
CONDITIONS OF DEVELOPMENT CONSENT

DA No: DA-308/2010/C
Property: 41-45 Hill Road, WENTWORTH POINT
Description: Section 96(2) application to modify total number of units, building height and vehicular access - Integrated Development (Water Management Act 2000) (Block D).

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

“Construction of 4 to 8 storey residential flat building consisting of **147** apartments above 2 levels of basement car parking with associated landscaping and drainage works – Integrated Development (Water Management Act 2000) (Block D).”

[Description of proposal amended by Section 96 modification DA-308/2010/C]

B. Amend the following conditions to read as follows:

1. **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_10 – Level 0	Turner + Associates	J	20/3/2013
S96_11 – Level 1	Turner + Associates	J	20/3/2013
S96_12 – Level 2	Turner + Associates	F	20/3/2013
S96_13 – Level 3	Turner + Associates	E	22/11/2012
S96_14 – Level 4	Turner + Associates	E	22/11/2012
S96_15 – Level 5	Turner + Associates	E	22/11/2012
S96_16 – Level 6	Turner + Associates	E	22/11/2012
S96_17 – Level 7	Turner + Associates	E	22/11/2012

S96_18 – Level 8	Turner + Associates	E	22/11/2012
S96_19 – Roof	Turner + Associates	D	22/11/2012
S96_20 – North & South Elevations	Turner + Associates	D	22/11/2012
S96_21 – East & West Elevations	Turner + Associates	D	22/11/2012
S96_30 – Section 1 & 2	Turner + Associates	D	22/11/2012
S96_31 – Section 3 & 4	Turner + Associates	D	22/11/2012
9D-101 - Landscape plan	Site Image	G	18/3/2013
9D-C101 - Landscape plan levels 5 & 6	Site Image	D	12/11/2012
9D-102 - Landscape colour plan	Site Image	C	6/11/2012
9D-501 - Landscape details	Site Image	C	14/11/2012
9D-502 - Landscape strategy & planting schedule	Site Image	A	14/11/2012
DA060 – Materials & colour board (Block D)	Turner + Associates	-	-
H-01 to H-13 – Stormwater drainage plans (Lot 9D)	Greenarrow Hydraulics P/L	A	8/11/2012
Basix Certificate Nos. 325461M_02 & 325521M_02	NSW Planning & infrastructure	-	7/11/2012
Acoustic Report No. 2010673/1607A/R0/KS	Acoustic Logic Consultancy	-	16/07/2010
Waste Management Plan Lot 9 Building D	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-308/2010/C]

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 \$ **536,436.92** 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	\$104,029.23
Open Space – District Acquisition and Embellishment	\$255,170.37
Community facilities	\$140,626.94
Plan administration	\$36,610.38
TOTAL	\$536,436.92

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

[Condition 4 amended by Section 96 modification DA-308/2010/C]

6. **Vehicle Access to Block D**

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

- I. Registration of Stages 1 and 2 of the subdivision approved with **DA-109/2011/A** (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** (Civil infrastructure and public domain works) necessary to provide vehicle access from Hill Road to Block D have been completed.
- iii Issue of a compliance certificate to the satisfaction of the Principal Certifying Authority, confirming that the Foreshore Street adjacent to the Foreshore Park is completed to the specification and satisfaction of Council.

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

[Condition 6 amended by Section 96 modification DA-308/2010/C]

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 D.

[Condition 7 amended by Section 96 modification DA-308/2010/C]**56. 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_10 revision J & S96_11 revision J, and dated 20/3/2013 shall not be used for any other purpose. In this regard, minimum 30 car spaces shall be allocated as visitor car parking space.**

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

[Condition 56 amended by Section 96 modification DA-308/2010/C]**74. Submission of full stormwater disposal details**

Full stormwater drainage details showing the proposed method of stormwater collection and disposal are to be submitted to Council or the Accredited Certifier to ensure the approved stormwater plans are incorporated with the Construction Certificate.

The details shall be prepared by a suitably qualified person and must be in accordance "Auburn Development Control Plans 2000 - Stormwater Drainage" and "Australian Rainfall & Runoff 1987".

In this regard,

The proposed stormwater system shall be generally in accordance with the stormwater plans **H-01 to H-13 (Lot 9D) issue A prepared by Greenarrow Hydraulic P/L and dated 8/11/2012.**

Detail hydraulic grade line analysis shall be submitted in order to ensure proposed street drainage system is adequate to convey stormwater runoff from the proposed development.

It appears stormwater runoff from the footpath and landscape area in the centre court area will enter into Lobby 1, 2, 3 & 4. In this regard, detail drainage plan showing the proposed stormwater pit size and levels shall be submitted. Adequate levels shall be marked on the plan in order to ensure storm water runoff from the footpath area between the buildings is not directed towards the proposed buildings.

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

Note: "Auburn Development Control Plans 2000 - Stormwater Drainage" is available to purchase at Council or the document can be found at Auburn Council's web page www.auburn.nsw.gov.au

Reason:- to ensure the stormwater is suitably discharged.

[Condition 74 amended by Section 96 modification DA-308/2010/C]**79. 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 79 amended by Section 96 modification DA-308/2010/C]

80. **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 80 amended by Section 96 modification DA-308/2010/C]

105. **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.

[Condition105 amended by Section 96 modification DA-308/2010/C]

116. **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 116 amended by Section 96 modification DA-308/2010/C]

119. **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 119 amended by Section 96 modification DA-308/2010/C]

120. **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 120 amended by Section 96 modification DA-308/2010/C]

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 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.~~

~~DC3. Development consent must be granted to the residential flat building known as Block C within Lot 9, as proposed under DA-309/2010 or any other subsequent development application or modification for these works to ensure access is provided.~~

~~In accordance with clause 95(3) of the Environmental Planning and Assessment Regulation 2000, you must produce evidence to the Council within a period of * days, sufficient enough for Council to be able to be satisfied of the above matters.~~

~~If evidence is produced within the specified period, in accordance with Clause 95(5) of the Regulation, Council will notify you whether or not it is satisfied as to the above matters and whether or not the consent will operate.~~

[Condition DC1 – DC3 deleted by Section 96 modification DA-308/2010/C]

4. Issue of Construction Certificate

~~No Construction Certificate shall be issued until such time as the Construction Certificate is issued for Block C for the construction of level 0, Level 1 and level 2 slab and all other works required for access to Block D.~~

~~Reason: to ensure access to Block D.~~

[Condition 5 deleted by Section 96 modification DA-308/2010/C]

8. Privacy Windows/Balustrade

- ~~• South facing bedroom windows of units 201 and 206 and those in the same position/configuration on the floors above are to be fitted with privacy screens.~~
- ~~• The southern side of unit 701 balcony is to be provided with privacy screen to a minimum height of 1600mm.~~

~~Details are to be included on the plan submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.~~

~~Reason: to minimize privacy impact on adjoining neighbours~~

[Condition 8 deleted by Section 96 modification DA-308/2010/C]

9. 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 9 deleted by Section 96 modification DA-308/2010/C]

~~72. **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 72 deleted by Section 96 modification DA-308/2010/C]

D. Retain the following condition:

75. 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 75 retained by Section 96 modification DA-308/2010/C]