
CONDITIONS OF DEVELOPMENT CONSENT

DA No: DA-309/2010/B
Property: 41-45 Hill Road, WENTWORTH POINT
Description: Section 96(2) application to modify total number of units, building height, vehicle access and increase in southern side setback (Block C)

A. Amend the description of the proposal to read as follows:

“Construction of 4 to 8 storey residential flat building consisting of **156** apartments above 2 levels of basement car parking with associated landscaping and drainage works (Block C).”

[Description of proposal amended by Section 96 modification DA-309/2010/B]

B. Amend the following conditions to read as follows:

2 Approved Plans

The development is to be carried out in accordance with the approved stamped plans as numbered below:

<i>Plan Number</i>	<i>Prepared By</i>	<i>Revision No.</i>	<i>Dated</i>
DA001_1 – Site staging plan (construction stage 1)	Turner + Associates	B	19/3/2013
DA001_2 – Site staging plan (construction stage 2)	Turner + Associates	B	19/3/2013
DA001_3 – Site staging plan (construction stage 3)	Turner + Associates	B	23/3/2011
DA001_4 – Site staging plan (construction stage 4)	Turner + Associates	B	19/3/2013
DA001_5 – Site staging plan (construction stage 5)	Turner + Associates	B	19/3/2013
DA001_6 – Site staging plan (final)	Turner + Associates	B	19/3/2013
S96 009 – Roof	Turner + Associates	F	26/11/2012
S96 010 – Level 0	Turner + Associates	F	20/3/2013
S96 011 – Level 1	Turner + Associates	G	20/3/2013
S96 012 – Level 2	Turner + Associates	F	19/4/2013
S96 013 – Level 3	Turner + Associates	F	19/4/2013
S96 014 – Level 4	Turner + Associates	F	19/4/2013
S96 015 – Level 5	Turner + Associates	F	19/4/2013
S96 016 – Level 6	Turner + Associates	F	19/4/2013
S96 017 – Level 7	Turner + Associates	F	19/4/2013
S96 018 – Level 8	Turner + Associates	F	19/4/2013
S96 019 – Level 9	Turner + Associates	D	22/11/2012

S96_20 – North & South Elevations	Turner + Associates	B	22/11/2012
S96_21 – East & West Elevations	Turner + Associates	C	18/4/2013
S96_30 – Section 1 & 2	Turner + Associates	B	22/11/2012
S96_31 – Section 3	Turner + Associates	B	22/11/2012
DA01 – Landscape plan	Aspect Studios	C	22/7/2010
DA02 – Level 1 landscape plan (Block C)	Aspect Studios	C	20/7/2010
DA03 – Plant schedule (Block C)	Aspect Studios	C	20/07/2010
DA060 – Materials & colours board (Block C)	Turner + Associates	-	-
H-01 to H-10 – Drainage plans (Lot 9C)	Greenarrow Hydraulics P/L	A	20/7/2010
Basix Certificate Nos. 325445M_02 & 325458M_02	NSW Planning	-	25/03/2013
Acoustic Report No. 2010673.1/1607A/R0/KS	Acoustic Logic Consultancy	-	16/07/2010
Waste Management Plan Lot 9 Building C	Cini.Little Australia P/L	02	Nov. 2012

except as otherwise provided by the conditions of this determination (Note:- modifications to the approved plans will require the lodgement and consideration by Council of a modification pursuant to Section 96 of the Environmental Planning and Assessment Act).

Reason:- to confirm and clarify the terms of Council's approval.

[Condition 2 amended by Section 96 modification DA-309/2010/B]

4. Auburn DCP 2007: Section 94 Development Contributions

Development Contributions are payable in accordance with Auburn Council Council's Section 94 Development Contribution Plan 2007, which has been prepared under Section 94 of the Environmental Planning and Assessment Act 1979.

The amounts payable will be adjusted in accordance with the section titled Review of Contribution rates and are generally indexed on a quarterly basis by the Consumer Price Index CPI (all Groups Sydney) unless otherwise stated in the plan.

Contributions will be adjusted at the payment date in accordance with the plan and payment is to be made prior to the issue of a Construction Certificate.

Council's Development Contribution Plan 2007 is available for inspection at Council's Customer Services Centre, Civic Place, 1 Susan Street, Auburn or on line at www.auburn.nsw.gov.au.

A sum of \$ **563,196.22** is to be paid to Council for the purpose of traffic management, community facilities, provision of public open space in the Homebush Bay West area and plan administration.

The above sum is broken down to the following items:

Item	Amount
Traffic Management	\$109,219.45
Open Space – District Acquisition and Embellishment	\$267,897.51
Community facilities	\$147,645.89
Plan administration	\$38,610.38
TOTAL	\$563,196.22

Reason: To ensure that the development complies with the Auburn DCP 2007: Section 94 Development Contributions.

[Condition 4 amended by Section 96 modification DA-309/2010/B]

5 Vehicle Access to Block C

Before any Occupation Certificate can be issued for Block C, the following matters must be completed:

- i. Registration of Stage 4 of the subdivision approved with DA-109/2011 (or any other subsequent DA for these works);
- ii. Issue of a compliance certificate, to the satisfaction of the Principal Certifying Authority, confirming that the required components of **DA-462/2010/A and any subsequent application for these works** (Civil infrastructure and public domain works) necessary to provide vehicle access from Hill Road to Block C have been completed.

Reason: to ensure all element of vehicle access to Block C are completed prior to the issue of any Occupation Certificate.

[Condition 5 amended by Section 96 modification DA-309/2010/B]

7. Staging Plan

That construction works including construction access to Block D shall be carried out in accordance with the approved construction staging plan no. **DA001_1, DA001_2, DA001_4, DA001_5, DA001_6 dated 19/3/2013 and DA001_3 dated 23/3/2011 prepared by Turner + Associates.**

Reason:- to ensure access to Block C

[Condition 7 amended by Section 96 modification DA-309/2010/B]

53. Car parking to Comply with Approved Details

The area set aside for the parking of vehicles, and so delineated on the plans prepared by (Turner + Associates) and endorsed plan Drawing Nos **S96 010 revision F & S96 011 revision G, and dated 20/3/2013**, shall not be used for any other purpose.

Reason:- to ensure the car parking area is not used for purposes other than the parking of cars associated with the use.

[Condition 53 amended by Section 96 modification DA-309/2010/B]

67. Car park entry designs

The following intersection and access way shall be redesigned in such a way that B99 and B85 vehicles can pass each other safely to comply with Clause 2.5.2 (c) of Australian Standard AS 2890.1:

a. Intersections of the basement aisle and the access ramp

Amended plans addressing the above shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**

On completion of works, a compliance report prepared by suitably qualified professional engineers shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of any Occupation Certificate.**

Reason:- to ensure development complies with Australian Standard AS2890.1.

[Condition 67 amended by Section 96 modification DA-309/2010/B]

78. Access Ramp gradients

Access ramp grades shall comply with section 3.3 of the Australian Standard AS2890.1:2004.

Reason:- to ensure the access ramps comply with Australian Standard AS28890.1:2004.

[Condition 78 amended by Section 96 modification DA-309/2010/B]

79. Headroom clearance

Headroom clearance shall comply with section 5.3 of the Australian Standard AS2890.1:2004.

Reason:- to ensure the access ramps comply with Australian Standard AS28890.1:2004.

[Condition 79 amended by Section 96 modification DA-309/2010/B]

86. Access to Public Road

Prior to the issue of any Occupation Certificate vehicular access to Hill Road shall be provided. In this regard, all required right of ways shall be created to the satisfaction of Council.

Reason:- to ensure access to public road is provided.

[Condition 86 amended by Section 96 modification DA-309/2010/B]

104. Air conditioning units – location and acoustics

- a) Air conditioning units **may** be located to the ground level of rear yards, within basement garages **or within the side setbacks or frontages of the property provided they are adequately screened and not visible from a street or public**

place. Air conditioning units are not to obscure windows/window frames or architectural features of the building.

- a) The operation of air conditioning units shall be so:
 - I. as not to cause “offensive noise” as defined under the Protection of the Environment Operations Act 1997;
 - I. as to be inaudible at the nearest affected residence between the hours of 10.00pm and 7.00am on weekdays and 10.00pm and 8.00am on weekends and public holidays;
 - II. as not to discharge a condensate or moisture onto **any exposed surface, balconies, roof or path, or convey any pollutant or waste** into a stormwater drainage system in contravention of the requirements of the Protection of the Environment Operations Act 1997.
- b) Should Council receive noise complaints from neighbouring residents in relation to the air conditioning units, Council may issue a Noise Notice. Such notice may require you to engage the services of a competent and appropriately qualified Acoustic Consultant to undertake a noise level assessment of the air conditioning unit. If the unit is assessed as exceeding the permitted noise criteria, you may be directed to provide noise attenuation measures such as an acoustic enclosure and/or relocation of the unit.

Reason:- to ensure that air conditioning units associated with the development are appropriately located and do not detract from the appearance of the buildings and to ensure the operation of air conditioning units does not adversely impact on the acoustic amenity of the locality.

[Condition104 amended by Section 96 modification DA-309/2010/B]

109. Telecommunications Facilities - Residential

The following requirements apply to telecommunication facilities in the building:-

- a) Appropriate access and space within the plant area of the building shall be provided for a minimum of three telecommunication carriers or other providers of broad-band access by ground or satellite delivery.
- b) Appropriate **facilities are to be included in the building to ensure each apartment have access to** a minimum of three telecommunication carriers or other providers for telecommunication access and broad-band cabling.
- c) The details of (a) and (b) above shall be submitted for the approval of the certifying authority, prior to issue of a construction certificate for the building under the Environmental Planning and Assessment Act 1979.
- d) A separate Development Application must be submitted at the appropriate time for any external receiving device proposed to be installed. For each form of transmitter, there shall be only one common receiving device installed on the subject development.

Reason:- to ensure adequate provision for telecommunication facilities within the development.

[Condition 109 amended by Section 96 modification DA-309/2010/B]

112. Garbage Storage and Collection

All garbage shall be removed from the site directly via **the loading area located between Block D and Block C**. Garbage bins shall not be stored on or collected from the footpath or kerb.

Reason:- to ensure that all garbage storage and collection is managed efficiently and without significant impact on the street.

[Condition 112 amended by Section 96 modification DA-309/2010/B]

113. Suitable arrangements to be made for Waste Collection

Suitable arrangements for garbage and recycling services are to be made with Council prior to occupation of the building.

Reason: to ensure suitable arrangements are in place for the collection of **garbage** and recyclables arising from the premises.

[Condition 113 amended by Section 96 modification DA-309/2010/B]

C Delete the following conditions as follows:

- ~~1. The following “Deferred Commencement” conditions are applied and must be satisfied before the consent can operate:-~~

~~Consent is granted subject to the following “deferred commencement” conditions. In accordance with Section 80(3) of the Environmental Planning and Assessment Act, this development consent will not operate until the Council is satisfied as to the matters set out in these “deferred commencement” conditions.~~

~~DC1. Development consent must be granted to the public domain works, which include the local road network over Lot 9 necessary to achieve vehicle access, as proposed under DA 462/2010 or any other subsequent development application or modification for these works.~~

~~DC2. Development consent must be granted for Torrens Title Subdivision of Lot 9 into 5 smaller Lots, as proposed under DA 109/2011 or any other subsequent development application or modification for these works.~~

[Condition DC1 & DC2 deleted by Section 96 modification DA-309/2010/B]

~~**6. Issue of Construction Certificate**~~

~~No Construction Certificate shall be issued until such time as the development consent is granted to the residential flat building known as Block D within Lot 9, as proposed under DA 308/2010 or any other subsequent development application or modification for these works.~~

~~Reason:- to ensure development approval exists for Block D.~~

[Condition 6 deleted by Section 96 modification DA-309/2010/B]

~~**8. Shared Zone for Garbage Truck Access**~~

~~A shared zone shall be created and constructed on the northern side boundary of Block C that would allow only garbage truck access to the garbage collection loading area and disposal room at Block D. In this regards amended Waste Management Plan shall be submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.~~

~~Reason:- to ensure vehicular access to waste collection room.~~

[Condition 8 deleted by Section 96 modification DA-309/2010/B]

~~69. Redesign of disabled parking~~

~~Disabled parking space shall comply with AS2890.6. Amended plan showing details shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**~~

~~Reason:- to ensure disable parking spaces comply with Australian Standard AS2890.6.~~

[Condition 69 deleted by Section 96 modification DA-309/2010/B]

D Retain the following condition:

74. Structural detailed design of the underground tank

A detailed structural design of the proposed underground tank shall be submitted to the Council/ Principal Certifying Authority with the Construction Certificate.

Reason:- to ensure the structural stability.

[Condition 74 retained by Section 96 modification DA-309/2010/B]