

*Environmental & Planning Services Department*

Our Reference: 2014/427  
Contact: William Attard  
Phone: 9840 9835

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

**DEFERRED COMMENCEMENT**

TBA

St George Community Housing Limited  
PO Box 348  
HURSTVILLE BC NSW 1481

Dear Sir/Madam

Pursuant to Section 81 of the Act, Council has granted “deferred commencement” to your Development Application described as follows:

**PROPERTY:** Lots 30, 31, 32 & 33, DP 1075176

**STREET ADDRESS:** 148-150 Great Western Highway, Westmead

**DEVELOPMENT CONSENT NO:** 2014/427/1

**DECISION:** Joint Regional Planning Panel

**DATE FROM WHICH  
CONSENT OPERATES:** TO BE ADVISED UPON SATISFACTORY  
COMPLETION OF SCHEDULE ‘A’

**DATE OF EXPIRY OF CONSENT:** TBA

**PROPOSED DEVELOPMENT:** Consolidation of 4 lots into 1 lot, construction of a part 6, part 7 storey mixed use development incorporating a residential flat building, business premises and community facility over 1 level of basement car parking accommodating 67 residential units, 219m<sup>2</sup> of business premises, 100m<sup>2</sup> of community facility and 48 car parking spaces under the Affordable Rental Housing SEPP 2009.

The project has a capital investment value of more than \$5M and the consent authority is the Joint Regional Planning Panel.

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.

**PURSUANT TO SECTION 80(3) OF THE ACT, THIS CONSENT IS NOT TO OPERATE UNTIL COUNCIL IS SATISFIED THAT ALL SCHEDULE 'A' CONDITIONS HAVE BEEN SATISFIED.**

## SCHEDULE “A”

**This is a “Deferred Commencement” consent that is granted subject to a condition under section 80(3) of the Environmental Planning and Assessment Act 1979 (“EP&A Act”) that the consent is not to operate until the applicant satisfies Holroyd City Council (“Council”) as to the matters set out in schedule A below.**

**If the applicant produces evidence to the Council, sufficient to enable the Council to be satisfied as to the matters set out in Schedule A below and the Council notifies the applicant in writing that it is satisfied as to the relevant matters, the development consent shall become operative from the date specified in the notice subject to compliance with the conditions set out in Schedule “B” below.**

### **Traffic and Parking**

1. The height clearance at the basement entrance is less than the required minimum clearance. In this regard, the height clearance between the ramp/floor and the above obstruction/structure shall be in accordance with AS 2890.1-2004 and AS 2890.6-2009. The height clearance at ‘sag’ type grade change shall be measured in accordance with Figure 5.3 of AS 2890.1-2004. Details shall be submitted to Council for review and approval.
2. The minimum dimensions of parking spaces 39 and 40, in accordance with AS 2890.1-2004 and AS 2890.6-2009, have not been achieved. The design of the parking spaces shall be amended, and details shall be submitted to Council for review and approval.
3. The parking space 41 is adjacent to a wall/obstruction. In this regard, parking spaces shall have a clearance of 300mm from walls, structures, gates and other permanent obstructions in accordance with AS 2890.1-2004. Details shall be submitted to Council for review and approval.
4. The control device (e.g. intercom, etc.) shall be relocated to ensure that the vehicle is wholly within the site when operating the control device, to be located at the car park entry and on the drivers’ side of entering vehicles. The control device shall not reduce the width of the access driveway and not impact on the flow of traffic and road safety. Details shall be submitted to Council for review and approval.
5. The proposed over bonnet storage depicted within the basement car park plan and Section A plan do not correspond. In this regard, plans shall be amended to clarify the proposed over bonnet storage, and the minimum dimensions (including height clearance) of parking spaces shall be in accordance with AS 2890.1-2004 and AS 2890.6-2009. Details shall be submitted to Council for review and approval.
6. The proposed ‘Give Way’ sign mentioned in the letter dated 17 June 2015 prepared by TTM is not required. In this regards, traffic safety measures shall be proposed to ensure vehicular conflict does not occur. Details shall be submitted to Council for review and approval.
7. The vehicular crossing (i.e. between kerbs to property boundary) shall be designed in accordance with Council’s Vehicular Crossing Policy and to Council’s Development Engineer’s requirements. Details shall be submitted to Council for review and approval.

8. Swept path analysis shall be provided demonstrating the following:
- i) A vehicle can enter and exit restricted spaces (e.g. parking spaces 41).
  - ii) A vehicle can turn around within the site when all spaces are occupied.
  - iii) A vehicle can enter and exit the driveway in a forward direction without impacting on the kerb. Details of the road including, kerbline, signs, traffic devices, power poles, other structures and neighbouring driveways shall be shown on the plans.

Details shall be submitted to Council for review and approval.

9. The design of the bicycle parking facility (i.e. parking spaces and aisle) is not in accordance with AS 2890.3-1993. In this regard, the bicycle parking arrangement shall be clearly stated on the plans (i.e. side-by-side, vertical storage, etc.) and shall be designed in accordance with AS 2890.3-1993. Any variation to this requirement shall be provided with justification and supporting documentations. Details shall be submitted to Council for review and approval.
10. The retaining wall is within the sight triangle. In this regard, clear sight distances shall be provided at the property line to ensure adequate visibility to pedestrians at the road reserve as shown in Figure 3.3 of AS 2890.1-2004, and for vehicles entering the road as shown in Figure 3.2 of AS 2890.1-2004. Details shall be submitted to Council for review and approval.

### **Design Levels**

11. The design surface and finish floor (ground floor) levels are not consistent between the architectural and landscape drawings. Also there are no proposed levels shown on the on-site stormwater detention drawing. Details shall be submitted to Council for review and approval.

### **On-site Stormwater Detention (OSD)**

12. Council requires the design and construction of an On-site Stormwater Detention (OSD). The location and type of storage areas, discharge point and overflow spillway shall generally be in accordance with the concept plan. The following shall also be addressed:

- i) The stormwater catchment plan prepared by Enstruct identifies the areas of the site that drain into or bypass the OSD. However the design levels shown on the architectural and/or the landscape drawing do not correspond, and additional area shown on the catchment plan will bypass.

Note: The maximum area to bypass, as permitted by the OSD policy, is 15%, and the current proposed bypass area is approximately 12%. The design summary calculations and design is based on the submitted catchment plan.

- ii) Noting the design level coordination required above (Design Levels section), design levels shall be shown on the OSD drawing. The following shall also be addressed:
  - Once the levels are finalised, an updated catchment plan (clearly showing any areas that will bypass the OSD), and the corresponding OSD design summary calculation sheet, shall be provided.

- Freeboard complying with Council's OSD Policy shall be provided. In this regard the Finished Floor Level (FFL) of the ground floor area (residential units, business, community, etc.) shall be set a minimum of 300mm above the spillway level.
- iii) The proposed method of stormwater collection for the area within the NE corner of the site shall be shown.
- iv) The roof layout doesn't correspond with that shown on the Architectural drawing.

Details shall be submitted to Council for review and approval.

13. Design drawings and design summary calculation sheet shall be prepared by a practising Civil Engineer. Design and construction of the On-site Stormwater Detention system shall be in accordance with Council's standards and specifications and the Upper Parramatta Catchment Trust's O.S.D. Handbook. Details shall be submitted to Council for review and approval.

#### **Basement pump out system**

14. The area of the basement driveway from the property boundary to the ground floor bin storage area is uncovered. As a result of this a significant area (approximately 120m<sup>2</sup>), stormwater runoff will generate into the basement. In this regard all details as per Holroyd DCP 2013, Part A, Section 7.3 "Pump systems" and the relevant section of Council OSD Policy shall be addressed. Details shall be submitted to Council for review and approval.
15. Four (4) copies of plans and calculations for the design shall be submitted to Council. Inadequately prepared drawings and calculations will incur an initial checking fee of **\$657.30** with an additional fee of **\$218.80** per review for subsequent inadequate drawings.

#### **Landscape Plan**

16. A fully documented final landscape plan is to be submitted, at a minimum scale of 1:100, together with an associated specification prepared for the site by an appropriately qualified person.

The landscape plan must be designed in conjunction with all other plans. The plan is to provide for:

- i) The proposed plant species to be utilised throughout the site are to be clearly identified.
- ii) Garden areas suitable for the chosen plants are to be provided. In this regard, proposed levels for garden areas over the basement, including typical sections, are to be provided.

**Notes:** If changes are required to the plans, other than what is required through the above conditions, an application shall be lodged with Council and approval obtained under Section 96 of the Environmental Planning and Assessment Act 1979.

Three (3) copies of amended plans shall be submitted to Council for assessment. Please ensure all plans correspond (i.e. architectural, landscape and storm water plans).

\* \* \* \* \*

## SCHEDULE “B”

**This consent cannot operate until such time as the Council is satisfied that the deferred commencement conditions in the Schedule A have been complied with and has notified the applicant in writing of the date from which this consent operates.**

### PRELIMINARY

1. This consent shall lapse if the above development is not physically commenced within 3 years from the date on which this consent operates. 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 following plans and information, except where amended by the conditions of this consent:
  - Architectural plans submitted to satisfy Schedule ‘A’ and prepared generally in accordance with the plans prepared by Hoadley Budge Olphert & Edwards Madigan Torizillo Briggs Pty Ltd, Job Number 003762, Drawing Numbers A104 to A116 (inclusive), A133 to A136 (inclusive) and A139, Revision DA03, dated 16 June 2015 and Drawing Numbers A117 to A119 (inclusive), Revision DA04, dated 10 July 2015;
  - Landscape plans submitted to satisfy Schedule ‘A’ and prepared generally in accordance with the plans prepared by Hoadley Budge Olphert & Edwards Madigan Torizillo Briggs Pty Ltd, Job Number 003762, Drawing Number LS01, Revision DA03, dated 16 June 2015 and Drawing Numbers LS 02 to LS 05, Revision DA02, dated 6 March 2015;
  - Stormwater Plans submitted to satisfy Schedule ‘A’ and prepared generally in accordance with the plans prepared by EMF Griffiths, Project Number 213679, Drawing Numbers H00 and H01, Revision A, dated 6 March 2015;
  - Stormwater Plans submitted to satisfy Schedule ‘A’ and prepared generally in accordance with the plans prepared by Enstruct, Project Number 4680, Drawing Numbers CV-0100 and CV-0400, Revision 06, dated 16 July 2015;
  - Waste Management Plan dated 9 September 2014;
  - Waste Management Plan prepared by Leigh Design, dated 12 February 2015;
  - External Colours and Finishes prepared by Hoadley Budge Olphert & Edwards Madigan Torizillo Briggs Pty Ltd, Job Number 003762, Drawing Number A129, Revision DA02, dated 6 March 2015;
  - BASIX Certificate Number 567542M\_02, dated 22 June 2015;
  - Acoustic Report prepared by EMF Griffiths, Project Number S213679, Issue D, dated 19 September 2014;
  - Phase 1 and Phase 2 Contamination Assessment and Asbestos Removal prepared by GHD, dated October 2011;
  - Validation Report prepared by GHD, dated January 2013;
  - Remediation Action Plan prepared by GHD, dated 24 September 2012;
  - Salinity Assessment and Management Response prepared by Coffey Geotechnics Pty Ltd, Reference Number GEOTLCOV25041AA-AD, dated 1 September 2014;

- Preliminary Waste Classification prepared by Coffey Geotechnics Pty Ltd, Reference Number GEOTLCOV25041AA-AC, dated 1 April 2014;
  - Geotechnical Investigation prepared by Coffey Geotechnics Pty Ltd, Reference Number GEOTLCOV25041AA-AB, dated 2 April 2014;
  - Social Impact Assessment prepared by GHD, dated September 2014;
  - Correspondence from the Roads and Maritime Services, Reference Number SYD14/01062/02(A7766786), dated 21 October 2014;
  - Correspondence from the NSW Police Force – Holroyd Local Area Command, Reference Number D/2014/336635, dated 6 November 2014; and
  - All details, including plans and reports, approved by Council in accordance with the conditions in Schedule 'A';
3. All building work shall be carried out in accordance with the requirements of the Building Code of Australia. Fully detailed plans including fire safety details shall be submitted with the Construction Certificate application. No work is to commence until such time as a Construction Certificate is obtained for the work/building permitted by this Consent.

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

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

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

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

5. The applicant shall consult with, as required:
- (a) Sydney Water Corporation Limited
  - (b) Integral Energy
  - (c) Natural Gas Company
  - (d) A local telecommunications carrier
- regarding their requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on site or on the adjacent public road(s).
6. 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)**

7. 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.

**Future Use**

8. No approval is granted or implied for the use of the business portion of the development. Separate Development Consent is required PRIOR to occupation.

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



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

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

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

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 67 units made up of, 19 x 1 bedroom units, 48 x 2 bedroom units and 319m<sup>2</sup> of GFA is to be paid to Council. At the time of this development consent, the current rate of the contribution is **\$794,303**. The amount of the contribution will be determined at the time of payment in accordance with the relevant s94 Contributions Plan in force at that time. A copy of the Holroyd Section 94 Development Contributions Plan 2013 can be viewed on Council's website at [www.holroyd.nsw.gov.au](http://www.holroyd.nsw.gov.au) or inspected at Council's Civic Centre located at 16 Memorial Avenue, Merrylands between the hours of 8am and 4.30pm Monday to Friday.

### **Damage Deposit**

11. A cash bond/bank guarantee of **\$5,545.80** 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.

### **Landscape Inspection Fee**

13. Payment of a **\$513.60** 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**

14. Payment of a **\$328.70** fee for the design, specifications and inspection by Council of the vehicular crossing/s prior to placement of concrete.
15. Payment of a **\$1,350** fee for the design, specifications and inspection by Council of the footpath paving prior to placement of concrete.
16. Payment of a **\$448** fee for the inspection by Council of the stormwater drainage and Onsite Stormwater Detention System at the key stages, where Council is the Principal Certifying Authority.
17. The applicant shall lodge with Council a **\$5,000** cash bond or bank guarantee for the satisfactory completion of the construction and/or reconstruction of the concrete footpath paving adjacent to the site. This bond will be held for 'Six (6) months after the completion of works' or issue of a 'Final Occupation Certificate' (whichever occurs last) to remedy and defects that may arise within this time.
18. 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.

### **Road Works**

19. A Traffic Management Plan shall be lodged with Council for any road and drainage works to be carried out within public road reserves, or where construction activity impacts on traffic flow or pedestrian access, in strict compliance with the requirements of Australian Standard 1742.3 (Traffic Control Devices for Works on Roads). In this regard, the applicant shall pay Council a **\$482.70** fee for the assessment of the Traffic Management Plan by Council, prior to commencing works within the road reserves. A copy of the approved Traffic Management Plan shall be kept on site during the course of construction for reference and compliance.
20. To maintain sight distance to pedestrians, all fencing and landscaping within 2.0m of a driveway shall have a maximum height of 1m 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. Details shall be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

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

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

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

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

or telephone 13 20 92.

22. 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.
23. The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.
24. 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.
25. 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.
26. A Construction Management Plan shall be prepared and adopted to address traffic control and the safe removal and delivery of materials. Detail is to be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.
27. Signs and line marking plans shall be prepared prior to the issue of Construction Certificate and shall be in accordance with AS 2890.1-2004, AS 2890.6-2009 and the endorsed plans.
28. The driveway, car park, ramps, gradients, sight distance and height clearance shall comply with Australian Standards (i.e. AS2890.1 – 2004, and AS2890.6-2009 for disabled access). Plans shall be endorsed by a suitably qualified traffic practitioner.
29. The location of the central rainwater tank shall be shown on the provided plans. Details shall be submitted to the Principal Certifying Authorities, prior to the issue of a Construction Certificate.
30. A lighting plan for pedestrian access ways, common areas, communal open space areas, parking areas and all entries shall be designed. Details shall be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.
31. The windows to the business and community facility portion of the development shall be maintained as clear glazing. Details shall be submitted to the Principal Certifying Authorities, prior to the issue of a Construction Certificate.
32. The glass balustrading associated with the balcony areas of the development shall be maintained as opaque glazing. Details shall be submitted to the Principal Certifying Authorities, prior to the issue of a Construction Certificate.

33. Details of the proposed intercom / swipe card system to limit access to the residential units to residents and the communal open space shall be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.
34. A minimum soffit height of 3.2 metres shall be designed to all awning structures. Details shall be submitted to the Principal Certifying Authorities, prior to the issue of a Construction Certificate.
35. Amended plans showing an interim design treatment to the eastern elevation blank wall of the development shall be provided via cladding panels. The proposed design shall provide articulation and generate visual interest until such time that 142 Great Western Highway, Wentworthville, is developed. Details shall be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

#### **Fire Safety Upgrading & Essential Services**

36. 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**

37. 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**

38. 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**

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

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

### **Salinity**

40. The 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

### **On-site Stormwater Detention**

41. 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 buildings shall include the construction of the OSD system. In this regard, design and construction details for the OSD system demonstrating compliance with this Development Consent, OSD Plan Number: 2015-171 and Council's On-site Detention policy shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

### **Acoustic Measures**

42. Plans and/or specifications indicating how compliance with the recommendations of the Acoustic Report prepared by EMF Griffiths, Project Number S213679, Issue D, dated 19 September 2014, will be achieved, are to be submitted to the Principal Certifying Authority.

### **Footpath widening to Great Western Highway**

43. Footpath widening is required along the Great Western Highway frontage to create a 5.5m wide footpath from the kerb line (Refer to Holroyd DCP 2013, Part N, Clause 1.6 - Road Widening) and all drawings shall include the widening.
44. Development located behind the Transitway stops shall have a 4 metre separation between the rear of the existing T-way bus shelter and the building line to allow for the continuation of the shared footpath. In this regard details for the provision of the 2.5m wide shared footpath through this area shall be provided for approval with the Construction Certificate. All design/construction shall be consistent with the RMS NSW Bicycle guideline latest version and the existing paving of the T-Way stop/shelter.

## **PRIOR TO WORKS / DEMOLITION COMMENCING**

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

### **Appointment of Principal Certifying Authority and Notification of Commencement of Work**

45. 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**

46. 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**

47. 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**

48. 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**

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

### **Fencing of Sites**

50. 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**

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

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

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

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

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

### **Prohibited Signage**

52. 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**

53. 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**

54. 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**

55. 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.
56. 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**

57. 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).

58. 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**

59. 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**

60. 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.

### **Roadworks**

61. 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 (e.g. telephone, electricity, sewer, water or gas) required within the road reserve.
62. 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.
63. 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.

64. 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.

**Works Within Council's Reserve**

65. 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.
66. Submission to Council of a Certificate of Currency of the contractor's Workers' Compensation Policy prior to the commencement of works.
67. 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 DEMOLITION / CONSTRUCTION**

**The following conditions are applicable during demolition / construction:-**

### **Endorsed Plans & Specifications**

68. 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**

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

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

### **Site Control**

70. 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 and 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.
71. 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.
72. Stockpiles of sand, soil and other material shall be stored clear of any drainage line or easement, tree protection zone, water bodies, footpath, kerb or road surface and shall have erosion and sediment control measures in place to prevent the movement of such materials onto the aforementioned areas and adjoining land.

### **Waste Management Plan**

73. The approved Waste Management Plan must be implemented and complied with during all stages of works on site.

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

74. 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**

75. 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**

76. 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**

77. All turfed areas shall be finished level with adjoining surfaces and also fall evenly to approved points of drainage discharge.
78. New 1.8m high lapped and capped timber paling or colorbond 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.
79. Fences are to taper from the front building line to be not more than 900mm high at the front boundary.
80. A single master T.V. antenna is to be installed to service each building and provision made for connection to each dwelling within that building.

### **Tree Protection**

81. 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.

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

82. 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.

### **Road Works and Footpaving**

83. 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".
84. 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**

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

### **Underground Power Connection**

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

### **Alarms**

87. 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.
88. 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**

89. A convex mirror is to be provided so that drivers can see up the driveway from within the basement.
90. An intercom device is to be located:
  - i) on the driver's side wall at the top of the driveway 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**

91. 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**

92. 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.

### **Remediation Works**

93. Remediation and validation works shall be carried out in accordance with the Remediation Action Plan prepared by GHD, dated 24 September 2012. The applicant shall inform Council in writing of any proposed variation to the remediation works which are to be approved by Council in writing.

### **Additional Information during Remediation / Construction**

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



**Driveways**

95. All new driveways shall be located at least 1.5 metres away from the side boundaries with the area between the driveway and the boundary suitably landscaped.

**Acoustic Measures**

96. The recommendations provided within the Acoustic Report prepared by EMF Griffiths, Project Number S213679, Issue D, dated 19 September 2014, shall be implemented.

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

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

### **Certificates/Documentary Evidence**

97. A final clearance is to be obtained from Integral Energy if such clearance has not previously been issued.
98. A Section 73 Certificate (Sydney Water) must be submitted to the Principal Certifying Authority prior to occupation of the development.
99. 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.

100. An Accredited Certifier shall submit to the Principal Certifying Authority a signed checklist as per Appendix A of AS4299-1995 confirming that 11 units (Unit Nos. 25, 28, 31, 35, 38, 42, 45, 49, 52, 56 and 59) have achieved the desired level of adaptability (i.e. "Adaptable House Class A or B").

### **Landscaping/Tree Protection**

101. 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.
102. 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.
103. 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.
104. Boundary and courtyard fences must be erected and finished in a professional manner.

### **Parking/Driveway**

105. 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.
106. All resident and visitors parking spaces shall be signposted and line marked in accordance with Australian Standards 2890.1.2004 and 2890.6.2009.
107. The driveway shall be signposted indicating availability of visitor off-street parking. Spaces reserved for this purpose shall be marked as such.
108. Directional signage shall be designed and provided on site to direct visitors to the residential and commercial visitor parking spaces. The signage shall be position in a location which will not impact on vehicle movements or damage the signage, visible to drivers and to be endorsed by a suitably qualified Traffic Practitioner.
109. The vehicle crossing between the street and front boundary shall be constructed of plain concrete with no colour or stencilling.
110. All disabled parking spaces shall be provided with a shared area and bollards in accordance with Australian Standard 2890.6.2009.
111. Wheel stops shall be provided at appropriate parking locations and in accordance with AS 2890.1-2004.

### **Fire Safety**

112. 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**

113. A copy of the as approved stormwater drainage and On Site Detention 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.
114. A certificate of compliance in accordance with Council's standards and specifications for stormwater drainage and On Site Detention shall be issued to the Principal Certifying Authority by a suitably qualified Civil Engineer.
115. 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.
116. 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.

117. 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.
118. An On-site Storm water Detention plate shall be installed within the detention basin or tank. The plate shall be located in or near the Discharge Control Unit to alert future owners of their obligations to maintain the facility and its restrictions. The wording and plate shall be in accordance with Council's standard requirements.

### **Road Works**

119. Any works requiring levels within the road reserve will require the submission of Council's Vehicle Crossing application form.
120. A full width **heavy** duty vehicular crossing shall be provided opposite each vehicular entrance to the site, with a maximum width of **7** metres and a minimum width of **6** 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.
121. The construction of 2.5m wide concrete footpath paving and associated works along all areas of the site fronting Broxbourne Street, Westmead. 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 design/level sheets.

122. The construction of a minimum 2.5m wide shared footpath paving and associated works along all areas of the site fronting the Great Western Highway, Westmead. Paving shall generally be concrete and in the area of the T-way bus stop shall be consistent with the existing. These works shall be carried out by a licensed construction contractor at the applicant's expense and in accordance with Holroyd DCP 2013 Part N section 1.6 "Road Widening", Council's standard drawings, and issued design/level sheets.
123. Dedication to the public of footpath widening along the Great Western Highway to create a 5.5m wide footpath from the kerb line (Refer to Holroyd Council DCP Part N 1.6 Road Widening). Documents relative to the creation of the footpath widening to be lodged with the Lands Titles Office with Registration being effected prior to issue of the Occupation Certificate. All costs associated with the construction, creation and dedication of the footpath widening shall be borne by the applicant.
124. Removal of all redundant vehicular crossings and laybacks along the full road frontage and replacement with kerb and gutter. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with Council's standard drawing number SD-8100.
125. A certificate of compliance for the construction of vehicular crossings, footpath paving, kerb and guttering and roadworks shall be obtained from Council and be submitted to the Principal Certifying Authority.
126. Dedication and construction of a 4 metres by 4 metres splay corner in favour of Council. Documents relative to the creation of the splay corner shall be lodged with the Land and Property Information NSW with Registration being effected prior to issue of the Occupation Certificate. All costs associated with the construction, creation and dedication of the splay corner are to be borne by the applicant.

#### **Lot Consolidation**

127. Lots 30, 31, 32 & 33, DP 1075176 are to be consolidated into one lot on title and all works shall be completed in accordance with Development Consent 2014/427/1.

#### **Right of Carriageway**

128. A right of carriageway benefitting the public/Council is required over the 4 metre separation between the rear of the existing T-way bus shelter and the building line to allow for the continuation of the shared footpath. Documents relative to the creation of such shall be lodged with the Lands Titles Office with Registration being effected prior to issue of the Occupation Certificate. All costs associated with the construction and creation shall be borne by the applicant.

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

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

The street address for the proposed development is 148-150 Great Western Highway, Westmead.

The applicant is to be contact Council's Rates Department on 9840 9767 regarding unit numbering.

#### **Design Verification Statement**

130. 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, prior to the issue of an occupation certificate 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. 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.

#### **Noise Compliance Report**

131. A noise compliance report shall be submitted to Council prior to the issuing of the Occupation Certificate. The report shall state that the noise reduction measures detailed within the Acoustic Report prepared by EMF Griffiths, Project Number S213679, Issue D, dated 19 September 2014, have been implemented, and confirm that the noise emissions from the premises complies with Council's noise criteria specified in this consent.

#### **Remediation of Land - Validation Report**

132. After completion of the remedial works, a copy of the Validation Report shall be submitted to Council. The Occupation Certificate shall not be issued until Council approves this Validation Report. The validation report shall be prepared in accordance with the EPA guidelines, *Consultants Reporting on Contaminated Sites*, and shall:
- describe and document all works performed;
  - include results of validation testing and monitoring;
  - include validation results of any fill imported on to the site;
  - show how all agreed clean-up criteria and relevant regulations have been complied with; and
  - include clear justification as to the suitability of the site for the proposed use and the potential for off-site migration of any residual contaminants.

#### **Restriction as to User and Positive Covenants**

133. Use for Affordable Housing for 10 years: -

For 10 years from the date of the issue of the Occupation Certificate, a minimum of 45 Units, being Unit Nos. 23 to 67 (inclusive), must: -

- (i) Be used for the purposes of affordable housing; and

(ii) Be managed by a registered community housing provider.

134. Details of the registered community housing provider responsible for the management of the affordable rental housing shall be submitted to the Principal Certifying Authority and Council, prior to the issue of the Occupation Certificate.
135. A restriction as to user 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, to ensure that the requirements of Condition 133, requiring the use of Unit Nos. 23 to 67 (inclusive) for the purpose of affordable housing, that that accommodation will be managed by a registered community housing provider.

Documents giving effect to the creation of a Restriction on Use must be submitted to the Council for approval prior to lodging with Land and Property Information NSW. The terms of the instruments are to be to the satisfaction of Council.

Holroyd City Council is to be named in the instrument as the only party authorised to release, vary or modify the instrument.

Registered title documents showing the covenants and restrictions must be submitted to and approved by Council prior to the issue of any Occupation Certificate.

The restriction to use and any associated documentation must be prepared and registered at the sole cost of the applicant, including the reasonable costs of Council in obtaining legal advice on the restriction terms, the cost and expense of negotiating the terms and conditions of the restriction, producing documents or otherwise facilitating the preparation and registration of the required documents.

136. On the day that the Occupation Certificate is issued, Council is to be notified in writing.

Reason: For Council's records on affordable rental housing to be updated accordingly.

#### **General**

137. 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 & Amenity**

- 138. 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.
- 139. No approval is granted or implied for the use of the business tenancies. Separate Development Consent is required PRIOR to occupation of each separate business tenancy.
- 140. The future use of the business tenancies shall comply with the nominated prescribed land uses within Council's Local Environmental Plan 2013.
- 141. Access for patrons and employees of the business premises from the basement commercial car parking area shall be confined to the west wing lobby area of the ground floor level of the development. Access shall be via the lift and southern access door within the west wing of the development only.

Access to the residential areas of the development shall be limited to residents via an intercom swipe card system.

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

- 142. 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.

### **Traffic and Parking**

- 143. The car parking spaces, driveways and manoeuvring areas are to be used for vehicles only and not for the storage of new or used materials or finished goods.
- 144. At least 67 car parking spaces numbered and line marked in accordance with the endorsed plan, are to be made available at all times for employees and visitors' vehicles only in conjunction with the occupation of the building/premises.
- 145. All vehicles shall enter and leave the site in a forward direction.

### **Refuse & Trade Waste**

- 146. 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.

### **Maintenance of Waste Storage Area**

- 147. All waste and recycling containers shall be stored in the designated waste storage area. The body corporate shall be responsible for movement of the waste and recycling containers to the footpath



for weekly collections, and the return of waste and recycling containers to the waste storage area. The Body Corporate shall clean the waste storage area, dry arrestor pit and waste collection containers.

148. 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.

#### **Alarms**

149. 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 87 above, prevents the developer/builder from installing audible alarms).

#### **Emergency Procedures**

150. 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.

#### **Noise**

151. The operation of the pump from the rainwater tank shall not give rise to an equivalent continuous (LAeq) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background LA90 level (in the absence of the noise under consideration). Council may require an Acoustic Report to be submitted, prepared by a suitably qualified person, to ensure this requirement is met in the event of Council receiving complaints.
152. The operation of all plant and equipment shall not give rise to an equivalent continuous (LAeq) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background LA90 level (in the absence of the noise under consideration).
153. 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.
154. 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.

#### **Signage on Stormwater Drains**

155. Signs shall be displayed adjacent to all stormwater drains on the premises indicating that only clean water is allowed to enter these drains. Examples of possible signage include: 'Clean Rainwater Only', 'Clean water only - NO waste' or 'H<sub>2</sub>O only'.

### **Car Wash – Residential/Commercial**

156. 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.
157. 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**

158. 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*.

### **Use for Affordable Housing**

159. Units 23 to 67 (inclusive) must be used for the purposes of affordable housing and that accommodation must be managed for the purposes of affordable housing by a registered community housing provider for a period of 10 years from the date of the issue of the Occupation Certificate.

## ADVISORY NOTES

### Other Necessary Approvals

- A. The applicant's attention is drawn to the need to obtain Council's separate approval for any ancillary activity not approved by this consent, including:
- (a) Works, including the pruning or removal of any tree(s) not authorised in the preceding conditions or on the approved plans. Council's Tree Preservation Order protects trees by definition taller than 3.5m or having a trunk circumference exceeding 500mm measured one metre above ground level. If in doubt contact Council's Tree Management Officer.
  - (b) Any fencing located forward of the proposed building and exceeding the limitations specified in Local Environmental Plan 2013, Part 3 "*Exempt and Complying Development*".
  - (c) The erection of any advertising sign, not being exempt from the need to obtain approval.
  - (d) The installation of any furnace, kilns, steam boiler, chemical plant, sand blast, spray painting booth or the like.

**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 Australian Human Rights Commission. Attention is also drawn to the provisions of Parts 2, 3 and 4 of Australian Standard 1428 - Design for Access and Mobility.
- E. A Construction Certificate shall be obtained in accordance with Section 81A (2)(a) of the Act, prior to the commencement of any work on site. Council can provide this service for you.
- F. An Occupation Certificate is to be issued by the Principal Certifying Authority prior to the occupation of the building.
- G. DEMOLITION
- (a) Demolition is to be carried out in accordance with AS2601-2001, *Demolition of Structures*.
  - (b) Demolition is to be carried out in such a way and with such control measures as are necessary to prevent the occurrence of any dust, noise, runoff or other nuisance.

- (c) All sediment/soil is to be prevented from entering Council's stormwater drainage system.
- (d) The public footpath and roadway is to be protected against damage as a result of demolition activities and is to be kept clean and free of all soil and other materials.
- (e) On completion of demolition the site is to be left in a clean and tidy condition.
- (f) Holroyd City Council has a Tree Management Order which applies to the entire City of Holroyd. No ring-barking, cutting down, topping, lopping, removing, injuring or wilful destruction of any tree or trees exceeding 3.5m in height and 3m in branch spread shall take place without the prior written consent of Holroyd City Council.
- (g) There shall be no burning of any waste, as this is prohibited within the City of Holroyd.
- (h) Demolition material can be recycled saving the environment and also tipping costs. For more information, contact the Environment Protection Authority's Recycling hotline on 9325 5555.
- (i) Public roads shall be kept clean and free of any materials which may fall from vehicles or plant to ensure safety and amenity of the area.

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

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

#### 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. FIRE SAFETY

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

R. 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".

S. DIAL BEFORE YOU DIG

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

T. 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.

U. DIVIDING FENCES

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

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

Yours faithfully

Merv Ismay  
GENERAL MANAGER

Per:  
MANAGER DEVELOPMENT