

DRAFT NON PREJUDICE CONDITIONS OF CONSENT

That the application be **APPROVED** subject to the following:

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

1. The following must be submitted to either Council or an Accredited Certifier prior to the issuing of a Construction Certificate:

1.1. Details of:

- Protection from termites
- Structural Engineering Plan
- Building Specifications
- Fire Safety Schedule
- Landscape Plan
- Hydraulic Plan
- Sydney Water Notice of Requirements
- Firewall Separation
- Soil and Waste Management Plan
- NatHERS Certification
- Mechanical ventilation

1.2. Payment of the Long Service Leave Levy to the Long Service Leave Corporation or to Council.

1.3. Payment to Council of:

Kerb and Gutter Damage Deposit	\$6331.00
Section 94 Contributions	\$120,112.48
Certificate Registration Fee	\$30.00
Long Service Levy	\$1320.00

1.4. If you appoint Council as your Principal Certifying Authority, the following fees are payable:

Construction Certificate Application Fee	\$8707.00
Inspection Fee	\$853.00
Occupation Certificate Fee	\$2676.00

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

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

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

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

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

BEFORE COMMENCING THE DEVELOPMENT

2. Before the erection of any building in accordance with this Development Consent;
 - 2.1. detailed plans and specifications of the building must be endorsed with a Construction Certificate by the Council or an Accredited Certifier, and
 - 2.2. you must appoint a Principal Certifying Authority (either Canterbury City Council, or an Accredited Certifier) and notify the Council of the appointment (see Attachment – Notice of Commencement copy), and
 - 2.3. you must give the Council at least 2 days notice of your intention to commence erection of the building (see Attachment – Notice of Commencement copy).
 - 2.4. In the case of work which includes residential development, you must inform us in writing before the commencement of work of the following:
 - 2.4.1. The name and contractor or licence number of the licensee who has contracted to do or intends to do the work; or
 - 2.4.2. The name and permit number of the owner-builder who intends to do the work.

INSURANCE

3. If it is intended to engage a builder or licensed contractor to do the work where it is valued over \$12,000 and is not a multi storey building then this person must take out home building insurance with a private insurer. The builder or person doing the work must also satisfy Council that they have taken out an insurance policy by producing evidence of the insurance certificate or other documentation. Further information on insurance requirements is available from the Department of Fair Trading (NSW Consumer Protection Agency) on 1800 802 055.

SITE SIGNAGE

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

DEMOLITION

5. Demolition must be carried out in accordance with the following:
 - (a) Demolition of the building is to be carried out in accordance with applicable provisions of Australian Standard AS 2601-2001: The Demolition of Structures and the Construction Safety Act Regulations.
 - (b) The demolition of a structure or building involving the removal of dangerous or hazardous materials, including asbestos or materials containing asbestos must be carried out in accordance with the requirements of the Workcover Authority of New South Wales.
 - (c) Demolition being carried out in accordance with the requirements of the Work Health and Safety Regulation 2011.

- (d) A hoarding or fence must be erected between the building or site of the building and the public place, if the public place or pedestrian or vehicular traffic is likely to be obstructed or rendered inconvenient because of the carrying out of the demolition work.
- (e) Demolition of buildings is only permitted during the following hours:
7.00 a.m. – 5.00 p.m. Mondays to Fridays
7.00 a.m. – 12.00 noon Saturdays
No demolition is to be carried out on Sundays or Public Holidays.
- (f) Burning of demolished building materials is prohibited.
- (g) Adequate care is to be taken during demolition to ensure that no damage is caused to adjoining properties.
- (h) Soil and water management facilities must be installed and maintained during demolition in accordance with Council's Stormwater Management Manual. If you do not provide adequate erosion and sediment control measures and/or soil or other debris from the site enters Council's street gutter or road you may receive a \$1500 on-the-spot fine.
- (i) Council's Soil and Water Management warning sign must be displayed on the most prominent point on the demolition site, visible to both the street and site workers. The sign must be displayed throughout demolition.
- (j) The capacity and effectiveness of soil and water management devices must be maintained at all times.
- (k) During the demolition or erection of a building, a sign must be provided in a prominent position stating that unauthorised entry to the premises is prohibited and contain all relevant details of the responsible person/company including a contact number outside working hours.
- (l) A sign is not required where work is being carried out inside, or where the premises are occupied during the works (both during and outside working hours).
- (m) Toilet facilities must be provided to the work site in accordance with WorkCover's NSW "CODE OF PRACTICE" for Amenities for construction work and any relevant requirements of the NCC.
- (n) Removal, cleaning and disposal of lead-based paint conforming to the current NSW Environment Protection Authority's guidelines.
Demolition of materials incorporating lead being conducted in strict accordance with sections 1.5, 1.6, 1.7, 3.1 and 3.9 of Australian Standard AS2601-2001: Demolition of Structure. Note: For further advice you may wish to contact the Global Lead Advice and Support Service on 9716 0132 or 1800 626 086 (freecall), or at www.lead.org.au.
- (o) Hazardous dust not being allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended.
- (p) Any existing accumulations of dust (eg. ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter. All dusty surfaces and dust created from work is to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is

not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.

GENERAL

6. The development being carried out in accordance with the plans, specifications and details prepared by: NSW Finance and Services - Land and Housing Corporation, marked Drawing Project No. BG0XM Sheet 1 of 12 through to 12 of 12 as received by Council on 26 June 2013, except where modified by the conditions of this consent and the following specific condition:

6.1 The front elevation of the building being constructed in accordance with the 'perspective' plan prepared by NSW Finance and Services - Land and Housing Corporation, dated 29 October 2013, marked Sheet 1 of 1.

7. A bin presentation area being provided at the site as per Clause 6.9.4.1 and 6.9.4.2 of Canterbury Development Control Plan 2012 to enable collection of waste from the site.

8. This condition has been levied on the development in accordance with Section 94 of the Environmental Planning and Assessment Act 1979 and in accordance with Canterbury City Council's Section 94 Contributions Plan 2005, after identifying the likelihood that this development will require or increase the demand on public amenities, public services and public facilities in the area. The amount of the contribution (as at the date of this consent) has been assessed as \$120,112.48. The amount payable is based on the following components:

Contribution Element	Contribution
• Open Space Acquisition	\$ 57877.45
• Recreation Facilities	\$ 9713.25
• Community Services	\$ 30798.04
• Environmental Amenity Improvements	\$ 11994.95
• Traffic Control and Management	\$ 2043.24
• Monitoring, research and administration	\$ 7685.55

Note: The contributions payable will be adjusted, at the time of payment, to reflect Consumer Price Index increases which have taken place since the development application was determined.

The contribution is to be paid to Council in full prior to the release of the Construction Certificate, (or for a development not involving building work, the contribution is to be paid to Council in full before the commencement of the activity on the site) in accordance with the requirements of the Contributions Plan.

9. All materials must be stored wholly within the property boundaries and must not be placed on the footway or roadway.

10. All building operations for the erection or alteration of new buildings must be restricted to the hours of 7.00a.m.-5.00p.m. Monday to Saturday, except that on Saturday no mechanical building equipment can be used after 12.00 noon. No work is allowed on Sundays or Public Holidays.

11. Council's warning sign for Soil and Water Management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign must be displayed throughout construction.

12. All building construction work must comply with the National Construction Code.
13. Under clause 97A(2) of the Environmental Planning and Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled.
In this condition:
 - a) relevant BASIX Certificate means:
 - i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Act, A BASIX Certificate that is applicable to the development when this development consent is modified); or
 - ii) if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
 - b) BASIX Certificate has the meaning given to that term in the Environmental Planning and Assessment Regulation 2000."

LANDSCAPE

14. The existing street tree, 1 x *Melaleuca quinquenervia* (common name Swamp Paperbark) growing in front of No. 120 Hannans Road is to be retained and protected during construction. A tree protection zone (TPZ) of 2m must be observed around the street tree. A tree protection barrier is to be erected around the perimeter of the TPZ prior to the commencement of any site works. This barrier must be a minimum 1800mm high chain link fabric (with standard 50mm pitch) on 2400mm star pickets driven 600mm into the ground so that the fencing cannot be breached. A 600mm x 450mm prohibition sign complying with AS1319, and stating 'TREE PROTECTION ZONE – KEEP OUT' must be attached to the barrier. The barrier is to be well maintained during construction. No building material storage or construction activity shall be allowed to encroach within this TPZ.
Observation of this Tree Protection Zone requires modification of the design of the driveway.
15. The existing street tree, 1 x *Melaleuca quinquenervia* (common name Swamp Paperbark) growing in front of No 118 Hannans Road is to be retained and protected during construction. A tree protection zone (TPZ) of 4m must be observed around the street tree. A tree protection barrier is to be erected around the perimeter of the TPZ prior to the commencement of any site works. This barrier must be a minimum 1800mm high chain link fabric (with standard 50mm pitch) on 2400mm star pickets driven 600mm into the ground so that the fencing cannot be breached. A 600mm x 450mm prohibition sign complying with AS1319, and stating 'TREE PROTECTION ZONE – KEEP OUT' must be attached to the barrier. The barrier is to be well maintained during construction. No building material storage or construction activity shall be allowed to encroach within this TPZ.
16. Taking into consideration the findings from my site visit and the recommendations of the submitted Arboricultural Assessment Report (written

by Horticultural Management Services and submitted to council on 26th June 2013), the existing property trees should be treated as follows:

Tree No. (as listed in the submitted report and the submitted landscape plan)	Botanical Name	Common Name	Action	Details
T3	<i>Cupressus sp.</i>	Cupressus	Remove	Insignificant
T4	<i>Melaleuca bracteata</i>	River Tea Tree	Remove and replace	Additional replacement tree (provided in a min. 75ltr container size) to be included on an amended landscape plan. Proposed tree species to be indigenous to the Canterbury area.
T5	<i>Cinnomomum camphora</i>	Camphor laurel	Remove	Environmental Weed
T6	<i>Jacaranda mimosifolia</i>	Jacaranda	Remove	Not suitable to retain during construction
T7	<i>Bauhinia sp</i>	Orchid Tree	Remove	Not suitable to retain during construction
T8	<i>Zelkova serrate</i>	Japanese Zelkova	Remove	Not suitable to retain during construction

T9	<i>Cinnomomum camphora</i>	Camphor laurel	Retain	<p>Neighbouring Tree</p> <p>TPZ required</p> <p>Pruning required for overhanging branches (see comment below re-application for pruning)</p>
T10	<i>Eucalyptus nicholii</i>	Willow Pepermint	Remove and replace	<p>Though this tree is a mature tree of significant size, I think it is does not make a suitable candidate for retention and protection during construction.</p> <p>Additional replacement tree (provided in a min. 75ltr container size) to be included on an amended landscape plan.</p> <p>Proposed tree</p>

				species to be indigenous to the Canterbury area.
T11	<i>Eucalyptus nicholii</i>	Willow Pepermint	Remove and replace	<p>Though this tree is a mature tree of significant size, I think it is does not make a suitable candidate for retention and protection during construction.</p> <p>Additional replacement tree (provided in a min. 75ltr container size) to be included on an amended landscape plan.</p> <p>Proposed tree species to be indigenous to the Canterbury area.</p>

17. The existing vegetation marked to be retained on the marked up Landscape plan (drawn by Taylor Brammer Landscape Architects, drawing no. LA01 Rev A and submitted to council on 26th June 2013) must be retained and protected during construction.
18. The tree protection zones as mentioned in the table above must be observed. A tree protective barrier must be erected to the full extent of the individual trees

protection zone prior to construction and as per the details included below. A tree protection barrier is to be erected around the perimeter of the TPZ prior to the commencement of any site works. This barrier must be a minimum 1800mm high chain link fabric (with standard 50mm pitch) on 2400mm star pickets driven 600mm into the ground so that the fencing cannot be breached. A 600mm x 450mm prohibition sign complying with AS1319, and stating 'TREE PROTECTION ZONE – KEEP OUT' must be attached to the barrier. The barrier is to be well maintained during construction. No building material storage or construction activity shall be allowed to encroach within this TPZ.

19. The submitted landscape plan (drawn by Taylor Brammer Landscape Architects, drawing no. LA01 Rev A and submitted to council on 26th June 2013) must be amended to address the following items.
- **The modification of the proposed planting is to consider the inclusion of additional trees as required as replacement trees. As listed in the table above.**
 - The proposed location of the specified tree *Syncarpia glomulifera* (*common name turpentine*) is to be reconsidered to an area more suited to allow for its successful growth and retention given its required height and width at maturity.
 - A detailed Landscape Management and Maintenance Schedule is to be including:
 - replacement strategy for failures in plant materials and built works,
 - maintenance schedule for watering, weeding and fertilizing during the establishment period
 - The maintenance period for the landscaping must be set for 12 months post practical completion.
 - Construction Details including:
 - Standard constructions and details drawings (e.g. Sections through mass planting beds, tree planting and mulching details, paths, steps and retaining walls)
 - Detailing and location of edge treatments (e.g. Concrete, brick, timber)

ENGINEERING

20. That the stormwater system be constructed in general, in accordance with the plans, specifications and details received by Council on 26th June 2013; drawing numbers DA1.01 Rev 1, DA2.01 Rev 1, DA3.01 Rev 1, DA3.02 Rev 1 & DA4.01 Rev 1, prepared by Northrop and as amended by the following condition.
21. Certification from an accredited engineer must be provided to certify that all works has been carried out in accordance with the approved plan(s), relevant codes and standards.
22. All downpipes, pits and drainage pipes shall be installed to ensure that stormwater is conveyed from the site and into Council's stormwater system in accordance with AUS-SPEC Specification D5 "Stormwater Drainage Design", AS/NZS3500.3 and Council's DCP 2012, Part 6.4.
23. Full width grated drains being provided across the vehicular entrance/exit to the site where internal areas drain towards the street, and be connected to the

- drainage system upstream of the silt arrestor pit and in accordance with Clause 4 of Council's DCP 2012, Part 6.4.
24. Where OSD is required; three (3) copies of plans and calculations must be submitted prior to the issue of Construction Certificate to the Principal Certifying Authority PCA and Canterbury City Council, if Council is not the PCA. The plans must be prepared by a practicing Civil Engineer and include levels reduced to Australian Height Datum (AHD) and full details of the hydraulic evaluation of the entire stormwater drainage system. The details shall be prepared in accordance with Council's DCP 2012, Part 6.4.
 25. A Works-as-Executed plan must be submitted to Canterbury City Council at the completion of the works, the plan must clearly illustrated dimensions and details of the site drainage and the OSD system. The plan shall be prepared by a registered surveyor or an engineer. A construction compliance certification must be provided prior to the issuing of the Occupation Certificate to verify, that the constructed stormwater system and associate works has been carried out in accordance with the approved plan(s), relevant codes and standards. The required certification must be issued by an accredited professional in accordance with the accreditation scheme of the Building Professional Board issued 1st March 2010. An appropriate instrument must be registered on the title of the property, concerning the presence and ongoing operation of the OSD system as specified in Councils DCP 2012, Part 6.4.
 26. A full width heavy duty vehicular crossing shall be provided at the vehicular entrance to the site, with a maximum width of 3.5 metres at the boundary line. This work to be carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
 27. 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.
 28. The levels of the street alignment are to be obtained by payment of the appropriate fee to Council. These levels are to be incorporated into the designs of the internal pavements, carparks, landscaping and stormwater drainage. Evidence must be provided that these levels have been adopted in the design. As a site inspection and survey by Council is required to obtain the necessary information, payment is required at least 14 days prior to the levels being required.
 29. Driveways, parking and service areas are to be constructed or repaired in accordance with the appropriate AUS-SPEC #1 Specifications: C242-Flexible Pavements; C245-Asphaltic Concrete; C247-Mass Concrete Subbase; C248-Plain or Reinforced Concrete Base; C254-Segmental Paving; C255-Bituminous Microsurfacing.
 30. The driveway grades shall be in accordance with Australian Standard AS 2890.1 "Off-street Parking Part 1 - Carparking Facilities".
 31. All redundant vehicular crossings shall be replaced with kerb and the footpath reserve made good by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for

- the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter”.
32. The reconstruction of the kerb and gutter along all areas of the site fronting Hannans Road is required. Work to be carried out by Council or an approved contractor, at the applicant’s cost. The work is to be carried out in accordance with Council’s “Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter”.
 33. The reconstruction of concrete footpath paving and associated works along all areas of the site fronting Hannans Road is required. Work being carried out by Council or an approved contractor, at the applicant’s cost. The work is to be carried out in accordance with Council’s “Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter”.
 34. The granting of service easements within the properties to the satisfaction of Council or private certifier. Costs associated with preparation and registration of easements to be borne by the developer.
 35. An easement for drainage is to be created in favour of 118-120 Hannans Road and burdening 37 Nirimba Avenue. Documents relative to the creation of the easement are to be lodged with the Land and Property Information NSW.

SYDNEY WATER REQUIREMENTS

36. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Co-ordinator. For help either visit Sydney Water’s web site at www.sydneywater.com.au/SW/plumbing-building-developing , Water Servicing Coordinators, or telephone 13 20 92. Following application, a “Notice of Requirements” will be forwarded detailing water and sewage extensions to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development/release of the final plan of subdivision.
37. The approved plans shall be submitted to the appropriate Sydney Water Quick Check agent to determine whether the development will affect Sydney Water’s sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately stamped. For Quick Check agent details either visit Sydney Water’s web site at www.sydneywater.com.au/SW/plumbing-building-developing/building/quick-check-agents , or telephone 13 20 92. The consent authority or a private accredited certifier must ensure that a Quick Check agent has appropriately stamped the plans before the issue of any Construction Certificate.

CRITICAL INSPECTIONS

38. Class 1 and 10 Buildings
The following critical stage inspections **must be** carried out by the Principal Certifying Authority (either Council or the Accredited Certifier):

- 38.1. at the commencement of the building work, and
- 38.2. after excavation for, and prior to the placement of any footings, and
- 38.3. prior to paving any in-situ reinforced concrete building element, and
- 38.4. prior to covering of the framework for any floor, wall, roof or other building element, and
- 38.5. prior to covering waterproofing in any wet areas, and
- 38.6. prior to covering any stormwater drainage connections, and
- 38.7. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

Class 2, 3 or 4 Buildings

- 38.8. at the commencement of the building work, and
 - 38.9. after excavation for, and prior to the placement of the first footing, and
 - 38.10. prior to covering of waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within the building, and
 - 38.11. prior to covering any stormwater drainage connections, and
 - 38.12. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.
39. Section 81(A) of the EP&A Act 1979 requires that a person having the benefit of a development consent, if not carrying out the work as an owner-builder, **must notify the principal contractor for the building work of any critical stage inspections and other inspections that are to be carried out in respect of the building work**, as nominated in this development consent.

COMPLETION OF DEVELOPMENT

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

WE ALSO ADVISE

- 41. This application has been assessed in accordance with the National Construction Code.
- 42. Where Council is appointed as the Principal Certifying Authority, you will be required to submit Compliance Certificates in respect of the following:
 - Structural engineering work
 - Air handling systems
 - Protection from termites
 - Smoke alarms
 - NatHERS/BASIX completion
 - Waterproofing wet areas
 - Glazing Certificate
- 43. Your attention is directed to the following construction requirements of the National Construction Code:
- 44. Any works to be carried out by Council at the applicant's cost need to be applied for in advance.
- 45. Australian Standards AS3500 Plumbing and Drainage and Part 5 Domestic Installations requires that eaves gutters are installed with continuous overflow

- measures that prevent water from overflowing gutters flowing back into the building.
46. Before you dig, call “Dial before you Dig” on 1100 (listen to the prompts) or facsimile 1300 652 077 (with your street no./name, side of street and distance from the nearest cross street) for underground utility services information for any excavation areas.
 47. In granting this approval, we have considered the statutory requirements, design, materials and architectural features of the building. No variation to the approved design and external appearance of the building (including colour of materials) will be permitted without our approval.
 48. Compliance with the National Construction Code does not guarantee protection from prosecution under “The Disability Discrimination Act”. Further information is available from the Human Rights and Equal Opportunity Commission on 1800 021 199.
 49. Our decision was made after consideration of the matters listed under Section 79C of the Environmental Planning and Assessment Act 1979, and matters listed in Council’s various Codes and Policies.
 50. If you are not satisfied with this determination, you may:
 - 50.1. Apply for a review of a determination under Section 82A of the Environmental Planning and Assessment Act 1979. A request for review must be made within 6 months of the date of this Notice of Determination and be accompanied by the relevant fee. Council may review its decision but must do so within 6 months of the date shown on the Notice of Determination. You may apply for a review of a rejected Development Application under Section 82B of the Environmental Planning and Assessment Act 1979 within 14 days of the date of rejection; or
 - 50.2. Appeal to the Land and Environment Court within 6 months after the date on which you receive this Notice of Determination, under Section 97 or Section 97AA of the Environmental Planning and Assessment Act 1979.

