

12 October 2011

Our Ref: DA/495/2011

DEVELOPMENT APPLICATION NOTICE OF DETERMINATION

*Issued under the Environmental Planning and Assessment Act 1979
Sections 80, 80A & 81 (1)(a)*

Development Application No: DA/495/2011

Chof 5 Little Bay Pty Ltd
GPO BOX 2704
SYDNEY NSW 2001

Property Address: 1408 Anzac Parade, LITTLE BAY NSW 2036

Description of Work: Stage 2 DA for lots 3 and 4 comprising 66 x two and three storey terrace dwellings with basement parking for 132 vehicles, landscaping and associated works

Determination: **Approved**

Determination Date: **5 October 2011 (JRPP)**

Consent to operate from: 5 October 2011

Consent to lapse on: 5 October 2016

Prior to the commencement of any building, construction, 'fit-out' or subdivision works, a construction certificate must be obtained from the Council or an accredited certifier, in accordance with Section 81A (2) (a) of the Environmental Planning and Assessment Act 1979.

Conditions of Consent

A. GENERAL

1. The development must be implemented substantially in accordance with the following plans:

Plan Number	Dated	Received	Prepared By
AR-0102/08	05/09/2011	8 September 2011	SJB Architects
AR-0201/08	05/09/2011	8 September 2011	
AR-0202/08	05/09/2011	8 September 2011	
AR-0203/08	05/09/2011	8 September 2011	
AR-0204/08	05/09/2011	8 September 2011	
AR-0205/08	05/09/2011	8 September 2011	
AR-0501/08	05/09/2011	8 September 2011	
AR-0502/08	05/09/2011	8 September 2011	
AR-0503/08	05/09/2011	8 September 2011	

AR-0504/08	05/09/2011	8 September 2011	
AR-0601/08	05/09/2011	8 September 2011	
AR-0602/08	05/09/2011	8 September 2011	
AR-0603/08	05/09/2011	8 September 2011	
AR-0604/08	05/09/2011	8 September 2011	
AR-0605/08	05/09/2011	8 September 2011	
AR-0901/08	05/09/2011	8 September 2011	
AR-0902/08	05/09/2011	8 September 2011	
AR-0903/08	05/09/2011	8 September 2011	
AR-0904/08	05/09/2011	8 September 2011	
AR-0911/08	05/09/2011	8 September 2011	
AR-0912/08	05/09/2011	8 September 2011	
AR-2201/08	05/09/2011	8 September 2011	

the application form and any supporting information received with the application, except as may be amended by the following conditions:

2. The colours, materials and finishes of the external surfaces of the buildings are to be consistent with the materials / finishes board prepared by SJB Architects dated 20/06/2011 and stamped received by Council on 30 June 2011.

The following conditions are applied to satisfy the provisions of Section 79C of the Environmental Planning and Assessment Act 1979 and to maintain reasonable levels of environmental amenity:

3. The finished ground levels external to the building are to be consistent with the development consent and are not to be raised (other than for the provision of paving or the like on the ground) without the written consent of Council.
4. Lighting to the premises shall be designed in accordance with AS4282 – 1997 Control of the Obtrusive Effects of Outdoor Lighting" so as not to cause a nuisance to nearby residents or motorists and to ensure that light overspill does not affect the amenity of the area.

The following conditions are applied to ensure that the development satisfies the provisions of the Environmental Planning and Assessment Act 1979 and Regulations:

5. The requirements and provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000, must be fully complied with at all times.

Failure to comply with these legislative requirements is an offence and may result in the commencement of legal proceedings, issuing of 'on-the-spot' penalty infringements or service of a notice and order by Council.

6. In accordance with section 80 A (11) of the Environmental Planning & Assessment Act 1979 and clause 98 of the Environmental Planning & Assessment Regulation 2000, it is a prescribed condition that all building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA). Details of compliance are to be provided in the construction certificate.
7. The applicant must comply with all key compliance issues for resolution as well as the recommendations of the BCA Assessment Report, prepared by Blackett Maguire Goldsmith dated 28 June 2011, Revision 1 (Project No 110261).

The following conditions are applied to incorporate NSW Police Crime Prevention recommendations:

8. The development must be implemented substantially in accordance with the recommendations as detailed in the NSW Police Force letter received by Council September 2011.

The following conditions have been applied to maintain reasonable levels of amenity to the area:

9. The operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations.

In this regard, the operation of the plant and equipment (excluding plant and equipment during the construction phase) shall not give rise to an LAeq, 15 min sound pressure level at any affected premises that exceeds the background LA90, 15 min noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A) in accordance with relevant NSW Department of Environment & Conservation Noise Control Guidelines.

10. There are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 and Regulations.

The following conditions are applied to ensure that the development satisfies relevant legislative requirements and to provide reasonable levels of health, safety and amenity:

11. The demolition of buildings and the removal, storage, handling and disposal of building materials must be carried out in accordance with the relevant requirements of WorkCover NSW, the NSW Department of Environment & Climate Change (formerly EPA) and Randwick City Council policies and conditions, including:

- Occupational Health and Safety Act 2000
- Occupational Health and Safety (Hazardous Substances) Regulation 2001
- Occupational Health and Safety (Asbestos Removal Work) Regulation 2001
- WorkCover NSW Code of Practice for the Safe Removal of Asbestos
- Australian Standard 2601 (2001) – Demolition of Structures
- The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 2005.
- Relevant Department of Environment & Climate Change (DECC) / Environment Protection Authority (EPA) and WorkCover NSW Guidelines.
- Randwick City Council Asbestos Policy (adopted 13 September 2005)

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

12. There are to be no emissions or discharges from the premises, which will give rise to an environmental or public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 and Regulations.
13. Adequate provisions are to be made within the premises for the storage and removal of waste and recyclable materials, to the satisfaction of Council and the location, collection, storage and removal of wastes generated within the premises must not result in a public health nuisance or cause pollution.

B. OPERATIONAL MATTERS

The following conditions is applied to ensure occupant safety:

14. Openable windows to a room, corridor, stairway or the like with a floor level more than 4m above the external ground/surface level, must be designed and constructed to reduce the likelihood of a child accessing and falling through the window opening.

Options may include one or more of the following measures:

- i. The window having a minimum sill height of 1.5m above the internal floor level,
 - ii. Providing a window locking device at least 1.5m above the internal floor level,
 - iii. Fixing or securing the window (e.g. by screws or a window locking device) to restrict or to be able to secure the extent of the opening to a maximum width of 125mm,
 - iv. Other appropriate effective safety measures or barrier.
15. The operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations.

In this regard, the operation of the plant and equipment (excluding plant and equipment during the construction phase) shall not give rise to an LAeq, 15 min sound pressure level at any affected premises that exceeds the background LA90, 15 min noise level, measured in the absence of the noise source/s under consideration by more than 5dB (A) in accordance with relevant NSW Department of Environment & Climate Change (DECC) Noise Control Guidelines.

Stormwater Detention System

16. Any detention area must be regularly cleaned and maintained to ensure it functions as required by the design.

C. PRIOR TO THE ISSUING OF A CONSTRUCTION CERTIFICATE

The following condition is applied to meet additional demands for public facilities:

17. In accordance with Council's Section 94A Development Contributions Plan effective from 2 July 2007, the following monetary levy must be paid to Council.

Category	Cost	Applicable Levy	S94A Levy
Development Cost more than \$200,000	\$36,865,000	1%	\$368,650.00

The levy must be paid in cash, bank cheque or by credit card prior to a construction certificate being issued for the proposed development. The development is subject to an index to reflect quarterly variations in the Consumer Price Index (CPI) from the date of Council's determination to the date of payment.

Council's Section 94A Development Contribution Plans may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick or at www.randwick.nsw.gov.au.

The following conditions are applied to satisfy the provisions of Section 79C of the Environmental Planning and Assessment Act 1979 and to maintain reasonable levels of environmental amenity:

18. The following amendments to the proposal shall be undertaken:

- Provision of sun-shading strategies appropriate to orientation, natural ventilation opportunities and ceiling fans to all bedrooms.
- Provision of hard landscape treatment of the driveways (pergolas, trellises or the like) to reduce the impact of the portal and the change of level to the backyards immediately to the south of the portal

Details shall be submitted to and approved by the Principal Certifying Authority prior to a Construction Certificate being issued for the development in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.

19. Details of bicycle storage in the basement indicating compliance with the Development Control Plan – Parking shall be submitted to and approved by the Principal Certifying Authority, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
20. Details of all fencing on site including all entrances and associated structures indicating consistency with the Stage 1 Plan approved by the Land and Environment Court on 27 December 2009 shall be submitted to and approved by Council's Director of City Planning, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
21. The reflectivity index of glass used in the external façade of the development must not exceed 20 percent. Details shall be submitted to and approved by Council's Director of City Planning, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
22. All strategies identified in the ESD Compliance Report dated 30/6/2011 and prepared by Cundall shall be incorporated into proposed development. Details demonstrating compliance shall be incorporated in the Construction Certificate drawings and documentation to the satisfaction of the Council / Accredited Certifier.
23. The upper 1/3 of the proposed front fence to dwelling type A shall be at least 50% transparent to ensure that there is no walled / gated effect to the Urban Lounge. Details shall be submitted to and approved by Council's Director of City Planning, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
24. In accordance with the provisions of clauses 143A and 154A of the Environmental Planning & Assessment Regulation 2000, a 'Design Verification Certificate' must be provided to the Certifying Authority and the Council, prior to issuing a construction certificate and an occupation certificate, respectively.

The following conditions are imposed to promote ecologically sustainable development and energy efficiency.

25. In accordance with Section 80A (11) of the Environmental Planning and Assessment Act 1979 and Clause 97A of the Environmental Planning and Assessment Regulation 2000, it is a prescribed condition that all of the required commitments listed in the relevant BASIX Certificate for this development are fulfilled.

26. In accordance with the provisions of the Environmental Planning & Assessment Regulation 2000, a relevant BASIX Certificate and associated documentation must be submitted to the Certifying Authority with the Construction Certificate application for this development.

The required commitments listed and identified in the BASIX Certificate are to be included on the plans, specifications and associated documentation for the proposed development, to the satisfaction of the Certifying Authority.

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

The following conditions are applied to ensure that the development satisfies relevant legislative requirements and to provide reasonable levels of health, safety and amenity:

27. The required Long Service Levy payment, under the Building and Construction Industry Long Service Payments Act 1986, is to be forwarded to the Long Service Levy Corporation or the Council, prior to the issuing of a Construction Certificate, in accordance with Section 109F of the Environmental Planning & Assessment Act 1979.

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

28. A report or written correspondence must be obtained from a suitably qualified professional geotechnical engineer and be submitted to the certifying authority prior to the issuing of a construction certificate, confirming the suitability and stability of the site for the proposed building and certifying the suitability and adequacy of the proposed design and construction of the building for the site.
29. A report shall be prepared by a professional engineer and submitted to the certifying authority prior to the issuing of a construction certificate, detailing the proposed methods of excavation, shoring or pile construction, including details of potential vibration emissions. The report, must demonstrate the suitability of the proposed methods of construction to overcome any potential damage to nearby land/premises.

Driven type piles/shoring must not be provided unless a geotechnical engineer's report is submitted to the certifying authority, **prior to the issuing of a construction certificate**, which demonstrates that damage should not occur to any adjoining premises and public place as a result of the works.

Any practices or recommendations specified in the engineer's report in relation to the avoidance or minimisation of structural damage to nearby premises or land must be fully complied with and incorporated into the documentation for the **construction certificate**.

A copy of the engineers report is to be submitted to the Council, if the Council is not the certifying authority.

The following conditions are applied to provide adequate security against damage to Council's infrastructure:

Security Deposit

30. The following damage / civil works security deposit requirement must be complied with prior to a construction certificate being issued for the development, as security for making good any damage caused to the roadway, footway, verge or any public place; and as security for completing any public work; and for remedying any defect on such public works, in accordance with section 80A(6) of the Environmental Planning and Assessment Act 1979:

- \$10000.00 - Damage / Civil Works Security Deposit

The damage/civil works security deposit may be provided by way of a cash, cheque or credit card payment and is refundable upon a satisfactory inspection by Council upon the completion of the civil works which confirms that there has been no damage to Council's infrastructure.

The owner/builder is also requested to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.

To obtain a refund of relevant deposits, a *Security Deposit Refund Form* is to be forwarded to Council's Director of City Services upon issuing of an occupation certificate or completion of the civil works.

Sydney Water Requirements

31. The relevant requirements of the Sydney Water Act 1994 must be complied with and a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water.

An Application for a Section 73 Certificate must be made through an authorised Water Servicing Co-ordinator. For details, please refer to the "Your Business" section of Sydney Water's web site www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92.

Following the application, a "Notice of Requirements" will be provided, detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Water Servicing Co-ordinator, as building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

A copy of Sydney Water's 'Notice of Requirements' must be submitted to the Certifying Authority prior to issuing a Construction Certificate.

The Section 73 Compliance Certificate is required to be obtained before an *occupation certificate* or *subdivision certificate* is issued, whichever the sooner.

Electricity Substation

32. The applicant must liaise with Ausgrid prior to obtaining a construction certificate (for any above ground works), to determine whether or not an electricity substation is required for the development. Any electricity substation required for the site as a consequence of this development shall be located within the site and shall be screened from view. The proposed location and elevation shall be shown on relevant construction certificate and landscape plans.

TRAFFIC CONDITIONS

33. Adequate provisions are to be made to provide pedestrian visibility and safety. All new walls (and/or landscaping) adjacent to vehicular crossings should not exceed a height of 600mm above the internal driveway level for a distance of

1.5m within the site or new walls (including landscaping) should splayed 1.5 metres by 1.5 metres. Details of compliance, to the satisfaction of the certifying authority, are to be included in the construction certificate documentation.

34. The vehicular access driveways, internal circulation ramps and the car park areas, (including, but not limited to, the ramp grades, car park layout and height clearances) are to be in accordance with the requirements of AS2890.1:2004. The Construction Certificate plans must demonstrate compliance with these requirements. The internal ramps, internal circulation aisles and the vehicular crossings serving the basement car parks must be designed for two way movements

Design Alignment levels

35. The design alignment level (the finished level of concrete, paving or the like) at the property boundary for driveways, access ramps and pathways or the like, must be obtained in writing from Council's Development Engineer Coordinator prior to lodgement of the construction certificate.

- Alignment levels Proposed Lot3

For information purposes the alignment levels shall be generally 2.5% above the top of kerb in Solarch Avenue, Green Street and Riparian Street at all points along Solarch Avenue, Green Street and Riparian Street. Final levels cannot be issued until such time as the kerb and gutter designs for Solarch Avenue, Green Street and Riparian Street have been formally approved. Levels along the eastern site boundary of Lot 3 will be provided once the design plans for "The Urban Lounge" have been considered and approved.

- Alignment levels Proposed Lot 4

For information purposes the alignment levels shall be generally 2.5% above the top of kerb in Solarch Avenue, View Street and Riparian Street at all points along Solarch Avenue, View Street and Riparian Street. Final levels cannot be issued until such time as the kerb and gutter designs for Solarch Avenue, View Street and Riparian Street have been formally approved. Levels along the western site boundary of Lot 4 will be provided once the design plans for "The Urban Lounge" have been considered and approved.

The design alignment level/s at the property boundary as issued by Council and their relationship to the roadway/kerb/footpath must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.

Any enquiries regarding this matter should be directed to Council's Development Engineer Coordinator on 9399 024.

36. The alignment levels will be issued at a prescribed fee of \$9680 calculated at \$44.00 (inclusive of GST) per metre of site frontage to Green Street and View Street. This amount is to be paid prior to a construction certificate being issued for the development.

Stormwater Drainage & Flood Management

37. The proposed internal driveway shall be designed with a high point at least 300 mm above determined 1 in 100 year flood level. Details demonstrating compliance with this condition are to be included in the construction certificate documentation.

38. Windows, vents and other openings into the basement car park (excluding the driveway opening) are to be located at least 500 mm above the determined 1 in 100 year flood level. Details demonstrating compliance with this condition are to be included in the construction certificate documentation.
39. **Stormwater drainage plans have not been approved as part of this development consent.** Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be prepared by a suitably qualified Hydraulic Engineer and submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the certifying authority. The drawings and details shall include the following information:
- a) A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.
 - b) A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system.
 - c) The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:
 - i. Roof areas
 - ii. Paved areas
 - iii. Grassed areas
 - iv. Garden areas
 - d) Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.
 - e) Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.
 - f) The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.
40. The site stormwater drainage system is to be provided in accordance with the following requirements;
- a) The stormwater drainage system must be provided in accordance with the relevant requirements of Building Code of Australia and the conditions of this consent, to the satisfaction of the *Certifying Authority* and details are to be included in the construction certificate.
 - b) The stormwater from proposed Lot 3 must be discharged (by gravity) directly to the drainage system located at the front of the subject site in Solarch Avenue and / or Riparian Street and / or Green Street.

- c) The stormwater from proposed Lot 4 must be discharged (by gravity) directly to the drainage system located at the front of the subject site in Solarch Avenue and / or Riparian Street and / or View Street.
- d) Onsite stormwater detention must be provided for any part of the site that drains to Anzac Parade, via Solarch Avenue. The detention system must be designed to ensure that the maximum discharge from the site into Anzac Parade does not exceed that which would occur during a **1 in 5** year storm of one hour duration for existing site conditions. All other stormwater run-off from the site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the street drainage system, to the satisfaction of the certifying authority.

An overland escape route or overflow system (to Council's street drainage system) must be provided for storms having an average recurrence interval of 100 years (1 in 100 year storm), or, alternatively the stormwater detention system is to be provided to accommodate the 1 in 100 year storm.

- e) Determination of the required cumulative storage (in any on-site detention system) must be calculated by the mass curve technique as detailed in Technical Note 1, Chapter 14 of the Australian Rainfall and Run-off Volume 1, 1987 Edition.
- f) If connecting to Council's underground drainage system, a reflux valve shall be provided (within the site) over the pipeline discharging from the site to ensure that stormwater from Council drainage system does not surcharge back into the site stormwater system.
- g) Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (i.e. above the 1 in 20 year storm) to the proposed drainage (detention/infiltration) system.
- h) A sediment/silt arrestor pit must be provided within the site near the street boundary prior to discharge of the stormwater to Council's drainage system and prior to discharging the stormwater to any absorption/infiltration system.

Sketch details of a standard sediment/silt arrestor pit may be obtained from Council's Drainage Engineer.

- i) The floor level of all habitable and storage areas located adjacent to any detention systems with above ground storage must be a minimum of 300mm above the maximum water level for the design storm or alternately a permanent 300mm high water proof barrier is to be provided.

(In this regard, it must be noted that this condition must not result in any increase in the heights or levels of the building. Any variations to the heights or levels of the building will require a new or amended development consent from the Council prior to a construction certificate being issued for the development).

- j) The maximum depth of ponding in any above ground detention areas shall be as follows (as applicable):

- i. 300mm in landscaped areas (where child proof fencing is not provided around the outside of the detention area and sides slopes are steeper than 1 in 10)
- ii. 600mm in landscaped areas where the side slopes of the detention area have a maximum grade of 1 in 10
- iii. 1200mm in landscaped areas where a safety fence is provided around the outside of the detention area
- iv. Above ground stormwater detention areas must be suitably signposted where required, warning people of the maximum flood level.

Note: Above ground storage of stormwater is not permitted within basement car parks or store rooms.

- k) A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored. The site stormwater system must be regularly cleaned and maintained to ensure it operates as required by the design.
- l) Site discharge pipelines shall cross the verge at an angle no less than 45 degrees to the kerb line.
- m) Any onsite detention shall be located in areas accessible by residents of all units.

Site seepage & Dewatering

41. As the above site is likely to encounter seepage groundwater within the depth of the basement excavation the design of the carparks (and subsoil drainage from planter boxes) must comply with the following requirements:

- a) Seepage groundwater and subsoil drainage (from planter boxes etc) must not be collected & discharged directly or indirectly to Council's street gutter or underground drainage system
- b) Adequate provision is to be made for the seepage groundwater to drain around the basement carparks from both lots (to ensure the basements will not dam or slow the movement of the ground water through the development site).
- c) The walls of the basement level/s of the buildings are to be waterproofed/tanked to restrict the entry of any seepage water and subsoil drainage into the basement level/s of the building and the stormwater drainage system for the development.
- d) Sub-soil drainage from planter boxes may discharge via infiltration subject to the hydraulic consultant/engineer being satisfied that the site and soil conditions are suitable and the sub soil drainage is able to be fully managed within the site, without causing a nuisance to any premises and ensuring that it does not drain or discharge (directly or indirectly) to the street gutter.
- e) Details of the proposed stormwater drainage system including methods of tanking/waterproofing the basement level/s and any sub-soil drainage systems (as applicable) must be prepared or approved by a suitably qualified and experienced *Professional Engineer* to the satisfaction of the Certifying Authority and details are to be included in the **construction certificate**.

42. Details of the proposed connection and or disposal of any site seepage groundwater collected during construction works or construction site stormwater to Council's stormwater drainage system must be submitted to and approved by Council's Development Engineer, prior to commencing these works, in accordance with section 138 of the Roads Act 1993.

Details must include the following information:

- Site plan
- Hydraulic engineering details of the proposed disposal/connection of groundwater or site stormwater to Council/s drainage system
- Volume of water to be discharged
- Location and size of drainage pipes
- Duration, dates and time/s for the proposed works and disposal
- Details of water quality and compliance with the requirements of the *Protection of the Environment Act 1997*
- Details of associated plant and equipment, including noise levels from the plant and equipment and compliance with the requirements of the *Protection of the Environment Act 1997* and associated Regulations and Guidelines
- Copy of any required approvals and licences from other Authorities (e.g. A water licence from the Department of Planning/Department of Water & Energy).
- Details of compliance with any relevant approvals and licences

Waste Management

43. Prior to the issuing of a construction certificate for the proposed building, a Waste Management Plan detailing the waste and recycling storage and removal strategy for all of the development, is required to be submitted to and approved by Council's Director of City Services.

The Waste Management plan is required to be prepared in accordance with Council's Waste Management Guidelines for Proposed Development and must include the following details (as applicable):

- The use of the premises and the number and size of occupancies.
- The type and quantity of waste to be generated by the development.
- Demolition and construction waste, including materials to be re-used or recycled.
- Details of the proposed recycling and waste disposal contractors.
- Waste storage facilities and equipment.
- Access and traffic arrangements.
- The procedures and arrangements for on-going waste management including collection, storage and removal of waste and recycling of materials.

Further details of Council's requirements and guidelines, including pro-forma Waste Management plan forms can be obtained from Council's Customer Service Centre.

44. The proposed development must provide a 140 litre bin (general waste), a 240 litre bin (recycle) and a 240 litre bin (green-waste) for each dwelling. Details showing compliance are to be included in the construction certificate.

Landscaping & Environmental amenity:

45. Landscaping is to be provided to the site in accordance with the following requirements:

Detailed landscape drawings and specifications are to be submitted to and approved by the certifying authority with the construction certificate and the landscaping is required to be implemented in accordance with the approved plans and specifications. The landscape drawings and specifications are to be prepared by a qualified Landscape Architect who is eligible for membership with the Australian Institute of Landscape Architects (AILA). If Council is not the certifying authority for the development, a copy of the approved plans and specifications are to be forwarded to Council with the construction certificate.

The landscaping plans/specifications are required to include the following components:

- a) A site plan at an appropriate scale showing: existing site boundaries; existing trees within the property (clearly identified as being retained or removed); existing street trees (clearly identified as being retained or removed); features on adjoining sites within 6 metres of the common property boundary (buildings, trees, other structures etc); council's footway; existing and proposed ground levels shown as spot heights and/or contours over the site, at site boundaries, and at the base of the tree/s to be retained; proposed building envelope; proposed areas of pavement; and proposed landscaped areas.
- b) The position, canopy spread (location of dripline), trunk diameter, height and names of all existing trees upon the site and adjoining sites within 6 metres of the common property boundary which are likely to be affected by the development.
- c) A planting plan at a scale of 1:100 or 1:200 indicating the location of all proposed planting and existing trees to be retained. All plants are to be drawn at their mature size with a dense planting of shrubs, accent plants and ground covers within all garden beds so that a continuous planted cover is achieved. Plant spacings are to be clearly indicated for all accent and groundcovers.
- d) A planting schedule listing all plants by botanic & common names, plant numbers, plant spacings for groundcovers and accent planting, pot sizes, the estimated size of the plant at maturity (height & spread) and proposed staking methods when applicable.
- e) Details of planter boxes, garden beds, soil and mulch, irrigation, landscape lighting, edging, paving, fencing, surface finishes, retaining walls, site composting, vehicle wheel-stops and any other landscape elements in sufficient detail to fully describe the proposed landscape works.

Planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm and all lawn areas must have a minimum soil depth of 300mm.

- f) Details of Tree Protection measures, including details of compliance with relevant conditions of consent.
- g) Position of existing and proposed site services including water, gas, electricity, sewer, stormwater and any easements etc.

Any required substation shall be suitably screened from view. Details of the proposed location of any substation/s including plans, elevations and

proposed screening methods are to be submitted to and approved by Council prior to issuing a construction certificate.

- h) Elevations and sections through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.
 - i) An automatic irrigation system throughout all planted areas to ensure satisfactory maintenance of the landscaping. The system shall provide full coverage to all the planted areas with no overspray onto driveways and pathways. The system shall comply with all Sydney Water requirements.
46. Any detention tanks located within the landscaped areas shall have a minimum soil cover of 600mm to ensure sufficient soil depth to permit the establishment of landscaping on top of these services as required by these conditions of development consent. Details are to be included in the relevant construction certificate and landscape plans.
47. The landscaping shall respect the prevailing coastal influences and the coast's special design considerations and requirements, and be designed accordingly. Generally, species selection are to be restricted to local indigenous coastal species that require minimal watering once established or species with water needs that match rainfall and drainage conditions.

D. PRIOR TO ANY WORK COMMENCING ON THE SITE

The following conditions are applied to maintain reasonable levels of environmental amenity and public health safety.

48. Conditions No. 77 to 80 of the Development Consent issued by the Land and Environment Court on 23 December 2009 for DA No. DA/81/2009 relating to Stage 1 Works relevant to the Lot 3 and 4 development site shall be complied with prior to commencement of works relating to the subject development on Lot 3 and Lot 4.

Demolition & Construction Waste

49. A Demolition and Construction Waste Management Plan (WMP) must be developed and implemented for the development, to the satisfaction of Council.
50. The Waste Management Plan must provide details of the type and quantities of demolition and construction waste materials, proposed re-use and recycling of materials, methods of disposal and details of recycling outlets and land fill sites.

Where practicable waste materials must be re-used or recycled, rather than disposed and further details of Council's requirements including relevant guidelines and pro-forma WMP forms can be obtained from Council's Customer Service Centre or by telephoning Council on 9399 0999.

Details and receipts verifying the recycling and disposal of materials must be kept on site at all times and presented to Council officers upon request.

Construction Traffic Management

51. Prior to the commencement of any works on the site, an Application for a 'Works Zone' and Construction Traffic Management Plan must be submitted to Councils Integrated Transport Department, and approved by the Randwick Traffic Committee, for a 'Works Zone' to be provided in one or a combination of the

streets surrounding the development site for the duration of the demolition & construction works.

The 'Works Zone' must have a minimum length of 12m and extend for a minimum duration of three months. The suitability of the proposed length and duration is to be demonstrated in the application for the Works Zone. The application for the Works Zone must be submitted to Council at least six (6) weeks prior to the commencement of work on the site to allow for assessment and tabling of agenda for the Randwick Traffic Committee.

The requirement for a Works Zone may be varied or waived only if it can be demonstrated in the Construction Traffic Management Plan (to the satisfaction of Council's Traffic Engineers) that all construction related activities (including all loading and unloading operations) can and will be undertaken wholly within the site. The written approval of Council must be obtained to provide a Works Zone or to waive the requirement to provide a Works Zone prior to the commencement of any site work.

52. A detailed Construction Site Traffic Management Plan must be submitted to and approved by Council, prior to a construction certificate being issued for the development.

The Construction Site Traffic Management Plan must be prepared by a suitably qualified person and must include the following details, to the satisfaction of Council:

- A description of the demolition, excavation and construction works
- A site plan/s showing the site, roads, footpaths, site access points and vehicular movements
- Any proposed road and/or footpath closures
- Proposed site access locations for personnel, deliveries and materials
- Size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site)
- Provision for loading and unloading of goods and materials
- Impacts of the work and vehicular movements on the road network, traffic and pedestrians
- Proposed hours of construction related activities and vehicular movements to and from the site
- Current/proposed approvals from other Agencies and Authorities (including NSW Roads & Traffic Authority, Police and State Transit Authority)
- Any activities proposed to be located or impact upon Council's road, footways or any public place
- Measures to maintain public safety and convenience

Sydney Water

53. All building, plumbing and drainage work must be carried out in accordance with the requirements of the Sydney Water Corporation.

Prior to the commencement of excavation or building works, the approved Construction Certificate plans must be submitted to a 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 any further requirements need to be met.

If suitable, the plans will be appropriately stamped. For Quick Check agent details please refer to Sydney Water's web site at www.sydneywater.com.au and go to the Building, Developing and Plumbing, then Quick Check or Building and Renovating or telephone 13 20 92.

The principal certifying authority must ensure that a Quick Check Agent/Sydney Water has appropriately stamped the plans before commencing works.

Public Utilities

54. A public utility impact assessment must be carried out on all public utility services located on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the building works. The assessment should include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of services.

Documentary evidence from the relevant public utility authorities confirming that their requirements have been or are able to be satisfied, must be submitted to the principal certifying authority prior to the commencement of any demolition, excavation or building works.

55. The owner/builder must make the necessary arrangements and meet the full cost for telecommunication companies, gas providers, Energy Australia, Sydney Water and other authorities to adjust, repair or relocate their services as required.

The following conditions are applied to ensure that the development satisfies relevant legislative requirements and to provide reasonable levels of health, safety and amenity:

56. Prior to the commencement of any excavation or building works, a construction certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.

A copy of the construction certificate, the approved plans & specifications and development consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.

57. Prior to the commencement of any excavation or building works, the person having the benefit of the development consent must:-

- appoint a *Principal Certifying Authority* for the building work, and
- appoint a *principal contractor* for the building work, or in relation to residential building work, obtain an *owner-builder* permit in accordance with the requirements of the Home Building Act 1989, and notify the *Principal Certifying Authority* and Council accordingly in writing, and
- unless the person having the benefit of the consent is the *principal contractor* (i.e. *owner-builder*), notify the *principal contractor* of the required *critical stage inspections* and other inspections to be carried out, as specified by the *Principal Certifying Authority*, and
- give at least two days notice to the Council, in writing, of the person's intention to commence building works.

58. In accordance with section 80 A (11) of the Environmental Planning & Assessment Act 1979 and clause 98 of the Environmental Planning & Assessment Regulation 2000, the requirements of the Home Building Act 1989 must be complied with.

Details of the Licensed Building Contractor (and a copy of any relevant Certificate of Insurance) or a copy of the Owner-Builder Permit (as applicable) must be provided to the Principal Certifying Authority and Council prior to commencement of works.

59. The installation of ground or rock anchors underneath any adjoining premises including (a public roadway or public place) must not be carried out without specific written consent of the owners of the affected adjoining premises and (where applicable) details of compliance must be provided to the certifying authority prior to the commencement of any excavation or building works.
60. A dilapidation report prepared by a professional engineer or suitably qualified and experienced building surveyor shall be submitted to the certifying authority prior to the commencement of demolition, excavation or building works detailing the current condition and status of all buildings and ancillary structures located upon all of the premises adjoining the subject site (eg. dwellings, residential flat buildings, commercial/industrial building, garages, carports, verandah's, fences, retaining walls, swimming pools and driveways etc.).

The report is to be supported with photographic evidence of the status and condition of the buildings and a copy of the report must also be forwarded to the Council and to the owners of each of the abovementioned premises, **prior to the commencement of any works.**

61. A Demolition Work Plan must be prepared for the development in accordance with Australian Standard AS2601-2001, Demolition of Structures.

The Work Plan must include the following information (as applicable):

- The name, address, contact details and licence number of the Demolisher /Asbestos Removal Contractor
- Details of hazardous materials (including asbestos)
- Method/s of demolition (including removal of any asbestos)
- Measures and processes to be implemented to ensure the health & safety of workers and community
- Measures to be implemented to minimise any airborne dust and asbestos
- Methods and location of disposal of any hazardous materials
- Other relevant details, measures and requirements to be implemented
- Date the demolition works will commence

The Demolition Work Plan must be submitted to the Principal Certifying Authority (PCA), not less than two (2) working days before commencing any demolition work. A copy of the Demolition Work Plan must be maintained on site and be made available to Council officers upon request.

If the work involves asbestos products or materials, a copy of the Demolition Work Plan must be provided to Council.

Note it is the responsibility of the persons undertaking demolition work to obtain the relevant WorkCover licences and permits.

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

standards and excavations are to be properly guarded and supported to prevent them from being dangerous to life, property or buildings.

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

Retaining walls, shoring, or piling must be designed and installed in accordance with appropriate professional standards and the relevant requirements of the Building Code of Australia and Australian Standards. Details of proposed retaining walls, shoring or piling are to be submitted to and approved by the Principal Certifying Authority for the development prior to commencing such excavations or works.

63. A Construction Noise & Vibration Management Plan, prepared in accordance with the Department of Climate Change Guidelines for Construction Noise and Assessing Vibration, by a suitably qualified person, is to be developed and implemented prior to commencing site work and throughout the course of construction, to the satisfaction of the Council.

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

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

- b) The *Construction Noise & Vibration Management Plan* must include details of measurements, analysis and relevant criteria and demonstrate that the noise and vibration emissions from the work satisfy the relevant provisions of the *Protection of the Environment Operations Act 1997*, current DECC Guidelines for Construction Noise and Assessing Vibration and Councils conditions of consent.
- c) A further report/correspondence must be obtained from the consultant as soon as practicable **upon the commencement of works**, which reviews and confirms the implementation and suitability of the noise and vibration strategies in the *Construction Noise & Vibration Management Plan* and which demonstrates compliance with relevant criteria.
- d) Any recommendations and requirements contained in the *Construction Noise & Vibration Management Plan* and associated reports are to be implemented accordingly and should noise and vibration emissions not comply with the terms and conditions of consent, work must cease forthwith and is not to recommence until details of compliance are submitted to Council and the PCA.

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

64. Public health, safety and convenience must be maintained at all times during demolition, excavation and construction works and the following requirements must be satisfied:

- a) The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, materials, soils or debris at all times. Any damage caused to the road, footway or nature strip must be repaired immediately, to the satisfaction of Council.
- b) Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.
- c) Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container in a public place can be made to Council's Health, Building & Regulatory Services department.
- d) Stockpiles of soil, sand, aggregate or other materials must not be located on any footpath, roadway, nature strip, drainage line or any public place and the stockpiles must be protected with adequate sediment control measures.

Building operations such as brick cutting, washing tools or equipment and mixing mortar are not permitted on public footpaths, roadways, nature strips, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system.

- e) A temporary timber, asphalt or concrete crossing is to be provided to the site entrance across the kerb and footway area, with splayed edges, to the satisfaction of Council, unless access is via an existing concrete crossover.
- f) Temporary toilet facilities are to be provided within the work site throughout the course of demolition and construction, to the satisfaction of WorkCover NSW and Council. The toilet facilities must be connected to a public sewer or other sewage management facility approved by Council.
- g) Public safety must be maintained at all times and public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied, to the satisfaction of Council.

A temporary safety fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5 metres). Temporary fences are to have a minimum height of 1.8 metres and be constructed of cyclone wire fencing, with geotextile fabric attached to the inside of the fence to provide dust control, or other material approved by Council.

Temporary site fences are to be structurally adequate, safe and be constructed in a professional manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.

The public safety provisions and temporary fences must be in place **prior to the commencement of any demolition, excavation or building works** and be maintained throughout construction.

If it is proposed to locate any site fencing, hoardings or amenities upon any part of the footpath, nature strip or any public place, the written consent from Council's Building Services section must be obtained beforehand and detailed plans are to be submitted to Council for consideration, together with payment of the weekly charge in accordance with Council's adopted fees and charges.

- h) If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient or the building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.

If necessary, an awning is to be erected sufficiently to prevent any substance from, or in connection with, the work from falling into the public place or adjoining premises.

The public place adjacent to the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place and any such hoarding, fence or awning is to be removed upon completion of the work.

The public safety provisions and temporary fences must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction.

If it is proposed to locate any site fencing, hoardings or amenities upon any part of the footpath, nature strip or any public place, the written consent from Council's Building Services section must be obtained beforehand and detailed plans are to be submitted to Council for consideration, together with payment of the weekly charge in accordance with Council's adopted fees and charges.

- i) A Road / Asset Opening application must be submitted to and be approved by Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the Roads Act 1993 and all of the conditions and requirements contained in the Road / Asset Opening Permit must be complied with.

The owner/builder must ensure that all works within or upon the road reserve, footpath, nature strip or other public place are completed to the satisfaction of Council, prior to the issuing of an occupation certificate for the development. For further information, please contact Council's Road / Asset Opening Officer on 9399 0691 or 9399 0999.

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

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

- location and construction of protective fencing / hoardings to the perimeter of the site;
- location of site storage areas/sheds/equipment;
- location of building materials for construction;
- provisions for public safety;
- dust control measures;
- site access location and construction
- details of methods of disposal of demolition materials;
- protective measures for tree preservation;
- provisions for temporary sanitary facilities;
- location and size of waste containers/bulk bins;
- details of proposed sediment and erosion control measures;
- construction noise and vibration management;
- construction traffic management details.

The site management measures are to be implemented prior to the commencement of any site works and be maintained throughout the works, to maintain reasonable levels of public health, safety and amenity to the satisfaction of Council. A copy of the Construction Site Management Plan must be provided to the Council and Principal Certifying Authority. A copy must also be maintained on site and be made available to Council officers upon request.

66. During construction stages, sediment laden stormwater run-off shall be controlled using the sediment control measures outlined in the manual for Managing Urban Stormwater – Soils and Construction, published by Landcom, to the satisfaction of Council.

Details of the proposed sediment control measures are to be detailed in the *Construction Site Management Plan* and must be submitted to and approved by the principal certifying authority **prior to the commencement of any site works**. The sediment and erosion control measures must be implemented prior to the commencement of any site works and be maintained throughout construction. A copy of the approved details must be forwarded to the Council and a copy is to be maintained on-site and be made available to Council officers upon request.

67. All building, plumbing and drainage work must be carried out in accordance with the requirements of the Sydney Water Corporation.

The approved Construction Certificate plans must be submitted to a Sydney Water Quick Check agent or Customer Centre prior to commencing any building or excavation works, to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if any further requirements need to be met. If applicable, the Construction Certificate plans and Structural Engineering details must be amended to satisfy the requirements of Sydney Water.

If the proposal is acceptable to Sydney Water, the plans will be appropriately stamped. For Quick Check agent details please refer to Sydney Water's web site at www.sydneywater.com.au and go to the Building, Developing and Plumbing, then Quick Check or Building and Renovating or telephone 13 20 92.

The principal certifying authority is required to ensure that a Quick Check Agent/Sydney Water has appropriately stamped the plans **before the commencement of any works**.

E. DURING CONSTRUCTION WORKS

The following conditions are applied to ensure the protection of heritage and archaeological significance of the site:

Aboriginal Archaeology

68. Should Aboriginal objects be found, the Department of Environment and Conservation (DEC) is to be informed (as required by the provisions of the NSW National Parks and Wildlife Act 1974). Subject to an assessment of the extent, integrity and significance of any exposed objects, applications under either Section 87 or Section 90 of the National Parks and Wildlife Act may be required before works resumes.

Historical Archaeology

69. In the event that historical archaeological remains or deposits are exposed during the works, the excavation works shall cease immediately and an evaluation of their potential extent and significance should be undertaken and the Heritage Council of NSW be notified under the requirements of the Heritage Act.

Road/Asset Opening Permit

70. Any openings within or upon the road, footpath, nature strip or in any public place (i.e. for proposed drainage works or installation of services), must be carried out in accordance with the following requirements, to the satisfaction of Council:
- a) A *Road / Asset Opening Permit* must be obtained from Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the *Roads Act 1993* and all of the conditions and requirements contained in the *Road / Asset Opening Permit* must be complied with.
 - b) Council's Road / Asset Opening Officer must be notified at least 48 hours in advance of commencing any excavation works and also immediately upon completing the works (on 9399 0691 or 0409 033 921 during business hours), to enable any necessary inspections or works to be carried out.
 - c) Relevant *Road / Asset Opening Permit* fees, construction fees, inspection fees and security deposits, must be paid to Council prior to commencing any works within or upon the road, footpath, nature strip or other public place,
 - d) The owner/developer must ensure that all works within or upon the road reserve, footpath, nature strip or other public place are completed to the satisfaction of Council, prior to the issuing of a *final occupation certificate* or occupation of the development (whichever is sooner).
 - e) Excavations and trenches must be back-filled and compacted in accordance with AUSPEC standards 306U.
 - f) Excavations or trenches located upon a road or footpath are required to be provided with 50mm depth of cold-mix bitumen finish, level with the existing road/ground surface, to enable Council to readily complete the finishing works at a future date.
 - g) Excavations or trenches located upon turfed areas are required to be back-filled, compacted, top-soiled and re-turfed with Kikuyu turf.

- h) The work and area must be maintained in a clean, safe and tidy condition at all times and the area must be thoroughly cleaned at the end of each days activities and upon completion.
- i) The work can only be carried out in accordance with approved hours of building work as specified in the development consent, unless the express written approval of Council has been obtained beforehand.
- j) Sediment control measures must be implemented in accordance with the conditions of development consent and soil, sand or any other material must not be allowed to enter the stormwater drainage system or cause a pollution incident.
- k) The owner/developer must have a Public Liability Insurance Policy in force, with a minimum cover of \$10 million and a copy of the insurance policy must be provided to Council prior to carrying out any works within or upon the road, footpath, nature strip or in any public place.

Stormwater Drainage

71. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the building to the satisfaction of the principal certifying authority.

The prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.

72. Any required dewatering must be monitored by the consulting Engineer/s to the satisfaction of the principal certifying authority and documentary evidence of compliance with the relevant conditions of consent and dewatering requirements must be provided to the principal certifying authority and the Council.

The site conditions and fluctuations in the water table are to be reviewed by the consulting Engineer prior to and during the excavation/construction process, to ensure the suitability of the excavation and dewatering process and compliance with Council's conditions of consent.

73. A separate written approval from Council is required to be obtained in relation to any proposed discharge of groundwater into Council's drainage system external to the site, in accordance with the requirements of Section 138 of the Roads Act 1993.
74. The owner/applicant is required to ensure the retention and long term health of all trees located on adjoining properties adjacent to the proposed development. As a general guide there shall be minimal excavation or root pruning within the dripline/s of the subject tree/s.

The following conditions are applied to maintain reasonable levels of environmental amenity and public health safety.

75. Any new information which comes to light during demolition and construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the Principal Certifying Authority immediately.
76. The works shall not give rise to environmental pollution or public nuisance or, result in an offence under the Protection of the Environment Operations Act 1997 or NSW Occupational Health & Safety Act (2000) & Regulations (2001).

The following conditions are applied to ensure that the construction works are executed in a proper manner:

77. The building works must be inspected by the Principal Certifying Authority, in accordance with sections 109 E (3) of the Environmental Planning & Assessment Act 1979 and clause 162A of the Environmental Planning & Assessment Regulation 2000, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.
78. A sign must be erected and maintained in a prominent position on the site for the duration of the works, which contains the following details:
- name, address, contractor licence number and telephone number of the *principal contractor*, including a telephone number at which the person may be contacted outside working hours, or *owner-builder* permit details (as applicable)
 - name, address and telephone number of the *Principal Certifying Authority*,
 - a statement stating that "unauthorised entry to the work site is prohibited".
79. Any work involving the demolition, storage and disposal of asbestos products and materials must be carried out in accordance with the following requirements:
- a) A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 10m² of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence.
 - b) On sites involving the removal of asbestos, a professionally manufactured sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor. The sign shall measure not less than 400mm x 300mm and the sign is to be installed prior to demolition work commencing and is to remain in place until such time as all asbestos has been safely removed from the site.
 - c) Asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Waste) Regulation 1996. Asbestos waste must be disposed of at an approved waste disposal depot (refer to the DEC or Waste Service NSW for details of sites). Copies of all receipts detailing method and location of disposal must be maintained on site and be provided to Council officers upon request, as evidence of correct disposal.
 - d) A Clearance Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council upon completion of the works **prior to an Occupation Certificate being issued**, which confirms that the asbestos material have been removed appropriately and the relevant requirements contained in the Asbestos Survey and conditions of consent in relation to the safe removal and disposal of asbestos, have been satisfied.
80. In accordance with section 80 A (11) of the Environmental Planning & Assessment Act 1979 and clause 98 E of the Environmental Planning & Assessment Regulation 2000, it is a prescribed condition that the adjoining land and buildings located upon the adjoining land must be adequately supported at all times.

- 1) If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development must, at the person's own expense:
 - a) protect and support the adjoining premises from possible damage from the excavation, and
 - b) where necessary, underpin the adjoining premises to prevent any such damage.
- 2) The condition referred to in subclause 1) 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.

81. Building, demolition and associated site works must be carried out in accordance with the following requirements:

Activity	Permitted working hours
All building, demolition and site work, including site deliveries (except as detailed below)	<ul style="list-style-type: none"> • Monday to Friday - 7.00am to 5.00pm • Saturday - 8.00am to 5.00pm • Sunday & public holidays - No work permitted
Excavating of rock, use of jack-hammers, pile-drivers or the like	<ul style="list-style-type: none"> • Monday to Friday - 8.00am to 5.00pm • Saturday - No work permitted • Sunday & public holidays - No work permitted
Additional requirements for all development (except for single residential dwellings)	<ul style="list-style-type: none"> • Saturdays and Sundays where the preceding Friday and/or the following Monday is a public holiday - No work permitted

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

82. A Registered Surveyor's check survey certificate or compliance certificate is to be obtained at the following stage/s of construction, to demonstrate compliance with the approved setbacks, levels, layout and height of the building, to the satisfaction of the Principal Certifying Authority:
- prior to construction of the first constructed floor/floor slab (prior to pouring of concrete),
 - prior to construction of each additional new floor level,
 - upon completion of the building, prior to issuing an occupation certificate,
 - as may be required by the Principal Certifying Authority.

The survey documentation must be forwarded to the Principal Certifying Authority and a copy is to be forwarded to the Council, if the Council is not the principal certifying authority.

F. PRIOR TO OCCUPATION OF THE BUILDING / PREMISES

Sub-division

83. Sub-division plans for Lot 3 and Lot 4 must be endorsed by Council and subsequently registered with the Lands and Property Management Authority prior to the issue of occupation certificate for the development. The applicant shall note that endorsement of any sub-division plan by Council will require completion of sufficient civil infrastructure (such as roads, drainage, footpaths, etc) to service the subject allotment.

Council's Infrastructure, Vehicular Crossings & Road Openings

84. Prior to issuing a final occupation certificate for the development, the owner/developer must meet the full cost for Council or a Council approved contractor to:
- a) Construct full width concrete vehicular crossings and laybacks at kerb opposite the vehicular entrances to the site.
 - b) Construct concrete footpaths along all full site frontages. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.
85. Prior to issuing a final occupation certificate or occupation of the development (whichever is sooner), the owner/developer must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.
86. All external civil work to be carried out on Council property (including the installation and repair of roads, footpaths, vehicular crossings, kerb and guttering and drainage works), must be carried out in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works" and the following requirements:
- a) All work on Council land must be carried out by Council, unless specific written approval has been obtained from Council to use non-Council contractors.
 - b) Details of the proposed civil works to be carried out on Council land must be submitted to Council in a *Pre-paid Works Application Form*, prior to issuing an occupation certificate, together with payment of the relevant fees.
 - c) If it is proposed to use non-Council contractors to carry out the civil works on Council land, the work must not commence until the written approval has been obtained from Council and the work must be carried out in accordance with the conditions of consent, Council's design details and payment of a Council design and supervision fee.
 - d) The civil works must be completed in accordance with Council's conditions of consent and approved design and construction documentation, prior to occupation of the development, or as otherwise approved by Council in writing.
87. The naturestrip upon Council's footway shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu Turf or similar. Such works shall be installed prior to the issue of a final Occupation Certificate.

Service Authorities

88. The Section 73 Compliance Certificate must be submitted to the Principal Certifying Authority prior to issuing an Occupation Certificate or Subdivision Certificate (whichever the sooner).

Stormwater Drainage

89. Conditional upon an onsite stormwater detention system being required, a "restriction on the use of land" and "positive covenant" (under section 88E of the Conveyancing Act 1919) shall be placed on the title of the subject property to ensure that any onsite detention system is maintained and that no works which could affect the design function of the detention/infiltration system are undertaken without the prior consent (in writing) from Council. Such restriction and positive covenant shall not be released, varied or modified without the consent of the Council.

Notes:

- a. The "restriction on the use of land" and "positive covenant" are to be to the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's Development Engineer.
 - b. The works as executed drainage plan and hydraulic certification must be submitted to Council prior to the "restriction on the use of land" and "positive covenant" being executed by Council.
90. Upon completion of the works and prior to the issuing of an Occupation Certificate, a works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced hydraulic consultant/engineer must be forwarded to the Principal Certifying Authority and the Council. The works-as-executed plan must include the following details (as applicable):
- The location of any detention basin/s with finished surface levels;
 - Finished site contours at 0.2 metre intervals;
 - Volume of storage available in any detention areas;
 - The location, diameter, gradient and material (i.e. PVC, RC etc) of all stormwater pipes;
 - The orifice size/s (if applicable);
 - Details of any infiltration/absorption systems; and
 - Details of any pumping systems installed (including wet well volumes).
91. Prior to the issuing of an Occupation Certificate, the applicant shall submit to the Principal Certifying Authority (PCA) and Council, certification from a suitably qualified and experienced Hydraulic Engineer, which confirms that the design and construction of the stormwater drainage system complies with the Building Code of Australia, Australian Standard AS3500.3:2003 (Plumbing & Drainage-Stormwater Drainage) and conditions of this development consent.
- The certification must be provided following inspection/s of the site stormwater drainage system by the Hydraulic Engineers to the satisfaction of the PCA.
92. Prior to the issuing of an Occupation Certificate certification must be obtained from a suitably qualified and experienced professional Engineer, to the satisfaction of the Principal Certifying Authority confirming that the basement tanking/waterproofing and any sub-soil drainage systems (as applicable) have been provided in accordance with the conditions of consent and relevant

Standards. A copy of the certification must be provided to the Council with the Occupation Certificate.

Landscaping

93. The landscaping shall be installed in accordance with the approved plans and specifications prior to occupation of the development and the landscaping must be maintained in accordance with the approved plans and specifications.

Certification is to be obtained from a suitably qualified Landscape Architect and submitted to the Principal Certifying Authority (PCA) (and Council, if Council is not the PCA) prior to the occupation of the development, which confirms that the landscaping works have been completed in accordance with the approved landscaping plans and relevant conditions of development consent, to the satisfaction of the PCA.

Waste Management

94. Prior to the occupation of the development, the owner or applicant is required to contact Council's City Services department, to make the necessary arrangements for the provision of waste services for the premises. The waste storage areas shall be clearly signposted.

The following conditions are applied to maintain reasonable levels of environmental amenity and public health safety.

95. A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council prior to an occupation certificate being issued for the development, which demonstrates and certifies that internal acoustic amenity for the development and the external amenity criteria comply with the relevant provisions of the Protection of the Environment Operations Act 1997, NSW Environmental Protection Authority Noise Control Manual & Industrial Noise Policy and conditions of Council's approval, to the satisfaction of Council's Manager of Health, Building & Regulatory Services.
96. An Occupation Certificate must be obtained from the Principal Certifying Authority prior to any occupation of the building in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.

An Occupation Certificate must not be issued for the development if the development is inconsistent with the development consent. The relevant requirements of the Environmental Planning & Assessment Act 1979 and conditions of development consent must be satisfied prior to the issuing of an occupation certificate.

Details of critical stage inspections carried out by the principal certifying authority together with any other certification relied upon must also be provided to Council with the occupation certificate.

97. Prior to the issuing of an interim or final occupation certificate, a statement is required to be obtained from the Principal Certifying Authority or other suitably qualified independent person, which confirms that the development is not inconsistent with the development consent and the relevant conditions of development consent have been satisfied.
98. Prior to issuing an interim or final Occupation Certificate, a single and complete Fire Safety Certificate, which encompasses all of the essential fire safety measures contained in the fire safety schedule must be obtained and be submitted to Council, in accordance with the provisions of the Environmental Planning and Assessment Regulation 2000. A copy of the Fire Safety Certificate

must be displayed in the building entrance/foyer and a copy of the Fire Safety Certificate must also be forwarded to the NSW Fire Brigades.

An annual *Fire Safety Statement* is also required to be submitted to the Council and the NSW Fire Brigades, each year after the date of the *Fire Safety Certificate*, in accordance with the *Environmental Planning & Assessment Regulation 2000*.

99. A Certificate prepared by a professional engineer shall be submitted to the certifying authority (and the Council, if the Council is not the certifying authority) prior to an occupation certificate being issued, which certifies that the building works satisfy the relevant structural requirements of the Building Code of Australia and approved design documentation.
100. Where the building is provided with plant and equipment (e.g. air-conditioners, mechanical ventilation/exhaust systems or refrigeration motors etc) a report must be obtained from a suitably qualified and experienced consultant in acoustics, prior to an occupation certificate being issued for the development, which demonstrates and certifies that noise and vibration from the development satisfies the relevant provisions of the Protection of the Environment Operations Act 1997, NSW DECC/EPA Noise Control Manual & Industrial Noise Policy, Council's conditions of consent (including any relevant approved acoustic report and recommendations), to the satisfaction of Council. The assessment and report must include all relevant fixed and operational noise sources and a copy of the report must be provided to Council prior to/upon issuing an occupation certificate.
101. Street and unit numbering must be provided to the premises in a prominent position, in accordance with the Australia Post guidelines and AS/NZS 4819 (2003) to the satisfaction of Council, prior to an occupation certificate being issued for the development.

In this regard, an Application must be submitted to and approved by Council's Director of City Planning, together with the required fee, for the allocation of appropriate street and unit numbers for the development, **prior to issuing an occupation certificate.**

E. ADVISORY

- A1 The assessment of this development application does not include an assessment of the proposed building work under the Building Code of Australia (BCA).

All new building work must comply with the BCA and relevant Australian Standards and details of compliance must be provided in the Construction Certificate application.

- A1 Access for persons with disabilities, suitable access ramp/s should be provided from the entry to the premises and to the building to the satisfaction of the certifying authority and details should be included in the construction certificate.
- A2 A separate Local Approval application must be submitted to and be approved by Council's Health, Building & Regulatory Services department prior to commencing any of the following activities:-
- Install or erect any site fencing, hoardings or site structures on any part of the nature strip, road or footpath
 - Operate a crane or hoist goods or materials over a footpath or road
 - Placement of a waste skip, bin or any other container or article on the road, nature strip or footpath.

Notes:

- The standard conditions may be modified or supplemented by additional non-standard site specific conditions to address any specific environmental, amenity, construction and safety considerations associated with the proposal.
- The waste management, drainage and infrastructure standard conditions may be modified or replaced with site specific conditions as proposed by Council's Development Engineer, City Services or Waste Services officers.

A4. The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.

A5 Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Airports (Protection of Airspace) regulations.

Sydney Airport Corporation Ltd advises that approval to operate construction equipment (i.e. cranes) should be obtained prior to any commitment to construct.

Yours faithfully,



Mr Kerry Kyriacou
Manager Development Assessment

Rights of Appeal and Review of Determination:

- If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.
- Section 82A of the Environmental Planning and Assessment Act 1979 provides that the applicant may request the Council to Review the determination. The request must be made in writing (or on the review application form) and determined within six (6) months after the 5 October 2011, as specified in this notice of determination, together with payment of the appropriate fee.

General Advisory Notes & Requirements:

Legal requirements prior to commencing any building or subdivision works:

Prior to commencing any building, subdivision or associated works (including any shop or office 'fit-out' work), the following provisions of the Environmental Planning and Assessment Act 1979 (the 'Act') and the Environmental Planning & Assessment Regulation 2000 (the 'Regulation') are to be complied with:

- (i) A Construction Certificate is to be obtained in accordance with Section 81A (2) (a) of the Act.

- (ii) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A of the Act and clause 103 of the Regulation.
- (iii) Council is to be notified at least two (2) days of the intention to commence building works, in accordance with Section 81A of the Act and clause 104 of the Regulation.

The applicant may apply to the Council or an Accredited Certifier to issue a Construction Certificate and to be the Principal Certifying Authority to monitor compliance with the approval and to issue the occupation certificate.

Council's Building Certification Services Business Unit can provide these services and further information, including a copy of the service agreement and details of certification and inspection fees can be obtained by telephoning Council's Building Certification Services Business Unit on 9399 0944.

Building Code of Australia

The Construction Certificate plans and associated specifications must comply with the relevant provisions of the Building Code of Australia (BCA) and the building work must be carried out in accordance with development consent and Construction Certificate.

The assessment of this development application does not include an assessment under the BCA and details of compliance with the relevant provisions of the BCA and conditions of development consent are to be provided in the plans, specifications and documentation for the Construction Certificate.

Compliance with development consent

Please note that the development and all building work must be carried out fully in accordance with the development consent and conditions of consent.

It is an offence to carry out any unauthorised development or building work or to carry out any development or building work that is not in accordance with Council's development consent.

An offence under Environmental Planning and Assessment Act 1979 and Regulations is subject to a penalty up to \$1,100,000 and \$110,000 respectively. Alternatively, Council may issue a penalty infringement notice (for up to \$3000) for each offence.

Council may also serve a notice and an order to require the demolition/removal of unauthorised building work or to require full compliance with Council's development consent.

Prior to commencement of any variations from the approved plans and conditions of approval, an amended development application must be submitted to and approved by Council. Also, a (new or amended) Construction Certificate must be obtained from the Council or an Accredited Certifier.

Failure to obtain the required prior written development consent from council for any variations to the consent (and failure to obtain a new/amended construction certificate) is an offence, which may result in the above penalties or infringements.

Construction certificate applications

Applications for a Construction Certificate are to be made in the standard form and in relation to an application made to Council's Building Certification Services, submission requirements include:

- a completed Construction Certificate application form and payment of the appropriate fee.
- 4 copies of detailed architectural building plans and building specifications.
- 4 copies of structural engineering plans, detailing; all reinforced concrete floor slabs, footings, beams, columns and other structures; retaining walls; piers; underpinning; shoring systems; structural steelwork and framing details (as applicable).
- 4 copies of other technical details (i.e. details of mechanical ventilation systems, stormwater drainage, timber framing and roof trusses, termite protection, sediment control, boundary/party wall construction, masonry construction, acoustic and sound transmission, glazing, wet areas, smoke alarm systems and other fire safety provisions), where applicable.

- full details of compliance with the provisions of the Building Code of Australia, including details of the standards of construction that are to be complied with (i.e. Australian Standards).
- a list of existing and proposed fire safety measures (ie. fire doors, hose reels, fire hydrants, fire extinguishers, sprinkler systems, fire and smoke detection systems, smoke hazard management systems, exit signs and emergency lighting etc), except in relation to dwellings and associated structures.
- any compliance certificates relied upon.
- details of payment of the Building Industry Long Service Levy, in relation to building work which costs \$25,000 or more
- details of compliance with the Home Building Act Insurance Provisions, in relation to residential building work.
- details of existing and proposed swimming pool fencing and barriers showing compliance with the Swimming Pools Act 1992 and AS1926 and details of acoustic enclosures for pool equipment.

Inspection of building works

The Principal Certifying Authority is required to specify the stages of construction which are to be inspected (including relevant 'critical stage' inspections), to ensure that the development complies with the relevant requirements of the development consent, Building Code of Australia and Australian Standards.

Critical stage inspections may include the following stages of construction (as specified by the appointed principal certifying authority):-

- Footings, after placement of steel reinforcement and before pouring concrete.
- Reinforced concrete floor slabs, columns and beams, after placement of steel reinforcement and before pouring concrete.
- Timber or metal floor, wall and roof framing (including columns and beams), before installing floor, wall or roof cladding.
- Waterproofing of 'wet areas', after installation, before tiling or covering over.
- Fire resisting construction (e.g. party / separating walls, fire resisting coverings / plasterboard).
- Sound transmission work including separating walls or ceilings.
- Immediately after the building (or alterations and additions to a building) have been completed and before an Occupation Certificate is issued.

Reference should be made to clause 162A of the Environmental Planning & Assessment Regulation 2000 for details relating to the critical stage inspections.

Occupation Certificate requirements

An occupation certificate must be obtained from the principal certifying authority, prior to occupation of the new building work or part of a building (including alterations and additions) or, a change of building use, as required by sections 109M and 109N of the Environmental Planning & Assessment Act 1979.

Failure to obtain the required occupation certificate is an offence and is subject to a maximum penalty of up to \$110,000 or the issue of a penalty infringement notice.

Fire safety requirements

Under the provisions of Part 9 of the Environmental Planning and Assessment Regulation 2000 (except in relation to class 1a dwellings and class 10 non-habitable buildings or structures):

- A 'Fire Safety Certificate' is required to be submitted to the Council and the New South Wales Fire Brigades prior to occupation of the building and a fire safety statement is to be provided on an annual basis thereafter, in relation to all of the essential fire safety measures within the building premises.
- All of the Fire Safety measures within the premises must be included in a single and complete Fire Safety Certificate, which must be the same measures as those contained in the relevant

'Fire Safety Schedule' for the development. Any variations or amendments to the Fire Safety Schedule must be approved by the Principal Certifying Authority and written details must be provided to Council accordingly.

- Following the issue of a Fire Safety Certificate, a Fire Safety Statement must be submitted to Council on an annual basis, which certifies that all of the essential fire safety measures are present and operational in accordance with the relevant standards of performance.*
- A copy of the current Fire Safety Schedule and Fire Safety Certificate/Statement must also be displayed in a conspicuous position within the building at all times.*
- Failure to submit a Fire Safety Statement by the due date annually is an offence which may result in the issuing of a penalty infringement notice of up to \$2000.*

Sydney Water Requirements

All building, plumbing and drainage work must be carried out in accordance with the requirements of the Sydney Water Corporation.

The approved Construction Certificate plans must be submitted to a Sydney Water Quick Check agent or Customer Centre prior to commencing any building or excavation works, to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if any further requirements need to be met.

If suitable, the plans will be appropriately stamped. For Quick Check agent details please refer to Sydney Water's web site at www.sydneywater.com.au and go to the Building, Developing and Plumbing, then Quick Check or Building and Renovating or telephone 13 20 92.

The principal certifying authority is required to ensure that a Quick Check Agent/Sydney Water has appropriately stamped the plans before commencing works.

WorkCover requirements

The applicant, owner and builder is advised to ensure that the relevant requirements of WorkCover New South Wales are complied with, in relation to occupational health and safety, including the handling of hazardous materials (i.e. materials containing asbestos). Further information can be obtained from the WorkCover New South Wales 400 Kent Street, Sydney, NSW, 2000 or telephone 9370 5000 or 13 10 50.

Disability Discrimination Act

The applicant/owner is advised that this approval does not guarantee compliance with the provisions of the Disability Discrimination Act 1992 and the applicant should therefore consider their liability under the Act. In this regard, the applicant is advised that compliance with the requirements of the Building Code of Australia and Australian Standard 1428.1 - Design for Access and Mobility does not necessarily satisfy the objectives of the Disability Discrimination Act 1992.

The applicant/owner is requested to give consideration to providing access and facilities for people with disabilities in accordance with Australian Standard 1428 Parts 1, 2, 3 and 4 - Design for Access and Mobility, which may be necessary to satisfy the objectives of the Disability Discrimination Act 1992.

Dividing Fences

Any approval for fences on side boundaries common to other private properties is independent of any consent or agreement which may be required of any adjoining owner under the provisions of the Dividing Fences Act and if applicable, you are advised to consult with the owners of the adjoining premises in this regard.

Access to adjoining land, encroachments and work affecting other premises

This consent does not authorise any trespass, encroachment or carrying out of any works upon any adjoining land or building whether private or public. Where any access, underpinning, shoring

or any other works are proposed to be carried out upon any adjoining land (including work affecting party walls, common roof construction or any other building works on or adjacent to the site boundaries), the owner/builder must obtain:

- a) the consent of the owners of the adjoining land to access, carry out works or encroach upon their land, or otherwise affect an easement, right-of-way or other restriction on the certificate of title, or
- b) an access order under the Access to Neighbouring Land Act 2000, or
- c) an easement under section 88K of the Conveyancing Act 1919, or
- d) an easement under section 40 of the Land & Environment Court Act 1979 as appropriate.

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

Local Government Act requirements

A separate Local Approval application is required to be submitted to and approved by Council if it is proposed to place any articles, site fencing, hoardings, materials or waste containers in a public place and to hoist or use a crane over a footway, in accordance with Section 68 of the Local Government Act 1993.

Further Information

Should you require further information on the determination of this development application, please contact David Ongkili on **9399 0793** between 9.00am to 12 noon Monday to Friday or by appointment.