributions Plan will be adjusted at the time of payment.

15. A monetary contribution and/or bank guarantee in lieu of Works in Kind for the provision of Community Facilities to the value of **\$266,800.18** being for 83 units shall be paid to Council. Council reserves the right to refuse submission of a bank guarantee for Works in Kind should the proposed works and/or value be considered unreasonable.

This contribution is imposed under the Holroyd SEPP 59 Residential Lands Contribution Plan 2004 which came into force on 11 August 2004. A copy of this plan can be inspected at Council's Civic Centre located at 16 Memorial Avenue, Merrylands. This contribution will form part of the funding towards the provision, extension or augmentation of community facilities and services that will, or are likely to be, required as a consequence of development in the Holroyd Local Government Area.

The acceptance by Council of a bank guarantee for Works in Kind does not imply any agreement by Council to the undertaking of the proposed Works in Kind. All proposed Works in Kind are to be constructed in accordance with the timeframe outlined under Clause 5.7 of the Holroyd SEPP 59 Residential Lands Contribution Plan 2004.

The value of all bank guarantees submitted to Council for Works in Kind shall be reviewed on a 12 monthly basis from the date of acceptance/lodgement. This is to be undertaken so as to ensure that the value of bank guarantees are in accordance with monetary contributions required under the Holroyd SEPP 59 Residential Lands Contribution Plan 2004 at the time of review.

**Note:** The value specified above is subject to the Consumer Price Index (CPI) and, in accordance with Clause 2.8 of the Contributions Plan will be adjusted at the time of payment.

16. A monetary contribution and/or bank guarantee in lieu of Works in Kind for the provision of Road Works to the value of **\$37,773.30** being for 83 units shall be paid to Council. Council reserves the right to refuse submission of a bank guarantee for Works in Kind should the proposed works and/or value be considered unreasonable.

This contribution is imposed under the Holroyd SEPP 59 Residential Lands Contribution Plan 2004 which came into force on 11 August 2004. A copy of this plan can be inspected at Council's Civic Centre located at 16 Memorial Avenue, Merrylands. This contribution will form part of the funding towards road works required to service the development, to be undertaken by Council when building works have substantially been completed.

The acceptance by Council of a bank guarantee for Works in Kind does not imply any agreement by Council to the undertaking of the proposed Works in Kind. All proposed Works in Kind are to be constructed in accordance with the timeframe outlined under Clause 5.7 of the Holroyd SEPP 59 Residential Lands Contribution Plan 2004.

The value of all bank guarantees submitted to Council for Works in Kind shall be reviewed on a 12 monthly basis from the date of acceptance/lodgement. This is to be undertaken so as to ensure that the value of bank guarantees are in accordance with monetary contributions required under the Holroyd SEPP 59 Residential Lands Contribution Plan 2004 at the time of review.

**Note:** The value specified above is subject to the Consumer Price Index (CPI) and, in accordance with Clause 2.8 of the Contributions Plan will be adjusted at the time of payment.

17. A monetary contribution for Plan Administration to the value of **\$4699.46** being for 83 units shall be paid to Council. Council reserves the right to refuse submission of a bank guarantee for Works in Kind should the proposed works and/or value be considered unreasonable.

This contribution is imposed under the Holroyd SEPP 59 Residential Lands Contribution Plan 2004 which came into force on 11 August 2004. A copy of this plan can be inspected at Council's Civic Centre located at 16 Memorial Avenue, Merrylands between the hours of 8am and 4.30pm Monday to Friday. This contribution will form part of the funding towards the preparation and implementation of Council's Section 94 Contribution plan/fund.

**Note:** The value specified above is subject to the Consumer Price Index (CPI) and, in accordance with Clause 2.8 of the Contributions Plan will be adjusted at the time of payment.

#### **Damage Deposit**

18. A cash bond/bank guarantee of **\$4,787.95** must be paid/lodged with Council to cover making good any damage caused to the property of Council, during the course of construction associated with the development. This will be held for 'six (6) months after the completion of works' or six (6) months after the issue of 'Final Occupation Certificate' (whichever occurs last) to remedy any defects that may arise within this time.

**Note:-** The applicant/owner shall be held responsible for and may be required to pay the full reinstatement costs for damage caused to Council's property (such as road pavement, kerb and guttering, footway, stormwater drainage etc), unless the applicant/owner notifies Council in writing and provides photographic proof of any existing damage to Council's property. Such notification shall occur prior to works/demolition commencing. However, if in the opinion of Council, during the course of construction existing damage has worsened, Council may require full reinstatement. If damage does occur during the course of construction, prior to reinstating any damage to Council's property, the applicant/owner shall obtain design specifications of all proposed restoration works. Restoration/construction works within the road reserve shall be carried out by a licensed construction contractor at the applicant/owners expense and shall be inspected by Council prior to placement of concrete and/or asphalt.

#### **Consistency with Endorsed Development Consent Plans**

19. The Principal Certifying Authority must ensure that any certified plans forming part of the Construction Certificate, are in accordance with the Development Consent plans.

#### **Bushfire Protection Measures**

20. All openable windows to the northern, eastern and south eastern elevations of Blocks A, B, D and E are to be screened with steel mesh with apertures no greater than 2mm or BAL 19 (whichever is the greater level of protection). Details of compliance are to be submitted to the Principal Certifying Authority and included in any construction certificate documentation.
21. External door openings to the eastern, northern and south eastern elevations of Blocks A, B, D and E are to be protected from ember attack in accordance with AS 3959 – 2009 for BAL 19. Details of compliance are to be submitted to the Principal Certifying Authority and included in any construction certificate documentation.

22. The front landscaped portions of the proposed development are to be maintained as an “Inner Protection Zone” (as prescribed by the New South Wales Rural Fire Service) at all times. Details of compliance are to be submitted to the Principal Certifying Authority and included in any construction certificate documentation.
23. All other building elevations to the eastern, northern and south eastern aspects are to be constructed to BAL 19 (AS3959 – 2009) standards. Details of compliance are to be submitted to the Principal Certifying Authority and included in any construction certificate documentation.

#### **Tree Planting/Landscaping**

24. A bond of **\$20,000** is to be lodged with Council against the planting, establishment and maintenance of the required landscaping/tree planting. This bond will be retained for a minimum period of twelve (12) months from the issue of a Final Occupation Certificate after which a further inspection will be undertaken by Council or the Principal Certifying Authority (PCA), to ensure the satisfactory establishment and maintenance of the landscaping/tree planting.

If Council is not the PCA, certification from a suitably qualified person or the designer of the landscape works (as appropriate) that the required landscaping/tree planting is establishing and being maintained satisfactorily, is to be submitted to Council at the expiry of the bond period prior to the bond being refunded.

If the landscaping is not established or maintained to Council’s or the PCA’s satisfaction, the bond monies will be applied to fully implement the landscape plan.

**Note:** Retention of bonds for twelve (12) months provides for the landscaping/tree planting to establish over a full cycle of seasons.

#### **Landscape Inspection Fee**

25. Payment of a **\$1,518.30** fee for the inspection by Council of landscape works and/or trees to be retained at the key stages, where Council is the Principal Certifying Authority.

#### **Engineering Fees and Bonds**

26. Payment of a **\$639** fee for the design, specifications and inspection by Council of the vehicular crossing/s prior to placement of concrete.
27. Payment of a **\$288** fee for the inspection by Council of the stormwater drainage and Pollution Control Device/s at the key stages, where Council is the Principal Certifying Authority.
28. Payment of a **\$192** fee for the inspection by Council of the stormwater drainage construction in the road reserve at the key stages.
29. The applicant shall lodge with Council a **\$5,200** cash bond to cover the registration of a Positive Covenant and Restriction as to User over the Pollution Control Device/s. This bond is refundable upon the submission of proof of registration of the Restriction on Use and Positive Covenant with the Land and Property Information NSW.
30. The applicant shall lodge with Council a **\$2,500** cash bond or bank guarantee to cover the satisfactory construction and/or reconstruction of Council’s gully pit/s and associated works along all areas of the site fronting roads. This bond will be held for ‘Six (6) months after the completion of works’ or issue of a ‘Final Occupation Certificate’ (whichever occurs last) to remedy and defects that may arise within this time.

### **Gross Pollutant Traps (GPT)**

31. Full details of the proposed gross pollutant trap/s shall be placed on the design plans. Manufacturers design and installation of the GPT shall also take into consideration the effects of the saline soils within the area and the impacts that may have on their installations. The Gross Pollutant Trap shall be installed in an area where access for maintenance is achievable. Devices shall not be > 3.5m in depth and shall be designed and constructed so can be cleaned by a standard vacuum machine. Devices shall cater for the interception of the following pollutants (from UPRCT SWM Plans).

**Litter:**

All anthropogenic material – Retention of litter 70% of objects 5mm diameter or greater

**Coarse Sediment:**

Coarse sand – Retention 80% of load particles 0.5mm or less

**Nutrients:**

Total Phosphorus and Total Nitrogen – 45% retention of load

**Fine Particles:**

Fine sand – 50% of the load particles 0.1 diameter or less

**Cooking Oil and/or Grease:**

Free floating oils that do not emulsify in aqueous solutions – 90% of load with no visible discharge

**Hydrocarbons –**

Anthropogenic Hydrocarbons that can be emulsified – 90% of the load

Above shall be based on a minimum storm event of 1:3 months.

### **Road Works**

32. A Traffic Management Plan shall be lodged with Council for any road and drainage works to be carried out within public road reserves, or where construction activity impacts on traffic flow or pedestrian access, in strict compliance with the requirements of Australian Standard 1742.3 (Traffic Control Devices for Works on Roads). In this regard, the applicant shall pay Council a **\$155 (if less than 2 days)** fee for the assessment of the Traffic Management Plan by Council, prior to commencing works within the road reserves. A copy of the approved Traffic Management Plan shall be kept on site during the course of construction for reference and compliance.

### **Structures near Easements**

33. Special footings will be required where the proposed/existing structure is adjacent to a drainage easement to protect Council's stormwater drainage infrastructure. The footings shall be taken down to the invert level of the existing drainage structure or to solid rock, which ever is the lesser. The footing depth may decrease by 500mm for every 1000mm increment in distance the footing is from the easement boundary. A Structural Engineer's certificate for the special footings referred to above is to be submitted to the Principal Certifying Authority.

### Required Submissions to Certifying Authority

34. A Section 73 Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation and submitted to the PCA.

(Application must be made through an authorised Water Servicing Coordinator. Please refer to the “Your Business” section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then follow the “e-Developer” icon or telephone 13 20 92 for assistance.

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

Submission a copy of Sydney Water’s *Notice of requirements* to the Principal Certifying Authority.

35. Retaining walls greater than 1.0m above finished ground level or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated stormwater drainage measures, shall be designed by an appropriately qualified person. Details are to be included with any Construction Certificate application.
36. Structural engineer’s details (in duplicate) prepared and certified by a practising qualified structural engineer of all reinforced concrete and structural members shall be submitted to the Principal Certifying Authority.
37. Preparation and adoption of a Construction Management Plan (CMP) which includes initial and on-going consultation with affected residents to mitigate traffic, noise and environmental impacts is to be provided for each stage and submitted and approved by Council.
38. Documentation (including plans where necessary) shall included with the Construction Certificate application detailing how the Crime Prevention Through Environmental Design (CPTED) principles outlined in the letter from the Holroyd Local Area Command (Police) dated 29 April 2010 will be achieved.

### Car Wash Bay

39. A vehicle wash bay shall be provided in each of the basements for use by residents. Collection, reuse and ultimate disposal of water used in the vehicle wash bay shall be in accordance with Sydney Water’s requirements. The car wash bay shall be designed so that the following requirements are met:
- Have an adequate parking and washing floor space.
  - Provide a water supply.
  - Minimise water use with appropriate devices (e.g., such as a gun-type nozzle which closes when released and a timer operative valve, collection and use of rainwater).
  - Have a water supply cut out system/fail-safe mechanisms provided to ensure that mechanical failure; drainage blockage or lack of maintenance cannot result in wastewater surcharge into the stormwater system.
  - Be designed to ensure that over spray, drift of water or detergent does not cause a nuisance to persons, vehicles, residences, other buildings, neighbouring properties or the environment.
  - Be located so that washing can occur with minimal disturbance to other residents,
- Details to be submitted to the Principal Certifying Authority.

### **Design Verification Statement**

40. In accordance with Environmental Planning and Assessment Regulation 2000 and State Environmental Planning Policy (SEPP) 65 “Design Quality of Residential Flat Development”, the subject development must be undertaken or directed by a “qualified designer” (i.e., a “registered architect” under the Architects Act). In this regard, a design verification statement shall be submitted to the Principal Certifying Authority (PCA). The PCA shall ensure that the statement prepared by the qualified designer provides the following:-
- (i) A valid and current chartered architect’s certificate number (as issued by the Board of Architects of NSW);
  - (ii) That the qualified designer has designed or directed the design of the subject development;
  - (iii) That the plans and specifications lodged with the Construction Certificate achieve or improve the design quality of the development for which the subject development consent was granted, having regard to the design principles set out in Part 2 SEPP 65.

**Note:** The design verification statement must provide an explanation of the design in terms of the design quality principles set out in Part 2 of SEPP 65.

### **Residential Flat Development Residential Waste Storage Area**

41. The waste storage areas shall be roofed, screened from public view and provided with:
- Openings, 5% of the floor area and recessed into the walls, positioned to provide cross floor ventilation OR mechanical ventilation to Council’s satisfaction;
  - An adequate water supply provided by a hose cock and hose (hot water for commercial premises)
  - The floor shall be made of an impervious surface, drained to sewer in accordance with Sydney Water requirements and include a dry arrestor pit with a removable basket.
- Plans and specifications for the storage rooms shall be submitted with the application for the Construction Certificate.

### **Salinity - Pemulwuy**

42. Pemulwuy has been identified as having a potential salinity hazard. To prevent moisture/salinity from entering the built structure, appropriate construction methods are to be incorporated for all dwellings/buildings in accordance with the “Former CSIRO Site, Pemulwuy Residential Lands Precinct Plan – Eastern Precinct”.

Details of proposed methods of construction are to be detailed in the engineering plans and submitted to the PCA.

**Note:** Further information for building in a saline environment is available in the following documents:

- “Building in Saline Environment” prepared by DIPNR 2003.
- Water Sensitive Urban Design in the Sydney Regions “Practice Note 12: Urban Salinity”
- Wagga Wagga City Council’s “Urban Salinity Action” October 1999
- “Guide to Residential Slabs and Footings in Saline Environments” prepared by Cement Concrete and Aggregates Australia, May 2005

## PRIOR TO WORKS COMMENCING

The following conditions are to be complied with prior to any works commencing on the site:

### **Appointment of Principal Certifying Authority and Notification of Commencement of Work**

43. The person having the benefit of the development consent, not the principal contractor (builder), must: -
- a) appoint a Principal Certifying Authority in accordance with Section 81A(2)(b) of the Act.
  - b) Have the Principal Certifying Authority complete the 'Accredited Certifier Details' on the approved form provided by Council for this purpose, an original of which is attached to this Development Consent.
  - c) Notify Council of the appointment of the Principal Certifying Authority and of the intention to commence building work, such notification is to be given to Council at least two (2) working days prior to the proposed commencement date, and be on the approved form provided by Council for this purpose, an original of which is attached to this Development Consent.

*If nominated, Council can provide this service for you and act as the Principal Certifying Authority.*

**N.B.** The Principal Certifying Authority must also notify the person having the benefit of the Development Consent of any mandatory critical stage inspections and other inspections that are to be carried out in respect of the building work such notification must comply with Clause 103A of the Regulations.

### **Notification of Principal Contractor (Builder)/Owner-Builder**

44. The person having the benefit of the Development Consent must:-
- (a) notify the Principal Certifying Authority that the person will carry out the work as an owner-builder, if that is the case;
- OR
- (b) Appoint a Principal Contractor for the building work (who must be the holder of a contractor licence if any residential building work is involved), and notify the Principal Contractor of any mandatory critical stage inspections and other inspections that are to be carried out in respect of the building work.
  - (c) notify the Principal Certifying Authority of any such appointment.

Where Council is the Principal Certifying Authority, such notification is to be on the approved form provided by Council for this purpose, an original of which is attached to this Development Consent.

### **Required Submissions to Council or the Principal Certifying Authority**

45. To facilitate a complete assessment and enable the Certifying Authority to check compliance on site, truss validation and design, details certified by a qualified practising structural engineer shall be submitted to Council or the Principal Certifying Authority for examination and approval. Details shall include:
- a) job address and builder's name
  - b) design wind velocity
  - c) terrain category
  - d) truss spacing
  - e) roof pitch
  - f) material of roof
  - g) roof batten/purlin spacing
  - h) material of ceiling
  - i) job number

### **Notification to Relevant Public Authority – Pemulwuy**

46. The applicant shall ensure that relevant public utility authorities are made aware of the salinity problems that have been identified within the Greystanes Estate by the Department of Land and Water Conservation, such that their services are designed to take into consideration the effects the saline soils may have on their installations.

### **Fencing of Sites**

47. Fencing of sites is required to prevent public access when the site is unoccupied and building works are not in progress. In this regard the MINIMUM acceptable standard of fencing to the site is properly constructed chain wire fencing 1.8m high, clad internally with Hessian or Geotextile fabric. All openings are to be provided with gates, such gates are not at any time to swing out from the site or obstruct the footpath or roadway.

### **Prohibited Signage**

48. Advertising, Real Estate Agents, Architects, Designers, site suppliers and any other signage not mentioned in the conditions, is not to be placed or displayed on the site, such that the signage is visible from any public place. Offenders may be prosecuted.

### **Protection of Public Places**

49. A hoarding or fence must be erected between the work site and any public place, if the work involved in the erection or demolition of the building; is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the enclosure of a public place.
- If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

### **Signs to be Erected on Sites**

50. 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 at any time for business purposes**, and
  - (c) stating that unauthorised entry to the work site is prohibited.

The sign must be rigid and durable and be read easily by anyone in any public road or other public place adjacent to the site.

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.

This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

**Note:** Principal Certifying Authorities and Principal Contractors must also ensure that signs required by this clause are erected and maintained (clause 227A of the Regulations currently imposes a maximum penalty of \$1,100).

### **Site Control Measures**

51. Suitable erosion and sediment control measures shall be provided at all vehicular entry/exit points and all other measures required with and/or shown on plans accompanying the Construction Certificate, to control soil erosion and sedimentation, are to be in place prior to the commencement of construction works. Such controls are to be provided in accordance with Holroyd City Council's "Erosion & Sediment Control Policy."
- Note:** On-the-spot fines may be issued by council where measures are absent or inadequate.

### **Footpaving, Kerbing and Guttering**

52. Protection must be provided for Council footpaving, kerbing and guttering. Wooden mats must also be provided at all entrances where the site fronts paved footpaths.
53. Finished street levels shall not be assumed. The owner or builder must make application to Council's Engineering Services Department for street levels.

### **Support for Neighbouring Buildings**

54. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land (including a public road and any other public place), the person causing the excavation to be made:-
- a) must preserve and protect the building from damage, and
  - b) if necessary, must underpin and support the building in an approved manner, and
  - c) must, at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land. (In this clause, *allotment of land* includes a public road and any other public place).

### **Toilet Facilities**

55. 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.

Each toilet provided:

- a) Must be a standard flushing toilet, and
- b) Must be connected:
  - i) To a public sewer,
  - ii) If connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
  - iii) 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.
  - iv) The position of the toilet on the site shall be determined by Council's Building Surveyor and/or Sydney Water.

### **Residential Building Work - Insurance**

56. 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 (where not Holroyd City Council) has given Holroyd City 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 under this condition becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (where not Holroyd City Council) has given Holroyd City Council written notice of the updated information.

The notification is to be on the approved form provided by Council for this purpose, an original of which is attached to this Development Consent.

### **General**

57. The applicant shall ensure that the public utility authorities are made aware of the salinity problems that have been identified by the Department of Environmental and Climate Change NSW such that their utilities may be designed to take into consideration the effects the saline soils may have on their installations.
58. The contractor undertaking works within existing public areas shall comply with all regulations and requirements of all relevant authorities and shall give notices and pay all fees required to complete the works.

### **Roadworks**

59. The applicant is to submit to Council an application for a road opening permit when the drainage connection into Council's system is within the road reserve. In this regard the applicant shall pay Council a **\$135** fee prior to the commencement of works. Additional road opening permits and fees may be necessary where there are connections to public utility services (eg. telephone, electricity, sewer, water or gas) required within the road reserve.
60. The applicant to arrange with the relevant public utility authority the alteration or removal of any affected services in connection with the development. Any such work being carried out at the applicant's cost.

### **Works Within Council's Reserve**

61. All works within the Council reserve shall be completed within three (3) weeks of the date of commencement. Council's Development Engineer shall be advised prior to the commencement of works.
62. Submission to Council of a Certificate of Currency of the contractor's Workers' Compensation Policy prior to the commencement of works.
63. All construction works shall be in accordance with the WorkCover safety requirements. Submission of insurance documentation demonstrating a minimum Public Liability cover of \$10,000,000 is to be submitted prior to commencement of works. Holroyd City Council shall be named on the Certificate of Currency as an interested party.

### **Sydney Water**

64. The approved plans must be submitted to Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. (For Quick Check agent details please refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au), see Your Business then Building & Development then Building & Renovating or telephone 13 2092.)

## DURING CONSTRUCTION

### The following conditions are applicable during construction:-

#### Endorsed Plans & Specifications

65. A copy of the endorsed stamped plans and specifications, together with a copy of the Development Consent, Construction Certificate and approved Traffic Management Plan are to be retained on site at all times.

#### Hours of Work & Display of Council Supplied Sign

66. For the purpose of preserving the amenity of neighbouring occupations building work including the delivery of materials to and from the site is to be restricted to the hours of 7.00am to 6.00pm Mondays to Fridays and 8.00am to 4.00pm Saturdays. Work on the site on Sundays and Public Holidays is prohibited. **Note: Demolition work is not permitted on weekends or Public Holidays - refer to specific demolition condition for approved hours.**

The yellow "Hours of Building Work" sign (supplied by Council with the approval), is to be displayed in a prominent position at the front of the site for the duration of the work.

#### Site Control

67. All soil erosion measures required in accordance with the approved sediment and erosion control plan and any other relevant conditions of this Consent are to be put in place prior to commencement of construction works and are to be maintained during the entire construction period until disturbed areas are restored by turfing, paving or revegetation. This includes the provision of turf laid on the nature strip adjacent to the kerb.
68. Builder's refuse disposal and storage facilities are to be provided on the development site for the duration of construction works and all rubbish shall be removed from the site upon completion of the project.
69. Stockpiles of sand, soil and other material shall be stored clear of any drainage line or easement, tree protection zone, water bodies, footpath, kerb or road surface and shall have erosion and sediment control measures in place to prevent the movement of such materials onto the aforementioned areas and adjoining land.

#### Waste Management Plan

70. The approved Waste Management Plan must be implemented and complied with during all stages of works on site.
71. Within seven (7) days of completion of construction/building works, the applicant shall submit a signed statement to Council or the Principal Certifying Authority verifying that recycling of materials was undertaken in compliance with the Waste Management Plan. The Principal Certifying Authority shall submit a copy of the statement to Council.  
***In reviewing such documentation Council will require the provision of actual weighbridge receipts for the recycling/disposal of all materials.***

### **Compliance with Critical Stage Inspections and other Inspections nominated by the Principal Certifying Authority**

72. Section 109E(3)(d) of the Act requires certain specific inspections (prescribed by clause 162A of the Regulations) and known as 'Critical Stage Inspections' to be carried out for building work. Prior to permitting commencement of the work your Principal Certifying Authority is required to give notice of these inspections pursuant to clause 103A of the Regulations.

**N.B.** An Occupation Certificate cannot be issued and the building may not be able to be used or occupied where any mandatory critical stage inspections or other inspections required by the Principal Certifying Authority are not carried out.

Where Council is nominated as Principal Certifying Authority, notification of all inspections required is provided with the Construction Certificate approval.

### **Construction**

73. The building and external walls are not to proceed past ground floor formwork/reinforcing steel level until such time as the Principal Certifying Authority has been supplied with a check survey report prepared by a registered surveyor certifying that the floor levels and external wall locations to be constructed, comply with the approved plans, finished floor levels (FFL)s and setbacks to boundary/ies. **The slab shall not be poured, nor works continue, until the Principal Certifying Authority has advised the builder/developer that the floor level and external wall setback details shown on the submitted survey are satisfactory.**

In the event that Council is not the Principal Certifying Authority, a copy of the survey shall be provided to Council within three (3) working days.

On placement of the concrete, works again shall not continue until the Principal Certifying Authority has issued a Certificate stating that the Condition of approval has been complied with and that the slab has been poured at the approved levels.

74. Distribution of construction update flyers to residents and businesses neighbouring the subject site at regular intervals through the construction phase.

### **Salinity – Pemulwuy**

75. The building and external walls are not to proceed past ground floor formwork/reinforcing steel level until such time as the Principal Certifying Authority has confirmed that all required construction measures addressing salinity, as required by this Consent and its accompanying Construction Certificate have been carried out.

### **Landscaping/Site Works**

76. The applicant shall accept all responsibility for the accuracy of the information provided to Council for assessment. If any tree/s are not shown on the endorsed plan or are required to be retained/transplanted and protected but are threatened by demolition/construction work through unforeseen construction requirements or plan inaccuracy, all site and building works so affected are to cease until the matter is resolved to the satisfaction of Council. Council's Environmental and Planning Services Department is to be notified immediately upon such a problem being encountered.

77. All turfed areas shall be finished level with adjoining surfaces and also fall evenly to approved points of drainage discharge.
78. All fencing shall be constructed in accordance with the fence detail on the approved plans and the recommendations from the Police.
79. A single master T.V. antenna is to be installed to service each building and provision made for connection to each dwelling within that building.

#### **Works within Council's Reserve**

80. All works within the Council reserve shall be suitably fenced to prevent public access to the work site during construction of the stormwater drainage.

#### **Inspection of Pollution Control Device/s**

81. The stormwater drainage and/or pollution control devices shall be inspected during construction, by the Council or by a suitably qualified Civil Engineer. Documentary evidence of compliance with Council's specifications shall be obtained prior to proceeding to the subsequent stages of construction, encompassing not less than the following key stages:
  - (a) Initial inspection to discuss concept and site conditions/constraints prior to commencement of the construction of the pollution control device/s.
  - (b) After completion of storage but prior to installation of fittings (eg. screens, etc.)
  - (c) Final Inspection.

Council's standard inspection fee will apply to each of the above set inspection key stages. Additional inspection fees will apply for additional inspections required to be undertaken by Council.

#### **Inspection of Works – Vehicular Crossings**

82. Vehicular crossings and laybacks shall be inspected during construction by the Council. Documentary evidence of compliance with Council's specifications shall be obtained prior to proceeding to the subsequent stages of construction, encompassing not less than the following key stages:

(Note: No works shall be carried out within the road reserve until the vehicular crossing design and construction notes have been obtained from Council.)

  - (a) Prior to placement of concrete following the installation of formwork and reinforcement.  
Note: Traffic control measures shall be in place prior to commencing work.
  - (b) Final inspection

Council's standard inspection fee will apply to each of the above set inspection at the key stages. Additional inspection fees will apply for additional inspections to be undertaken by Council.

### **Road Works and Footpaving**

83. Pedestrian access, including disabled and pram access, is to be maintained as per Australian Standard AS1742.3 “Part 3 – Traffic Control Devices for Works on Roads”.
84. All advisory and regulatory sign posting (for example parking restriction signage, pedestrian crossing signs, warning signs) are to remain in place during construction.

### **Underground Cabling**

85. All communications cabling shall be installed underground as per relevant authority requirements (including broadband and Category 5).

### **Underground Power Connection**

86. Where electricity reticulation cannot be obtained directly from the street, power connection is to be underground. No intermediate power pole is permitted.

### **Alarms**

87. The developer/builder shall not install any audible intruder alarms within the units. If the building is to be provided with a burglar alarm system, this shall incorporate back to base monitoring such that residents can connect thereto from each individual unit.
88. With regard to the basement level pump out system, a suitable audible alarm with flashing light system shall be positioned at the first floor level of each common property stairwell within the building and a flashing light only shall be positioned at each common property entrance to the car parking area to provide a flood warning in the case of pump failure. The alarm system shall be to the satisfaction of Council’s Engineer.

### **Basement Parking**

89. A convex mirror is to be provided so that drivers can see up the driveway from within the basement.
90. An intercom device is to be located:
  - i) on the driver’s side wall near the security shutter in the basement carpark, so that visitors can access the visitor carparking spaces; and
  - ii) within the basement foyer so that disabled persons can contact any unit if the lift is not working.

### **Rainwater Tank**

91. Rainwater tank(s) shall be provided and maintained in accordance with the attached endorsed plans and BASIX Certificate, except where amended by conditions of this consent.
92. The rainwater tank supply shall not be connected to drinking and bathing water tap outlets.
93. A back flow prevention device shall be provided at the water meter in accordance with Sydney Water requirements.

94. A back-up supply of mains water (in the event of power failure) shall be provided via either a “by-pass” of the pump or “dual feed” to at least one toilet in the dwelling.
95. The roof(s) from which tank rainwater is being collected shall not contain lead-based, tar-based or asbestos materials.
96. The rainwater tank shall be cleaned and maintained in accordance with the manufacturers and Sydney Water requirements.
97. The rainwater tank(s) shall be in accordance with the following:
- (a) be fitted with a first flush diversion;
  - (b) be fitted with a small motorised or electric pump;
  - (c) be fitted with a trickle system to top-up from mains water;
  - (d) be fitted with an overflow outlet connected to the street drainage system;
  - (e) be fully enclosed and all openings sealed to prevent access by mosquitos;
  - (f) have a finish of a non-reflective material;
  - (g) have a label affixed to warning that the water is not to be consumed;
  - (h) be built on a self supporting base;
  - (i) be installed by a licensed plumber in compliance with Sydney Water guidelines and the “*NSW Code of Practice: Plumbing and Drainage*”;
  - (j) be designed to draw water from above the anaerobic zone;
  - (k) be structurally sound be and constructed in accordance with *Australian Standard AS/NZ 3500.1.2 – 1998: National Plumbing and Drainage – Water Supply – Acceptable Solutions*; and
  - (l) be provided with an air gap.

#### **Vehicle Cleansing**

98. A vehicle tyre wash area shall be provided adjoining the all weather access driveway to allow tyres to be adequately washed in a manner that will prevent the pollution of stormwater.
99. Concrete trucks and trucks used for the transportation of building materials shall not traffic soil, cement or similar materials onto the road. Hosing down of vehicle tyres shall be conducted in a suitable off-street area where wash water is prevented from entering the stormwater system or adjoining property.

#### **Importation of Fill**

100. All imported fill shall be validated in accordance with Council’s Contaminated Land Policy to ensure that it is suitable for the proposed land use from a contamination perspective.

#### **Additional Information during Remediation/Demolition/Construction**

101. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination, shall be notified to Council immediately.

## **PRIOR TO ISSUE OF FINAL OCCUPATION CERTIFICATE**

**The following conditions are to be complied with prior to the issue of a final occupation certificate:-**

### **Occupation Certificate for Stage 1**

102. The Occupation Certificate for Stage 1 shall not be issued until the footpaths surrounding the site have been constructed in accordance with Development Consent 2009/69/1.

### **Certificates/Documentary Evidence**

103. A final clearance is to be obtained from Integral Energy if such clearance has not previously been issued.
104. A Section 73 Certificate (Sydney Water) must be submitted to the Principal Certifying Authority prior to occupation of the development.
105. A Structural Engineer's certificate from the supervising structural engineer responsible for the design shall be submitted to the Principal Certifying Authority and shall state that all foundation works/reinforced concrete/structural members have been carried out/erected in accordance with the Engineer's requirements and the relevant SAA Codes.

**Note:** Any such certificate is to set forth the extent to which the engineer has relied on relevant specifications, rules, codes of practice or publications in respect of the construction.

106. An Accredited Certifier shall submit to the Principal Certifying Authority a signed checklist as per Appendix A of AS4299-1995 confirming that the nominated adaptable dwellings have achieved the desired level of adaptability (i.e. "Adaptable House Class A or B").

### **Landscaping/Tree Protection**

107. Certification is to be provided to the Principal Certifying Authority (PCA), from the designer of the landscape proposal, that all tree planting/landscape works have been carried out in accordance with the endorsed plan. If Council is the PCA, the certification is to be submitted to Council prior to or at the final landscape inspection. If Council is not the PCA, a copy of the certification is to be provided to Council with the Occupation Certificate.
108. Certification is to be provided to the Principal Certifying Authority (PCA) from a suitably qualified and licensed contractor that the specified planter boxes have been waterproofed and drained in accordance with the requirements of the current relevant Australian Standards, any relevant authority regulations and current best work practices. If Council is not the PCA a copy of the certification is to be provided to Council with the Occupation Certificate.
109. Certification is to be provided to the Principal Certifying Authority from a suitably qualified and licensed contractor that the specified fully automated commercial grade irrigation system has been designed and installed to all common planted areas in accordance with the requirements of the current relevant Australian Standards, any relevant authority regulations and current best work practices. If Council is not the PCA, a copy of the certification is to be provided to Council with the Occupation Certificate.
110. Boundary and courtyard fences must be erected and finished in a professional manner.

### **Parking/Driveway**

111. All dwellings/units and associated car parking spaces shall be numbered on site in accordance with numbering on the endorsed plans.
112. The driveway shall be signposted indicating availability of visitor off-street parking. Spaces reserved for this purpose shall be marked as such.
113. The vehicle crossing between the street and front boundary shall be constructed of plain concrete with no colour or stencilling.

### **On-site Stormwater Detention, Certification and Covenant**

114. A certificate of compliance for the pump out drainage system of the basement level shall be issued to the Principal Certifying Authority by the pump installers stating that the pump out system has been installed to operate in accordance with the Council requirements and approved drawings.

### **Certification and Covenant**

115. Documents giving effect to the creation of a Positive Covenant and Restriction on Use over the as constructed Pollution Control Device shall be submitted to the authority benefited for approval prior to lodging with the Land and Property Information NSW. The wording of the terms of the Positive Covenant and Restriction On Use shall be in accordance with Council's standards and specifications for stormwater drainage and on-site stormwater detention. The documents shall be approved by the benefiting authority for registration with Land and Property Information NSW.

**Note:** Prior to release of the documents creating the Restriction on Use and Positive Covenant, the benefiting authority shall be satisfied that the as-constructed Pollution Control Device is in accordance with the approved drawings and Council requirements.

The Positive Covenant and Restriction on Use documents shall be registered with the Land and Property Information NSW within six (6) months from the date of release by the benefiting authority.

### **Road Works**

116. Any works requiring levels within the road reserve will require the submission of Council's Vehicle Crossing application form.
117. A full width **medium** duty vehicular crossing shall be provided opposite each vehicular entrance to the site, with a maximum width of **6.0** metres and a minimum width of **5.0** metres at the boundary line. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with Council's issued drawings and level sheets.
118. The reconstruction of Council's gully pit/s and associated works along all areas of the site fronting Barbra Crescent. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with Council's standard drawing SD-8010.
119. A certificate of compliance for the construction of vehicular crossings, footpath paving, kerb and guttering and roadworks shall be obtained from Council and be submitted to the Principal Certifying Authority.

### **Stormwater Drainage Certification**

120. A copy of the approved drainage plan showing work as executed details shall be submitted to Council. The work as executed plan shall be in accordance with Council's standards and specifications for stormwater drainage.
121. A compliance certificate in accordance with Council's standards and specifications for stormwater drainage shall be issued to the Principal Certifying Authority by a suitably qualified Civil Engineer.
122. A compliance certificate for the pump out drainage system of the basement level shall be issued to the Principal Certifying Authority by the pump installers stating that the pump out system has been installed to operate in accordance with the Council requirements and approved drawings.

### **Bushfire Protection Measures**

123. All bushfire protection measures provided to the development are to be certified by an accredited Bushfire Practitioner as complying with the construction requirements of AS 3959 – 2009 for BAL 19 standard of construction. A copy of the compliance certificate is to be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

### **Alarms**

124. Documentary evidence is to be produced from the contracted security company that the building has been provided with a burglar alarm system which has back to base monitoring, such that residents can connect thereto from each individual unit.

### **House/Street Number**

125. A house/street number must be displayed on all newly developed properties in accordance with Council's "Policy on the Display of House Numbers" available from the Customer Services Counter or Council's website, [www.holroyd.nsw.gov.au](http://www.holroyd.nsw.gov.au).

### **Design Verification Statement**

126. In accordance with Environmental Planning and Assessment Regulation 2000 and State Environmental Planning Policy (SEPP) 65 "Design Quality of Residential Flat Development", the subject development must be undertaken or directed by a "qualified designer" (i.e., a "registered architect" under the Architects Act). In this regard, a design verification statement shall be submitted to the Principal Certifying Authority (PCA) assessing the development, upon completion of all works subject of this consent and its accompanying construction certificate. The PCA shall ensure that the statement prepared by the qualified designer provides the following:
  - (i) A valid and current chartered architect's certificate number (as issued by the Board of Architects of NSW);
  - (ii) That the completed development achieves the design quality of the development as shown in the plans and specifications submitted and approved with the Construction Certificate, having regard to the design quality principles set out in Part 2 SEPP 65.

### **General**

127. Documentary evidence and/or certificate of compliance must be submitted to Council to show that all works have been completed in accordance with this Development Consent 2010/163/1 and its accompanying Construction Certificates.

## CONDITIONS RELATING TO USE

The following conditions are applicable to the use of the development:-

### **Mechanical Ventilation System – Car Park**

128. Noise and vibration from the use of the (mechanical exhaust ventilation) system shall not exceed the background level by more than 5dB(A) and shall not be audible in any premises of a different occupancy between 10.00pm and 7.00am on weekdays and 10.00pm and 8.00am on weekends and public holidays.

### **Rainwater Tank Pump**

129. The operation of the pump from the rainwater tank shall not give rise to an equivalent continuous (LAeq) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background LA90 level (in the absence of the noise under consideration). Council may require an Acoustic Report to be submitted, prepared by a suitably qualified person, to ensure this requirement is met in the event of Council receiving complaints.

### **Maintenance of Waste Storage Area – Residential**

130. All waste and recycling containers shall be stored in the designated waste storage area. The body corporate shall be responsible for movement of the waste and recycling containers to the footpath for weekly collections at Driftway Drive only, and the return of waste and recycling containers to the waste storage area. The Body Corporate shall clean the waste storage area, dry arrestor pit and waste collection containers.
131. The waste and recycling containers shall only be placed in the bin standing areas on the nominated collection day.

### **Alarms**

132. Where audible intruder alarms are installed in the units by residents, they shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997. (Note: this consent prevents the developer/builder from installing audible alarms).

### **Noise**

133. The operation of all plant and equipment shall not give rise to an equivalent continuous (LAeq) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background LA90 level (in the absence of the noise under consideration).
134. In the event of Council receiving complaints regarding excessive noise, the person(s) in control of the premises shall at their own cost arrange for an acoustic investigation to be carried out (by a suitably qualified person) and submit a report to Council specifying the proposed methods for the control of noise emanating from the premises.
135. Noise and vibration from the use of the air conditioning system (if any installed) shall not exceed the background level by more than 5dB(A) and shall not be audible in any premises of a different occupancy between 10:00pm and 7:00am on weekdays and 10:00pm and 8:00am on weekends and public holidays.

### **Air Emissions**

136. In the event of Council receiving complaints regarding excessive odour from the garbage bay area, the person(s) in control of the premises shall at their own cost arrange for an environmental investigation to be carried out (by a suitably qualified person) and submit a report to Council specifying the proposed methods for the control of odour emanating from the garbage bay area.

### **Emergency Procedures**

137. The owner of a building to which an essential fire safety measure is applicable must not fail to maintain each essential fire safety measure in the building premises to a standard not less than that specified in the Fire Safety Schedule.

### **General**

138. The use of balconies and private courtyards shall be strictly controlled at all times and the drying of clothes, storage of goods and other activities shall not adversely impact on the streetscape.
139. Preparation and distribution to all new residents, a new residents information package to link the residents with community services.
140. The distribution of a 'profile of purchasers' at 3 intervals (i.e. at 50% of dwellings sold, at 80% of dwellings sold and at completion of sales) to relevant service providers (child care, aged care, GP's, family support, Council community services, HACC etc) as determined in conjunction with Council's Community Services Department.

## ADVISORY NOTES

### Other Necessary Approvals

- A. The applicant's attention is drawn to the need to obtain Council's separate approval for any ancillary activity not approved by this consent, including:
- (a) Works, including the pruning or removal of any tree(s) not authorised in the preceding conditions or on the approved plans. Council's Tree Preservation Order protects trees by definition taller than 3.5m or having a trunk circumference exceeding 500mm measured one metre above ground level. If in doubt contact Council's Tree Management Officer.
  - (b) Any fencing located forward of the proposed building and exceeding the limitations specified in Schedule 1 of Development Control Plan No. 32 "*Guidelines for Exempt and Complying Development*".
  - (c) The erection of any advertising sign, not being exempt from the need to obtain approval.
  - (d) The installation of any furnace, kilns, steam boiler, chemical plant, sand blast, spray painting booth or the like.

**NOTE:** \* If you carry out building work as an owner builder and sell your home within seven (7) years from the date of completion (date of final occupation certificate), then a Certificate of Insurance must be attached to your Contract of Sale.

- B. Section 97 of the Act provides that an applicant who is dissatisfied with the Council's determination of the Development Application may appeal to the Land and Environment Court within twelve (12) months of the date of determination, or as otherwise prescribed.
- C. Section 82A of the Act provides that an applicant may request, within twelve (12) months of the date of determination of the Development Application, that the Council review its determination (this does not apply to integrated or designated development). A fee is required for this review.

It should also be noted that an application under Section 82A of the Act cannot be reviewed/determined after 12 months of the date of determination. Therefore, the submission of a Section 82A Application must allow sufficient time for Council to complete its review within the prescribed time frame, including the statutory requirement for public notification.

- D. The applicant and Owner are advised that the Commonwealth Disability Discrimination Act 1992 may apply to this particular proposal. Approval of this application does not imply or confer compliance with this Act. Applicants and owners should satisfy themselves as to compliance and make their own enquiries to the Human Rights and Equal Opportunity Commission. Attention is also drawn to the provisions of Parts 2, 3 and 4 of Australian Standard 1428 - Design for Access and Mobility.
- E. Information regarding the location of underground services may be obtained from Sydney One Call Service (NSW Dial Before You Dig), telephone 1100, Fax 1300 652 077. Inquirers should provide SOCS with the street/road name and number, side of street/road and the nearest cross street/road.
- F. A Construction Certificate shall be obtained in accordance with Section 81A (2)(a) of the Act, prior to the commencement of any work on site. Council can provide this service for you.
- G. An Occupation Certificate is to be issued by the Principal Certifying Authority prior to the occupation of the building.

#### H. BANK GUARANTEES

Bank guarantees will be accepted from list of banks which have at least an “A” rating from Standard and Poors and at least an “A2” or “Prime-1” standard from Moodys Investor Services.

To enable the bank guarantee to be enforceable during an entire project with consideration for delays, **the guarantee must not contain a facility expiry date.**

To get to Standard and Poors [www.standardpoors.com](http://www.standardpoors.com) then from Ratings Action choose Ratings Lists. Then click on Financial Institutions followed by clicking on Financial Institutions Counterparty Ratings List. Go to “**Banks**” and download to Australian Banks.

To get to Moodys [www.moodys.com](http://www.moodys.com) then look up Ratings and then Banking and then Bank Ratings list. It will take you to Bank Credit Research page. Look at the table of contents and choose Global Bank Ratings by Country. Look up Australian Banks.

#### I. TREES

The trees indicated on the endorsed plans to be retained and protected are to be considered with any future development of the subject allotments. In this regard, no works are to occur within the driplines of trees to be retained.

#### J. SMOKE DETECTORS

A system of self contained smoke alarms complying with the requirements of AS3786-1993, *Smoke Alarms* or listed in the *Scientific Services Laboratory Register of Accredited Products* being installed in the dwelling, connected to the mains power supply and provided with a standby power supply. Alarms are to be positioned on the ceiling and setback a minimum distance of 300mm from any wall. Alarms are to be placed in the vicinity of each area containing bedrooms with a minimum of one (1) alarm required for each storey of the dwelling.

#### K. TERMITE PROTECTION

Structural members are to be protected from attacked by subterranean termites in accordance with the requirements of AS3660.1-2000 *Protection of building from subterranean termites* and a durable notice must be affixed within the metre box indicating the type of protection, its date of installation, life expectancy of any chemical barrier used, and system maintenance and inspection requirements. A certificate of compliance of the approved system must be submitted to Council or the Principal Certifying Authority on completion of the system installation. With respect to chemical protection, a pipe system shall be installed beneath the slabs plastic membrane to allow re-application of the chemical border.

#### L. LANDINGS

A landing having a minimum length of 750mm and a grade no steeper than 1.50, must be provided where the sill of a threshold of a doorway opens onto a stair that provides a change in floor level or floor to ground level greater than 3 risers or 570mm in accordance with Clause 3.9.1.3 (Stair Construction) of the Building Code of Australia.

M. SARKING

To reduce the risk of injury during works to the roof, sarking with fall arresting ability is to be provided to the underside of the roof. Manufacturer's specifications for the sarking are to be submitted to Council prior to its installation.

N. WET AREAS

Wet areas in the dwelling are to be waterproofed in accordance with AS3740 *Waterproofing of wet areas within residential buildings*.

Where Council is the Principal Certifying Authority for the works, the submission of evidence of suitability for the waterproofing product used will be required at the wet area inspection stage. The evidence of suitability is to be in the form of:-

1. A current Certificate of Accreditation for the product.

AND

2. A certificate from the person responsible for the installation of the product advising that the product was applied in accordance with the relevant manufacturers specifications.

**Note:** Any copy of documentary evidence submitted, must be a complete copy of the original report or document.

O. MINIMISING WATER USE

Examples of ways water use can be minimised in the car wash facility are:

- the use of a gun type nozzle on the hose that closes when released and
- filter and recycle wash water where possible.

P. CONSTRUCTION/OCCUPATION CERTIFICATE FEES

An administration fee of \$30.00 per certificate is payable to Council on lodgement of Construction and Occupation Certificates from Principal Certifying Authorities.

Q. SOUND TRANSMISSION AND INSULATION

To ensure the amenity of occupants in multi-residential development (Class 2 and 3 buildings and Class 9c Aged Care buildings), separating walls must be constructed in accordance with Part F5 of the Building Code of Australia.

R. GLAZING CERTIFICATION

A certificate shall be submitted to the Principal Certifying Authority stating that safety glazing has been used in the building in accordance with AS1288 - "Glass in Buildings - Selection and Installation".

Yours faithfully

Merv Ismay  
GENERAL MANAGER

Per:  
MANAGER DEVELOPMENT