

NOTICE OF DETERMINATION

Section 96 of Environmental Planning and Assessment Act, 1979

Approval Date	
Authority	Joint Regional Planning Panel
Reference	DA-2013/164/B
Contact	Fiona Prodromou 9562 1672

Martin Morris & Jones Pty Ltd
PO BOX 1167
WOLLONGONG NSW 2520

DRAFT

Property: 1-7 Eddystone Road & 17 Rye Avenue & 104-110 Stoney Creek Road,
BEXLEY
Lot 14 Sec6 DP 1878, Lot 2 DP 864823, Lot 11 Sec6 DP 1878, Lot 13
DP 5207, Lot 17 DP 5207, Lot 16 DP 5207, Lot 15 DP 5207, Lot 14 DP
5207

Proposal: *Demolition of existing structures and construction of an aged care
facility with basement parking for 38 vehicles, associated facilities,
boundary fencing and lot consolidation*

[Amendment B – amended on XXXX]

Your application to modify Development Consent No. 2013/164 dated 11 June 2013 was considered under Section 96(2) of the Environmental Planning and Assessment Act 1979 and is approved subject to the following conditions:

GENERAL CONDITIONS

The following conditions restrict the work to the detail provided in the Development Application and are to ensure that the development is complete.

1. The term of this consent is limited to a period of **five (5)** years from the date of approval. The consent will lapse if the development does not commence within this time.
2. *The development must be implemented substantially in accordance with the plans listed below, the application form and on any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.*

Plan Title	Plan No.	Revision	Date	Received
<i>Architectural Plans by McNally Architects</i>				
<i>Site Plan</i>	<i>100</i>	<i>D</i>	<i>04/11/13</i>	<i>08/11/2013</i>
<i>Basement Floor Plan</i>	<i>101</i>	<i>H</i>	<i>04/11/13</i>	<i>08/11/2013</i>
<i>Ground Floor Plan</i>	<i>102</i>	<i>F</i>	<i>04/11/13</i>	<i>08/11/2013</i>

<i>First Floor Plan</i>	103	F	04/11/13	08/11/2013
<i>Roof Plan</i>	104	E	05/11/13	08/11/2013
<i>Finishes</i>	108	B	18/04/13	19/04/2013
<i>Elevations</i>	201	D	05/11/13	08/11/2013
<i>Sections</i>	203	E	05/11/13	08/11/2013
<i>Driveway Section</i>	C204	A	31/10/13	08/11/2013
<i>Driveway Design by McLaren Traffic Engineering</i>				
<i>Driveway Design</i>	12171		05/11/13	08/11/2013
<i>Landscape Plans by A Total Concept</i>				
<i>Private Open Space Plan</i>	L/02	A	04/11/13	08/11/2013
<i>Front Entry Plan</i>	L/03	A	04/11/13	08/11/2013
<i>Planting Plan</i>	L/13	A	30/10/13	08/11/2013
<i>Section A Private Open Space</i>	L/07	B	20/12/13	23/12/2013
<i>Section C & D</i>	L/14		04/11/13	08/11/2013
<i>Landscape Fencing Plan</i>	L/08	A	04/11/13	08/11/2013
<i>Fencing Type 1</i>	L/09		04/12/12	11/12/2012
<i>Fencing Type 2</i>	L/10		04/12/12	11/12/2012
<i>Fencing Type 3</i>	L/11		04/12/12	11/12/2012
<i>Landscape Details</i>	L/12	A	05/11/13	08/11/2013
<i>Stormwater Management plans by Erbas Building Services</i>				
<i>Title Sheet</i>	SW00	P1	06/11/13	08/11/2013
<i>Roof plan</i>	SW01	P1	06/11/13	08/11/2013
<i>First floor plan</i>	SW02	P1	06/11/13	08/11/2013
<i>Ground floor plan</i>	SW03	P1	06/11/13	08/11/2013
<i>Basement floor plan</i>	SW04	P1	06/11/13	08/11/2013
<i>Stormwater works plans by Forrest Engineering</i>				
<i>Basement Layout</i>	C01	C	05/11/13	08/11/2013
<i>Ground Floor layout</i>	C02	D	05/11/13	08/11/2013
<i>Environmental site management plan</i>	C05	B	05/11/13	08/11/2013
<i>Site management details sheet 1</i>	C06	B	05/11/13	08/11/2013
<i>Site management details sheet 2</i>	C07	B	05/11/13	08/11/2013

[Amendment B – amended on XXXX]

3. All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).
4. **A Construction Certificate must be obtained from Council or an Accredited Certifier prior to any building work commencing.**
5. Some forms of signage require separate development consent. Please refer to relevant planning policies for more information.
6. The balconies shall not be enclosed at any future time without prior development consent.
7. This approval is not to be construed as permission to erect any structure on or near a boundary contrary to the provisions of the Dividing Fences Act.
8. Excavation, filling of the site (with the exception of the area immediately under the building envelope), or construction of retaining walls are not permitted unless shown on the approved plans and authorised by a subsequent construction certificate.
9. The site shall be known as No. 3 Eddystone Road, Bexley. Mail boxes must be installed along the street frontage of the property boundary in accordance with Australia Post Guidelines. Prominent street numbers are to be displayed, with a minimum number size of 150 mm in height for each number and letter in the alphabet.
10. *The maximum number of beds within the facility is limited to 146.*
[Amendment B – amended on XXXX]
11. *The maximum number of rooms within the facility shall be limited to 112.*
[Amendment B – amended on XXXX]
12. Monitored CCTV facilities shall be implemented throughout the development. Areas of focus include the basement car park (including entry and exits), main entry areas to the development and garbage/storage areas. Details to be provided prior to the issue of the Construction Certificate.
13. Where applicable, security mirrors shall be installed within corridors and on blind corners to enable users to see around blind corners.

DEVELOPMENT SPECIFIC CONDITIONS

The following conditions are specific to the Development Application proposal:

14. Parking spaces shall not be enclosed without further approval of Council. The enclosure of car spaces is not permitted unless the enclosure complies with the design requirements of AS2890.1.
15. *The existing and future owners (Registered Proprietor) of the property will be responsible for the operation and maintenance of the on-site detention tank and rain tank system. The Registered Proprietor will:*
 - i) *permit stormwater to be temporarily detained by the system;*
 - ii) *keep the system clean and free of silt, rubbish and debris;*

- iii) *maintain, renew and repair the whole or parts of the system so that it functions in a safe and efficient manner; and in doing so complete the same within the time and in the manner specified in written notice issued by the Council;*
- iv) *carry out the matters referred to in paragraphs (ii) and (iii) at the proprietor's expense;*
- v) *not make alterations to the system or elements thereof without prior consent in writing of the Council.*
- vi) *permit the Council or its authorised agents from time to time upon giving reasonable notice (but at any time and without notice in the case of emergency) to enter and inspect the land for compliance with the requirement of this clause;*
- vii) *comply with the terms of any written notice issued by the Council in respect to the requirements of this clause within the time stated in the notice.*

[Amendment B – amended on XXXX]

- 16. The overland flow path shall not be obstructed, restricted or altered without the approval of Rockdale City Council.
- 17. The rainwater tank shall be routinely de-sludged and all contents from the de-sludging process disposed – solids to the waste disposal and de-sludged liquid to the sewer.
- 18. The use of the premises, building services, equipment, machinery and, ancillary fittings shall not give rise to an "offensive noise" as defined under the provisions of the Protection of the Environment Operations Act, 1997.
- 19. *The use of mechanical plant including air conditioners, fans, compressors, condensers, freezers shall not cause sound pressure levels in excess of the criteria given in the NSW Industrial Noise Policy - 2000. Services shall not be located in proximity to the boundaries with adjacent residential properties. Details shall be submitted to the certifying authority prior to the issue of the construction certificate.*

[Amendment B – amended on XXXX]

- 20. Temporary dewatering of the site to construct the subsurface structure is not permitted without obtaining the relevant permits.
- 21. *The following conditions are required to minimise privacy impacts to adjacent properties:*
 - i. *In addition to the planter boxes shown on the approved landscape plan listed in condition 2, privacy screens shall be installed along the northern side of the terrace adjacent to the lounge area at ground floor level. Details shall be submitted to the certifying authority prior to the issue of the construction certificate.*
 - ii. *Privacy screens shall be installed to the balconies of rooms R2.21 to R2.26. The privacy screens must prevent direct overlooking to the private open space of the adjacent property at 15 Rye Avenue by having a fixed or obscured element to a height of at least 1.5 metres from finished floor level. Details of the screens shall be provided to Council for approval prior to the issue of the Construction certificate. The screens shall be installed prior to the issue of the Final Occupation Certificate.*

- iii. *Windows in rooms 2.55, 2.56 and 2.57 shall be treated by having a fixed obscured/opaque glass panel to a minimum height of 1.5m from finished floor level or any other fixed device to avoid direct overlooking to adjacent villa development. Details shall be submitted to the Council for approval prior to the issue of the Construction Certificate.*
- iv. *[Amendment B – deleted on XXXX]*
- v. *The terrace located at first floor level adjacent to rooms 2.20 and 2.21 shall not be enclosed or roofed except for the roof connecting the doors, without prior development consent.*

[Amendment B – amended on XXXX]

- 22. The visible light reflectivity from building materials used on the facades of the building shall not exceed 20% and shall be designed so as not to result in glare that causes any nuisance or interference to any person or place. A report demonstrating compliance with these requirements is to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.
- 23. The following conditions are required to ensure compliance with relevant standards:
 - i. Bicycle parking facilities shall be designed in accordance with AS2890.3:1993.
 - ii. Commercial vehicle facilities shall be designed strictly in accordance with AS2890.2:2002.
 - iii. The off-street parking areas associated with the subject development shall be designed strictly in accordance with AS2890.1:2004.
 - iv. Internal height clearance shall be designed throughout the car park and access driveway in accordance with AS2890.1:2004.
- 24. All existing and proposed lights shall comply with the Australian Standard AS4282 - 1997 "Control of the Obtrusive Effects of Outdoor Lighting". In this regard, the lighting of the premises shall be directed so as not to cause nuisance to the owners or occupiers of adjacent/adjoining premises or to motorists on adjoining or nearby roads. Evidence of compliance with this condition shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate.
- 25. Services or utility systems shall not be located in the garbage room.
- 26. External paths and ground surface adjoining the walls of the proposed building shall be graded and drained away from the proposed building in such a manner as to not cause a nuisance to adjoining properties.
- 27. All loading and unloading associated with the use of the development shall take place from designated loading bays. Loadings bays shall not be used for storage or any other purpose that would restrict their use for the purposes of loading and unloading.

Ambulance bays shall be designated and not to be used for any other purpose.

A management plan shall be in place for an ambulance higher than 3m height entering the site. The management plan will require the Bariatric ambulance to reverse via the exit of the porte-cochere up to the canopy.

The 3m headroom clearance shall be identified with appropriate signage prior to occupation.

28. The design of stormwater drainage facilities shall be undertaken in accordance with Council technical specifications for the design of stormwater management facilities, and the principles of Water Sensitive Urban Design (WSUD).
29. Retaining walls over 600mm in height shall be designed and specified by a suitably qualified structural engineer.
30. *[Amendment B – deleted on XXXX]*
31. The proposed Warm Water System shall be designed, installed and commissioned in accordance with the provisions of the Public Health Act 2010, Public Health Regulation 2012 and Australian Standard 3666.1 "Air Handling and Water Systems of Buildings - Microbial Control - Design, installation and commissioning".
32. Should a thermostatic mixing valve be installed in the premises, the following requirements shall be met:
 - i) The thermostatic mixing valves shall be set at a predetermined temperature of no lower than 37 °C and no higher than 43 °C. The "fail safe" mixing valves shall be installed.
 - ii) A copy of the commissioning report for the thermostatic mixing valve shall be submitted to Council with an additional copy kept on the premises. The thermostatic mixing valves are to be serviced annually by a suitably qualified and registered plumber who has completed a TAFE course in mixing valves.
 - iii) The thermostatic mixing valve shall be registered with Council as a warm water system, in accordance with the provisions of the NSW Public Health Act, 2010 and the Public Health Regulation 2012 for the control and prevention of Legionnaires Disease.
33. The proposed Warm Water System shall be operated and maintained in accordance with the provisions of the Public Health Act 2010, Public Health Regulation 2012, and Australian Standard 3666.2 "Air Handling and Water Systems of Buildings - Microbial Control -Operation and maintenance."
34. The proposed development shall be designed, constructed and operated in compliance with the requirements of the Food Act 2003, Food Regulations 2004 and the Australian Standard AS 4674 – 2004 "Design, Construction and Fit out of Food Premises".

PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE

The following conditions must be completed prior to the issue of the Construction Certificate.

35. The following fees shall be paid to Council prior to the issue of a construction certificate. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges.
 - i. A Footpath Reserve Restoration Deposit of \$75,723.14. This is to cover repair of any damages, or other works to be done by Council. This includes construction, removal, or repair as required to: kerb and guttering, existing or new driveways; paved areas and concrete footpaths. The deposit may be lodged with Council in the form of a Bank Guarantee (Any proposed Bank Guarantee must not have an expiry date). The deposit will not be returned by

Council until works are completed and all damage is restored and all specified works are completed by Council.

- ii. An environmental enforcement fee of 0.25% of the cost of the works.
 - iii. A Soil and Water Management Sign (811) of \$15.45.
36. For work costing \$25,000 or more, a Long Service Leave Levy shall be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.
37. An application for Boundary levels shall be made to Council's Customer Service Centre prior to issue of the Construction Certificate. All boundary works, egress paths, driveways and fences shall comply with this level.
- A fee of \$690.00 is payable to Council for the determination of boundary levels. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges.
38. The connection of stormwater drainage pipes to the existing kerb inlet pit in Rye Avenue must be inspected by Council prior to backfilling. A payment of \$292.75 is required prior to the issue of the Construction Certificate for inspection of the connection and/or alteration to the Council pipeline. If payment is made after the end of the financial year the amount is to be adjusted in accordance with Council's adopted fees and charges. Where the inspection is unsatisfactory, each additional inspection will incur an extra charge.
39. a. Pursuant to section 94A of the Environmental Planning and Assessment Act 1979 and Rockdale Section 94A Development Contributions Plan 2008, a report is to be submitted to Council, prior to approval of the first Part 4A certificate required for the development, identifying the proposed cost of carrying out the development, as follows:
- i. Where the proposed cost of carrying out the development is less than \$1,000,000, a cost summary report prepared and certified by a building industry professional, or
 - ii. Where the proposed cost of carrying out the development is \$1,000,000 or more, a detailed cost report prepared and certified by a quantity surveyor registered with the Australian Institute of Quantity Surveyors or a person who can demonstrate equivalent qualifications.

This report is to be prepared in the form specified in Rockdale Section 94A Development Contributions Plan 2008 and the costs must be determined in accordance with clause 25J of the Environmental Planning and Assessment Regulation 2000.

Note:

- 1. Council may review the costs contained in the report and may seek the services of an independent person to verify them. In such a case, all costs associated with obtaining this advice will be at the expense of the applicant and no Part 4A certificate is to be issued until such time as these costs have been paid.
- 2. The proposed cost of carrying out the development excludes any part of the proposed development that is exempt from the section 94A levy by reason of a Ministerial direction or an exemption specified in Rockdale

Section 94A Development Contributions Plan 2008. Where the applicant considers that the proposed development, or any part of it, is or should be exempt from the levy they may submit to Council, prior to approval of the required certificate, an application for exemption giving reasons and providing any necessary evidence for the exemption.

- b. Where the proposed cost of carrying out the development, as specified in the cost summary report, the registered surveyor's detailed cost report or the independent review of costs obtained by Council (as the case may be), is more

than \$100,000 a section 94A levy is to be paid to Council for the following amount:

- i. Where the proposed cost of carrying out the development is greater than \$100,000 but not more than \$200,000 – 0.5% of that cost, or
- ii. Where the proposed cost of carrying out the development is greater than \$200,000 – 1% of that cost.

This levy is to be paid prior to the issue of the first Part 4A certificate required for the development.

If the levy is not paid within the same financial year as the date on which Council accepted the cost summary report, the registered surveyor's detailed cost report or the independent review of costs (as the case may be), the amount of the levy is to be adjusted at the time of actual payment to reflect changes in construction costs, in accordance with the provisions of Rockdale Section 94A Development Contributions Plan 2008.

Note: This requirement to pay the section 94A levy does not apply if the proposed cost of carrying out the development is \$100,000 or less or Council has confirmed in writing that the proposed development is exempt from the levy.

40. If Council is appointed as the Principal Certifying Authority (PCA) then structural engineer's details shall be submitted prior to the issue of the Construction Certificate; such structural drawings shall be certified by the Structural Engineer that the design complies with the relevant S.A.A. Codes for the following:
- i) the footings of the proposed structure;
 - ii) the footings of the slab-on-ground (having due regard to the possible differential settlement of the cut and fill areas);
 - iii) all reinforced concrete floor slabs;
 - iv) all reinforced concrete stairs;
 - v) the piers to natural ground or rock, detailing the size and position of the piers;
 - vi) the proposed retaining wall;
 - vii) the work required to stabilise the excavation;
 - viii) the work required to stabilise the footpath area;
 - ix) the design of each roof truss type showing the layout of each truss on a marking plan and the method of connecting each truss to its supporting members of the method of bracing;
 - x) all structural steel work;

- xi) first floor joists;
 - xii) fire rated ceilings/fire protective ceilings.
41. Prior to the issue of the Construction Certificate a certificate from a practicing Structural Engineer, registered with NPER, shall be submitted to Council stating that the subsurface structural components located on the boundary of the public road, including but not limited to the slabs, walls and columns, have been designed in accordance with all SAA Codes for the design loading from truck and vehicle loads.
 42. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance or owner builder's permit in force in accordance with Part 6 of that Act, that such a contract or permit is in place.
 43. To ensure the development is compatible with the surrounding environment, colours and finishes of the roof and walls are to be submitted to Council **prior** to the issue of the Construction Certificate. Council will advise you on the suitability of the selected samples.
 44. The applicant shall confer with Ausgrid to determine the following:
 - i. if an electricity distribution substation is required.
 - ii. if installation of electricity conduits in the footway is required.
 - iii. if satisfactory clearances to any existing overhead High Voltage mains will be affected.

Written confirmation of Ausgrid's requirements shall be obtained prior to the issue of a Construction Certificate.

45. The approved 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 further requirements need to be met. Plans will be appropriately stamped. For Quick Check agent details please contact Sydney Water.

The consent authority or a private accredited certifier must ensure that a Quick Check agent/Sydney Water has appropriately stamped the plans before issue of any Construction Certificate.

Any building proposed to be erected over or near a Sydney Water pipeline is to be approved by Sydney Water. A copy of Sydney Water's approval and requirements are to be submitted to Council prior to issuing a Construction Certificate.
46. A copy of the dilapidation survey required under this consent and an insurance policy that covers the cost of any rectification works shall be included in the construction certificate documentation.
47. Prior to issue of the Construction Certificate, a longitudinal driveway profile shall be submitted to Council or an Accredited Certifier for assessment and approval. The profile shall start in the centre of the road and be along the critical edge (worst case) of the driveway. Gradients and transitions shall be in accordance with Council's Code. The profile shall be drawn to a scale of 1 to 20 and shall include all relevant levels, grades (%) and lengths.
48. A Construction Management Plan (CMP) shall be prepared in accordance with the requirements of all relevant regulatory approval bodies. Prior to the commencement

of works the Certifying Authority shall be satisfied that the Construction Management Plan has obtained all relevant regulatory approvals. The Construction Management Plan shall be implemented during demolition, excavation and construction.

Prior to the issue of the relevant Construction Certificate, a Construction Traffic Management Plan (TMP) prepared by a suitably qualified person shall be submitted to and approved by the Certifying Authority. The Plan shall address, but not be limited to, the following matters:

- (a) ingress and egress of vehicles to the site;
- (b) loading and unloading, including construction zones;
- (c) predicted traffic volumes, types and routes; and
- (d) pedestrian and traffic management methods.

Copies of the CMP and TMP shall be submitted to Council.

49. Prior to the issue of the Construction Certificate, the recommendations of the Traffic Noise Assessment report by Environmental Results dated November 2012 in regards to the Rw ratings of glazing (refer to table in page 5), wall ventilators and exhaust apertures in external walls, windows, and roof/ceilings shall be incorporated into the Construction Certificate documentation and implemented during construction of the building.
50. Prior to the issue of the Construction Certificate, a Final Access Review report, containing the recommendations of the Access Review report by Morris-Goding Accessibility Consulting dated 10 September 2012 and demonstrating compliance with relevant standards shall be submitted to the Certifying Authority. The recommendations of the report shall be incorporated into the Construction Certificate documentation and implemented during construction of the building.
51. Prior to the issue of the Construction Certificate, an updated BCA J1 and J2 report shall be submitted to the certifying authority based on the plans approved under condition 2 of this development consent demonstrating compliance.
52. *Skylights shall be installed in corridors adjoining rooms 2.36-2.38, 2.30-2.35, 2.03-2.04 and to bathrooms, and solar collectors shall be installed on the roof as shown on the roof plan approved under condition 2 of this consent. Details shall be provided prior to the issue of the Construction Certificate.*
[Amendment B – amended on XXXX]
53. The porte-cochere and associated awnings, posts and driveway shall be designed to cater for ambulance swept paths. This should be reflected in the Construction Certificate drawings.
54. A copy of Permission to Discharge Trade Waste Water shall be obtained from Sydney Water prior to the discharge of trade waste water to the sewer system. A copy shall be provided to Principal Certifying Authority (PCA) prior to issuing the Construction Certificate. A copy shall also be provided to Council if Council is not the PCA.
55. A Waste Management Plan (WMP) shall be prepared and implemented in accordance with Rockdale Technical Specification Waste Minimisation and Management. The reuse on site of existing sandstone shall be reflected in the WMP.

56. The low level driveway must be designed to prevent inflow of water from the road reserve. The assessment of flows and design of prevention measures shall be in accordance with the requirements of Rockdale Technical Specification Stormwater Management. Details shall be included in the documentation presented with the Construction Certificate application.
57. Any part of the proposed building located in the vicinity of the existing pipeline shall be constructed on a pier and beam type foundation, piers shall be located outside the boundary of the drainage easement and to extend to a depth of no less than 300mm below the pipeline invert. This requirement shall be reflected on the Construction Certificate plans and supporting documentation.
58. Any part of the proposed building within 3m of the proposed detention tank or absorption trench shall be constructed on a pier and beam foundation with piers extending no less than 300mm below the bottom of the tank or trench base. This requirement shall be reflected on the Construction Certificate plans and supporting documentation.
59. Prior to the issue of the Construction Certificate, detailed drainage design plans for the management of stormwater are to be submitted to Council or an Accredited Certifier for assessment and approval. Design certification, in the form specified in Rockdale Technical Specification Stormwater Management, and drainage design calculations are to be submitted with the plans. Rockdale Technical Specification Stormwater Management sets out the minimum documentation requirements for detailed design plans.

Stormwater management requirements for the development site, including the final discharge/end connection point, must comply with Rockdale Technical Specification Stormwater Management.
- 59A. *A detailed Landscape Plan indicating terraced planters with dense planting adjoining the western elevated basement wall along Rye Avenue are to be submitted and approved by Council, prior to the issue of the Construction Certificate.*

[Amendment B – inserted on XXXX]

The reason for this additional condition is:

- *To soften the visual impact of the protruding basement wall.*

[Amendment B – inserted on XXXX]

PRIOR TO COMMENCEMENT OF WORKS

The following conditions must be completed prior to the commencement of works.

60. A Soil and Water Management Plan shall be prepared in accordance with Soil and Water Management for Urban Development Guidelines produced by the Southern Sydney Region Organisation of Councils. A copy of the plan must be submitted to Council. The Plan must include details of the proposed erosion and sediment controls to be installed on the building site. A copy of the Soil and Water Management Plan must be kept on-site at all times and made available on request.

Soil and sedimentation controls are to be put in place prior to commencement of any work on site. The controls are to be maintained in effective working order during construction.

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 shall be erected prior to commencement of works and shall be displayed throughout construction.

61. The following signage shall be erected in a prominent position during construction:
 - i. Indicating the Development Approval Number, description of work, builder's name, licence number and house number before commencement of work;
 - ii. stating that unauthorised entry to the work site is prohibited, and
 - iii. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
62. Prior to the commencement of work, Tree Protection Zones shall be established in accordance with AS4970-2009 (Protection of trees on Development Sites) with protective fences at least 1.8 metres high erected, as detailed in the Arboricultural Impact Assessment Report by Guy Paroissien of Landscape Matrix Pty Ltd dated 7 December 2012, around the Lemon Scented Gum (*Corymbia citriodora*) located within the front yard of 1 Eddystone Road and the Council street trees at the front and side of the site in Stoney Creek Road and Eddystone Road which are required to be retained. The protective fences shall consist of chain wire mesh temporary fence panels securely mounted and braced to prevent movement, shall be in place **prior to the commencement of any work on site** and shall remain until the completion of all building and hard landscape construction. Excavations for services, waste bins, storage of materials and equipment, site residue, site sheds, vehicle access or cleaning of tools and equipment are **not** permitted within the Tree Protection Zones at any time.
63. Prior to the commencement of any work on site, a sign shall be placed in a prominent position on each protective fence identifying the area as a **Tree Protection Zone** and prohibiting vehicle access, waste bins, storage of materials and equipment, site residue and excavations within the fenced off area.
64. The following conditions are relevant to ensure the safety of the public during construction:
 - i. The site shall be secured by a 1500 mm (minimum) high temporary fence for the duration of the work. Gates shall be provided at the opening points.
 - ii. Where construction/building works require the use of a public place including a road or footpath, approval under Section 68 of the Local Government Act 1993 for a Barricade Permit is to be obtained from Council prior to commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.
 - iii. When the work involved in the erection or demolition of a building:
 - a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - b) building involves the enclosure of a public place,
a hoarding or fence shall be erected between the work site and the public place.

When necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

Any such hoarding, fence or awning is to be removed when the work has been completed.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

- iv. A Construction Management Plan addressing relevant conditions of this consent and to the satisfaction of the Certifying Authority shall be implemented.
65. Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.
66. Consultation with Ausgrid is essential prior to commencement of work. Failure to notify Ausgrid may involve unnecessary expense in circumstances such as:
- i) where the point of connection and the meter board has been located in positions other than those selected by Ausgrid or
 - ii) where the erection of gates or fences has restricted access to metering equipment.

Where clearances to any existing overhead High Voltage mains are affected, the builder shall make arrangements with Ausgrid for any necessary modification to the electrical network in question. These works shall be at the applicant's expense.

Ausgrid's requirements under *Section 49 Part 1* of the *Electricity Supply Act 1995* shall be met prior to commencement of works or as agreed with Ausgrid.

67. A dilapidation survey shall be undertaken of all properties and/or Council infrastructure, including but not limited to all footpaths, kerb and gutter, stormwater inlet pits, and road carriageway pavements, in the vicinity which could be potentially affected by the construction of this development. In accordance with the recommendation in section 4.2.1 of the Geotechnical report by JK Geotechnics dated 30 November 2012, the dilapidation surveys should include detailed internal and external inspections where all defects should be rigorously described including defect type, length and width. The owners of adjacent properties as 11-15 Eddystone Road and 15 Rye Avenue should be asked to confirm that the reports present a fair record of existing conditions.

Any damage caused to other properties during construction shall be rectified. A copy of the dilapidation survey and an insurance policy that covers the cost of any rectification works shall be submitted to the Accredited Certifier (AC) prior to issue of the Construction Certificate. The insurance cover shall be a minimum of \$10 million.

68. An updated Waste Management Plan shall be prepared in accordance with Council's DCP 2011. The Plan shall include the proposed reuse of existing sandstone in the landscaping of the site. All waste generated on site shall be removed from the site in accordance with the Waste Management Plan.

DURING DEMOLITION / EXCAVATION / CONSTRUCTION

The following conditions must be complied with during demolition, excavation and or construction.

69. A copy of the Construction Certificate and the approved plans and specifications must be kept on the site at all times and be available to Council officers upon request.
70. Hours of construction shall be confined to between 7 am and 6.30 pm Mondays to Fridays, inclusive, and between 8 am and 3.30 pm Saturdays with no work being carried out on Sundays and all public holidays.
71. Upon inspection of each stage of construction, the Principal Certifying Authority (or other suitably qualified person on behalf of the Principal Certifying Authority) is also required to ensure that adequate provisions are made for the following measures (as applicable), to ensure compliance with the terms of Council's approval:
 - Sediment control measures
 - Provision of perimeter fences or hoardings for public safety and restricted access to building sites.
 - Maintenance of the public place free from unauthorised materials, waste containers or other obstructions.
72. Demolition operations shall not be conducted on the roadway or public footway or any other locations, which could lead to the discharge of materials into the stormwater drainage system.
73. All waste generated on site shall be disposed of in accordance with the approved Waste Management Plan.
74. A Registered Surveyor's check survey certificate or compliance certificate shall be forwarded to the certifying authority detailing compliance with Council's approval at the following stage/s of construction:
 - i) After excavation work for the footings, but prior to pouring of concrete, showing the area of the land, building and boundary setbacks.
 - ii) Prior to construction of each floor level showing the area of the land, building and boundary setbacks and verifying that the building is being constructed at the approved level.
 - iii) Prior to fixing of roof cladding verifying the eave, gutter setback is not less than that approved and that the building has been constructed at the approved levels.
 - iv) On completion of the building showing the area of the land, the position of the building and boundary setbacks and verifying that the building has been constructed at the approved levels.
 - v) On completion of the drainage works (comprising the drainage pipeline, pits, overland flow paths, on-site detention or retention system, and other relevant works) verifying that the drainage has been constructed to the approved levels, accompanied by a plan showing sizes and reduced levels of the elements that comprise the works.
75. All excavation and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards and guarded and protected to prevent them from being dangerous to life or property.
When excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building or an adjoining allotment of

land, you shall:

- i) preserve and protect the building from damage and
- ii) underpin and support the building in an approved manner, if necessary and
- iii) give notice of intention to excavate below the level of the base of the footings of a building on an adjoining allotment of land to the owner at least 7 days prior to excavation and furnish particulars of the excavation to the owner of the building being erected or demolished.

Note: The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this conditions **allotment of land** includes a public road and any other public place.

Works shall not encroach onto or over adjoining properties, including retaining walls, fill material or other similar works. Soil shall not be lost from adjoining sites due to construction techniques employed on the subject site.

76. When soil conditions require it:

- i) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil shall be provided, and
- ii) adequate provision shall be made for drainage.

77. Any new information discovered during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination, shall be notified to Council being the Regulatory Authority for the management of contaminated land.

78. All contractors shall comply with the following during all stages of demolition and construction:

- A Waste Container on Public Road Reserve Permit must be obtained prior to the placement of any waste container or skip bin in the road reserve (i.e. road or footpath or nature strip). Where a waste container or skip bin is placed in the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
- A Road Opening Permit must be obtained prior to any excavation in the road reserve (i.e. road or footpath or nature strip). Where excavation is carried out on the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
- A Hoarding Permit must be obtained prior to the erection of any hoarding (Class A or Class B) in the road reserve (i.e. road or footpath or nature strip). Where a hoarding is erected in the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
- A Crane Permit must be obtained from Council prior to the operation of any activity involving the swinging or hoisting of goods across or over any part of a

public road by means of a lift, hoist or tackle projecting over the footway. Permits can be obtained from Council's Customer Service Centre.

- A Permit to Dewater or Pump Out a site must be obtained prior to the discharge of pumped water into the road reserve, which includes Council stormwater pits and the kerb and gutter. Permits can be obtained from Council's Customer Service Centre.
79. All demolition work shall be carried out in accordance with AS2601 – 2001: The Demolition of Structures and with the requirements of the WorkCover Authority of NSW.
 80. The new building work shall be protected in accordance with the provisions of AS 3660.1-2000 "Termite Management - Part 1: New Building Work", as required by Part 3.1.3 of the Building Code of Australia. Certification is required to be submitted to the Principal Certifying Authority (PCA), prior to the next stage of works to ensure that the selected method of treatment is in compliance with the relevant provisions of the standard. Such certification is to be prepared by a suitably qualified person.
 81. Adopt and implement all recommendations contained in the Waste Classification Assessment report prepared by EIS – Environmental Investigation Services – Ref No. E25903KPIet dated the 27 August 2012.
 82. The procedures and recommendations outlined in section 4 of the Geotechnical report by JK Geotechnics dated 30 November 2012 Rev 1 shall be implemented.
 83. The following conditions are necessary to ensure minimal impacts during construction:
 - i. Building, demolition and construction works not to cause stormwater pollution and being carried out in accordance with Section 2.8 of Council's Stormwater Pollution Control Code 1993. Pollutants such as concrete slurry, clay and soil shall not be washed from vehicles onto roadways, footways or into the stormwater system. Drains, gutters, roadways and access ways shall be maintained free of sediment. Where required, gutters and roadways shall be swept regularly to maintain them free from sediment.
 - ii. Stormwater from roof areas shall be linked via a temporary downpipe to an approved stormwater disposal system immediately after completion of the roof area.
 - iii. All disturbed areas shall be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls.
 - iv. Building and demolition operations such as brickcutting, washing tools or paint brushes, and mixing mortar shall not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
 - v. Stockpiles are not permitted to be stored on Council property (including nature strip) unless prior approval has been granted. In addition stockpiles of topsoil, sand, aggregate, soil or other material shall be stored clear of any drainage line or easement, natural watercourse, kerb or road surface.
 - vi. Wind blown dust from stockpile and construction activities shall be minimised by one or more of the following methods:
 - a) spraying water in dry windy weather

- b) cover stockpiles
 - c) fabric fences
 - vii. Access to the site shall be restricted to no more than two 3m driveways. Council's footpath shall be protected at all times. Within the site, provision of a minimum of 100mm coarse crushed rock is to be provided for a minimum length of 2 metres to remove mud from the tyres of construction vehicles.

An all weather drive system or a vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be installed prior to commencement of any site works or activities, to prevent mud and dirt leaving the site and being deposited on the street. Vehicular access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site is muddy. Where any sediment is deposited on roadways it is to be removed by means other than washing and disposed of appropriately.

In addition builders / demolishers are required to erect a 1.5m high fence along the whole of the street alignment other than at the two openings. Such protection work, including fences, is to be constructed, positioned and maintained in a safe condition to the satisfaction of the Principal Certifying Authority, prior to the demolition of the existing structures and commencement of building operations.
 - viii. Any noise generated during construction of the development shall not exceed limits specified in any relevant noise management policy prepared pursuant to the Protection of the Environment Operations Act, 1997 or exceed approved noise limits for the site.
84. Owners/Applicants/Builders and demolishers are required to confine access to building and demolition sites to no more than two 3m driveways, and provide a footpath protection pad over Council's footpath at these points (see attached detail). Within the site, provision of a minimum of 100mm coarse crushed rock is to be provided for a minimum length of 2 metres to remove mud from the tyres of construction vehicles.

An all weather drive system or a vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be installed prior to commencement of any site works or activities, to prevent mud and dirt leaving the site and being deposited on the street. Vehicular access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site is muddy. Where any sediment is deposited on roadways it is to be removed by means other than washing and disposed of appropriately.

In addition builders / demolishers are required to erect a 1.5m high fence along the whole of the street alignment other than at the two openings. Such protection work, including fences, is to be constructed, positioned and maintained in a safe condition to the satisfaction of the Principal Certifying Authority, prior to the demolition of the existing structures and commencement of building operations.
85. 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. A copy of the sign is available from Council.

86. The following conditions relate to protection of trees during demolition and construction:
- i. The Lemon Scented Gum (*Corymbia citriodora*) located within the front yard of 1 Eddystone Road and the Council street trees at the front and side of the site in Stoney Creek Road and Eddystone Road shall not be removed or pruned, including root pruning, without the written consent of Council in the form of a Permit issued under Council's Development Control Plan 2011. All other existing site trees and the small street tree at the front of 17 Rye Avenue may be removed.
 - ii. The proposed "under tree boring" for the stormwater pipeline within the vicinity of the Lemon Scented Gum (*Corymbia citriodora*), identified as tree No. 25 in the Arboricultural Impact Report dated 7 December 2013 by Landscape Matrix Pty Ltd, shall be supervised by the Project Arborist and shall be undertaken by thrust boring with a depth of not less than one (1) metre from the existing ground level to the top of the bore.
 - iii. A Project Arborist shall be engaged to supervise the implementation of Tree Protection Measures and any excavations within the Tree Protection Zones of trees required to be retained.
 - iv. Where drainage works are proposed to be constructed in the area below the dripline of trees, excavations shall be undertaken by hand to ensure that the trees are not damaged in any way.
 - v. Underground Services such as pipelines or cables to be located close to trees to be retained, must be installed by boring or by such other method that will not damage the tree rather than open trench excavation. The construction method must be approved by Council's Tree Management Officer.
 - vi. Existing soil levels within the drip line of trees to be retained shall not be altered without reference to Council's Tree Management Officer.
 - vii. Building materials, site residue, machinery and building equipment shall not be placed or stored under the dripline of trees required to be retained.
 - viii. Trees located within adjoining properties shall not be removed or pruned without the written consent of Council in the form of a Permit issued under Council's Development Control Plan 2011.

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE OR COMMENCEMENT OF USE

The following conditions must be complied with prior to issue of the Occupation Certificate or Commencement of Use.

87. An Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of the building.
88. Where Council's park/reserve is damaged as a result of building work or vehicular building traffic, this area shall be restored by Council at the applicant's expense. Repairs shall be completed prior to the issue of the Occupation Certificate.
89. All excess excavated material, demolition material, vegetative matter and builder's rubbish shall be removed to the Waste Disposal Depot or the Regional Tip prior to

final inspection.

Note: Burning on site is prohibited.

90. The lots which form part of the subject site shall be consolidated into one allotment. Council requires proof of lodgement of the plan of consolidation with the Land and Property Information Office prior to the issue of the Final Occupation Certificate.
91. All works within the road reserve, which are subject to approval pursuant to Section 138 of the Roads Act 1993, shall be completed and accepted by council.
92. Where an electricity substation is required by Ausgrid, a final film survey plan shall be endorsed with an area having the required dimensions as agreed with Ausgrid over the location of the proposed electricity distribution substation site. The substation must be located within the boundary of the development site, or within the building, subject to compliance with the BCA. The substation site shall be dedicated to Council as public roadway, or as otherwise agreed with Ausgrid. Ausgrid's requirements shall be met prior to release of the issue of the Occupation Certificate.
93. A Plan of Management for the operation of the facility shall be prepared prior to occupation. The Plan is to address but not limited to the following:
 - i. On site parking to ensure staff, residents and visitors have access to the existing carparking areas within the development site.
 - ii. Ambulance access to the site, including access to the Porte Cochere by Bariatric ambulance.
 - iii. Use of proposed drop off area in Eddystone Road to avoid conflict and traffic impacts.
 - iv. Noise generated within the site.
 - v. Garbage collection.
 - vi. Deliveries to the facility.

A copy of the Plan is to be provided to Council.

94. A post-construction dilapidation report shall be prepared by a suitably qualified person. This report is to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads.

The report is to be submitted to the Certifying Authority. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the Certifying Authority must:

- (a) compare the post-construction dilapidation report with the pre-construction dilapidation report required under this consent, and
- (b) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.

A copy of the dilapidation report shall be submitted to Council.

95. The vehicular entry in Eddystone Road to be clearly marked and signposted for the proposed entry and exit.
96. Prior to completion of the building works, a full width vehicular entry is to be constructed to service the property. Any obsolete vehicular entries are to be removed and reconstructed with kerb and gutter. This work may be done using either a Council

quote or a private contractor. There are specific requirements for approval of private contractors.

97. 37 off-street car spaces shall be provided in accordance with the submitted plan and shall be sealed and linemarked to Council's satisfaction. The pavement of all car parking spaces, manoeuvring areas and internal driveways shall comply with Australian Standard AS3727 – Guide to Residential Pavements.

98. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure 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.

99. Prior to occupation, a registered surveyor shall certify that the driveway(s) over the footpath and within the property have been constructed in accordance with the approved driveway profile(s). The certification shall be based on a survey of the completed works. A copy of the certificate and a works-as-executed driveway profile shall be provided to Council if Council is not the Principal Certifying Authority.
100. Where the installation of electricity conduits is required in the footway, the builder shall install the conduits within the footway across the frontage/s of the development site, to Ausgrid's specifications. Ausgrid will supply the conduits at no charge. A Road Opening Permit must be obtained from Council prior to the installation of the conduits. The builder is responsible for compaction of the trench and restoration of the footway in accordance with Council direction. A Compliance Certificate from Ausgrid shall be obtained prior to the issue of the Occupation Certificate.
101. The noise reduction measures specified in the Traffic Noise Assessment report by Environmental Results dated November 2012 in regards to the Rw ratings of glazing (refer to table in page 5), wall ventilators and exhaust apertures in external walls, windows, and roof/ceilings shall be validated by a Certificate of Compliance prepared by the acoustic consultant and submitted to the Principal Certifying Authority (PCA) prior to the issue of an Occupation Certificate. If Council is not the PCA, a copy shall be submitted to Council concurrently.
102. A certificate is to be provided to Council that all wet areas have been effectively waterproofed (prior to tiling) in accordance with AS3740 and the product manufacturer's recommendations.
103. A Landscape Architect shall provide a report to the certifying authority (with a copy provided to Council, if Council is not the principal certifying authority) stating that the landscape works have been carried out in accordance with the approved plans and documentation.

104. Prior to occupation, a Chartered Professional Engineer shall certify that the construction of the overland flow path, including construction of all channels, pipes, banks, levees, etc has been undertaken in accordance with the approved plans and flood assessment/flood management report. The Chartered Professional Engineer shall also certify that habitable floor levels and garage floor levels adjacent to the overland flow path have been constructed in accordance with the approved plans and that freeboard is provided in accordance with Rockdale Development Control Plan (DCP) 2011. The certificate must be based on inspection of the site and review of a works-as-executed plan of the overland flow path, which shall be prepared by a Registered Surveyor. A copy of the engineer's certificate and surveyor's works-as-executed plan shall be provided to Council where Council is not the Principal Certifying Authority.
105. Prior to occupation a Chartered Professional Engineer shall certify that the stormwater system has been constructed in accordance with the approved plans and as required by Rockdale Technical Specification Stormwater Management. The certificate shall be in the form specified in Rockdale Technical Specification Stormwater Management and include an evaluation of the completed drainage works. A works-as-executed drainage plan shall be prepared by a registered surveyor based on a survey of the completed works. A copy of the certificate and works-as-executed plan(s) shall be supplied to the Principal Certifying Authority. A copy shall be provided to Council if Council is not the Principal Certifying Authority.
106. The occupier of the premises where the warm water system is installed shall notify particulars to Council in accordance with the provisions of the Public Health Act 2010 & Public Health Regulation 2012 prior to the issue of an Occupation Certificate.
107. The premises shall be registered with the NSW Food Authority by the proprietor of the food business by completing the registration form available online at www.foodnotify.nsw.gov.au/nafsis/ and providing documentary evidence to the Principal Certifying Authority of the completion of this notification with the Food Authority.
108. *The underground garage shall be flood proofed. The driveway crest level shall be a minimum of 300mm above the 1% Annual Exceedance Probability flood level (RL - 41.33m, (350mm above top kerb level)). All other side basement openings are to be minimum of 500 mm above the 1% Annual Exceedance Probability flood level. The levels shall be certified by a registered surveyor prior to construction of the driveway or other openings.*
[Amendment B – amended on XXXX]
109. A positive covenant pursuant to the Conveyancing Act 1919 shall be created on the title of the lots that contain the stormwater detention facility to provide for the maintenance of the detention facility.
110. The pump system, including all associated electrical and control systems, shall be tested and inspected by a suitably qualified and experienced person. Records of testing shall be retained and provided to the certifying hydraulic engineer and/or PCA upon request.
111. Drainage grates shall be provided at the boundary. Width of the drainage grates shall be in accordance with Rockdale Technical Specification Stormwater Management.

112. The drainage system shall be constructed in accordance with the approved drainage plans and any amendments in red. All stormwater drainage plumbing work shall comply with the NSW Code of Practice: Plumbing and Drainage and Australian Standard AS3500.
113. A silt/litter arrestor pit as detailed in Rockdale Technical Specification Stormwater Management shall be provided prior to discharge of stormwater from the site.
114. Signs shall be displayed adjacent to all stormwater drains on the premises, clearly indicating "Clean water only - No waste".
115. The following conditions relate to the installation and maintenance of the rainwater tank:
 - a. The owner of the premises shall inform Sydney Water that a rainwater tank has been installed in accordance with applicable requirements of Sydney Water.
 - b. The overflow from the rainwater tank shall be directed to the storm water system.
 - c. All plumbing work proposed for the installation and reuse of rainwater shall comply with the NSW Code of Practice: Plumbing and Drainage and be installed in accordance with Sydney Water "Guidelines for rainwater tanks on residential properties".
 - d. A first flush device shall be installed to reduce the amount of dust, bird faeces, leaves and other matter entering the rainwater tank.

INTEGRATED DEVELOPMENT/EXTERNAL AUTHORITIES

The following conditions have been imposed in accordance with Section 91A of the Environmental Planning and Assessment Act, 1979.

116. Roads and Maritime Services

1. All redundant driveways along Stoney Creek Road shall be removed and replaced with kerb and gutter to RMS satisfaction.
2. The design and construction of the kerb and gutter works on Stoney Creek Road shall be in accordance with RMS requirements. Details of these requirements should be obtained from RMS's Project Services manager, Traffic Projects Section, Parramatta (Ph: 8849 2144).
3. The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1:2004 and AS2890.2-2002.
4. Full time No Stopping shall be installed along the Stoney Creek Road frontage of the subject site. Prior to installing this parking restriction, the developer shall obtain a Work Instruction from RMS (phone: 8849 2535).
5. The proposed development should be designed such that road traffic noise from Stoney Creek Road is mitigated by durable materials and complies with the requirements of Clause 102 – (Impact of road noise or vibration on non-road development) of State Environmental Planning Policy (Infrastructure) 2007.
6. A Road Occupancy Licence should be obtained from the RMS for any works that may impact on traffic flows on Stoney Creek Road during construction activities.

7. All works/regulatory signposting associated with the proposed development are to be at no cost to the RMS.

ROADS ACT

117. Construction related activities must not take place on the roadway without Council approval.

Short-term activities (including operating plant, materials delivery) that reduce parking spaces, affect access to a particular route or prevent or restrict the passage of vehicles along the road must not occur without a valid Temporary Roadside Closure Permit.

Activities involving occupation of the parking lane for durations longer than allowed under a Temporary Roadside Closure Permit require a Construction Zone Permit and must not occur prior to the erection of Construction Zone signs by the RMS.

Permit application forms should be lodged at Council's Customer Service Centre allowing sufficient time for evaluation. An information package is available on request.

118. Where applicable, the following works will be required to be undertaken in the road reserve at the applicant's expense:

- i) construction of a concrete footpath along the frontage of the development site;
- ii) construction of a new fully constructed concrete vehicular entrance/s;
- iii) removal of the existing concrete vehicular entrance/s, and/or kerb laybacks which will no longer be required;
- iv) reconstruction of selected areas of the existing concrete Footpath/vehicular entrances and/or kerb and gutter;
- v) construction of paving between the boundary and the kerb;
- vi) removal of redundant paving;
- vii) construction of kerb and gutter.

119. In addition to the works in the road reserve listed above, the following modification and/or improvement works along Eddystone Road will be required to be undertaken at the applicant's expense:

- i) New pedestrian crossing, footpath including pram crossings towards both bus shelters in Stoney Creek Road.

Note: Detailed plans of the works are required to be submitted to Council and RMS for assessment and approval pursuant to *Section 138* of the *Roads Act 1993*, prior to the issue of the Construction Certificate.

120. All footpath, or road and drainage modification and/or improvement works to be undertaken in the road reserve shall be undertaken by Council, or by a Private Licensed Contractor subject to the submission and approval of a Private Contractor Permit, together with payment of all inspection fees.

Works by a private contractor require an "Application for Consideration by a Private Contractor" to be submitted to Council together with payment of the application fee. Works within the footpath reserve must not start until the application has been approved by Council.

An estimate of the cost to have these works constructed by Council may be obtained by contacting Council. The cost of conducting these works will be deducted from the Footpath Reserve Restoration Deposit, or if this is insufficient the balance of the cost will be due for payment to Council upon completion of the work.

121. All driveway, footpath, or road and drainage modification and/or improvement works to be undertaken in the road reserve shall be undertaken in accordance with Council's Subdivision and Civil Works Construction Specification (AUS-SPEC 1). Amendment to the works specification shall only apply where approved by Council. Where a conflict exists between design documentation or design notes and AUS-SPEC 1, the provisions of AUS-SPEC 1 shall apply unless otherwise approved by Council.
122. This Roads Act approval does not eradicate the need for the Contractor to obtain a Road Opening Permit prior to undertaking excavation in the road or footpath.
123. Following completion of concrete works in the footpath reserve area, the balance of the area between the fence and the kerb over the full frontage of the proposed development shall be turfed with either buffalo or couch (**not kikuyu**) or landscaped. If landscaping is proposed rather than turfing, details shall be submitted to the Property and Community Services Department for approval.

DEVELOPMENT CONSENT ADVICE

- a. You are advised to consult with your utility providers (i.e. Energy Aust, Telstra etc) in order to fully understand **their** requirements **before** commencement of any work.
- b. If Council is appointed as the Principal Certifying Authority (PCA), the following fees shall be paid before a Construction Certificate is issued:

A Construction Certificate fee to cover **all** matters related to ensuring that the proposed development is carried out in accordance with the approved plans and any post inspection issues that may arise.

A drainage inspection fee. This fee does not include a confined space entry into the on-site detention tank. Where a confined space entry is required, an additional fee of is payable. A confined space entry will be required where:

- a) Information provided in the works-as-executed drawing and engineering certification is inconclusive as to the compliance of the system with the approved plans; and/or
- b) Visual inspection from outside the tank is inconclusive as to the compliance of the system with the approved plans.

If the fees are paid after the end of the financial year, it will be adjusted in accordance with Council's adopted fees and charges.

- c. All asbestos fibre demolition material and asbestos dust shall be handled, stored and removed in accordance with the relevant legislation and guidelines including:
 - Work Health and Safety Act 2011
 - Work Health and Safety Regulation 2011
 - Code of Practice for the Safe Removal of Asbestos [NOHSC: 2002 (2005)]
 - Code of Practice for the Management and Control of Asbestos in Workplaces

[NOHSC: 2018 (2005)]

- Protection of the Environment Operations (Waste) Regulation 2005

All work procedures shall be devised to minimise the release of dust and fibres. A checklist of safety precautions when working with asbestos is available in Health & Safety Guidelines prepared by the WorkCover Authority of NSW. Collection, storage and transportation is subject to the Protection of the Environment Operations (Waste) Regulation 2005.

- d. Hazardous and/or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of the relevant statutory authorities (NSW WorkCover Authority and the NSW Environment Protection Authority), together with the relevant regulations, including:
 - Work Health and Safety Act 2011
 - Work Health and Safety Regulation 2011
 - Protection of the Environment Operations (Waste) Regulation 2005.
- e. Demolition and construction shall minimise the emission of excessive noise and prevent “offensive noise” as defined in the Protection of the Environment Operations Act 1997. Noise reduction measures shall include, but are not limited to the following strategies:
 - choosing quiet equipment
 - choosing alternatives to noisy activities
 - relocating noise sources away from affected neighbours
 - educating staff and contractors about quiet work practices
 - informing neighbours of potentially noise activities in advance
 - equipment, such as de-watering pumps, that are needed to operate on any evening or night between the hours of 8 p.m. and 7 a.m. or on any Sunday or Public Holiday, shall not cause a noise nuisance to neighbours of adjoining or nearby residences. Where the emitted noise exceeds 5 dB(A) [LAeq(15m)] above the background sound level [LA90] at the most affected point on the nearest residential boundary at any time previously stated, the equipment shall be acoustically insulated, isolated or otherwise enclosed so as to achieve the sound level objective.
- f. The water from the rainwater tank should not be used for drinking, Sydney Water shall be advised of the installation of the rainwater tank.
- g. In the event of any inconsistency between conditions of this approval and the drawings/documents referred to in condition 2, the conditions of this approval prevail.

ADDITIONAL INFORMATION

- To confirm the date upon which this consent becomes effective, refer to Section 83 of the Environmental Planning and Assessment Act, 1979. Generally the consent becomes effective from the determination date shown on the front of this notice. However if unsure applicants should rely on their own enquiries.

- To confirm the likelihood of consent lapsing, refer to Section 95 of the Act. Generally consent lapses if the development is not commenced within five years of the date of approval. However if a lesser period is stated in the conditions of consent, the lesser period applies. If unsure applicants should rely on their own enquiries.
 - Section 82A allows Council to reconsider your proposal. Should you wish to have the matter reconsidered you should make an application under that section with the appropriate fee.
 - Under Section 97 of the Act applicants who are dissatisfied with the outcome of a consent authority have a right of appeal to the Land and Environment Court. This right must be exercised within six (6) months from the date of this notice. The Court's Office is situated at Level 1, 225 Macquarie Street, Sydney (Telephone 9228 8388), and the appropriate form of appeal is available from the Clerk of your Local Court.
 - *A new Construction Certificate may be required to be submitted to and approved by your Principal Certifying Authority prior to carrying out works the subject of the proposed amendment/s.*
[Amendment B – inserted on XXXX]
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Should you have any further queries please contact Fiona Prodromou on 9562 1672 .

Luis Melim
Manager - Development Services