

Environmental & Planning Services Department

Our Reference: 2014/398
Contact: Ms D Randhawa
Phone: 02 9840 9819

**ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979
NOTICE OF DETERMINATION OF APPLICATION**

TBA

AR Design
1183 The Horsley Drive
WETHERILL PARK NSW 2164

Dear Sir/Madam

Pursuant to Section 81 of the Act, Council has granted conditional approval to your Development Application described as follows:

PROPERTY: **Lots 12, 13 and 14, DP 9748**

STREET ADDRESS: **70-74 O'NEILL STREET GUILDFORD**

DEVELOPMENT CONSENT NO: **2014/398/1**

DECISION: **Joint Regional Planning Panel**

DATE OF EXPIRY OF CONSENT: **TBA**

PROPOSED DEVELOPMENT: **Consolidation of 3 lots into 1 lot; construction of a 5 storey residential flat building in accordance with State Environmental Planning Policy (Affordable Rental Housing) 2009, comprising of 41 units, over 1 level of basement parking accommodating 36 carparking spaces with associated strata subdivision into 41 lots.**

This Development Application is APPROVED in accordance with the Environmental Planning & Assessment Act 1979 and is subject to compliance with the requirements of Holroyd City Council, the Building Code of Australia, the Local Government Act 1993, and the following conditions as set out hereunder and/or endorsed upon the attached plans.

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 three 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:
 - Architectural plans prepared by Ardesign, Sheet No's 838_04 and 838_05, Issue 17, dated 4 June 2015, Sheet No's 838_6 to 838_15 (inclusive) and Sheet No 838_20, Issue 16, dated 23 March 2015, and Sheet No. 838_21, Issue 17, dated 4 June 2015;
 - Landscape plans prepared by rfa Landscape Architects, Project No 3568c, Drawing No. L-01, Issue C, dated 15 April 2015;
 - Arboricultural Impact Assessment, prepared by Australis Tree Management, Ref: 2014979, Revision 5, dated 21 July 2014;
 - Stormwater/Drainage plans prepared by Wehbe Consulting – Stormwater & Structural Engineers, Job No. 460, Drawing Nos. SW460-1, Issue C, SW460-2, Issue D, SW460-3, Issue E, SW460-4, Issue D and SW460-5, Issue C, dated 10 February 2015, (OSD Plan No. 2014-176);
 - BASIX Certificate No. 559792M_04, dated 29 April 2015;
 - Waste Management Plan dated 4 August 2014;
 - Preliminary Site Investigation Report, prepared by Douglas Partners, Reference No. 8478 dated March 2015;
 - Flood study report prepared by Taylor Thomson Whiting, Reference No.141663 P, dated 22 October 2014; and
 - Correspondence prepared by the NSW Police – Holroyd Local Area Command, dated 29 October 2014 (copy attached), and all recommendations contained therein.

- a) As amended in red by Council. The above 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. 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 DoP.

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 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.

BASIX (Building Sustainability Index)

8. 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

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

9. 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

10. 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 41 units (6 x studio, 19 x 1 and 16 x 2 bedroom units- minus 3 credits) is to be paid to Council. At the time of this development consent, the current rate of the contribution is \$ **\$379,403**. 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 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

11. A cash bond/bank guarantee of **\$4,367.22** 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

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

Amended Plans

13. The Construction Certificate plans shall include screens to be fixed to the full height of the balconies of Units 206, 207, 208, 209, 306, 307, 308, 309, 409 and 410 with louvred blades fixed in a horizontal position to maintain privacy to the neighbouring properties.
14. The Construction Certificate plans shall include the acoustic wall along the northern boundary as shown on the approved architectural plans prepared by Ardesign, Drawing No 838_21, Issue 17 and dated 4 June 2015.
15. The Construction Certificate plans shall include details of the garbage collection room to be roofed and provided with:-
 - Solid walls with no openings, into the north, east and west facing walls of the garbage room;
 - An adequate water supply provided by a hose cock and hose;
 - Openings, 5% of the floor area and recessed into the walls, positioned to provide cross floor ventilation OR mechanical ventilation to Council's satisfaction;
 - 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.
16. An Accredited Certifier shall submit to the Principal Certifying Authority a signed checklist as per Appendix A of AS4299-1995 confirming that 7 dwellings (and associated car parking spaces) will achieve the desired level of adaptability (i.e. "Adaptable House Class A or B").

Landscape Inspection Fee

17. Payment of a **\$428** 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

18. Payment of a **\$328.70** fee for the design, specifications and inspection by Council of the vehicular crossing/s prior to placement of concrete.
19. Payment of a **\$782** fee for the design, specifications and inspection by Council of the footpath paving prior to placement of concrete.
20. Payment of a **\$784** fee for the inspection by Council of the stormwater drainage, Onsite Stormwater Detention System and Overland Flowpath at the key stages, where Council is the Principal Certifying Authority.
21. The applicant shall lodge with Council a **\$3,000** 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 **\$4,000** 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 any defects that may arise within this time.

23. The applicant shall lodge with Council a **\$6,000** cash bond to cover the registration of a Positive Covenant and Restriction as to User over the Onsite Stormwater Detention System. 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.

On-site Stormwater Detention

24. 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 2014/176 and Council's on-site detention policy shall be submitted to the certifying authority prior to the issue of a construction certificate.

Flooding

25. 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. Demonstrate compliance with the TTW Flood study report prepared for Richmond PRA dated 22 October 2014 and submitted with the Development Application.
 - ii. All proposed fencing within the flood affected area shall be in accordance with Council detail SD8025.

Proof of Evidence of Benefit from Downstream Easement

26. Proof that the subject property (No. 70, 72 and 74 O'Neil Street, Guildford) benefits from a downstream easement is required prior to release of the Construction Certificate.

Road Works

27. A Traffic Management Plan shall be lodged with Council for any road and drainage works to be carried out within public road reserves and the Council car park, or where construction activity impacts on traffic flow or pedestrian access in public areas, 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 **\$482.70** 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.
28. Any works requiring closure of any road or footway closure will require submission of a Temporary Road Closure application form and payment of fees.

Traffic Matters

29. To maintain sight distance to pedestrians, all fencing and landscaping within 2.0 m of a driveway shall have a maximum height of 1.0 m and 50% transparent above a height of 0.5 m. All solid posts higher than 0.5 m (but lower than 1.0 m) shall have a maximum width 350 mm and a minimum spacing of 1.2 m between solid posts. Details shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.
30. The bicycle parking spaces shall be positioned or located in such a way that does not impact on footpaths and shall be designed in accordance with AS 2890.3-1993.

Sight Distance

31. To maintain sight distance to pedestrians, all fencing and landscaping within 2.0m of a driveway shall have a maximum height of 1.0 m and 50% transparent above a height of 0.5m. All solid posts higher than 0.5m (but lower than 1m) shall have a maximum width 350mm and a minimum spacing of 1.2m.

Required Submissions to Certifying Authority

32. 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 appropriately stamped.

Please refer to the web site 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

or telephone 13 20 92.

33. If the development 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.
34. The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.
35. 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.
36. 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.

Strata Subdivision

37. A plan of strata subdivision shall be submitted. The plan shall show the boundaries of each strata allotment, building footprints, common property, car parking and unit entitlements. Details shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

Salinity

38. 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.

Fire Safety Upgrading & Essential Services

39. The Construction Certificate is to include a schedule specifying all of the essential fire or other safety measures (both current and proposed) that are required for the building or premises to ensure the safety of persons in the building in the event of fire.

Car Wash Bay

40. 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:-

Have an adequate parking and washing floor space.

Provide a water supply.

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).

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.

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.

Be located so that washing can occur with minimal disturbance to other residents,

details to be submitted to the Principal Certifying Authority

Design Verification Statement

41. 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

42. 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.
 - The access ramp is to have a maximum grade of 1:8.

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

Construction Management Plan

43. 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 the issue of a Construction Certificate.

PRIOR TO WORKS COMMENCING

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

Appointment of Principal Certifying Authority and Notification of Commencement of Work

44. The person having the benefit of the development consent, not the principal contractor (builder), must: -
- a) Appoint a Principal Certifying Authority in accordance with Section 81A(2)(b) of the Act.
 - b) Have the Principal Certifying Authority complete the 'Accredited Certifier Details' on the approved form provided by Council for this purpose, an original of which is attached to this Development Consent.
 - c) Notify Council of the appointment of the Principal Certifying Authority and of the intention to commence building work, such notification is to be given to Council at least two (2) working days prior to the proposed commencement date, and be on the approved form provided by Council for this purpose, an original of which is attached to this Development Consent.

If nominated, Council can provide this service for you and act as the Principal Certifying Authority.

N.B. The Principal Certifying Authority must also notify the person having the benefit of the Development Consent of any mandatory critical stage inspections and other inspections that are to be carried out in respect of the building work such notification must comply with Clause 103A of the Regulations.

Notification of Principal Contractor (Builder)/Owner-Builder

45. 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.

Required Submissions to Council or the Principal Certifying Authority

46. To facilitate a complete assessment and enable the Certifying Authority to check compliance on site, truss validation and design, details certified by a qualified practising structural engineer shall be submitted to Council or the Principal Certifying Authority for examination and approval. Details shall include:
- a) job address and builder's name
 - b) design wind velocity
 - c) terrain category
 - d) truss spacing
 - e) roof pitch
 - f) material of roof
 - g) roof batten/purlin spacing
 - h) material of ceiling
 - i) job number

Photographic Record of Council Property – Damage Deposit

47. 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

48. 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

49. 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

50. A sign must be erected in a prominent position on any site on which building work, subdivision 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

- 51. 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

- 52. 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

- 53. 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

54. 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.
55. 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

56. 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).
57. 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

58. 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.

Residential Building Work - Insurance

59. Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the Principal Certifying Authority for the development to which the work relates (where not Holroyd City Council) has given Holroyd City Council written notice of the following information:-
- (a) in the case of work for which a Principal Contractor is required to be appointed:
 - (i) the name and licence number of the Principal Contractor, and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
 - (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under this condition becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (where not Holroyd City Council) has given Holroyd City Council written notice of the updated information.

The notification is to be on the approved form provided by Council for this purpose, an original of which is attached to this Development Consent.

Tree Protection

60. 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.
61. 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 Australis Tree Management, Reference No. 2014979, Revision 5, dated 21 July 2014. 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.

62. Protective fencing is to be installed around the tree/s to be retained/transplanted as per the Arboricultural Impact Assessment prepared by Australis Tree Management, Reference No. 2014979, Revision 5, dated 21 July 2014 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.

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

Noxious Plant

64. Noxious plants found on the site are required to remove this plant.

Roadworks

65. The applicant is to submit to Council an application for a road opening permit when the drainage connection into Council's system is within the road reserve. In this regard the applicant shall pay Council a **\$159.20** fee prior to the commencement of works. Additional road opening permits and fees may be necessary where there are connections to public utility services (eg. telephone, electricity, sewer, water or gas) required within the road reserve.
66. 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.
67. 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.
68. 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.

Works Within Council's Reserve

69. 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.
70. Submission to Council of a Certificate of Currency of the contractor's Workers' Compensation Policy prior to the commencement of works.

71. 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.

DURING CONSTRUCTION

The following conditions are applicable during demolition/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. **Note: Demolition work is not permitted on weekends or Public Holidays - refer to specific demolition condition for approved hours.**

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.

Asbestos Cement Sheeting

77. i) All asbestos cement sheeting must be removed by contractors with an appropriate licence issued by WorkCover and who are familiar with asbestos removal prior to the commencement of:-
- (a) Recladding or brick veneering of any building where the existing walls to be covered are currently clad with asbestos cement;

OR

- (b) Construction work where new work abuts existing asbestos cement sheeting and/or where parts of the existing building clad with asbestos cement sheeting are to be altered or demolished.

Removal must be carried out strictly in accordance with WorkCover's "Your Guide to Working with Asbestos" (copy attached).

- ii) 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)/OEH.

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. **Upon completion of tipping operations the applicant shall lodge with the Council, all receipts issued by the receiving tip as evidence of proper disposal.**

- iii) Within fourteen (14) days of completion of renovation or recladding or brick veneering works where asbestos cement sheeting was removed, the applicant shall submit to Council an asbestos clearance certificate prepared by a NATA accredited occupational hygienist.

Note: To find a list of NATA accredited facilities visit the NATA website at www.nata.asn.au and under 'Find a Facility or Lab' type in 'asbestos identification' in 'keywords' then click on 'chemical testing' in NSW then click on the search button. A list of laboratories will be produced which you can contact for the purpose of having a clearance certificate issued.

Waste Management Plan

- 78. The approved Waste Management Plan must be implemented and complied with during all stages of works on site.
- 79. 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 demolition 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

- 80. 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

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 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

82. 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/ Site Works

83. All turfed areas shall be finished level with adjoining surfaces and also fall evenly to approved points of drainage discharge.
84. 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 Australis Tree Management, Reference No. 2014979, Revision 5, dated 21 July 2014 and relevant conditions of this Consent.
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. New 1.8m high lapped and capped timber paling or colourbond fences (colour to be sympathetic with the development) determined in consultation with adjoining property owner(s), are to be erected along and within all side and rear boundaries and between courtyards at full cost to the developer, such fencing to be constructed on or within the property boundary. In situations where the boundary fence is proposed on top of a retaining wall, the height of the fence shall not exceed a maximum of 2.4m as measured from the lower adjacent ground level. A Statutory Declaration or other documentary evidence of such consultation is to be submitted to the Principal Certifying Authority.
88. A new acoustic wall shall be constructed along the northern boundary as shown on the approved architectural plans prepared by Ardesign, Drawing No. 838_21, Issue 17 and dated 4 June 2015.
89. All front boundary and courtyard fencing fronting O'Neil Street shall be a maximum 1.5 metres high.
90. Fences are to taper from the front building line to be not more than 900mm high at the front boundary.
91. A single master T.V. antenna is to be installed to service each building and provision made for connection to each Boarding Room within that building.

Inspection of On Site Detention Works

92. The stormwater drainage works are to 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 construction of the detention basin/tank.
 - (b) Prior to landscaping of detention basin or pouring of the roof of the detention tank.
 - (c) After completion of storage but prior to installation of fittings (e.g. orifice plates, screens, flap valves etc.)
 - (d) 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

93. 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.

Road Works and Footpaving

- 94. 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".
- 95. 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

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

Underground Power Connection

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

Alarms

- 98. 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.
- 99. 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.

Basement Parking

- 100. A convex mirror is to be provided so that drivers can see up the driveway from within the basement.
- 101. A security roller door shall be fitted, providing secure access to the basement carpark.
- 102. An intercom device is to be located:

- i) on the driver's side wall near the security shutter to the basement carpark, so that visitors can access the visitor carparking spaces; and
- ii) within the basement foyer so that disabled persons can contact any unit if the lift is not working.

Vehicle Cleansing

- 103. 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

- 104. 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 Remediation/Demolition/Construction

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

Line Marking and Signage

- 106. The traffic light signal at the top of the ramp should be relocated for the drivers to easily see the traffic light signal while stopped at the stop line.
- 107. Directional arrows for internal circulation shall be prominently displayed on the pavement on approaches to, and within, the carpark area.
- 108. The driveway shall be sign posted indicating availability of visitor off-street parking. Spaces reserved for this purpose shall be marked as such.
- 109. All residents and visitors parking spaces shall be signposted and linemarked in accordance with Australian Standards 2890.1.2004 and 2890.6.2009.
- 110. All dwellings/units and associated car parking spaces shall be numbered on site in accordance with numbering on the endorsed plans. These numbers shall also be consistent with any strata plan for the completed development.

Privacy Measures

- 111. Screens are to be fixed to the full height of the balconies of Units 206, 207, 208, 209, 306, 307, 308, 309, 409 and 410 with louvred blades fixed in a horizontal position to maintain privacy to the neighbouring properties.

Site Contamination

112. The recommendations provided in the Preliminary Site Investigation prepared by Douglas Partners Reference No. 8478, dated March 2015 shall be implemented during construction.

PRIOR TO ISSUE OF A FINAL OCCUPATION CERTIFICATE

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

Certificates/ Documentary Evidence

113. A final clearance is to be obtained from Integral Energy if such clearance has not previously been issued.
114. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation and submitted to the Principal Certifying Authority prior to occupation of the development. Make early application for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

Application must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Building and developing > Developing your Land > Water servicing Coordinator or telephone 13 20 92.

115. 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.

116. An Accredited Certifier shall submit to the Principal Certifying Authority a signed checklist as per Appendix A of AS4299-1995 confirming that 7 dwellings have achieved the desired level of adaptability (i.e. "Adaptable House Class A or B").

Landscaping/Tree Protection

117. 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.
118. 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.
119. 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.

120. 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.

Tree Planting

121. As shown on the amended endorsed plan, three (3) Jacaranda trees are to be planted in the footpath area of O'Neil Street, Guildford. The trees are to come from a minimum 45L container and be planted, so as not to affect existing services, in accordance with the attached guidelines.
122. Boundary and courtyard fences must be erected and finished in a professional manner.

Parking/Driveway

123. All dwellings/units and associated car parking spaces shall be numbered on site in accordance with numbering on the endorsed plans. These numbers shall also be consistent with any strata plan for the completed development.
124. The driveway shall be signposted indicating availability of visitor off-street parking. Spaces reserved for this purpose shall be marked as such.
125. Wheel stops shall be provided at all parking spaces in accordance with Australian Standard 2890.1.2004.
126. The vehicle crossing between the street and front boundary shall be constructed of plain concrete with no colour or stencilling.
127. The traffic signal shall not be blocked and shall be clearly visible when a vehicle is parking in the adjacent car space.

Fire Safety

128. 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.

On-site Stormwater Detention, Certification and Covenant

129. A copy of the as approved stormwater drainage and On Site Detention and Overland Flowpath plan 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.
130. A certificate of compliance in accordance with Council's standards and specifications for stormwater drainage and On Site Detention system and Overland Flowpath shall be issued to the Principal Certifying Authority by a suitably qualified Civil Engineer.
131. 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.
132. Documents giving effect to the creation of a Positive Covenant and Restriction on Use over the as constructed On Site Detention 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 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.

133. A maintenance schedule for the stormwater and On-Site Detention system including a sketch plan of the components forming the sites stormwater and On-Site Detention system shall be submitted. The maintenance schedule shall be prepared by a qualified hydraulic engineer and shall be in accordance with the Upper Parramatta River Catchment Trust requirements.

Road Works

134. Any works requiring levels within the road reserve will require the submission of Council's Vehicle Crossing application form.
135. A full width **heavy** duty vehicular crossing shall be provided opposite the vehicular entrance to the site, with a maximum width of **6 metres** and a minimum width of **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.
136. The removal of existing and construction of 1.5m wide concrete footpath paving and associated works along all areas of the site fronting O'Neil Street, Guildford. 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. The reconstruction of cracked or damaged kerb, gutter and associated works, along all areas of the site fronting O'Neil Street, Guildford. 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.
138. The applicant shall obtain a letter from the downstream property owner upon completion of the stormwater connection into Council's pipe system stating that the restoration of his property is satisfactory.

Flood protection

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

Lot Consolidation

140. Lots 12, 13 and 14 in DP 9748 are to be consolidated into one lot on title and all works shall be completed in accordance with this Development Consent, prior to the issue of the Occupation Certificate.

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.

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.

SEPP (Affordable Rental Housing) 2009

- 143. To ensure compliance with the SEPP (Affordable Rental Housing) 2009, Council is to be notified on the day that an occupancy certification is issued (this in turn will be considered as the day that the affordable housing 10 year dedication period commences). The register to be updated accordingly.
- 144. To ensure compliance with the SEPP (Affordable Rental Housing) 2009, details of the registered community housing provider responsible for the management of the affordable rental housing dwellings is to be submitted to the Principal Certifying Authority and Council before the issue of any Occupation Certificate.

Restriction as to User

- 145. Must be Used for Affordable Housing for 10 years: -

For 10 years from the date of the issue of the Occupation Certificate, all 41 units must: -

- (i) Be used for the purposes of affordable housing; and
 - (ii) Be managed by a registered community housing provider
- 146. A restriction must be registered, before the date of the issue of the Occupation Certificate, against the title of the property, in accordance with Section 88E of the Conveyancing Act 1919 that will ensure that the requirements of the above Condition are met.

Site Contamination- Validation Report

- 147. A site validation report is to be provided in accordance with the recommendations provided in the Preliminary Site Investigation prepared by Douglas Partners, Reference No. 8478 and dated March 2015.

General

- 148. Documentary evidence and/or certificate of compliance must be submitted to Council to show that all works have been completed in accordance with this Development Consent and its accompanying Construction Certificate.

PRIOR TO RELEASE OF LINEN PLAN

The following conditions are to be complied with prior to the Release of the Linen Plan:-

Linen Plan

149. The linen plan for the subdivision when lodged for final approval must be accompanied by four (4) copies and linen plan release fee of **\$3,398.90**.

88B Instrument

150. As per Condition 132 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 (OSD) system. 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.

Public Utilities

151. The Principal Certifying Authority is to be provided with a current Section 73 Certificate for the property from Sydney Water.
152. Public utility services (including water, sewer, electricity and telephone) shall be provided and any easements necessary created to the satisfaction of the relevant servicing authorities. Evidence of such is to be submitted prior to release of the linen plan of subdivision.

General

153. Documentary evidence and/or certificate of compliance must be submitted to Council to show that all works have been completed in accordance with this Development Consent and its accompanying Construction Certificate.

CONDITIONS RELATING TO USE

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

Safety and Amenity

154. 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.
155. 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.
156. 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).

Mechanical Ventilation System – Car Park

157. 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.

Parking

158. The car parking spaces, driveways and manoeuvring areas are to be used for lodgers and visitors vehicles only and not for the storage of new or used materials, finished goods or commercial vehicles.
159. At least 36 car parking spaces numbered and linemarked in accordance with the endorsed plan, are to be made available at all times for residents' and visitors' vehicles in conjunction with the occupation of the building/premises.

Entry/Exit

160. All vehicles shall enter and exit the site in a forward direction.

Maintenance of Waste Storage Area – Residential

161. All waste and recycling containers shall be stored in the designated waste storage area. The body corporate/Manager shall be responsible for the opening of the waste storage area (or provision of key to Council) to enable Council to enter the premises and empty the waste and recycling containers. The Body Corporate/Manager shall clean the waste storage area, dry arrestor pit and waste collection containers.
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. The area adjacent to the bin room shall be made available at all times for bin collection/emergency vehicles as required.
164. The roller shutter door for the garbage bay storage area shall be kept closed at all times whilst not in use to minimise odours for adjoining properties.

Waste Collection

165. The development shall be provided with:
 - 6 x 1100 litre recycling bins
 - 14 x 240 litre garbage bins

Alarms

166. Where audible intruder alarms are installed in the units by residents, they shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997. (Note: Condition 98 above, prevents the developer/builder from installing audible alarms).

Emergency Procedures

167. The owner of a building to which an essential fire safety measure is applicable must not fail to maintain each essential fire safety measure in the building premises to a standard not less than that specified in the Fire Safety Schedule.

Air Emissions

168. In the event of Council receiving complaints regarding excessive odour from the garbage bay area, 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 emanating from the garbage bay area.

Noise

169. 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).
170. 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.
171. Noise and vibration from the use of the air conditioning system (if any installed) 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 Wash – Residential

172. 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.
173. 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.

Lighting

174. Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads, and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with *AS4282-1997 Control of the obtrusive effects of outdoor lighting*.

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 Schedule 1 of Development Control Plan No. 32 "*Guidelines for 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.

NOTE: * If you carry out building work as an owner builder and sell your home within seven (7) years from the date of completion (date of final occupation certificate), then a Certificate of Insurance must be attached to your Contract of Sale.

- 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 Human Rights and Equal Opportunity 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. TREES

The trees indicated on the endorsed plans to be retained and protected are to be considered with any future development of the subject allotments. In this regard no works are to occur within the driplines of trees to be retained.

H. 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 Moodys 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 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 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.

I. 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.

J. 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.

K. 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.

L. 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.

M. 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.

N. MINIMISING WATER USE

Examples of ways water use can be minimised in the car wash facility are:

- the use of a gun type nozzle on the hose that closes when released and
- filter and recycle wash water where possible.

O. CONSTRUCTION/OCCUPATION CERTIFICATE FEES

An administration fee per certificate (in accordance with Council's adopted fees and charges) is payable to Council on lodgement of Construction and Occupation Certificates from Principal Certifying Authorities.

P. 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.

Q. 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".

R. 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 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.

S. 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.

T. 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.

Yours faithfully

Merv Ismay
GENERAL MANAGER

Per:
MANAGER DEVELOPMENT