



City of Canterbury

City of Cultural Diversity

Our Reference:

169/15D

Enquiries: Bernard Sutton
Direct Phone: 9789 9461
Direct Fax: 9789 1542

Lisa Foley
Regional Panels Secretariat
Department of Planning and Infrastructure
29-33 Bridge Street
SYDNEY NSW 2000



Dear Ms Foley

Subject: 15 Charles Street, Canterbury (DA-592/2011)

In regard to the above mentioned matter, please find attached a copy of the Notice of Determination for your records.

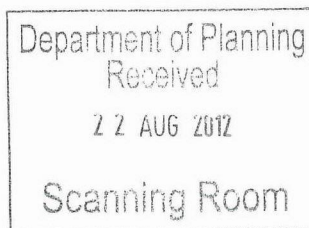
Should you require further information, please contact me in City Planning on 9789 9461.

Yours sincerely

Bernard Sutton
DEVELOPMENT ASSESSMENT OFFICER – PLANNING

20 August 2012

Enclosure





City of Canterbury

City of Cultural Diversity

Canterbury City Council, Administration Centre,
137 Beamish Street, CAMPSIE NSW 2194
DX: 3813 Campsie
Telephone: (02) 9789 9300
Fax: (02) 9789 1542

Please address all correspondence to:
MR JIM MONTAGUE
GENERAL MANAGER
PO BOX 77, CAMPSIE NSW 2194

COPY

Omada Property Group Pty Ltd
C/- Aris Dimos
Suite 4, 287 Military Rd
CREMORNE NSW 2090

File No: 169/15D PT3

Application No: DA-592/2011

**NOTICE OF DETERMINATION
OF**

DEVELOPMENT APPLICATION

Environmental Planning and Assessment Act 1979, Section 80 and 81

Property: 15 and 18 Charles Street, Canterbury

Development: Construction of three residential apartment buildings containing 254 units with associated basement car parking.

Building Code of Australia Building Classification: Class 7b – Carpark
Class 2 - Residential Flat 4+ Storey

**BEFORE COMMENCING BUILDING WORK, you must obtain a
Construction Certificate from the Council or an Accredited Certifier.**

Canterbury City Council as consent authority under the provisions of the Environmental Planning and Assessment Act 1979 gives notice under Section 81(1)(a) of the Act that the Development Application described above was determined on 15 August 2012 in the following manner:

The Joint Regional Planning Panel grants its consent to the development application as a **“DEFERRED COMMENCEMENT”** Consent under Section 80(3) of the Environmental Planning and Assessment Act 1979. The consent requires the applicant to provide evidence to Council, within 12 months, sufficient to satisfy the conditions listed below before the consent can operate. The deferred commencement condition is:

- 1.1. The Applicant shall prepare and provide to RailCorp for approval/certification the following items:
 - A final Geotechnical and Structural report that meets RailCorp’s requirements as detailed in RailCorp’s “Standard Brief”.
 - Construction methodology with details pertaining to structural support during excavation.
 - Final cross sectional drawings showing ground surface, rail tracks, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the Rail Corridor

COBY

2. The following conditions of consent including any other conditions that may arise from the matters listed above, will be included in the development consent issued after the applicant provides information sufficient to satisfy Council in relation to the conditions of the deferred commencement consent.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

1. The following must be submitted to either Council or an Accredited Certifier prior to the issuing of a Construction Certificate:
 - 1.1. Details of:
 - Protection from termites
 - Structural Engineering Plan
 - Building Specifications
 - Fire Safety Schedule
 - Landscape Plan
 - Hydraulic Plan
 - Firewall Separation
 - Soil and Waste Management Plan
 - BASIX Certification
 - Mechanical ventilation
 - 1.2. Payment of the Long Service Leave Levy to the Long Service Leave Corporation or to Council.
 - 1.3. Payment to Council of:

Kerb and Gutter Damage Deposit	\$2,516.00
Section 94 Contributions	\$3,020,670.80
Certificate Registration Fee	\$36.00
Long Service Levy	\$212,118.20
 - 1.4. If you appoint Council as your Principal Certifying Authority, the following fees are payable:

Construction Certificate Application Fee	\$116,326.40
Inspection Fee	\$31,295.00
Occupation Certificate Fee	\$11,665.00

Note 1: Long Service Leave is payable where the value is \$25,000 or more under Part 5 Section 36 of the Building and Construction Industry Long Service Payments Act 1986).

Note 2: If you appoint a Principal Certifying Authority other than Council, the fees shown in the fee quote attachment do not apply, however other fees will apply.

Note 3: When the items in this condition are provided and have been assessed as satisfactory, your Construction Certificate will be posted to you.

Note 4: Section 94 contribution payments are payable by cash, bank cheque, or EFTPOS.

Note 5: All Council fees referred to above are subject to change. You need to refer to our website or contact our Customer Service Centre for a current schedule of fees prior to payment.

BEFORE COMMENCING THE DEVELOPMENT

2. Before the erection of any building in accordance with this Development Consent;
 - 2.1. detailed plans and specifications of the building must be endorsed with a Construction Certificate by the Council or an Accredited Certifier, and
 - 2.2. you must appoint a Principal Certifying Authority (either Canterbury City Council, or an Accredited Certifier) and notify the Council of the appointment (see Attachment – Notice of Commencement copy), and

- 2.3. you must give the Council at least 2 days notice of your intention to commence erection of the building (see Attachment – Notice of Commencement copy).
- 2.4. In the case of work which includes residential development, you must inform us in writing before the commencement of work of the following:
 - 2.4.1. The name and contractor or licence number of the licensee who has contracted to do or intends to do the work; or
 - 2.4.2. The name and permit number of the owner-builder who intends to do the work.

INSURANCE

3. If it is intended to engage a builder or licensed contractor to do the work where it is valued over \$20,000 and is not a multi storey building then this person must take out home building insurance with a private insurer. The builder or person doing the work must also satisfy Council that they have taken out an insurance policy by producing evidence of the insurance certificate or other documentation. Further information on insurance requirements is available from the Department of Fair Trading (NSW Consumer Protection Agency) on 1800 802 055.

SITE SIGNAGE

4. A sign shall be erected at all times on your building site in a prominent position stating the following:
 - 4.1. The name, address and telephone number(s) of the principal certifying authority for the work, and
 - 4.2. The name of the person in charge of the work site and a telephone number at which that person may be contacted during and outside working hours, and
 - 4.3. That unauthorised entry to the work site is prohibited.

GENERAL

5. The development being carried out in accordance with the plans, specifications and details set out in the table below except where amended by the conditions specified in this Notice:

Plan Number	Dated	Prepared by	Received by Council on
A1.01	31/3/2011	Architects ⁺ Partners	5 July 2012
A2.00	31/3/2011	Architects ⁺ Partners	5 July 2012
A2.01	31/3/2011	Architects ⁺ Partners	5 July 2012
A2.02	31/3/2011	Architects ⁺ Partners	5 July 2012
A2.03	31/3/2011	Architects ⁺ Partners	5 July 2012
A2.04	31/3/2011	Architects ⁺ Partners	5 July 2012
A4.02	31/3/2011	Architects ⁺ Partners	5 July 2012
A8.03	31/3/2011	Architects ⁺ Partners	5 July 2012
A8.04	31/3/2011	Architects ⁺ Partners	5 July 2012
A2.05	31/3/2011	Architects ⁺ Partners	28 March 2012
A2.06	31/3/2011	Architects ⁺ Partners	28 March 2012
A2.07	31/3/2011	Architects ⁺ Partners	28 March 2012
A2.07-1	31/3/2011	Architects ⁺ Partners	28 March 2012
A2.07-2	31/3/2011	Architects ⁺ Partners	28 March 2012
A2.08	31/3/2011	Architects ⁺ Partners	28 March 2012
A2.09	31/3/2011	Architects ⁺ Partners	28 March 2012
A3.01	31/3/2011	Architects ⁺ Partners	28 March 2012
A3.02	31/3/2011	Architects ⁺ Partners	28 March 2012
A3.03	31/3/2011	Architects ⁺ Partners	28 March 2012
A4.04	31/3/2011	Architects ⁺ Partners	28 March 2012

A5.01	31/3/2011	Architects+ Partners	6 December 2011
LP01	27/6/2012	Site design studios	5 July 2012

6. A portion of 15-15A Charles Street in the south western corner of the site is to be dedicated to Council to ensure the Cooks River Walkway achieves a width of 6 metres, as prescribed in the Public Domain Strategy and indicated on Drawing Plan No.A8.04.
7. The bin presentation area on the ground floor is to be relocated to the south western corner of the site and the landscaping be provided in the location where the bin presentation area is currently shown on the approved plans.
8. A right of carriageway, as shown on Drawing Plan No.A8.03, except where amended by Condition 7 is to be created under Schedule 4A of the Conveyancing Act in favour of Council to allow public access over the site. The terms of the right of carriageway are to include that the maintenance and liability over the area is to be borne by the owner. The right of carriageway is to be registered prior to the issue of an Occupation Certificate.
9. The proposed pavements, materials and finishes of the right of carriageway are to be certified/approved by Council to ensure they are consistent with the Public Domain Strategy. At a minimum, they are to be capable of accommodating vehicles up to a rigid vehicle up to 25 tonnes.
10. The treatment of the interface/podium walls between the public domain and the perimeter of the site, including type of finish, materials and colours are to be provided to Council for concurrence prior to the issue of a Construction Certificate.
11. Subsurface investigation and soil sampling is to be undertaken across the site. The samples are to be analysed for potential contamination and acid sulphate soils, with all recommendations of this analysis being complied with prior to the issuing of a Construction Certificate. The analysis is to take into consideration the groundwater conditions.
12. 338 off-street car spaces being provided in accordance with the submitted plans.
This shall comprise:
 - One space for each one/two bedroom dwelling
 - Two spaces for each three bedroom dwelling
 - 28 resident common spaces
 - 51 visitor common spaces
 - 1 car wash bay
 The car spaces being allocated and marked according to this requirement. If the development is to be strata subdivided, the carpark layout must respect the above allocation.
13. Signage being erected for visitor/common car spaces to notify and allow people to use the designated spaces.
14. Seventy one (71) bicycle parking spaces are to be provided on site.
15. Directional signage, including apartment numbers to be accessed through each entrance is to be provided.
16. An intercom is to be provided at the basement entrance to allow access to the residential visitor parking spaces located behind the roller shutter.
17. Controlled access measures are to be provided at the entrances to the building, by way of security coded doors/gates or a swipe card system.
18. The doors at the main entry to the site and foyers are to be self closing.
19. Rubbish and recycling bins are to be transported to the ground floor presentation area for collection on the evening prior to collection and returned to the basement waste management areas on the day of having been collected.

20. This condition has been levied on the development in accordance with Section 94 of the Environmental Planning and Assessment Act 1979 and in accordance with Canterbury City Council's Canterbury Town Centre Development Contributions Plan, after identifying the likelihood that this development will require or increase the demand on public amenities, public services and public facilities in the area. The amount of the contribution (as at the date of this consent) has been assessed as \$3,020,670.80. *Note:* The contributions payable will be adjusted, at the time of payment, to reflect Consumer Price Index increases which have taken place since the development application was determined. The contribution is to be paid to Council in full prior to the release of the Construction Certificate, (or for a development not involving building work, the contribution is to be paid to Council in full before the commencement of the activity on the site) in accordance with the requirements of the Contributions Plan. A portion of the contribution may be offset by works being carried out in the public domain, as approved by Council.
21. The development is to be in accordance with the recommendations of the Geotechnical Report prepared by Jeffery and Katauskas Pty Ltd.
22. A Dilapidation Report/photographic survey prepared by an appropriately qualified engineer is to be undertaken of the adjoining property being 6-6A Charles Street, Canterbury, detailing the physical condition of the property, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items, shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate. On completion of the excavation and building works and prior to occupation of the building, a certificate by an appropriately qualified engineer stating to the effect that no damage has resulted to adjoining premises is to be provided to the Principal Certifying Authority. If damage is identified which is considered to require rectification, the damage shall be rectified or a satisfactory agreement for rectification of the damage is to be made with the affected person/s as soon as possible and prior to occupation of the development. All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this consent.
23. All glazing on the Charles Street façade be a minimum of 12.38mm thick single laminated, and that all glazing on the Cooks River frontage be a minimum of 8.38mm thick single laminated, as recommended by the Acoustical Assessment Report prepared by Wood & Grieve Engineers.
24. All materials must be stored wholly within the property boundaries and must not be placed on the footway or roadway.
25. All building operations for the erection or alteration of new buildings must be restricted to the hours of 7.00a.m.-5.00p.m. Monday to Saturday, except that on Saturday no mechanical building equipment can be used after 12.00 noon. No work is allowed on Sundays or Public Holidays.
26. All building construction work must comply with the National Construction Code.
27. The Voluntary Planning Agreement pursuant to Section 93F of the Environmental Planning and Assessment Act relating to the transfer of land known as 18 Charles Street, Canterbury to Council for the provision of a dedicated public car park is to be executed prior to the issue of a Construction Certificate. The construction works associated with the Voluntary Planning Agreement shall be completed before the Occupation Certificate.
28. Under clause 97A(3) of the Environmental Planning and Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled.
In this condition:
 - a) relevant BASIX Certificate means:

- i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Act, A BASIX Certificate that is applicable to the development when this development consent is modified); or
 - ii) if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
 - b) BASIX Certificate has the meaning given to that term in the Environmental Planning and Assessment Regulation 2000."
29. Council's warning sign for Soil and Water Management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign must be displayed throughout construction.

ENGINEERING

- 30. That the stormwater system be constructed in general, in accordance with the plans, specifications and details received by Council on 25th January 2012; drawing numbers 23103-BRI-C-DA , Fig 1 Rev B, Fig 2 Rev A & Fig 3 Rev B prepared by Wood and Grieve Engineers and as amended by the following condition.
- 31. All downpipes, pits and drainage pipes shall be installed to ensure that stormwater is conveyed from the site and into Council's stormwater system in accordance with AUS-SPEC Specification D5 "Stormwater Drainage Design", AS/NZS3500.3 and Council's Stormwater Management Manual - Specification 9 "A Guide for Stormwater Drainage Design".
- 32. All stormwater must pass through a silt arrestor pit prior to discharge to kerb and gutter. Silt arrestor pit is to be sized in accordance with clause 3.3.2 of Councils stormwater management manual ~ specification 9. Sump depth is to be a minimum of 300mm deep.
- 33. Full width grated drains being provided across the vehicular entrance/exit to the site where internal areas drain towards the street, and be connected to the drainage system upstream of the silt arrestor pit and in accordance with Clause 4 of Council's Stormwater Management Manual - Specification 9 "A Guide for Stormwater Drainage Design".
- 34. Stormwater being disposed of into the Cooks River, subject to the Office of Water's approval. The Office of Water's written approval shall be submitted with the Construction Certificate.
- 35. A detailed groundwater management plan is to be submitted prior to issuance of a Construction Certificate. This should include proposals on how to deal with groundwater during and after construction. If groundwater is encountered within the depth of excavation the basement walls will need to be tanked or suitably sealed. No groundwater or seepage water is to be discharged from the site. All earth retaining structures are to be designed to withstand hydrostatic loading generated by subterranean water and the basement walls are to be adequately tanked and waterproofed.
- 36. A full width heavy duty vehicular crossing shall be provided at the vehicular entrance to the site, with a maximum width of 7 metres at the boundary line. This work to be carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
- 37. The applicant to arrange with the relevant public utility authority the alteration or removal of any affected services in connection with the development. Any such work being carried out at the applicant's cost.
- 38. The levels of the street alignment are to be obtained by payment of the appropriate fee to Council. These levels are to be incorporated into the designs of the internal pavements, car-parks, landscaping and stormwater drainage. Evidence must be provided that these levels have been adopted in the design. As a site inspection and survey by Council is

required to obtain the necessary information, payment is required at least 14 days prior to the levels being required.

39. Driveways, parking and service areas are to be constructed or repaired in accordance with the appropriate AUS-SPEC #1 Specifications: C242-Flexible Pavements; C245-Asphaltic Concrete; C247-Mass Concrete Sub-base; C248-Plain or Reinforced Concrete Base; C254-Segmental Paving; C255-Bituminous Micro-surfacing.
40. The driveway grades shall be in accordance with Australian Standard AS 2890.1 "Off-street Parking Part 1 – Car-parking Facilities".
41. All redundant vehicular crossings shall be replaced with kerb and the footpath reserve made good by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
42. The granting of service easements within the properties to the satisfaction of Council or private certifier. Costs associated with preparation and registration of easements to be borne by the developer.

SYDNEY WATER REQUIREMENTS

43. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92. Following application, a "Notice of Requirements" will be forwarded detailing water and sewage extensions to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development/release of the final plan of subdivision. A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifying Authority prior to the Construction Certificate being issued.
44. The approved plans shall be submitted to the appropriate Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For Quick Check agent details please refer to the web site www.sydneywater.com.au, see Your Business, then Building & Developing, then Building & Renovating, or telephone 13 20 92.

RAILCORP

45. The Applicant shall provide an accurate survey locating the development with respect to the rail boundary. RailCorp easements and rail infrastructure. This work is to be undertaken by a registered surveyor, to the satisfaction of RailCorp's representative.
46. Prior to the construction of the carpark at 18 Charles Street, the Applicant shall mark out the legal property boundary to ensure there is no encroachment on to RailCorp land.
47. Prior to the issue of Construction Certificate the applicant shall undertake a services search to establish the existence and location of any rail services. Persons performing the service search shall use equipment that will not have any impact on rail services and signaling. Should rail services be identified within the subject development site the Applicant must discuss with RailCorp as to whether these services are to be relocated or incorporated within the development site.
48. Prior to the commencement of works and prior to the issue of the Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from RailCorp and the Applicant. These dilapidation

surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by RailCorp.

49. An acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines".
50. Prior to the issue of Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.
51. The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of RailCorp.
52. Prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to RailCorp for review and comment on the impacts on rail corridor. The Principle Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.
53. No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and 1500V catenary, contact and pull-off wires of the adjacent tracks, and to any high voltage aerial supplies within or adjacent to the rail corridor.
54. Prior to the issuing of a Construction Certificate the Applicant is to submit to RailCorp a plan showing all craneage and other aerial operations for the development and must comply with all RailCorp requirements. The Principle Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.
55. During all stages of the development extreme care shall be taken to prevent any form of pollution entering the railway corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.
56. Drainage from the development at 18 Charles Street must be adequately disposed of/managed and not allowed to be discharged into RailCorp's land unless prior approval has been obtained from RailCorp.
57. No work is permitted within the rail corridor, or its easements, at any time unless prior approval or an Agreement has been entered into with RailCorp, if required by RailCorp.
58. Landscaping along the rail corridor shall meet RailCorp's satisfaction. The Principle Certifying Authority shall not issue a Construction Certificate until written confirmation has been received from RailCorp that this requirements has been met.
59. Prior to the commencement of works appropriate fencing shall be installed along the rail corridor to prevent unauthorized access to the rail corridor. Details of the type of fencing and the method of erection are to be to the RailCorp's Satisfaction prior to the fencing work being undertaken. The RailCorp may provide supervision, at the developer's cost, fro the erection of the new fencing.
60. No scaffolding is to be used within 6 horizontal metres for the rail corridor unless prior written approval has been obtained from the RailCorp. To obtain approval the applicant will be required to submit details of the scaffolding, the means of erecting and securing

this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor.

61. If deemed necessary by RailCorp the following items are to be provided to RailCorp for endorsement prior to the issuing of a Construction Certificate
 - Any monitoring requirements (including instrumentation and the monitoring regime) during excavation and construction phases.
 - A rail safety plan.
 - Any other matter in order to protect the rail corridor.

The Principle Certifying Authority shall not issue a Construction Certificate until written confirmation has been received from RailCorp confirming that this condition has been complied with or is not required.

OFFICE OF WATER (General Terms of Approval)

62. The Construction is not to be issued over any part of the site requiring a Controlled Activity Approval (CAA) until a copy of the CAA has been provided to Council.
63. These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA 2011/592 and provided by Council:
 - (i) Site plan, map and/or surveys
Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.
64. Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 meters of the top of the bank of shore of the river identified.
65. The consent holder must prepare or commission the preparation of:
 - (i) Erosion and Sediment Control Plan
 - (ii) Soil and Water Management Plan
66. The Consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and /or implement any controlled activity by or under the direct supervision of suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.
67. The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.
68. The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.
69. The consent holder must not locate ramps, stairs, access ways, cycle paths, pedestrian paths or any other non-vehicular form of access way in a riparian corridor other than in accordance with a plan approved by the NSW Office of Water.
70. The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
71. The consent holder must establish drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.

72. The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilized.
73. The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
74. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering.
75. Pumped water (tailwater) shall not be allowed to discharge off-site (eg adjoining roads, stormwater system, sewerage system, etc) without the controlling authorities approval and/or owners consent.
76. The licensee shall allow (subject to Occupational Health and Safety Provisions) the NSW Office of Water or any person authorized by it, full and free access to the works (excavation or bore/borefield), either during or after construction, for the purpose of carrying out inspection or test of the works and its fittings and shall carry out any work or alterations deemed necessary by the NSW Office of Water for the protection and proper maintenance of the works, or the control of the water extracted to prevent wastage and for the protection of the quality and prevention form pollution or contamination of the groundwater.
77. If a work is abandoned at any time the licensee shall notify the NSW Office or Water that the work has been abandoned and seal off the aquifer by such methods as agreed to or directed by the NSW Office of Water.
78. Suitable documents are to be supplied to the NSW Office of Water of the following:
 - 78.1. A report of prediction of the impacts of pumping on any licensed groundwater users or be allowed and the project will need to be modified.
 - 78.2. A report of assessment of the potential for salt water intrusion to occur as a result of the dewatering. This report is only required for sites within 250m of any marine or estuarine foreshore area. The generation of conditions leading to salt water intrusion will not be allowed, and the proposal will need to be modified.
 - 78.3. Descriptions of the methods used and actual volume of groundwater to be pumped (Kilolitres/megalitres) from the dewatering works, the works locations, the discharge rate (litres per second), duration of pumping (number of days/weeks), the amount of lowering of the water table and the anticipated quality of the pumped water:
 - 78.4. Descriptions of the actual volume of pumped water (tailwater) to be reinjected (kilolitres/megalitres), the reinjection locations, the disposal rate (litres per second), duration of operation (number of days/weeks) and anticipated quality of treated water to be reinjected.
 - 78.5. Monitoring of groundwater levels (minimum of 3 weekly measurements of depth to water at a minimum of 3 locations broadly distributed across the site) beneath the proposed development site prior to construction. This requirement is only for sites where the proposed structure shall extend greater than one floor level into the existing ground level.
79. The design and construction of the structure must preclude the need for permanent dewatering.
80. The design and construction of the structure that may be impacted by any water table must include a water proof retention system (i.e. a fully tanked structure) with adequate provision for future fluctuations of water table levels. (It is recommended that a minimum allowance for a water table variation of at least +/-1.0 metre beyond any expected

fluctuation be provided). The actual water table fluctuation and fluctuation safety margin must be determined by a suitably qualified professional.

81. Construction methods and material used in and for construction are not to cause pollution of the groundwater.
82. Monitoring of groundwater levels is to be continued at least weekly during the construction stage and at least weekly over a period of at least 2 months following cessation of dewatering, with all records being provided to the NSW Office of Water on expiration of the licence. This requirement is only for sites where the proposed structure shall extend greater than one floor level into the existing ground level.
83. Groundwater quality testing must be conducted (and report supplied to the NSW Office of Water). Samples must be taken prior to the commencement of dewatering, (and ongoing to the satisfaction of the NSW Office of Water for any extraction and reinjection activities). Collection and testing and interpretation of results must be done by suitably qualified persons and NATA certified laboratory identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria.
84. Discharge of any contaminated pumped water (tailwater) that is not to be reinjected, must comply with the provisions of the *Protection of Environment Operations Act 1997* and any requirements of the relevant controlling authority. The method of disposal of pumped water (i.e. street drainage to the stormwater system or discharge to sewer) and written permission from the relevant controlling authority must be presented to the NSW Office of Water in support of the licence application.
85. Discharge of nay contaminated pumped water (tailwater) that is to be reinjected, must comply with the provisions of the *Protection of the Environment Operations Aft 1997*. The quality of any pumped water (tailwater) that is to be reinjected must be compatible with, or improve the intrinsic or ambient groundwater in the vicinity of the reinjection site. Contaminated groundwater is not to be reinjected into any aquifer. The following must be demonstrated in writing:
 - 85.1. The treatment to be applied to the pumped water (tailwater) to remove any contamination.
 - 85.2. The measures to be adopted to prevent redistribution of any contamination in the groundwater system. Any reinjection proposal that is likely to further spread contamination within the groundwater system will not be allowed and the project will need to be modified.
 - 85.3. The means to avoid degrading impacts on the identified beneficial use of the groundwater. Any reinjection proposal that is likely to lower the identified beneficial use of a groundwater. Any reinjection proposal that is likely to lower the identified beneficial use of groundwater system will not be allowed and the project will need to be modified.
86. Written advice be provided from the Certifying Authority to the NSW Office of Water to certify that the following ground settlement issues have been addressed in reports submitted by the proponent:
 - 86.1. Assessment by a suitably qualified geotechnical professional that the proposed dewatering activity does not pose an unacceptable risk of off-site impacts such as damage to surrounding buildings or infrastructure as a result of differential sediment compaction and surface settlement during and following pumping of groundwater.
 - 86.2. Settlement monitoring activities to be undertaken prior to, during and for the required period of time following the dewatering pumping to confirm the impact predictions.
 - 86.3. Locations of settlement monitoring points, and schedules of measurement.

87. An application must be completed on the prescribed form for the specific purpose of temporary construction dewatering and a licence obtained from the NSW Office of Water prior to the installation of the groundwater extraction works. A plan drawn to scale will be required with the application clearly identifying the location of the dewatering installations.
88. Upon receipt of a Development Consent from Canterbury Council, a fully completed licence application form, unambiguous documentation of the means by which the below-ground areas of the development will be designed and constructed to prevent any groundwater seepage inflows (and therefore preclude any need for permanent or semi-permanent pumping), together with all other required supporting information, the NSW Office of Water will issue a Water Licence under Part 5 of the *Water Act, 1912*.
89. A Licence application under Part 5 of the *Water Act 1912* must be accompanied by a \$151.00 fee and must specify the proposed volume of groundwater to be pumped in total (megalitres). The licence is also subject to administrative charges as determined from time to time by the Independent Pricing and Regulatory Tribunal (IPART).

CRITICAL INSPECTIONS

90. Class 2, 3 or 4 Buildings

The following critical stage inspections **must be** carried out by the Principal Certifying Authority (either Council or the Accredited Certifier):

- 90.1. at the commencement of the building work, and
- 90.2. prior to covering of waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within the building, and
- 90.3. prior to covering any stormwater drainage connections, and
- 90.4. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

Class 5, 6, 7, 8 or 9 Buildings

- 90.5. at the commencement of the building work, and
- 90.6. prior to covering any stormwater drainage connections, and
- 90.7. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

91. Section 81(A) of the EP&A Act 1979 requires that a person having the benefit of a development consent, if not carrying out the work as an owner-builder, **must notify the principal contractor for the building work of any critical stage inspections and other inspections that are to be carried out in respect of the building work**, as nominated in this development consent.

To arrange an inspection by Council please phone 9789-9300 during normal office hours.

COMPLETION OF DEVELOPMENT

92. Obtain an Occupation Certificate/Interim Occupation Certificate from the Principal Certifying Authority before partial/entire occupation of the development.

WE ALSO ADVISE

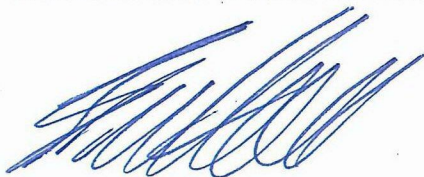
93. This application has been assessed in accordance with the National Construction Code.
94. You should contact Sydney Water prior to carrying out any work to ascertain if infrastructure works need to be carried out as part of your development.
95. Where Council is appointed as the Principal Certifying Authority, you will be required to submit Compliance Certificates in respect of the following:
 - Structural engineering work
 - Air handling systems

- Protection from termites
 - Smoke alarms
 - BASIX completion
96. Any works to be carried out by Council at the applicant's cost need to be applied for in advance.
97. Before you dig, call "Dial before you Dig" on 1100 (listen to the prompts) or facsimile 1300 652 077 (with your street no./name, side of street and distance from the nearest cross street) for underground utility services information for any excavation areas.
98. In granting this approval, we have considered the statutory requirements, design, materials and architectural features of the building. No variation to the approved design and external appearance of the building (including colour of materials) will be permitted without our approval.
99. Compliance with the National Construction Code does not guarantee protection from prosecution under "The Disability Discrimination Act". Further information is available from the Human Rights and Equal Opportunity Commission on 1800 021 199.
100. Our decision was made after consideration of the matters listed under Section 79C of the Environmental Planning and Assessment Act 1979, and matters listed in Council's various Codes and Policies.
101. If you are not satisfied with this determination, you may:
- 101.1. Apply for a review of a determination under Section 82A of the Environmental Planning and Assessment Act 1979. A request for review must be made and determined within 6 months of the date of the receipt of this Notice of Determination; or
 - 101.2. Appeal to the Land and Environment Court within 6 months after the date on which you receive this Notice of Determination, under Section 97 or Section 97AA of the Environmental Planning and Assessment Act 1979.

If you should require any further information, please do not hesitate to contact Bernard Sutton in City Planning on 9789 9461 Monday to Friday.

DATE FROM WHEN CONSENT OPERATES:

17 August 2012



for Jim Montague
GENERAL MANAGER

Enclosure - Attachment: Notice to Commence Building or Subdivision Work.