

## CONDITIONS OF CONSENT

DEVELOPMENT APPLICATION NO. 2013/450/1  
JOINT REGIONAL PLANNING PANEL NO. 2013SYW102

Lot 8 Sec 1 DP 752, Lot 1A DP 315369, Lot 2A DP 315369, Lot 3A DP 315369,  
Lot 42 DP 1005784 and Lot 41 DP 1005784  
1 Addlestone Road, 272 Merrylands Road, 274 Merrylands Road, 276 Merrylands Road, 280  
Merrylands Road and 282-284 Merrylands Road, Merrylands

Demolition of existing structures; consolidation of 6 lots into 1 lot; construction of a 9 storey mixed commercial/residential development over 2 levels of basement parking and a 2 storey commercial building, accommodating (8) commercial suites with a total gross leaseable floor area of 2229sqm, 146 dwellings, 246 parking spaces and strata subdivision into 154 lots.

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### SCHEDULE "A"

**Consent for the demolition of existing structures; consolidation of 6 lots into 1 lot; construction of a 9 storey mixed commercial/residential development over 2 levels of basement parking and a 2 storey commercial building, accommodating (8) commercial suites with a total gross leaseable floor area of 2229sqm, 146 dwellings, 246 parking spaces and strata subdivision into 154 lots shall not operate until all of the following Schedule "A" conditions have been complied with to Council's satisfaction.**

**Please note that this consent shall lapse if the approved development is not physically commenced by the "date of expiry of consent" shown on the front page of this document. It is therefore in your interest to attend to the following matters as soon as possible. When Council is satisfied that Schedule "A" has been complied with, a letter will be issued advising of the "date from which Consent operates".**

#### Acoustic Measures

1. The acoustic barriers recommended by the acoustic consultant to be constructed on the southern and eastern boundaries will restrict the overland flow path traversing the site. In this regard, the acoustic barriers shall be removed and alternative acoustic measures proposed.

**Such measures shall provide appropriate acoustic attenuation in order to demonstrate compliance with the NSW Industrial Noise Policy (INP), and shall be submitted to and approved by Council prior to the development consent becoming operational.**

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## SCHEDULE “B”

**This consent cannot operate until such time as Council is satisfied with the evidence produced in response to Schedule “A” and has notified the applicant in writing of the date from which the consent operates.**

### PRELIMINARY

1. This consent shall lapse if the above development is not physically commenced by the date of expiry shown on the front page of this Consent. Any person entitled to act on the consent may apply to Council at least 30 days before this **five** year period expires, for an extension of one year (in accordance with Section 95A of the Environmental Planning & Assessment Act 1979), provided that good cause is shown. **Note: Failure to lodge an application for extension of consent will mean the consent lapses and a fresh application will be required that will be assessed in accordance with current controls.**
2. Development shall take place in accordance with the attached endorsed plans and reports:

Doc No.	Rev	Title	Prepared By	Date
<b>Architectural Plans</b>				
01-01	A	External Colours & Finishes Schedule	Idraft	21.10.2013
01-20	D	Calculations & Unit Breakdown	Idraft	21.03.2014
02-20	D	Site Analysis *	Idraft	21.03.2014
04-20	D	Site Plan *	Idraft	21.03.2014
05-20	E	Lower Basement Plan	Idraft	06.06.2014
06-20	E	Upper Basement Plan	Idraft	06.06.2014
07-20	E	Ground Floor Plan *	Idraft	06.06.2014
08-20	D	Level 1	Idraft	21.03.2014
09-20	D	Level 2	Idraft	21.03.2014
10-20	D	Level 3	Idraft	21.03.2014
11-20	D	Levels 4-8	Idraft	21.03.2014
12-20	D	Communal Rooftop	Idraft	21.03.2014
13-20	D	North & South Elevations	Idraft	21.03.2014
14-20	D	East & West Elevations	Idraft	21.03.2014
15-20	E	Section A-A & B-B	Idraft	06.06.2014
16-20	D	Adaptable Details	Idraft	21.03.2014
20-20	A	Sedimentation Control Plan	Idraft	21.10.2013
21-20	D	Elevations – Stand Alone Building	Idraft	21.03.2014
22-20	D	Stormwater Channel Sections	Idraft	21.03.2014
<b>Hydraulic Plans</b>				
101	B	Stormwater Concept Plan Lower Basement	Umbrella Group	02.04.2014
102	B	Stormwater Concept Plan Lower Basement	Umbrella Group	02.04.2014
103	B	Stormwater Concept Plan	Umbrella Group	02.04.2014
104	B	On Site Detention Tank 1 Detail Plan	Umbrella Group	02.04.2014
105	B	On Site Detention Tank 2 Detail Plan	Umbrella Group	02.04.2014
106	B	Sediment & Erosion Control Plan & Details	Umbrella Group	02.04.2014
<b>Landscape Plans</b>				
DA L101	B	Landscape General Arrangement Plan *	Canvas	31.03.2014
DA L102	B	Landscape Planting Plan 01 (Sheet 1 of 2)	Canvas	31.03.2014
DA L103	B	Landscape Planting Plan 02 (Sheet 2 of 2)	Canvas	31.03.2014

DA L104	B	Landscape Planting Plan: Communal Rooftop	Canvas	31.03.2014
DA L105	A	Landscape Planting Plan 01 (Sheet 1 of 2)	Canvas	31.03.2014

\* As amended to satisfy Schedule “A”

- Preliminary Environmental Site Assessment prepared by Environmental Investigations, Report No. E1997 AA, dated 31 October 2013;
  - Geotechnical Investigation prepared by Geotechnique Pty Ltd, Job No. 12947/1, dated 24 October 2013;
  - Arboricultural Impact Assessment prepared by Urban Tree Management, Reference No. 16068, dated 13 December 2013;
  - Flood Impact Assessment prepared by Cardno, Reference No. W 4898:BCP/bcp, dated 29 October 2013;
  - Stormwater Management Plan prepared by Umbrella Group, Issue B, dated April 2014;
  - Acoustic Report prepared by Rodney Stevens Acoustics, Report No. 13102R1, Revision 1, dated 13 December 2013 (as amended to satisfy Schedule “A”);
  - Traffic Impact Assessment prepared by Thompson Stanbury Associates, Reference No. 13-066, dated October 2013; and Addendum Report prepared Thompson Stanbury Associates, Reference No. 13-066, dated 18 March 2014;
  - Access Compliance Report prepared by PSE Access Consulting, dated 21 October 2013;
  - Basix Certificate No. 510445M, dated 29 October 2013;
  - Waste Management Plan, dated 21 October 2013.
  - Correspondence prepared by the Roads and Maritime Services (RMS), Reference No SYD13/01272, dated 21 November 2013 (copy attached), and all conditions contained therein.
  - Correspondence prepared by Sydney Water, dated 21 November 2013 (copy attached), and all conditions contained therein.
  - Correspondence prepared by the NSW Office of Water, Reference No. 10 ERM2013/0952, dated 20 November 2013 (copy attached), and all conditions contained therein.
- a) As amended in red by Council. All amendments are to be incorporated in the Construction Certificate plans.
3. All building work shall be carried out in accordance with the requirements of the Building Code of Australia. Fully detailed plans including fire safety details shall be submitted with the Construction Certificate application. No work is to commence until such time as a Construction Certificate is obtained for the work/building permitted by this Consent.

#### **Appointment of Council or a Private Certifier as the Principal Certifying Authority (PCA)**

4. Either Council or a Private Certifier is to be appointed as the Principal Certifying Authority (PCA) for the development in accordance with Section 109E of the Act.

Accordingly, wherever reference is made to the Principal Certifying Authority in this Consent, it refers to Council or the Private Certifier as chosen by you.

**Note:** Once you have chosen either Council or a Private Certifier as the PCA, you cannot change from one to the other, or from one Private Certifier or another, without the approval of Department of Planning & Infrastructure.

5. The applicant shall consult with, as required:
- (a) Sydney Water Corporation Limited
  - (b) Integral Energy
  - (c) Natural Gas Company
  - (d) A local telecommunications carrier
- regarding their requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on site or on the adjacent public road(s).
6. The proposed structure/s are to be located clear of any existing Council easements. Special footings will be required where the proposed/existing structures are adjacent to a drainage easement. The footings shall be taken down to the invert level of the existing drainage structure or to solid rock, whichever is the lesser. The footing depth may decrease by 500mm for every 1000mm increment in distance the footing is from the easement boundary. The footing system is to be designed by a practising professional structural engineer.
7. Building materials, builders sheds, waste bins, site fencing, gates or any material of any description shall not be left or placed on any footway, road or nature strip. Footways and nature strips shall be maintained, including the cutting of vegetation, so as not to become unsightly or a hazard for pedestrians. Offenders will be prosecuted.

#### **Use of Commercial Premises**

8. No approval is granted or implied for the use of the commercial tenancies. Separate Development Consent is required PRIOR to occupation of the commercial tenancies.
9. In the event that demolition is to occur prior to the issue/release of a Construction Certificate, all relevant fees and bonds such as the demolition inspection fee, kerb & gutter and tree protection bonds shall be paid in full to Council prior to demolition commencing (as per the relevant conditions elsewhere in this Development Consent). Furthermore, the applicant/developer is to ensure that all relevant conditions in this Development Consent relating to the protection of the site, adjoining lands and trees are adhered to in full prior to commencement of any demolition works.
10. Permission is granted for the demolition of existing structures on the property, subject to strict compliance with the following:-
- a) Demolition is to be carried out in accordance with the applicable provisions of Australian Standard AS2601-2001 - *Demolition of Structures*. **Note:** Developers are reminded that

WorkCover requires that all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications. a) The developer is to notify owners and occupiers of premises on either side, opposite and at the rear of the development site 5 working days prior to demolition. Such notification is to be a clearly written on A4 size paper giving the date demolition will commence and is to be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of, and directly opposite the demolition site. The demolition must not commence prior to the date stated in the notification.

- b) 5 working days (i.e., Monday to Friday with the exclusion of Public Holidays) notice in writing is to be given to Holroyd City Council for inspection of the site prior to the commencement of works. Such written notice is to include the date when demolition will commence and details of the name, address, business hours, contact telephone number and licence number of the demolisher. Works are not to commence prior to Council's inspection and works must also not commence prior to the commencement date nominated in the written notice.
- c) On the first day of demolition, work is not to commence until Holroyd City Council has inspected the site. Should the building to be demolished be found to be wholly or partly clad with asbestos cement, approval to commence demolition will not be given until Council is satisfied that all measures are in place so as to comply with WorkCover's document "Your Guide to Working with Asbestos", a copy of which accompanies this Development Consent and demolition works must at all times comply with its requirements.
- d) On demolition sites where buildings to be demolished contain asbestos cement, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. Advice on the availability of these signs can be obtained by telephoning Council's Customer Service Centre during business hours on 9840 9840. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site to an approved waste facility. This condition is imposed for the purpose of worker and public safety and to ensure compliance with Clause 259(2)(c) of the Occupational Health and Safety Regulation 2001.
- e) Demolition shall not commence until all trees required to be retained/transplanted are protected in accordance with those conditions stipulated under "Prior to Works Commencing" in this Consent.
- f) All previously connected services are to be appropriately disconnected as part of the demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.
- g) Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence".
- h) Demolition is to be completed within 5 days of commencement.
- i) Demolition works are restricted to Monday to Friday between the hours of 7.00am to 6.00pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.
- j) Protective fencing is to be installed to prevent public access to the site.
- k) All asbestos laden waste, including asbestos cement flat and corrugated sheets must be disposed of at a tipping facility licensed by the Environment Protection Authority (EPA).
- l) Before demolition operations begin, the property shall be connected to the sewer of Sydney Water to which a pedestal pan shall be temporarily connected for the use as the employees' toilet service during demolition operations.

- m) After completion, the applicant shall notify Holroyd City Council within 7 days to assess the site and ensure compliance with AS2601-2001 – *Demolition of Structures*.

**NOTE:** The person responsible for disposing of the above asbestos waste is to telephone the OEH on (02) 9995 5000 or Council's Waste Officer on (02) 9840 9715 to determine the location of a tip licensed to receive asbestos. Within fourteen (14) days of the completion of demolition works, the applicant must lodge with Council, all original weighbridge receipts issued by the receiving tip as evidence of proper disposal.

- n) Within 14 days of completion of demolition, the applicant shall submit to Council:
- i) An asbestos clearance certificate carried out by a licensed asbestos assessor (normally a NATA accredited occupational hygienist), or a person who has the knowledge and skills to be a licensed assessor, regardless of whether or not they are licensed; and
  - ii) A signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with the Waste Management Plan approved with this consent under DCP 2007 Part A, Section 9.0. **In reviewing such documentation Council will require the provision of original weighbridge receipts for the recycling/disposal of all materials;** and
  - iii) Until 31 December 2012, air monitoring may be carried out by a licensed asbestos assessor, or a person competent to carry out atmospheric monitoring at the workplace, as provided by clause 261 of the *Occupational Health and Safety Regulation 2001* (OHS Regulation).

**Note:** To find a list of NATA accredited facilities visit the NATA website at [www.nata.asn.au](http://www.nata.asn.au) and under 'Facilities and Labs' click on 'Facilities List by Field', then click on 'Chemical Testing', then click on 'Asbestos' and finally click on 'identification'. A list of laboratories will be produced which you can contact for the purpose of having a clearance certificate issued.

#### **BASIX (Building Sustainability Index)**

11. Under Clause 136D of the Environmental Planning & Assessment Regulation 2000, it is a condition of this Development Consent that all the commitments listed as per Condition 2 in relation to BASIX are fulfilled.

**NOTE: FEES, BONDS & CONTRIBUTIONS INDICATED IN CONDITIONS OF THIS CONSENT MAY VARY IN ACCORDANCE WITH THOSE ADOPTED BY COUNCIL AT SUBSEQUENT ANNUAL REVIEWS OF ITS "FEES AND CHARGES" AND SUBSEQUENT CHANGES TO THE BUILDING PRICE INDEX. FEES CHARGED WILL BE THOSE CURRENT AT THE TIME OF PAYMENT.**

## **PRIOR TO ISSUE/RELEASE OF CONSTRUCTION CERTIFICATE/PRELIMINARY CONDITIONS FOR DEMOLITION**

**The following conditions must be complied with prior to the issue of a Construction Certificate, or where relevant prior to demolition occurring. In many cases the conditions require certain details to be included with or incorporated in the detailed plans and specifications which accompany the Construction Certificate:-**

### **Payment of Bonds, Fees and Long Service Levy**

12. The Principal Certifying Authority is to ensure and obtain written proof that all bonds, fees and contributions as required by this consent have been paid to the applicable authority. This includes all Long Service Levy payments to be made to the Long Service Payments Corporation.

### **Section 94 Contribution**

13. Prior to the issue of a Construction Certificate, a monetary contribution imposed under section 94 of the *Environmental Planning and Assessment Act 1979* and Holroyd Section 94 Development Contributions Plan 2013, for 16 x 1 b/r units, 118 x 2 b/r units, 12 x 3 b/r units and 2,229sqm of gross leaseable floor area, is to be paid to Council. At the time of this development consent, the current rate of the contribution is **\$2,537,950.92**. The amount of the contribution will be determined at the time of payment in accordance with the relevant s94 Contributions Plan in force at that time. A copy of the Holroyd Section 94 Development Contributions Plan 2013 can be viewed on Council's website at [www.holroyd.nsw.gov.au](http://www.holroyd.nsw.gov.au) or inspected at Council's Civic Centre located at 16 Memorial Avenue, Merrylands between the hours of 8am and 4.30pm Monday to Friday.

### **Damage Deposit**

14. A cash bond/bank guarantee of **\$5,400** must be paid/lodged with Council to cover making good any damage caused to the property of Council, during the course of construction associated with the development. This will be held for 'six (6) months after the completion of works' or six (6) months after the issue of 'Final Occupation Certificate' (whichever occurs last) to remedy any defects that may arise within this time.

**Note:-** The applicant/owner shall be held responsible for and may be required to pay the full reinstatement costs for damage caused to Council's property unless the applicant/owner notifies Council in writing and provides photographic proof of any existing damage to Council's property. Such notification shall occur prior to works/demolition commencing. However, if in the opinion of Council, during the course of construction existing damage has worsened, Council may require full reinstatement. If damage does occur during the course of construction, prior to reinstating any damage to Council's property, the applicant/owner shall obtain design specifications of all proposed restoration works. Restoration/construction works within the road reserve shall be carried out by a licensed construction contractor at the applicant/owners expense and shall be inspected by Council prior to placement of concrete and/or asphalt.

### **Consistency with Endorsed Development Consent Plans**

15. The Principal Certifying Authority must ensure that any certified plans forming part of the Construction Certificate, are in accordance with the Development Consent plans.

### **Landscape Inspection Fee**

16. Payment of a **\$646.40** fee for the inspection by Council of landscape works and/or trees to be retained at the key stages, where Council is the Principal Certifying Authority.

### **Engineering Fees and Bonds**

17. Payment of a **\$620.40** fee for the design, specifications and inspection by Council of the vehicular crossing/s prior to placement of concrete.
18. Payment of a **\$2,210** fee for the design, specifications and inspection by Council of the footpath paving prior to placement of concrete.
19. Payment of a **\$1,640** fee for the design, specifications and inspection by Council of the kerb and guttering prior to placement of concrete.
20. Payment of a **\$1,582** fee for the inspection by Council of the stormwater drainage, Onsite Stormwater Detention System, Compensatory Flood Storage, Overland Flowpath and Pollution Control Device/s at the key stages, where Council is the Principal Certifying Authority.
21. The applicant shall lodge with Council a **\$10,000** cash bond or bank guarantee to cover the removal of redundant vehicular crossings and laybacks along the full road frontage and replacement with kerb and gutter. This bond will be held for 'Six (6) months after the completion of works' or issue of a 'Final Occupation Certificate' (whichever occurs last) to remedy and defects that may arise within this time.
22. The applicant shall lodge with Council a **\$15,000** cash bond or bank guarantee for the satisfactory completion of the construction and/or reconstruction of the concrete footpath paving adjacent to the site. This bond will be held for 'Six (6) months after the completion of works' or issue of a 'Final Occupation Certificate' (whichever occurs last) to remedy and defects that may arise within this time.
23. The applicant shall lodge with Council a **\$10,000** cash bond or bank guarantee for the satisfactory completion of the construction and/or reconstruction of the concrete kerb and guttering adjacent to the site. This bond will be held for 'Six (6) months after the completion of works' or issue of a 'Final Occupation Certificate' (whichever occurs last) to remedy and defects that may arise within this time.
24. The applicant shall lodge with Council a **\$5,800** cash bond to cover the registration of a Positive Covenant and Restriction as to User over the Onsite Stormwater Detention System, Compensatory Flood Storage, Overland Flowpath and Pollution Control Device/s. This bond is refundable upon the submission of proof of registration of the Restriction on Use and Positive Covenant with the Land and Property Information NSW.
25. The applicant shall lodge with Council a **\$3,000** cash bond or bank guarantee to cover the satisfactory construction and/or reconstruction of Council's gully pit/s and associated works along all areas of the site fronting Merrylands Road, Addlestone Road and Burford Street. This bond will be held for 'Six (6) months after the completion of works' or issue of a 'Final Occupation Certificate' (whichever occurs last) to remedy and defects that may arise within this time.



## **Road Works**

26. A Traffic Management Plan shall be lodged with Council for any road and drainage works to be carried out within public road reserves, or where construction activity impacts on traffic flow or pedestrian access, in strict compliance with the requirements of Australian Standard 1742.3 (Traffic Control Devices for Works on Roads). In this regard, the applicant shall pay Council a **\$455** fee for the assessment of the Traffic Management Plan by Council, prior to commencing works within the road reserves. A copy of the approved Traffic Management Plan shall be kept on site during the course of construction for reference and compliance.

## **Required Submissions to Principal Certifying Authority**

27. If the development is likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate or any works commencing, whichever occurs first.
28. The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.
29. Retaining walls greater than 1.0m above finished ground level or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated stormwater drainage measures, shall be designed by an appropriately qualified person. Details are to be included with any Construction Certificate application.
30. Structural engineer's details (in duplicate) prepared and certified by a practising qualified structural engineer of all reinforced concrete and structural members shall be submitted to the Principal Certifying Authority.

## **Design Amendments**

### Access Control

31. The configuration of the upper basement level is not considered to be satisfactory having regard to safer-by-design principles. In this regard, the upper basement level shall be reconfigured and clear separation between residential and commercial car parking spaces shall be provided by means of physical barriers (e.g. boom gates, roller shutters, etc). Boom gates, or the like, shall be incorporated into the entrance to the basement car parking area, and to the entrance to the lower basement level.

Plans and details shall be submitted to and approved Council's Traffic Engineer prior to the issue of a Construction Certificate.

### Basement Columns

32. The columns in the basement car park have been placed within the car park spaces, which does not comply with AS 2890.1.2004. In this regard, the car park layout shall be redesigned with columns outside the line marking of the car park spaces and the design envelope in accordance with AS 2890.1.2004. Amended plans shall be submitted to and approved by Council's Traffic Engineer prior to the issue of a Construction Certificate.

### Landscape Design

33. Fully documented landscape plans and an associated specification shall be prepared for the site and submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate. The documents are to be in accordance with the approved plans and shall provide for all footpath works including paving, street trees, etc., in accordance with the Merrylands Town Centre Public Domain Masterplan, 17 January 2006. Appropriate street trees are to be provided having regard to the Masterplan, as well as sight lines, awnings, etc.

### **Car Wash Bay**

34. A vehicle wash bay shall be provided for residents of the development. Collection, reuse and ultimate disposal of water used in the vehicle wash bay shall be in accordance with Sydney Water's requirements. The car wash bay shall be designed so that the following requirements are met:-
- i) Have an adequate parking and washing floor space.
  - ii) Provide a water supply.
  - iii) Minimise water use with appropriate devices (e.g., such as a gun-type nozzle which closes when released and a timer operative valve, collection and use of rainwater).
  - iv) Have a water supply cut out system/fail-safe mechanisms provided to ensure that mechanical failure; drainage blockage or lack of maintenance cannot result in wastewater surcharge into the stormwater system.
  - v) Be designed to ensure that over spray, drift of water or detergent does not cause a nuisance to persons, vehicles, residences, other buildings, neighbouring properties or the environment.
  - vi) Be located so that washing can occur with minimal disturbance to other residents.

Details to be submitted to the Principal Certifying Authority.

### **Light Fixtures**

35. A plan showing the location of light fixtures throughout the development shall be submitted to the Principal Certifying Authority. Light spillage shall comply with AS 4282-1997.

### **Accessibility**

36. Prior to the issue of a Construction Certificate, plans must be submitted to the Principal Certifying Authority, indicating that the new development complies with the requirements of the Disability (Access to Premises – Building) Standards 2010.

### **Design Verification Statement**

37. In accordance with Environmental Planning and Assessment Regulation 2000 and State Environmental Planning Policy (SEPP) 65 "Design Quality of Residential Flat Development", the subject development must be undertaken or directed by a "qualified designer" (i.e., a "registered architect" under the Architects Act). In this regard, a design verification statement shall be submitted to the Principal Certifying Authority (PCA). The PCA shall ensure that the statement prepared by the qualified designer provides the following:-

- (i) A valid and current chartered architect's certificate number (as issued by the Board of Architects of NSW);
- (ii) That the qualified designer has designed or directed the design of the subject development;
- (iii) That the plans and specifications lodged with the Construction Certificate achieve or improve the design quality of the development for which the subject development consent was granted, having regard to the design principles set out in Part 2 SEPP 65.

**N.B.** The design verification statement must provide an explanation of the design in terms of the design quality principles set out in Part 2 of SEPP 65.

### **Residential Flat Development Residential Waste Storage Area**

38. The waste storage area shall be roofed, screened from public view and provided with:-
- Openings, 5% of the floor area and recessed into the walls, positioned to provide cross floor ventilation OR mechanical ventilation to Council's satisfaction;
  - An adequate water supply provided by a hose cock and hose (hot water for commercial premises)
  - The floor shall be made of an impervious surface, drained to sewer in accordance with Sydney Water requirements and include a dry arrestor pit with a removable basket.

Plans and specifications for the storage room shall be submitted with the application for the Construction Certificate.

### **Salinity**

39. The subject site has been identified as having a potential salinity hazard. To prevent moisture/salinity from entering the built structure, appropriate construction methods are to be incorporated for all dwellings/buildings. Details of proposed methods of construction are to be detailed in the engineering plans and submitted to the PCA.

**Note:** Further information for building in a saline environment is available in the following documents:

“Building in Saline Environment” prepared by DIPNR 2003.

Water Sensitive Urban Design in the Sydney Regions “Practice Note 12: Urban Salinity”

Wagga Wagga City Council’s “Urban Salinity Action” October 1999

“Guide to Residential Slabs and Footings in Saline Environments” prepared by Cement Concrete and Aggregates Australia, May 2005

### **Sydney Water**

40. The approved plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easement, and if any requirements need to be met. Plans will be appropriate stamped.

Please refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

- Quick Check agent details – see Building and Development then Quick Check and
- Guidelines for Building Over/Adjacent to Sydney Water Assets – see Building and Developing then Building and Renovation

### **Acoustic Measures**

41. Plans and/or specifications indicating how compliance with the recommendations made within the Acoustic Report as submitted in order to satisfy Schedule “A” will be achieved shall be submitted to the Principal Certifying Authority.
42. The Acoustic Report prepared by Rodney Stevens Acoustics, Report No. 13102R1, Revision 1, dated 13 December 2013, has advised that no details for mechanical plant have been determined as yet. Prior to the issuing of a Construction Certificate, details of the proposed mechanical plant and noise from the roller door are to be submitted to Council in the form of an acoustical report. The report is required to be submitted to Council for assessment and comment.

### **On-Site Stormwater Detention**

43. The development has been identified as requiring an on-site stormwater detention (OSD) system which has formed part of the Development Consent. Therefore, in order to satisfy the drainage requirements for the building, any Construction Certificate for the building shall include the construction of the OSD system. In this regard, design and construction details of the OSD system demonstrating compliance with the Development Consent, OSD Plan Number 2014-048 and Council’s OSD policy shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

### **Flooding**

44. The development site has been identified as a flood affected site in the 1% AEP storm event which was considered as part of the development consent. In this regard, design and construction details shall be submitted to the certifying authority prior to the issue of a construction certificate and the following shall also be addressed: -
  - i. Design and construction of the basement shall ensure that it is flood proofed up to and including the FPL (1% AEP flood plus 500mm freeboard). Note: The approved driveway crest is acceptable.
  - ii. All proposed fencing within the flood affected area shall be in accordance with Council detail SD8025.

### **Structures near Easements**

45. Special footings will be required where the proposed/existing structure is adjacent to a drainage easement/structure to protect the stormwater drainage infrastructure. As a minimum the footings shall be taken down to the invert level of the existing drainage structure or to solid rock, whichever is the lesser. The footing depth may decrease by 500mm for every 1000mm increment in distance the footing is from the easement boundary. A suitably qualified Structural Engineer shall issue a compliance certificate for the special footings referred to above to the Principal Certifying Authority and all works shall be to the satisfaction of Sydney Water.

### **Median Island**

46. The applicant shall lodge with Council plans showing designs of a 'seagull' median and associated signage (i.e. 'No Right Turn' and 'Left Only') on Burford Street to restrict right-in/right-out to/from Merrylands Rd in accordance with Council's resolution of 24 June 2014 (Item No. HT067-14).

In this regard, the design drawings shall be prepared in consultation with Council's Traffic Engineer and shall be in accordance with the Council's Work Specifications for subdivisions and developments, Australian Standards, Austroads Guidelines and RMS Supplements.

The design of the 'seagull' median and associated signage are subject to the approval through the Holroyd Traffic Committee. The Holroyd Traffic Committee meetings are generally held on the first Wednesday of the every month excluding January. Please contact Council's Traffic Engineer for inclusion of the item to the Holroyd Traffic Committee.

A plan of the 'seagull' median, signage and supporting documentation including traffic reports/studies is required to be submitted two weeks prior to the Holroyd Traffic Committee meeting date.

Four (4) copies of the design of the median island works shall be submitted to Council, together with the payment of a **\$351.60** checking fee.

All other plans (e.g. architectural plans, landscape plans, etc.) shall be updated as needed to correspond with the revised plans.

### **Design and Construction Specification**

47. All engineering works to be carried out within public property shall be designed and undertaken in accordance with the relevant aspects of the following documents, except as otherwise authorised by this consent:

- (a) Holroyd City Council's Works Specification for Subdivisions and Developments (Current Version).
- (b) Austroads, Australian Standards and RMS Supplements.

For any works proposed or required within the existing public roads, the approval of the designs via the Construction Certificate, and the supervision of the construction, shall be the responsibility of the road authority (Council or RMS). In this regard, the authority that is accountable for the particular area of the road reserve shall be as per the Roads Act. The design and construction of the above works shall be to the total satisfaction of the relevant road authority.

### **Generally**

All works to be provided, as listed below, shall be shown on the submitted drawings prior to the issue of the Construction Certificate and works commencing.

### **Road Design**

48. Fully detailed engineering construction drawings (with 4 copies after approval by Holroyd Traffic Committee) shall be lodged for the proposed seagull median island within Burford Street, at the intersection with Merrylands Road, Merrylands. In this regard, detailed drawings shall be in accordance with the design approved by Holroyd Traffic Committee and prepared in consultation with Council's Traffic Engineer. Design shall be in accordance Australian Standards, Austroads Guidelines, RMS Supplements and relevant technical directions.

A survey plan (scale 1:200) shall prepared by a registered Surveyor indicating all lane widths, proposed & existing median island and location of existing.

The concrete median island proposed within the road shall be treated as follows:-

- (a) Islands shall be paved with patterned concrete. In this regard, the pattern and colour proposed shall be indicated on the drawings for approval by Council.
- (b) Barrier kerbing shall be provided to all median perimeters with reflective white paint and a keep left sign shall be installed at the western end of the median island.
- (c) Raised reflective markers shall be installed within the pavement along the perimeter of the median island at maximum 6.0 metre centres.
- (d) The existing line marking shall be adjusted accordingly to RMS Guidelines.
- (e) The median island shall not encroach on the minimum laneway widths. Minimum laneway widths shall be in accordance with RMS Guidelines.

Traffic sign posting and line markings shall be provided within Burford Street and Merrylands Road, Merrylands. In this regard, the sign posting and line marking shall be in accordance with RMS Guidelines and accepted by Council's Traffic Engineer.

All line marking proposed on the roads shall be thermoplastic.

#### **Engineering Fees**

49. Payment of a **\$362** fee for the design checking and inspection at the key stages by Council for the median island extension.

#### **Engineering Bonds**

50. The applicant shall lodge with Council a **\$10,000** cash bond or bank guarantee to cover the satisfactory construction of the median island works. This bond will be released following a satisfactory 6-month maintenance period following completion of these works.

#### **Roadworks**

51. A Traffic Management and Staging Plan shall be lodged with Council for the **seagull median island** and associated works to be carried out within public road reserve in strict compliance with the requirements of Australian Standard 1742.3 (Traffic Control Devices for Works on Roads). In this regard, the applicant shall pay Council a **\$470** fee for the assessment of the Traffic

Management Plan, prior to works commencing within the road reserve. A copy of the approved TMP shall be kept on site during the course of construction for reference and compliance.

### **Construction Management Plan**

52. A Construction Management Plan (CMP) prepared by a suitable qualified consultant shall be prepared to address issues such as traffic control, noise, dust, etc., during construction. All measures works/methods/procedures/control measures/recommendations made within the Construction Management Plan shall be implemented accordingly.

## **PRIOR TO WORKS COMMENCING**

**The following conditions are to be complied with prior to any works commencing on the site:**

**Previous Condition 48 has been deleted.**

### **Notification of Principal Contractor (Builder)/Owner-Builder**

53. The person having the benefit of the Development Consent must:-

- (a) Notify the Principal Certifying Authority that the person will carry out the work as an owner-builder, if that is the case;

OR

- (b) Appoint a Principal Contractor for the building work (who must be the holder of a contractor licence if any residential building work is involved), and notify the Principal Contractor of any mandatory critical stage inspections and other inspections that are to be carried out in respect of the building work.
- (c) Notify the Principal Certifying Authority of any such appointment.

Where Council is the Principal Certifying Authority, such notification is to be on the approved form provided by Council for this purpose, an original of which is attached to this Development Consent.

**Previous Condition 50 has been deleted.**

### **Photographic Record of Council Property – Damage Deposit**

54. The applicant shall submit to Council, for the purposes of the damage deposit bond lodged to cover making good any damage caused to the property of Council, a full and satisfactory photographic record of the condition of Council's property (i.e., road pavement, kerb and guttering, footway, stormwater drainage, etc.) adjacent to the subject site. The purpose of the photographic record is to establish any pre-existing damage to Council's property to ensure that you are not liable for any re-instatement works associated with that damage. However, if in the opinion of Council, the existing damage has worsened or any new damage is caused during the course of construction, the Council may require either part or full re-instatement.

**Note:** Failure to provide a full and satisfactory photographic record described above, is likely to render the applicant liable to rectify all damages unless satisfactory proof can be provided that the damage was pre-existing.

### **Notification to Relevant Public Authority**

55. The applicant shall ensure that relevant public utility authorities are made aware of the potential salinity problems that have been identified onsite, such that their services are designed to take into consideration the effects the saline soils may have on their installations.



### **Fencing of Sites**

56. Fencing of sites is required to prevent public access when the site is unoccupied and building works are not in progress. In this regard the MINIMUM acceptable standard of fencing to the site is properly constructed chain wire fencing 1.8m high, clad internally with Hessian or Geotextile fabric. All openings are to be provided with gates, such gates are not at any time to swing out from the site or obstruct the footpath or roadway.

### **Signs to be Erected on Sites**

57. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (a) Showing the name, address and telephone number of the Principal Certifying Authority for the work, and
  - (b) Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted **outside working hours and at any time for business purposes**, and
  - (c) Stating that unauthorised entry to the work site is prohibited.

The sign must be rigid and durable and be read easily by anyone in any public road or other public place adjacent to the site.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

**Note:** Principal Certifying Authorities and Principal Contractors must also ensure that signs required by this clause are erected and maintained (clause 227A of the Regulations currently imposes a maximum penalty of \$1,100).

### **Prohibited Signage**

58. Advertising, Real Estate Agents, Architects, Designers, site suppliers and any other signage not mentioned in the conditions, is not to be placed or displayed on the site, such that the signage is visible from any public place. Offenders may be prosecuted.

### **Protection of Public Places**

59. A hoarding or fence must be erected between the work site and any public place, if the work involved in the erection or demolition of the building; is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the enclosure of a public place.

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

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

### **Site Control Measures**

60. Suitable erosion and sediment control measures shall be provided at all vehicular entry/exit points and all other measures required with and/or shown on plans accompanying the Construction Certificate, to control soil erosion and sedimentation, are to be in place prior to the commencement of construction works. Such controls are to be provided in accordance with Holroyd City Council's "Erosion & Sediment Control Policy."

**Note:** On-the-spot fines may be issued by council where measures are absent or inadequate.

### **Footpaving, Kerbing and Guttering**

61. Protection must be provided for Council footpaving, kerbing and guttering. Wooden mats must also be provided at all entrances where the site fronts paved footpaths.
62. Finished street levels shall not be assumed. The owner or builder must make application to Council's Engineering Services Department for street levels.

### **Support for Neighbouring Buildings**

63. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land (including a public road and any other public place), the person causing the excavation to be made:-
  - a) must preserve and protect the building from damage, and
  - b) if necessary, must underpin and support the building in an approved manner, and
  - c) must, at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the building being erected or demolished.

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 clause, *allotment of land* includes a public road and any other public place).

64. A dilapidation report of adjoining properties/allotments and details of the proposed excavation works in excess of 2m or within the zone of influence of neighbouring building foundations and required underpinning and supportive measures shall be submitted to the Principal Certifying Authority. Any required underpinning and supportive measures shall be designed by a practising structural engineer and details shall be submitted to the Principal Certifying Authority for approval prior to construction works commencing.

### **Toilet Facilities**

65. Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.  
Each toilet provided:

- a) Must be a standard flushing toilet, and
- b) Must be connected:
  - i) To a public sewer,
  - ii) If connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
  - iii) If connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.
  - iv) The position of the toilet on the site shall be determined by Council's Building Surveyor and/or Sydney Water.

Previous Condition 63 has been deleted.

### **Tree Protection Conditions**

- 63. An Arborist qualified to at least Australian Qualifications Framework (AQF) Certificate Level 4 shall be retained throughout all demolition/construction work to ensure the proper protection and management of the tree/s required to be retained/transplanted and that any necessary pruning work within 1m of the building/s approved, is carried out in accordance with Australian Standard 4373-1996 "Pruning of Amenity Trees". This includes on site supervision of the erection of tree protection measures and, where necessary, any works that are required within tree protection zones.
- 64. The tree/s identified on the endorsed plans as being retained/transplanted shall be protected prior to and throughout the demolition/construction process in accordance with the Arboricultural Impact Assessment prepared by Urban Tree Management, Reference No. 16068, dated 13 December 2013, the attached Guidelines for the Protection of Trees On and Adjacent To Demolition/Building sites, and relevant conditions of this Consent. All trees not authorised to be removed by this Consent must be retained. Prior to any work commencing, certification of the installation and inspection of the required tree protection works is to be provided to the Principal Certifying Authority by a suitably qualified person or the Arborist (as appropriate) engaged to ensure the proper protection and management of the tree/s required to be retained/transplanted. A copy of the Certificate is to be issued to Council within seven (7) days of the inspection and prior to any works commencing. Additionally, trees identified for removal are to be retained until immediately prior to works commencing, to assist with soil management and erosion control.
- 65. Protective fencing is to be installed around the tree/s to be retained/transplanted in line with the outer edge of the canopy which overhangs the site and no further than 0.5m from any buildings . This fencing is to be constructed of chainwire mesh 1.8m high, which is supported by steel stakes or piping and braced to resist impacts. Where appropriate the trunk/s of the tree/s on the site and any street tree/s (which are not to be fenced other than as mentioned above), shall also be protected by vertical timber boards, installed by or under the supervision of a suitably qualified person or the arborist (as appropriate) engaged to ensure the proper protection and management of the trees required to be retained/transplanted to accepted horticultural and TAFE standards.

**Note:** Removal of the protective fencing or timber boards during construction work, will affect the Bonds and may result in legal proceedings being instigated by Council against the applicant and builder.

- 66. The fenced zone/s surrounding the trees to be retained shall be mulched with 100mm of composted leaf mulch.

### **Road Works**

67. The applicant to arrange with the relevant public utility authority the alteration or removal of any affected services in connection with the development. Any such work being carried out at the applicant's cost.

### **Works Within Council's Reserve**

68. All works within the Council reserve shall be completed within three (3) weeks of the date of commencement. Council's Development Engineer shall be advised prior to the commencement of works.
69. Submission to Council of a Certificate of Currency of the contractor's Workers' Compensation Policy prior to the commencement of works.
70. All construction works shall be in accordance with the WorkCover safety requirements. Submission of insurance documentation demonstrating a minimum Public Liability cover of \$10,000,000 is to be submitted prior to commencement of works. Holroyd City Council shall be named on the Certificate of Currency as an interested party.
71. The applicant is to submit an application for a road opening permit when the drainage connection into Council's system is within the road reserve or where there are connections to public utility services (e.g. telephone, electricity, sewer, water or gas) required within the road reserve.

## **DURING CONSTRUCTION**

### **The following conditions are applicable during construction:-**

#### **Endorsed Plans & Specifications**

72. A copy of the endorsed stamped plans and specifications, together with a copy of the Development Consent, Construction Certificate and approved Traffic Management Plan are to be retained on site at all times.

#### **Hours of Work & Display of Council Supplied Sign**

73. For the purpose of preserving the amenity of neighbouring occupations building work including the delivery of materials to and from the site is to be restricted to the hours of 7.00am to 6.00pm Mondays to Fridays and 8.00am to 4.00pm Saturdays. Work on the site on Sundays and Public Holidays is prohibited.

The yellow “Hours of Building Work” sign (supplied by Council with the approval), is to be displayed in a prominent position at the front of the site for the duration of the work.

#### **Site Control**

74. All soil erosion measures required in accordance with the approved sediment and erosion control plan and any other relevant conditions of this Consent are to be put in place prior to commencement of construction works are to be maintained during the entire construction period until disturbed areas are restored by turfing, paving or revegetation. This includes the provision of turf laid on the nature strip adjacent to the kerb.
75. Builder’s refuse disposal and storage facilities are to be provided on the development site for the duration of construction works and all rubbish shall be removed from the site upon completion of the project.
76. Stockpiles of sand, soil and other material shall be stored clear of any drainage line or easement, tree protection zone, water bodies, footpath, kerb or road surface and shall have erosion and sediment control measures in place to prevent the movement of such materials onto the aforementioned areas and adjoining land.

#### **Waste Management**

77. The approved Waste Management Plan must be implemented and complied with during all stages of works on site.
78. Within seven (7) days of completion of construction/building works, the applicant shall submit a signed statement to Council or the Principal Certifying Authority verifying that construction work and recycling of materials was undertaken in compliance with the Waste Management Plan. The Principal Certifying Authority shall submit a copy of the statement to Council.

***In reviewing such documentation Council will require the provision of actual weighbridge receipts for the recycling/disposal of all materials.***

### **Compliance with Critical Stage Inspections and other Inspections nominated by the Principal Certifying Authority**

79. Section 109E(3)(d) of the Act requires certain specific inspections (prescribed by clause 162A of the Regulations) and known as 'Critical Stage Inspections' to be carried out for building work. Prior to permitting commencement of the work your Principal Certifying Authority is required to give notice of these inspections pursuant to clause 103A of the Regulations.

**N.B.** An Occupation Certificate cannot be issued and the building may not be able to be used or occupied where any mandatory critical stage inspections or other inspections required by the Principal Certifying Authority are not carried out.

Where Council is nominated as Principal Certifying Authority, notification of all inspections required is provided with the Construction Certificate approval.

### **Construction**

80. The building and external walls are not to proceed past ground floor formwork/reinforcing steel level until such time as the Principal Certifying Authority has been supplied with a check survey report prepared by a registered surveyor certifying that the floor levels and external wall locations to be constructed, comply with the approved plans, finished floor levels (FFL)s and setbacks to boundary/ies. **The slab shall not be poured, nor works continue, until the Principal Certifying Authority has advised the builder/developer that the floor level and external wall setback details shown on the submitted survey are satisfactory.**

In the event that Council is not the Principal Certifying Authority, a copy of the survey shall be provided to Council within three (3) working days.

On placement of the concrete, works again shall not continue until the Principal Certifying Authority has issued a Certificate stating that the Condition of approval has been complied with and that the slab has been poured at the approved levels.

### **Salinity**

81. The building and external walls are not to proceed past ground floor formwork/reinforcing steel level until such time as the Principal Certifying Authority has confirmed that all required construction measures addressing salinity, as required by this Consent and its accompanying Construction Certificate have been carried out.

### **Landscaping and Site Works**

82. All turfed areas shall be finished level with adjoining surfaces and also fall evenly to approved points of drainage discharge.
83. The tree/s identified on the endorsed plans as being retained/transplanted shall be protected against damage throughout the demolition/construction process in accordance with the Arboricultural Impact Assessment prepared by Urban Tree Management, Reference No. 16068, dated 13 December 2013, the attached Guidelines for the Protection of Trees On and Adjacent to Demolition/Building Sites and relevant conditions of this Consent.

84. A report is to be prepared and submitted to Council by the Arborist engaged to ensure the proper protection and management of the tree/s required to be retained/transplanted that:
- i) Sets out maintenance work carried out on tree/s; and
  - ii) Assesses the health and condition of the tree/s required to be retained/transplanted and protected.

The report should also provide documentary evidence that the tree protection conditions are being complied with in the form of site notes and photographs and be provided at three monthly intervals during construction works that are within 5m of any tree.

85. The applicant shall accept all responsibility for the accuracy of the information provided to Council for assessment. If any tree/s are not shown on the endorsed plan or are required to be retained/transplanted and protected but are threatened by demolition/construction work through unforeseen construction requirements or plan inaccuracy, all site and building works so affected are to cease until the matter is resolved to the satisfaction of Council. Council's Environmental and Planning Services Department is to be notified immediately upon such a problem being encountered.

86. No works are to occur within the fenced tree protection zone. All authorised works/activities within the fenced tree protection zone/s are to be undertaken by hand held equipment under the supervision of the consulting Arborist. No roots over 50mm in diameter are to be cut within the tree protection zone without prior consultation with Council officers or the consulting Arborist.

All roots over 50mm in diameter which are encountered outside the fenced tree protection zone/s are to be cleanly cut and not ripped.

87. A single master T.V. antenna is to be installed to service each building and provision made for connection to each dwelling within that building.

#### **Inspection of On Site Detention Works**

88. The stormwater drainage and on-site stormwater detention (being provided as Compensatory Flood Storage) works shall be inspected during construction, by the Council or by a suitably qualified Civil Engineer. Documentary evidence of compliance with Council's specifications shall be obtained prior to proceeding to the subsequent stages of construction, encompassing not less than the following key stages:

- (a) Initial inspection to discuss concept and site conditions/constraints prior to commencement of the construction of the Compensatory Flood Storage.
- (b) Prior to placing of concrete for the roof of the Compensatory Flood Storage tank.
- (c) Final Inspection.

Council's standard inspection fee will apply to each of the above set inspection key stages. Additional inspection fees will apply for additional inspections required to be undertaken by Council.

### **Inspection of Overland Flowpath**

89. The stormwater drainage and/or overland flowpath works shall be inspected during construction, by the Council or by a suitably qualified Civil Engineer. Documentary evidence of compliance with Council's specifications shall be obtained prior to proceeding to the subsequent stages of construction, encompassing not less than the following key stages:
- (a) Initial inspection to discuss concept and site conditions/constraints prior to commencement of the construction of the Overland Flowpath.
  - (b) Prior to landscaping and/or pouring concrete within the overland flowpath area.
  - (c) Final Inspection.

Council's standard inspection fee will apply to each of the above set inspection key stages. Additional inspection fees will apply for additional inspections required to be undertaken by Council.

### **Inspection of Pollution Control Device/s**

90. The stormwater drainage and/or pollution control devices shall be inspected during construction, by the Council or by a suitably qualified Civil Engineer. Documentary evidence of compliance with Council's specifications shall be obtained prior to proceeding to the subsequent stages of construction, encompassing not less than the following key stages:
- (a) Initial inspection to discuss concept and site conditions/constraints prior to commencement of the construction of the pollution control device/s.
  - (b) After completion of storage but prior to installation of fittings (eg. screens, etc.)
  - (c) Final Inspection.

Council's standard inspection fee will apply to each of the above set inspection key stages. Additional inspection fees will apply for additional inspections required to be undertaken by Council.

### **Structures Near Easements**

91. The proposed structure/s shall be located clear of the existing stormwater drainage easement/channel. A certificate from a Registered Surveyor shall be submitted to Council verifying the location of the structure/s after footings have been poured and before the construction of any walls.

### **Traffic Management**

92. The western loading bay shall be provided with a 'Give Way' sign and line marking and installed at a visible position for trucks exiting the loading bay to maintain safe manoeuvring of all vehicles.



93. Sign and line marking plans shall be prepared by a suitably qualified traffic practitioner. The sign and line marking plans shall provide details of:
  - Entry and exit points
  - Direction of traffic flow
  - Allocation of all spaces
  - Intersection treatments (i.e. 'Give Way' etc.)
  - Loading areas
  - Location of mirrors
94. To maintain sight distance to pedestrians at the property boundary, all fencing and landscaping shall comply with AS 2890.2-2004.
95. The entry point shall be provided with a suitable communication system to allow the roller door to be opened remotely by occupants of the building (if proposed). Details of any control device for the roller door shall not restrict access for residents/visitors and shall be in accordance with Australian Standards.
96. Any required adjustment to utility services, trees, signs and other street furniture requires approval of the appropriate authority and shall be undertaken by the applicant at no cost to council.
97. Any works requiring closure of any road or footway closure will require submission of a Council's Temporary Road Closure application form and payment of fees.
98. The height clearance in the western loading area shall be in accordance with AS2890.2.2002 for medium rigid vehicle (i.e. 4.5 m).

#### **Road Works and Footpaving**

99. Pedestrian access, including disabled and pram access, is to be maintained as per Australian Standard AS1742.3 "Part 3 – Traffic Control Devices for Works on Roads".
100. All advisory and regulatory sign posting (for example parking restriction signage, pedestrian crossing signs, warning signs) are to remain in place during construction.

#### **Underground Cabling**

101. All communications cabling shall be installed underground as per relevant authority requirements (including broadband and Category 5).

#### **Underground Power Connection**

102. Where electricity reticulation cannot be obtained directly from the street, power connection is to be underground. No intermediate power pole is permitted.

#### **Alarms**

103. The developer/builder shall not install any audible intruder alarms within the units. If the building is to be provided with a burglar alarm system, this shall incorporate back to base monitoring such that residents can connect thereto from each individual unit.

104. With regard to the basement level pump out system, a suitable audible alarm with flashing light system shall be positioned at the first floor level of each common property stairwell within the building and a flashing light only shall be positioned at each common property entrance to the car parking area to provide a flood warning in the case of pump failure. The alarm system shall be to the satisfaction of Council's Engineer.

#### **Vehicle Cleansing**

105. Concrete trucks and trucks used for the transportation of building materials shall not traffic soil, cement or similar materials onto the road. Hosing down of vehicle tyres shall be conducted in a suitable off-street area where wash water is prevented from entering the stormwater system or adjoining property.

#### **Importation of Fill**

106. All imported fill shall be validated in accordance with Council's Contaminated Land Policy to ensure that it is suitable for the proposed land use from a contamination perspective.

#### **Additional Information during Demolition/Construction**

107. Any new information which comes to light during construction works which has the potential to alter previous conclusions about site contamination, shall be notified to Council immediately.

#### **Inspection of Seagull Median Island works**

108. The roadworks associated with the median island shall be inspected during construction, by the Council. Documentary evidence of compliance with Council's specifications shall be obtained prior to proceeding to the subsequent stages of construction, encompassing not less than the following key stages:

- (a) After completion of set-out and prior to excavation.
- (b) Prior to pouring any concrete kerbs, islands or any other concrete works within roadway.
- (c) Final inspection.

Council's standard inspection fee will apply to each of the above set inspection key stages. Additional inspection fees will apply for additional inspections required to be undertaken by Council.

## **PRIOR TO ISSUE OF FINAL OCCUPATION CERTIFICATE**

**The following conditions are to be complied with prior to the issue of a final occupation certificate:-**

### **Compliance Certificates/Documentary Evidence**

109. A final clearance is to be obtained from Integral Energy if such clearance has not previously been issued.
110. A Section 73 Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation and submitted to the PCA.

(Application must be made through an authorised Water Servicing Coordinator. Please refer to the “Your Business” section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then follow the “e-Developer” icon or telephone 13 20 92 for assistance.

Following application, a “Notice of Requirements” will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design).

Submission a copy of Sydney Water’s *Notice of requirements* to the Principal Certifying Authority.

111. A Structural Engineer’s certificate from the supervising structural engineer responsible for the design shall be submitted to the Principal Certifying Authority and shall state that all foundation works/reinforced concrete/structural members have been carried out/erected in accordance with the Engineer’s requirements and the relevant SAA Codes.

**Note:** Any such certificate is to set forth the extent to which the engineer has relied on relevant specifications, rules, codes of practice or publications in respect of the construction.

112. An Accredited Certifier shall submit to the Principal Certifying Authority a signed checklist as per Appendix A of AS4299-1995 confirming that dwellings 5, 10 and 16 have achieved the desired level of adaptability (i.e. “Adaptable House Class A or B”).

### **Landscaping and Site Works**

113. Certification is to be provided to the Principal Certifying Authority (PCA), from the designer of the landscape proposal, that all tree planting/landscape works have been carried out in accordance with the endorsed plan. If Council **is** the PCA, the certification is to be submitted to Council prior to or at the final landscape inspection. If Council **is not** the PCA, a copy of the certification is to be provided to Council with the Occupation Certificate.
114. Certification is to be provided to the Principal Certifying Authority (PCA) from a suitably qualified and licensed contractor that the specified planter boxes have been waterproofed and drained in accordance with the requirements of the current relevant Australian Standards, any relevant authority regulations and current best work practices. If Council is not the PCA a copy of the certification is to be provided to Council with the Occupation Certificate.

115. The Arborist engaged to ensure the proper protection and management of the trees required to be retained/transplanted is to provide a report to Council concerning the health and condition of the tree/s and if necessary any remedial works required. The report should also provide documentary evidence that the tree protection conditions were complied with throughout the demolition/construction phases, in the form of site notes and photographs. Should the trees require remedial works which are not exempt under Council's Tree Management Order, an application for General Tree Works will be required to be submitted and approved before the works are carried out and certified by the Arborist. Remedial works which are exempt under Council's Tree Management Order will also be required to be completed and certified.
116. Certification is to be provided to the Principal Certifying Authority from a suitably qualified and licensed contractor that the specified fully automated commercial grade irrigation system has been designed and installed to all common planted areas in accordance with the requirements of the current relevant Australian Standards, any relevant authority regulations and current best work practices. If Council is not the PCA, a copy of the certification is to be provided to Council with the Occupation Certificate.
117. Boundary and courtyard fences must be erected and finished in a professional manner.

#### **Fire Safety**

118. Submission to Council of a Final Fire Safety Certificate pursuant to Clause 170 of the Environmental Planning and Assessment Regulation 2000 in respect of each essential fire or other safety measure listed on the Fire Safety Schedule attached to the Construction Certificate.

#### **NOTE:**

1. Such Certificate shall state, pursuant to Clause 80E in relation to each essential fire safety measure mentioned in the certificate:—
  - that the service has been assessed by a properly qualified person (chosen by the owner of the building); and
  - that the service was found to be, when assessed, capable of performing to at least the standard required by the current fire safety schedule for the building for which the certificate is issued.
2. The person who carries out the assessment must inspect and verify the performance of each fire safety measure being assessed, and must test the operation of each new item of equipment installed in the building premises that is included in the current fire safety schedules for the building.
3. The assessment must have been carried out within the three (3) months prior to the date on which the final fire safety certificate is issued.

#### **Certifications, Covenants and Onsite Stormwater Detention**

119. A copy of the as approved stormwater drainage, On-site Detention Compensatory Flood Storage, Overland Flowpath and Pollution Control Device plans showing work as executed details shall be submitted to Council. The work as executed plan shall be in accordance with Council's standards and specifications for stormwater drainage and on-site stormwater detention.
120. A certificate of compliance in accordance with Council's standards and specifications for stormwater drainage, On-site Detention, Compensatory Flood Storage, Overland Flowpath,

Pollution Control Device/s shall be issued to the Principal Certifying Authority by a suitably qualified Civil Engineer.

121. A certificate of compliance for the pump out drainage system of the basement level shall be issued to the Principal Certifying Authority by the pump installers stating that the pump out system has been installed to operate in accordance with the Council requirements and approved drawings.
122. Documents giving effect to the creation of a Positive Covenant and Restriction on Use over the as constructed On-site Detention system, Compensatory Flood Storage, Overland Flowpath and Pollution Control Device shall be submitted to the authority benefited for approval prior to lodging with the Land and Property Information NSW. The wording of the terms of the Positive Covenant and Restriction On Use shall be in accordance with Council's standards and specifications for stormwater drainage and on-site stormwater detention. The documents shall be approved by the benefiting authority for registration with Land and Property Information NSW.

**Note:** Prior to release of the documents creating the Restriction on Use and Positive Covenant, the benefiting authority shall be satisfied that the as-constructed On-site Detention system, Compensatory Flood Storage, Overland Flowpath and Pollution Control Device/s is in accordance with the approved drawings and Council requirements.

The Positive Covenant and Restriction on Use documents shall be registered with the Land and Property Information NSW within six (6) months from the date of release by the benefiting authority.

123. A maintenance schedule for the stormwater and On-site Stormwater Detention, Compensatory Flood Storage, Overland flowpath, Pollution Control Device/s and Pumpout system including a sketch plan of the components forming the sites stormwater drainage system shall be submitted. The maintenance schedule shall be prepared by a qualified hydraulic engineer and generally be in accordance with the Upper Parramatta River Catchment Trust requirements.

### **Road Works**

124. Any works requiring levels within the road reserve will require the submission of Council's Vehicle Crossing application form.
125. A full width **heavy duty** vehicular crossing shall be provided opposite the vehicular entrance from Burford Street to the site, with a width of **8.0** metres at the boundary line. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with Council's issued drawings and level sheets.
126. A full width **heavy duty** vehicular crossing shall be provided opposite the vehicular entrance from Addlestone Road to the site, with a maximum width of **6.0** metres and a minimum width of **5.5** metres at the boundary line. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with Council's issued drawings and level sheets.
127. The construction or reconstruction of kerb and gutter and associated works along all areas of the site fronting Addlestone Road. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with Council's standard drawing SD-8100 and issued level sheets.

128. The construction or reconstruction of kerb ramps and associated works in Addlestone Road. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with Council's standard drawing SD8101 and issued level sheets.
129. The reconstruction of Council's gully pit/s and associated works along all areas of the site fronting Addlestone Road and Merrylands Road. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with Council's standard drawing SD-8010.
130. Removal of all redundant vehicular crossings and laybacks along the full road frontage and replacement with kerb and gutter. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with Council's standard drawing number SD-8100.
131. A certificate of compliance for the construction of vehicular crossings, footpath paving, kerb and guttering and roadworks shall be obtained from Council and be submitted to the Principal Certifying Authority.
132. Dedication and construction of a 4 metre by 4 metre splay corner in favour of Council. Documents relative to the creation of the splay corner shall be lodged with the Land and Property Information NSW with Registration being effected prior to issue of the Occupation Certificate. All costs associated with the construction, creation and dedication of the splay corner are to be borne by the applicant.
133. Dedication and construction of 0.5 metres of road and footpath widening along Merrylands Road. Documents relative to the creation of the road and footpath widening shall be lodged with the Land and Property Information NSW with Registration being effected prior to issue of the Occupation Certificate. All costs associated with the construction, creation and dedication of the road and footpath widening are to be borne by the applicant.
134. The removal of existing and construction of footpath paving to the site frontage. Generally the works shall be in accordance with The Merrylands Town Centre Masterplan Report, 17 January 2006, and Council issued design and levels. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall address the following:
  - i. A minimum 1.5m wide concrete footpath paving and associated works, including paver banding, along all areas of the site fronting Burford Street and Addlestone Road, Merrylands.
  - ii. Full width footpath paving and associated works, including asphalt and paver banding, along all areas of the site fronting Merrylands Road, Merrylands.
  - iii. Street tree planting. In this regard trees shall be sited considering awnings, traffic signals, sight lines etc. Trees shall be planted in accordance with Council requirements for street trees (e.g. numbers, species, size, guards, surface treatments, root barriers).

135. The reconstruction of the kerb and gutter, and associated works along all areas of the site fronting Merrylands Road to ensure minimum grades are achieved. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with Council's standard drawing SD 8100 and issued level sheets.
136. The reconstruction of cracked and/or damaged concrete kerb and gutter, and any associated works along all areas of the site fronting Burford Street and Merrylands Road, Merrylands. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with Council's standard drawing SD 8100 and issued level sheets.
137. Design and specifications for the above works road and footpath works shall be issued by Council.
138. Completion of the roadworks associated with the seagull median island Burford Street, at the intersection with Merrylands Road, Merrylands. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with the approved plans and Council's standard drawings.
139. Four (4) copies of Works as Executed plans together with an electronic copy shall be submitted for the constructed median island. A compliance certificate for the construction of seagull median island works shall be obtained from Council and be submitted to the Principal Certifying Authority.

#### **Flood protection**

140. All flood works as per the items listed under Prior to Issue of Construction Certificate and the approved drawings of this Development Consent and the approved plans shall be completed.

#### **House/Street Number**

141. A house/street number must be displayed on all newly developed properties in accordance with Council's "Policy on the Display of House Numbers" available from the Customer Services Counter or Council's website, [www.holroyd.nsw.gov.au](http://www.holroyd.nsw.gov.au).

#### **Design Verification Statement**

142. In accordance with Environmental Planning and Assessment Regulation 2000 and State Environmental Planning Policy (SEPP) 65 "Design Quality of Residential Flat Development", the subject development must be undertaken or directed by a "qualified designer" (i.e., a "registered architect" under the Architects Act). In this regard, a design verification statement shall be submitted to the Principal Certifying Authority (PCA) assessing the development, upon completion of all works subject of this consent and its accompanying construction certificate. The PCA shall ensure that the statement prepared by the qualified designer provides the following:-
  - (i) A valid and current chartered architect's certificate number (as issued by the Board of Architects of NSW);
  - (ii) That the completed development achieves the design quality of the development as shown in the plans and specifications submitted and approved with the Construction Certificate, having regard to the design quality principles set out in Part 2 SEPP 65.

### **Air Conditioning**

143. At the completion of the installation of the mechanical ventilation system, the Principal Certifying Authority is to be provided with a certificate from the installer that includes:
- (a) inspection, testing and commissioning details,
  - (b) date of inspection testing and commissioning,
  - (c) the name and address of the individual who carried out the test,
  - (d) statement that the service has been designed, installed and is capable of operating to the relevant Australian Standard.

### **Noise Compliance Report**

144. A noise compliance report shall be submitted to Council prior to the issuing of the Final Occupation Certificate certifying that any noise reduction measures required in order to ensure compliance with the NSW Industrial Noise Policy have been satisfactorily implemented.
145. Within 1 month following the issuing of the Final Occupation Certificate, a noise compliance report is to be prepared certifying that any noise reduction measures that have been implemented comply with the NSW Industrial Noise Policy.

### **Lighting**

146. Adequate lighting shall be provided within the development (i.e. pedestrian access ways, common areas and communal open space, car parking areas and all entries) and shall comply with AS 1680.0:2009.



## **PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE**

**The following conditions are to be complied with prior to the issue of a Subdivision Certificate:-**

### **Lot Consolidation**

147. Lot 8 Sec 1 DP 752, Lot 1A DP 315369, Lot 2A DP 315369, Lot 3A DP 315369, Lot 42 DP 1005784 and Lot 41 DP 1005784 shall be consolidated into one lot on title and all works shall be completed in accordance with this Development Consent.

### **Easement Creation**

148. A drainage easement 2.4 m wide, located over the relocated public system at the south of the site shall be created in favour of Council. This shall be indicated on the linen plan and all costs associated with piping, relocation and creation of easements shall be borne by the applicant.

### **88B Instrument**

149. As per Condition 122 of this Development Consent a restriction on the use of the land and a positive Covenant are to be created for the protection and ongoing maintenance of the On-Site Detention System, Compensatory Flood Storage, Overland Flowpath and Pollution Control Device/s. The Section 88B instrument required is to be created in association with the subdivision and is to be in accordance with Holroyd City Council's standard wording. The instrument should also be used to create any Right of Carriageway and easement required. Provision is to be made for the General Manager of the Council or his/her designate to sign the document and it is to be appropriately noted on the linen plan of strata subdivision.

## **CONDITIONS RELATING TO USE**

**The following conditions are applicable to the use of the development:-**

### **Safety & Amenity**

150. For the purposes of preserving the amenity of neighbouring occupations and residents, the following operational restrictions shall apply, as recommended within the Acoustic Report prepared by Rodney Stevens Acoustics Pty Ltd (Report 13102R1) dated 13 December 2013:
  - i. Loading and unloading operations shall only occur during the daytime period of between 7.00am and 6.00pm. The loading docks shall be closed off with the use of physical barriers during the evening and night-time periods, between 6.00pm and 7.00am.
  - ii. The grade level commercial car park shall only operate during the daytime and evening periods of between 7.00am and 10.00pm. The grade level commercial car park shall be closed off with the use of physical barriers during the evening and night-time periods, between 10.00pm and 7.00am.
151. The operation of the premises shall be conducted in such a manner as not to interfere with or materially affect the amenity of the neighbourhood by reason of noise, vibration, odour, fumes, vapour, steam, soot, ash, dust, particulate matter, waste water, waste products or other impurities which are a nuisance or injurious to health.
152. Where an intruder alarm is installed on the premises it shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.

### **Mechanical Ventilation System – Car Park**

153. Noise and vibration from the use of the (mechanical exhaust ventilation) system shall not exceed the background level by more than 5dB(A) and shall not be audible in any premises of a different occupancy between 10.00pm and 7.00am on weekdays and 10.00pm and 8.00am on weekends and public holidays.

### **Car parking**

154. The car parking spaces, driveways and manoeuvring areas are to be used for employees and visitors vehicles only and not for the storage of new or used materials, finished goods or commercial vehicles.
155. At least 246 car parking spaces numbered and linemarked in accordance with the endorsed plan, are to be made available at all times for employees and visitors' vehicles only in conjunction with the occupation of the building/premises.
156. All residents shall be provided with remote control device to open the roller door.
157. The minimum available headroom clearance is to be signposted at all entrances and clearance is to be a minimum of 2.2 metres (for cars and light vans, including all travel paths to and from parking spaces for people with disabilities) measured to the lowest projection of the roof (i.e. fire sprinkler, lighting, signs and ventilation), according to AS 2890.1-2004.

158. All vehicles shall enter and exit the site in a forward direction.
159. The maximum size of vehicle that can enter/exit the site using the western access shall be restricted to a medium rigid vehicle, and the maximum size of vehicle that can enter/exit the site using the eastern access shall be restricted to a small rigid vehicle.
160. All loading/unloading shall be undertaken on site.
161. The loading bay is to be kept clear of rubbish and not to be used for storage of materials etc.

#### **Waste Management**

162. Waste storage bins must be covered at all times to prevent entry of stormwater or dispersal by wind and must be sealed to prevent leakage.
163. All waste and recycling containers shall be stored in the designated waste storage area. The body corporate shall be responsible for movement of the waste and recycling containers to the footpath for weekly collections, and the return of waste and recycling containers to the waste storage area. The Body Corporate shall clean the waste storage area, dry arrestor pit and waste collection containers.

#### **Air Emissions**

164. The use of the premises shall not give rise to air impurities in contravention of the *Protection of the Environment Operations Act 1997* and shall be controlled in accordance with the requirements of such Act.
165. In the event of Council receiving complaints regarding air pollution or odour from the premises, the person(s) in control of the premises shall at their own cost arrange for an environmental investigation to be carried out (by a suitably qualified person) and submit a report to Council specifying the proposed methods for the control of odour exiting the premises.

#### **Noise Management**

166. The operation of all plant and equipment shall not give rise to an equivalent continuous ( $LA_{eq}$ ) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background  $L_{A90}$  level (in the absence of the noise under consideration).
167. In the event of Council receiving complaints regarding excessive noise, the person(s) in control of the premises shall at their own cost arrange for an acoustic investigation to be carried out (by a suitably qualified person) and submit a report to Council specifying the proposed methods for the control of noise emanating from the premises.

#### **Maintenance of Stormwater Treatment Devices**

168. All wastewater and stormwater treatment devices (including drainage systems, sumps and traps) shall be regularly maintained in order to remain effective. All solid and liquid wastes collected from the devices shall be disposed of in a manner that does not pollute waters.

### **Car Wash Bay**

169. Washing of vehicles shall be conducted in a car washbay, which is roofed and bunded to exclude rainwater. The carwash bay shall be regularly cleaned and maintained. Alternative water management and disposal options may be appropriate where water is recycled, minimised or re-used on the site.
170. The car wash bay shall be managed and maintained so that the following requirements are met:
- The Body Corporate or owner should advise all users of the car wash facilities how to operate, maintain and use the equipment so that good housekeeping practices can be adopted at all times.
  - Have clearly visible sign(s) indicating that no degreasing, engine washing or mechanical work is to be undertaken in the car wash bay, informs car wash bay users of how to use and maintain the system, and encourages users to minimise the use of detergents and water.
171. The car wash bay shall be a common, independent area and not serve as a visitor parking space in accordance with Holroyd's DCP. In this regard, one car park space from the residential car park shall be assigned as an independent car wash bay.

### **Waste Collection**

172. Liquid and solid wastes generated on the site shall be collected, transported and disposed of in accordance with the *Protection of the Environment Operation Act 1997*. Records shall be kept of all liquid and solid waste disposal from the site, and be made available to Council Officers on request.

### **Mechanical Ventilation**

173. Any discharge to the atmosphere from the subject development shall not result in any odour or other air impurity being detected outside the boundaries of the property.

### **Use of Commercial Premises**

174. No approval is granted or implied for the use of the commercial tenancies. Separate Development Consent is required PRIOR to occupation of the commercial tenancies.

### **Access Control**

175. Access from the basement to the residential passenger lifts shall be controlled through the use of resident access cards. Access to the residential lift area within the ground floor of the building shall also be controlled through the use of resident access cards.

## ADVISORY NOTES

### Other Necessary Approvals

- A. The applicant's attention is drawn to the need to obtain Council's separate approval for any ancillary activity not approved by this consent, including:
  - (a) Works, including the pruning or removal of any tree(s) not authorised in the preceding conditions or on the approved plans. Council's Tree Preservation Order protects trees by definition taller than 3.5m or having a trunk circumference exceeding 500mm measured one metre above ground level. If in doubt contact Council's Tree Management Officer.
  - (b) Any fencing located forward of the proposed building and exceeding the limitations specified in Local Environmental Plan 2013, Part 3 "*Exempt and Complying Development*".
  - (c) The erection of any advertising sign, not being exempt from the need to obtain approval.
  - (d) The installation of any furnace, kilns, steam boiler, chemical plant, sand blast, spray painting booth or the like.
- B. Section 97 of the Act provides that an applicant who is dissatisfied with the Council's determination of the Development Application may appeal to the Land and Environment Court within 6 months of the date of determination, or as otherwise prescribed.
- C. Section 82A of the Act provides that an applicant may request, within 6 months of the date of determination of the Development Application, that the Council review its determination (this does not apply to integrated or designated development). A fee is required for this review.

It should also be noted that an application under Section 82A of the Act cannot be reviewed/determined after 6 months of the date of determination. Therefore, the submission of a Section 82A Application must allow sufficient time for Council to complete its review within the prescribed time frame, including the statutory requirement for public notification.

- D. The applicant and Owner are advised that the Commonwealth Disability Discrimination Act 1992 may apply to this particular proposal. Approval of this application does not imply or confer compliance with this Act. Applicants and owners should satisfy themselves as to compliance and make their own enquiries to the Australian Human Rights Commission. Attention is also drawn to the provisions of Parts 2, 3 and 4 of Australian Standard 1428 - Design for Access and Mobility.
- E. A Construction Certificate shall be obtained in accordance with Section 81A (2)(a) of the Act, prior to the commencement of any work on site. Council can provide this service for you.
- F. An Occupation Certificate is to be issued by the Principal Certifying Authority prior to the occupation of the building.
- G. **BANK GUARANTEES**

Bank guarantees will be accepted from list of banks which have at least an "A" rating from Standard and Poors and at least an "A2" or "Prime-1" standard from Moody's Investor Services.

To enable the bank guarantee to be enforceable during an entire project with consideration for delays, **the guarantee must not contain a facility expiry date.**

To get to Standard and Poors [www.standardpoors.com](http://www.standardpoors.com) then from Ratings Action choose Ratings Lists. Then click on Financial Institutions followed by clicking on Financial Institutions Counterparty Ratings List. Go to **"Banks"** and download to Australian Banks.

To get to Moodys [www.moodys.com](http://www.moodys.com) then look up Ratings and then Banking and then Bank Ratings list. It will take you to Bank Credit Research page. Look at the table of contents and choose Global Bank Ratings by Country. Look up Australian Banks.

#### H. SMOKE DETECTORS

A system of self contained smoke alarms complying with the requirements of AS3786-1993, *Smoke Alarms* or listed in the *Scientific Services Laboratory Register of Accredited Products* being installed in the dwelling, connected to the mains power supply and provided with a standby power supply. Alarms are to be positioned on the ceiling and setback a minimum distance of 300mm from any wall. Alarms are to be placed in the vicinity of each area containing bedrooms with a minimum of one (1) alarm required for each storey of the dwelling.

#### I. TERMITE PROTECTION

Structural members are to be protected from attacked by subterranean termites in accordance with the requirements of AS3660.1-2000 *Protection of building from subterranean termites* and a durable notice must be affixed within the metre box indicating the type of protection, its date of installation, life expectancy of any chemical barrier used, and system maintenance and inspection requirements. A certificate of compliance of the approved system must be submitted to Council or the Principal Certifying Authority on completion of the system installation. With respect to chemical protection, a pipe system shall be installed beneath the slabs plastic membrane to allow re-application of the chemical border.

#### J. WET AREAS

Wet areas in the dwelling are to be waterproofed in accordance with AS3740 *Waterproofing of wet areas within residential buildings*.

Where Council is the Principal Certifying Authority for the works, the submission of evidence of suitability for the waterproofing product used will be required at the wet area inspection stage. The evidence of suitability is to be in the form of:-

1. A current Certificate of Accreditation for the product.

AND

2. A certificate from the person responsible for the installation of the product advising that the product was applied in accordance with the relevant manufacturers specifications.

**Note:** Any copy of documentary evidence submitted, must be a complete copy of the original report or document.

K. LANDINGS

A landing having a minimum length of 750mm and a grade no steeper than 1:50, must be provided where the sill of a threshold of a doorway opens onto a stair that provides a change in floor level or floor to ground level greater than 3 risers or 570mm in accordance with Clause 3.9.1.3 (Stair Construction) of the Building Code of Australia.

L. SARKING

To reduce the risk of injury during works to the roof, sarking with fall arresting ability is to be provided to the underside of the roof. Manufacturers specifications for the sarking is to be submitted to Council prior to its installation.

M. CONSTRUCTION/OCCUPATION CERTIFICATE FEES

An administration fee per certificate in accordance with Council's Adopted Fees & Charges Schedule is payable to Council on lodgement of Construction and Occupation Certificates from Principal Certifying Authorities.

N. SOUND TRANSMISSION AND INSULATION

To ensure the amenity of occupants in multi-residential development (Class 2 and 3 buildings and Class 9c Aged Care buildings), separating walls must be constructed in accordance with Part F5 of the Building Code of Australia.

O. GLAZING CERTIFICATION

A certificate shall be submitted to the Principal Certifying Authority stating that safety glazing has been used in the building in accordance with AS1288 - "Glass in Buildings - Selection and Installation".

P. FIRE SAFETY

Paths of travel a minimum of 1000mm wide in accordance with D1.6 of the Building Code of Australia are to be clearly defined and line marked on the floor prior to occupation.

Q. DIAL BEFORE YOU DIG

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

R. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution.

Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact Telstra's Network Integrity Team on Phone Number 1800810443.

S. DIVIDING FENCES

Please be advised that arrangements concerning existing or proposed fences between properties are a civil matter determined by the involved parties under the [Dividing Fences Act](#). You are therefore required to consult with the owners of neighbouring properties if fences are to be removed or constructed.

The Dividing Fences Act is administered by the [Department of Lands](#) who can act as a mediator in disputes. For further information please refer to the following information on Council's website: [www.holroyd.nsw.gov.au/building\\_and\\_development/local\\_plans\\_and\\_policies/dividing fences](http://www.holroyd.nsw.gov.au/building_and_development/local_plans_and_policies/dividing_fences)

Yours faithfully

Merv Ismay  
GENERAL MANAGER

Per:  
MANAGER DEVELOPMENT