

MEMO

File: 2018SWC014 DA

DA Number: DA 2017/558 244 - 252 Pitt Street Merrylands

Date: 13/11/2018

Name: Olivia Yana – Senior Development Planner

Title: Changes to Draft Notice of Determination and Reasons

I have made changes to the following page and condition numbers in the draft notice of determination for the above application, as highlighted in yellow in the attached document for the following reasons:-

1. Page 1 “Street Address” – to eliminate repetitiveness of the street name.
2. Condition 9(d)(m) – to amend Council’s current contact number.
3. Condition 17 – to reflect the correct s.711 contribution calculation.
4. Condition 64 – to reflect the correct TMP fee.
5. Condition 102 – to amend Council’s current contact details.
6. Add new condition 103 – to reflect different stages of remediation and validation works.
7. Condition 109(ii), previously condition 108(ii) – to amend Council’s current contact number.
8. Add new condition 115(a), previously condition 114 – additional landscape condition.
9. The word “final” is added to heading of page 33 previously “Prior to Issue of Occupation Certificate”.
10. Condition 140, previously condition 139 – to reflect the correct number of adaptable units (33).
11. Condition 180, previously condition 179 – to delete outdated Council’s details.
12. Condition 198, previously 197 – to clarify the size of largest heavy vehicle to enter site.
13. Condition 209, previously condition 208 – to correct the reference of a condition number.
14. “Advisory Notes” pages 44 - 48: - to correct typo/outdated details.

Our Reference:
Contact:
Phone:

2017/558
Ms O Yana
8757 9544

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

DEFERRED COMMENCEMENT

15 November 2018

Idraft Group (NSW) Pty Ltd
43/2 Slough Avenue
SILVERWATER NSW 2128

Dear Sir/Madam

Pursuant to Section 4.16(3) of the Act, Council has granted “deferred commencement” consent to your development application described as follows:

PROPERTY: Lot: 121 DP: 531896, Lot: 901 DP: 592065, Lot: 2 DP: 544800, and Lot: Y DP: 416975

STREET ADDRESS: 244, 246-250 AND 252 PITT STREET MERRYLANDS

DEVELOPMENT CONSENT NO: 2017/558/1

DECISION: Sydney Central City Planning Panel

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

DATE OF EXPIRY OF CONSENT: TO BE ADVISED UPON SATISFACTORY COMPLETION OF SCHEDULE ‘A’

PROPOSED DEVELOPMENT: DEMOLITION OF EXISTING STRUCTURES, CONSOLIDATION OF 4 LOTS INTO 1 LOT AND CONSTRUCTION OF A 18 STOREY MIXED USE DEVELOPMENT OVER 5 LEVELS OF BASEMENT PARKING ACCOMMODATING 3 LEVELS OF COMMERCIAL FLOOR, 161 RESIDENTIAL UNITS ABOVE AND 315 PARKING SPACES

This Development Application is APPROVED in accordance with the Environmental Planning & Assessment Act 1979 and is subject to compliance with the requirements of Cumberland 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.

THIS CONSENT DOES NOT OPERATE UNTIL COUNCIL IS SATISFIED THAT ALL SCHEDULE 'A' CONDITIONS HAVE BEEN SATISFIED.

SCHEDULE "A"

Consent for the demolition of existing structures, consolidation of 4 lots into 1 lot and construction of a 18 storey mixed use development over 5 levels of basement parking accommodating 3 levels of commercial floor, 161 residential units above and 315 parking spaces shall not operate until all of the following Schedule "A" conditions have been complied with to Council's satisfaction.

Splay Corner

1. A splay corner 4m x 4m at the corner of Pitt Street with Terminal Place shall be shown to all levels from lowest basement and above.

In accordance with clause 95(3) of the Environmental Planning and Assessment Regulation 2000, you must produce evidence to the Council within a period of 2 years, sufficient enough for Council to be able to be satisfied of the above matters.

If evidence is produced within the specified period, in accordance with Clause 95(5) of the Regulation, Council will notify you whether or not it is satisfied as to the above matters and whether or not the consent will operate.

SCHEDULE “B”

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

PRELIMINARY

1. This consent shall lapse if the above development is not physically commenced within 5 years of the date of operation.
2. Development shall take place in accordance with the attached endorsed plans and reports:

Doc No.	Rev	Title	Prepared By	Date
Architectural Plans, Job no. 28239				
001	A	Materials & Finishes	Idraft Architects	18/12/2017
0011	B	Site Plan	Idraft Architects	22/08/2018
0013	B	Evacuation Plans	Idraft Architects	22/08/2018
0014	B	Evacuation Plans level 01	Idraft Architects	22/08/2018
1001	B	Basement L5	Idraft Architects	22/08/2018
1002	B	Basement L4	Idraft Architects	22/08/2018
1003	B	Basement L3	Idraft Architects	22/08/2018
1004	B	Basement L2	Idraft Architects	22/08/2018
1005	B	Basement L1	Idraft Architects	22/08/2018
1006	B	Ground Floor Plan	Idraft Architects	22/08/2018
1007	B	Level 1	Idraft Architects	22/08/2018
1008	B	Level 2	Idraft Architects	22/08/2018
1009	B	Level 3	Idraft Architects	22/08/2018
1010	B	Level 4	Idraft Architects	22/08/2018
1011	B	Level 5	Idraft Architects	22/08/2018
1012	B	Level 6	Idraft Architects	22/08/2018
1013	B	Level 7	Idraft Architects	22/08/2018
1014	B	Level 8	Idraft Architects	22/08/2018
1015	B	Level 9	Idraft Architects	22/08/2018
1016	B	Level 10	Idraft Architects	22/08/2018
1017	B	Level 11	Idraft Architects	22/08/2018
1018	B	Level 12	Idraft Architects	22/08/2018
1019	B	Level 13	Idraft Architects	22/08/2018
1020	B	Level 14	Idraft Architects	22/08/2018
1021	B	Level 15	Idraft Architects	22/08/2018
1022	B	Level 16	Idraft Architects	22/08/2018
1023	B	Level 17	Idraft Architects	22/08/2018
1024	B	Level 18 – Communal Roof Plan	Idraft Architects	22/08/2018
1025	B	Roof Plan	Idraft Architects	22/08/2018
3001	B	North & South Elevation	Idraft Architects	22/08/2018
3002	B	East Elevation	Idraft Architects	22/08/2018
3003	B	West Elevation	Idraft Architects	22/08/2018
3004	B	Sections	Idraft Architects	22/08/2018
3005	B	Driveway & Substation	Idraft Architects	22/08/2018

		Detail		
4001	B	Details	Idraft Architects	22/08/2018
4006	B	Pedestrian Fence detail	Idraft Architects	22/08/2018
Stormwater Management Plan, Job No. 025 (OSD Plan No. 2018-165)				
SW-1710B-01	B	Cover Sheet, sheet no. 01	Multipro Consultants Pty Ltd	08/08/2018
SW-1710B-02	B	General Notes, sheet no. 02	Multipro Consultants Pty Ltd	08/08/2018
SW-1710B-03	B	Basement Level 5 Drainage Plan, sheet no. 03	Multipro Consultants Pty Ltd	08/08/2018
SW-1710B-04	B	Basement Drainage Details, sheet no. 04	Multipro Consultants Pty Ltd	08/08/2018
SW-1710B-05	B	Ground Floor Plan, sheet no. 05	Multipro Consultants Pty Ltd	08/08/2018
SW-1710B-06	B	Podium Level OSD Plan, sheet no. 06	Multipro Consultants Pty Ltd	08/08/2018
SW-1710B-07	B	OSD Details, sheet no. 07	Multipro Consultants Pty Ltd	08/08/2018
SW-1710B-08	B	Roof Drainage Plan, sheet no. 08	Multipro Consultants Pty Ltd	08/08/2018
SW-1710B-09	B	Erosion Sediment Control, sheet no. 09	Multipro Consultants Pty Ltd	08/08/2018
Landscape Plans, Job No. 17200				
DA 1/3	B	Landscape Concept Plan	Vision Dynamics Pty Ltd	18/07/2018
DA 2/3	B	Landscape Concept Plan	Vision Dynamics Pty Ltd	18/07/2018
DA 3/3	B	Landscape Concept Plan	Vision Dynamics Pty Ltd	18/07/2018

- Draft Plans of Consolidation prepared by Wayne R Davis, Reference No. Pitt – DP, dated 19 December 2017;
- Preliminary Site prepared by Trace Environmental, Report No. 2.42, Revision 0, dated 26 September 2017;
- Hazardous Materials Assessment prepared by Trace Environmental, Report No. 2.42, Revision 0, dated 9 October 2017;
- Detailed Site Investigation prepared by EI Australia, Report E24021.E02_Rev1, dated 23 October 2018;
- Remediation Action Plan prepared by EI Australia, Report E24021.E06_Rev0, dated 23 October 2018;

- Acoustic Assessment Report prepared by Acoustic Logic, Reference No. 20171427.1/1812A/R1/EC, Revision 1, dated 18 December 2017, and Supplementary information prepared by Acoustic Logic, Reference No. 20171427.1/2006A/R1/TT, dated 20 June 2018;
- Traffic and Parking Impact Assessment Report prepared by Multipro Consultants Pty Ltd, Reference Job No. 025, V11, dated July 2018;
- Flood Study Report prepared by Multipro Consultants Pty Ltd, Reference Job No. 025, V5, dated November 2017;
- Pedestrian Wind Environment Study prepared by Windtech, Report No. WD986-01F02, Revision 2, dated 22 August 2018, and Windtech Examples Screens;
- Site Waste Minimisation and Management Plan prepared by Multipro Consultants Pty Ltd, Reference No. 025, V8, dated 11 July 2018;
- BASIX Certificate No. 888564M prepared by Taylor Smith Consulting, dated 16 December 2017;
- Correspondence prepared by NSW Police, dated 27 August 2018 (copy attached), and all conditions contained therein;
- Correspondence prepared by Sydney Trains, dated 9 May 2018 (copy attached), and all conditions contained therein;
- Correspondence prepared by Endeavour Energy, dated 6 March 2018 (copy attached), and all conditions contained therein; and

except as otherwise provided by the conditions of this determination.

3. All building work shall be carried out in accordance with the requirements of the Building Code of Australia. Fully detailed plans including fire safety details shall be submitted with the Construction Certificate application. No work is to commence until such time as a Construction Certificate is obtained for the work/building permitted by this Consent.

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

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

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

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

5. The applicant shall consult with, as required:
 - (a) Sydney Water Corporation Limited
 - (b) Integral Energy
 - (c) Natural Gas Company

(d) A local telecommunications carrier regarding their requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on site or on the adjacent public road(s).

6. The proposed structure/s are to be located clear of 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.

Demolition

8. In the event that demolition is to occur prior to the issue/release of a Construction Certificate, all relevant fees and bonds such as the demolition inspection fee, kerb & gutter and tree protection bonds shall be paid in full to Council prior to demolition commencing (as per the relevant conditions elsewhere in this Development Consent). Furthermore, the applicant/developer is to ensure that all relevant conditions in this Development Consent relating to the protection of the site, adjoining lands and trees are adhered to in full prior to commencement of any demolition works.
9. Permission is granted for the demolition of existing structures on the property, subject to strict compliance with the following:-
 - a) Demolition is to be carried out in accordance with the applicable provisions of Australian Standard AS2601-2001 - *Demolition of Structures*. **Note:** Developers are reminded that WorkCover requires that all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications. a) The developer is to notify owners and occupiers of premises on either side, opposite and at the rear of the development site 5 working days prior to demolition. Such notification is to be a clearly written on A4 size paper giving the date demolition will commence and is to be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of, and directly opposite the demolition site. The demolition must not commence prior to the date stated in the notification.
 - b) 5 working days (i.e., Monday to Friday with the exclusion of Public Holidays) notice in writing is to be given to Holroyd City Council for inspection of the site prior to the commencement of works. Such written notice is to include the date when demolition will commence and details of the name, address, business hours, contact telephone number and licence number of the demolisher. Works are not to commence prior to Council's inspection and works must also not commence prior to the commencement date nominated in the written notice.
 - c) On the first day of demolition, work is not to commence until Holroyd City Council has inspected the site. Should the building to be demolished be found to be wholly or partly clad with asbestos cement, approval to commence demolition will not be given until Council is satisfied that all measures are in place so as to comply with WorkCover's document "Your Guide to Working with Asbestos", a copy of which

accompanies this Development Consent and demolition works must at all times comply with its requirements.

- d) On demolition sites where buildings to be demolished contain asbestos cement, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. Advice on the availability of these signs can be obtained by telephoning Council's Customer Service Centre during business hours on 8757 9000. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site to an approved waste facility. This condition is imposed for the purpose of worker and public safety and to ensure compliance with Clause 259(2)(c) of the Occupational Health and Safety Regulation 2001.
- e) Demolition shall not commence until all trees required to be retained/transplanted are protected in accordance with those conditions stipulated under "Prior to Works Commencing" in this Consent.
- f) All previously connected services are to be appropriately disconnected as part of the demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.
- g) Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover "Demolition Licence" **and** a current WorkCover "Class 2 (Restricted) Asbestos Licence".
- h) Demolition is to be completed within 5 days of commencement.
- i) Demolition works are restricted to Monday to Friday between the hours of 7.00am to 6.00pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.
- j) Protective fencing is to be installed to prevent public access to the site.
- k) All asbestos laden waste, including asbestos cement flat and corrugated sheets must be disposed of at a tipping facility licensed by the Environment Protection Authority (EPA).
- l) Before demolition operations begin, the property shall be connected to the sewer of Sydney Water to which a pedestal pan shall be temporarily connected for the use as the employees' toilet service during demolition operations.
- m) After completion, the applicant shall notify Holroyd City Council within 7 days to assess the site and ensure compliance with AS2601-2001 – *Demolition of Structures*.

NOTE: The person responsible for disposing of the above asbestos waste is to telephone the OEH on (02) 9995 5000 or Council's Waste Officer on (02) 8757 9000 to determine the location of a tip licensed to receive asbestos. Within fourteen (14) days of the completion of demolition works, the applicant must lodge with Council, all original weighbridge receipts issued by the receiving tip as evidence of proper disposal.

- n) Within 14 days of completion of demolition, the applicant shall submit to Council:
 - i) An asbestos clearance certificate carried out by a licensed asbestos assessor (normally a NATA accredited occupational hygienist), or a person who has the knowledge and skills to be a licensed assessor, regardless of whether or not they are licensed; and
 - ii) A signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with the Waste Management Plan approved with this consent under DCP 2013 Part A, Section 11. **In reviewing such documentation Council will require the provision of original weighbridge receipts for the recycling/disposal of all materials;** and

- iii) Until 31 December 2012, air monitoring may be carried out by a licensed asbestos assessor, or a person competent to carry out atmospheric monitoring at the workplace, as provided by clause 261 of the *Occupational Health and Safety Regulation 2001* (OHS Regulation).

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

- 10. Payment of **\$470** fee for inspection by Council of the demolition site prior to commencement of any demolition works.

BASIX (Building Sustainability Index)

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

Substation / fire hydrant boosters

- 12. No approval is granted or implied for any encasing structures (i.e. blast walls or radiant heat shields) associated with the installation of any substations or fire hydrant booster pumps. Separate Development Consent is required for such structures.

Cranes on Building Sites

- 13. No approval is granted or implied for the installation of any crane on the premises that has the potential to swing beyond the boundaries of the subject site. Separate necessary approvals, including but not limited to Section 138 of the Roads Act and/or Section 68 of the Local Government Act, must be obtained from Council prior to installation of any crane that swings over Council land.

Future Use

- 14. No approval is granted or implied for the use of the commercial tenancies. Separate development consent is required PRIOR to occupation of each separate commercial tenancy.

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:-

Amended Plans

15. Prior to the issue of a construction certificate, amended plans/documents are to be submitted to the certifying authority to address the following:
 - a) Two (2) existing street trees on the northern side in Terminal Place are to be removed in order for to provide a continuous awning around the building.

Payment of Bonds, Fees and Long Service Levy

16. 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 7.11 Contribution

17. Prior to the issue of a Construction Certificate, a monetary contribution imposed under section 7.11 of the *Environmental Planning and Assessment Act 1979* and the Holroyd Section 94 Development Contributions Plan 2013, for 30 x 1 b/r dwellings, 112 x 2 b/r dwellings and 19 x 3 b/r dwelling, and 1309.15sqm of commercial gross floor area (GFA), is to be paid to Council. At the time of this development consent, the current rate of the contribution is **\$2,648,738.35**. The amount of the contribution will be determined at the time of payment in accordance with the s94 Contributions Plan. The amount of the contribution will be determined at the time of payment in accordance with the relevant 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.cumberland.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

18. A cash bond/bank guarantee of **\$6,005.00** 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

19. 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 Fees

20. Payment of a **\$668.00** 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

21. Payment of a **\$1584.00** fee for the inspection by Council of the stormwater drainage and On-Site Detention, Overland Flowpath and Pollution Control Device/s at the key stages, where Council is the Principal Certifying Authority.
22. Payment of a **\$364.50** fee for the inspection by Council of the stormwater drainage construction in the road reserve at the key stages.
23. The applicant shall lodge with Council a **\$6,135.00** cash bond to cover the registration of a Positive Covenant and Restriction as to User over the Onsite Stormwater Detention System, Overland Flowpath and Pollution Control Device/s. This bond is refundable upon the submission of proof of registration of the Restriction on Use and Positive Covenant with the Land and Property Information NSW.

Hazardous Materials Survey

24. Prior to demolition commencing, the proposed works within the site are to comply with the recommendations of the Hazardous Materials Assessment prepared by Trace Environmental (Ref: 2.42 rev0) dated 9 October 2017.

Detailed plans and specifications for the construction complying with these requirements are to be submitted to the Certifying Authority with the Construction Certificate.

Signs and Line Marking

25. Signs and line marking plans shall be prepared and submitted to the Principal Certifying Authority prior to the issue of Construction Certificate and to be in accordance with AS 2890.1-2004, AS 2890.6-2009 and the endorsed plans.

Required Submissions to Principal Certifying Authority

26. If the development is likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate or any works commencing, whichever occurs first.
27. The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.

28. 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.
29. 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.

Landscape Plans

30. Fully documented landscape plans are to be prepared for the site by a qualified landscape architect. The plans shall correspond with the landscape plans prepared by Vision Dynamics Pty Ltd, Drawing No. 17200 DA 1/3, DA 2/3 and DA 3/3, Issue B, all dated 18 July 2018, and shall satisfy any relevant conditions of this consent. Certification from the landscape architect that the plans comply with this development consent shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

Accessibility

31. An Accredited Certifier shall submit to the Principal Certifying Authority a signed checklist as per Appendix A of AS4299-1995 confirming that 33 units (nos. 1, 3, 4, 14, 15, 23, 25, 26, 34, 36, 37, 45, 47, 48, 56, 58, 59, 67, 69, 70, 78, 80, 89, 91, 102, 106, 113, 115, 118, 120, 129, 131, and 140) have achieved the desired level of adaptability (i.e. "Adaptable House Class A or B").
32. Prior to the issue of a Construction Certificate, plans must be submitted to the Principal Certifying Authority, indicating that the new development has been designed to comply with the requirements of the Disability (Access to Premises – Building) Standards 2010.

Awnings

33. Details of all proposed awnings shall be shown on plan and in elevation/section and shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate. Awnings shall be designed in accordance with part C of the Holroyd DCP 2013.

Fencing

34. Details of all site boundary fencing shall be shown on plan and in elevation/section and shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate. Fencing shall be in accordance with the Holroyd DCP 2013.

Structures near Easements

35. Special footings will be required where the proposed/existing structure is adjacent to a drainage easement to protect Council's stormwater drainage infrastructure. The footings shall be taken down to the invert level of the existing drainage structure or to solid rock, whichever is the lesser. The footing depth may decrease by 500mm for every 1000mm increment in distance the footing is from the easement boundary. A Structural Engineer's certificate for the special footings referred to above is to be submitted to the Principal Certifying Authority.

Public Utilities

52. A detailed engineering plan with all public utilities layout shall be submitted to Council to ensure that street lights, electrical pillars, sewer manholes, street trees, vehicular crossings and footpaths do not conflict.
53. Alterations to existing services and/or installation and commissioning of new public utility services (e.g. Water, Telephone, Gas, Electricity, etc.) and conduits for same shall be provided in accordance with the requirements of each utility authority at the developer's expense. Reticulation of services shall be within the footpath area.

Proposed vehicular access

54. Final boundary levels at the driveway and retail entry points shall be approved by Council. The public road and footpath profile, with relevant levels and dimensions shall be shown and a long section shall be provided at the driveway.
55. Prior to issue of a Construction Certificate, a detailed section of the building along the truck travel path including turning bay shall be submitted to the Principal Certifying Authority and shall be approved as part of Construction Certificate. In this regard the following minimum shall be addressed:
 - i. A minimum clear headroom clearance of 3.5m shall be available for trucks for the full travel length and manoeuvring areas (including turning bay area).
 - ii. Details of the structures and services shall be clearly shown and the clearance shall be dimensioned at all critical points.

Sight Distance

56. 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. Details shall be shown on the drawings.

Traffic and Car parking

57. The car park is to be designed to comply with AS/NZS 2890.1:2004: Parking facilities – Off-street car parking and AS/NZS 2890.6:2009: Parking facilities – Off-street parking for people with disabilities.
58. Details of signs and line/pavement marking shall be provided on a separate plan and in accordance with relevant Australian Standards (eg AS2890.1-2004 and 2890.6-2009) including the following:
 - i. Signs and line/pavement marking shall be shown for access points, designation of spaces, disabled spaces, location of convex mirrors, wheel stops etc.
 - ii. Directional signage & arrows shall be designed to direct occupants/visitors to the residential, commercial and visitor parking spaces.

- iii. Signage shall be positioned in a location which will not impact on vehicle movements or damage the signage, and be visible to drivers.
 - iv. Directional arrows for internal circulation shall be prominently displayed on the pavement on approaches to, and within, the car park area.
 - v. The driveway shall be signposted indicating availability of visitor off-street parking.
 - vi. The entry/exit driveway shall be indicated with appropriate signage and line-marking to avoid conflict at the driveway.
59. 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.
60. Full details shall be included in documentation for a Construction Certificate application and endorsed by a suitably qualified Traffic Practitioner.

Traffic Management Devices

61. Traffic management devices in the form of 'Stop' and 'Give way to pedestrian' signs and line marking shall be installed at the entry of the proposed driveway within the property, such devices shall be constructed in accordance with AS/NZS 2890.1:2004: Parking facilities – Off-street car parking. Full details are to be included in documentation for a Construction Certificate application.

On-site stormwater detention (OSD)

62. 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 2018-165 and Council's on-site detention policy shall be submitted to the certifying authority prior to the issue of a construction certificate. The system shall generally be in accordance with the stamped approved drawings however the following shall also be addressed:
- i. Shall correspond with the Architectural and Landscape drawings.
 - ii. Finished surface levels shall be indicated within the detention storage areas.
 - iii. Areas of the site that will by-pass the detention system/s shall be clearly delineated on the drawing, and the OSD Design Summary Calculations shall correspond.
 - iv. The overflow pit shall be used as the primary spillway and the emergency overflow weir shall be used as a secondary spillway (eg set a minimum of 50mm higher than 29.75) so that any potential for nuisance flows into the public footpath area are minimised.
 - v. Retaining walls forming above ground storage basin/s shall be of watertight construction (ie: Masonry/Brick) and a typical section detail is provided.

- vi. All walls, kerbs or crests proposed on the site are indicated along with their respective levels. (eg top of wall level).
- vii. A safety fence or an equivalent barrier shall be provided where there is a vertical drop of greater than 500mm from a walkway into an above ground basin area.
- viii. The invert level at the proposed point of connection into the kerb and gutter within Pitt Street, Merrylands shall be obtained and all design levels shall be confirmed by the Engineer.
- ix. Any amendments in red on the OSD drawing.

Flooding

63. 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 demonstrating compliance with the development consent and the summary and recommendations of the Flood Study Report prepared Multipro dated November 2017 submitted as part of the development application shall be submitted to the certifying authority prior to the issue of a Construction Certificate. The following shall be also addressed:-

- i. Design and construction of the ground floor retail shall ensure that it is flood proofed up to and including the flood planning level (FPL) (ie. 1% AEP flood level at the upstream side of the structure plus a minimum of 500mm freeboard)
- ii. Design and construction of the basement shall ensure that it is flood proofed (including at all lift and stair access points into the basement levels and with permanent protection) up to a minimum level that is above the 1% AEP flood level at the upstream side of the structure plus a minimum of 150mm freeboard, for example the minimum RL in front of the residential lobby lift entries shall be 16.90mAHD.
- iii. All goods storage/store areas shall store goods that will be affected if inundated by stormwater, at a minimum RL of the following:
 - Retail 1, 2, 3 and 4 = 17.15mAHD
 - Retail 5, 6, and 7 = 16.85mAHD

This shall be demonstrated on the drawings.

- iv. All new works shall be constructed in flood compatible materials to a minimum of RL the flood planning level (ie the 1% AEP flood level at the upstream side of the structure plus 0.5m freeboard), including the requirements for electrical equipment, power supply, wiring, GPO's etc. All works shall generally be in accordance with Council DCP 2013 Section 8 table 9 and 10.

Final details/protection for the electrical sub-station shall approved by the relevant authority.

- v. Any fencing or permanent barriers within the flood affected area shall be in accordance with Council detail SD8025.
- vi. The service, gas regulator and fire CTL rooms shall be provided with adequate flood protection.

- vii. Suitable and safe refuge in place/on site in the event of a significant storm event is required. The site and road will be inundated in the 1% AEP storm event. In this regard safe egress for occupants is required to an area above the Probable Maximum Flood (PMF), such as the Level 1 commercial area. Details of the proposed method of evacuation/safe refuge shall be submitted and cannot include mechanisms (eg lift) reliant upon the power supply.

Construction and Traffic Management Plan

- 64. 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 **\$428** of initial 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.
- 65. The applicant shall also provide a Construction and Traffic Management Plan, prepared by a suitably qualified consultant and submitted to Council for approval. The following matters shall be specifically addressed in the Plan:
 - i. A plan view (min 1:100 scale) of the entire site and frontage roadways indicating:
 - a) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways;
 - b) Signage type and location to manage pedestrians in the vicinity;
 - c) The locations of any proposed Work Zones in the frontage roadways – note: Work Zone fees apply in accordance with Council's Fees and Charges;
 - d) Locations and type of any hoardings proposed along all street frontages;
 - e) Area of site sheds and the like;
 - f) Location of any proposed crane standing areas;
 - g) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
 - h) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected;
 - i) The provision of an on-site parking area for employees, tradesperson and construction vehicles as far as possible; and
 - j) Any variation to the above is subject to Council's Manager Engineering approval.
 - ii. All necessary concurrences and approvals from RMS must be obtained for any construction works impacting on the traffic signals at the Pitt Street with Terminal Place intersection.
 - iii. A Traffic Control Plan for the site must be prepared for approval by Council incorporating the following: -

- a) Traffic control devices proposed in the road reserve must in accordance with the RMS publication "Traffic Control Worksite Manual" and designed by a person licensed to do so (minimum RMS 'red card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each.
- b) A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage must be provided detailing: -
 - Light traffic roads and those subject to a load or height limit must be avoided at all times; and
 - A copy of this route is to be made available to all contractors, and shall be clearly depicted at a location within the site.
- c) Evidence of RMS concurrence for the construction access.
- d) A schedule of site inductions to be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations. These must specify that construction-related vehicles to comply with the approved requirements;
- e) For those construction personnel that drive to the site, the Applicant where possible shall provide on-site parking so that their personnel's vehicles do not impact on the area.

Council's adopted fee for certification of compliance with this condition shall be payable on lodgement, or in any event, prior to the issue of the relevant approval.

- iv. Any use of Council property shall require appropriate approvals and demonstration of liability insurances prior to such work commencing.
- v. Failure to provide complete and detailed information may result in delays. It is recommended that your Construction and Traffic Management Plan be lodged with Council as early as possible.
- vi. Dependent on the circumstances of the site, Council may request additional information to that detailed above.
- vii. Subject to an application for the occupation of public roadway or footway (Section 138, Local government Act 1993), and covered by a minimum Public Liability cover of \$20,000,000. Cumberland Council shall be named on the certificate of currency as an interested party.

Construction Management Plan

- 66. 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.

Car Wash Bay

67. A vehicle wash bay shall be provided for residents of the development. The vehicle wash bay shall not serve as a shared visitor space and shall not serve as a shared area for an accessible space.

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.

Salinity

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

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

- "Building in Saline Environment" prepared by DIPNR 2003.
- Water Sensitive Urban Design in the Sydney Regions "Practice Note 12: Urban Salinity"
- Wagga Wagga City Council's "Urban Salinity Action" October 1999
- "Guide to Residential Slabs and Footings in Saline Environments" prepared by Cement Concrete and Aggregates Australia, May 2005

Sydney Water

69. A building plan approval must be obtained from Sydney Water Tap In™ to ensure the development will not affect any Sydney Water wastewater and water mains, stormwater drains and/or easement.

A copy of the building plan approval receipt from Sydney Water Tap in™ must be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

Please refer to the website www.sydneywater.com.au.

Erosion and sedimentation controls

70. Erosion and sedimentation controls must be provided to ensure:
- a) Compliance with any approved Soil and Water Management Plan
 - b) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval)
 - c) All uncontaminated run-off is diverted around cleared or disturbed areas
 - d) Silt fences or other devices are installed to prevent sediment and other debris escaping from the cleared or disturbed areas into drainage systems or waterway
 - e) All erosion and sediment controls are fully maintained for the duration of demolition/development works
 - f) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadways
 - g) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar
 - h) All water pumped or otherwise removed from excavations or basement areas is filtered to achieve suspended solids/non filterable residue levels complying with the Australian Water Quality guidelines for Fresh and Marine Waters
 - i) Pumped or overland flows of water are discharged so as not to cause, permit or allow erosion before the commencement of work (and until issue of the occupation certificate).

Details of the proposed soil erosion and sedimentation controls to be implemented on site must be submitted with the Construction Certificate Application. Under no circumstances may any works commence prior to these details being approved by the Accredited Certifier and the controls being in place on the site

Acoustic Measures

71. Plans and/or specifications indicating how compliance with the recommendations provided within the Acoustic Assessment Report prepared by Acoustic Logic, Reference No. 20171427.1/1812A/R1/EC, Revision 1, dated 18 December 2017, and Supplementary information prepared by Acoustic Logic, Reference No. 20171427.1/2006A/R1/TT, dated 20 June 2018, will be achieved are to be submitted to the Principal Certifying Authority.

Air Conditioning

72. Details and specifications for the mechanical ventilation system complying with the Australian Standard are to be submitted and approved by Council.

Light Fixtures

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

Design Verification Statement

74. 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

75. 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.

Residential Storage

76. Storage areas for each unit shall be provided at the following rates:-
- 1 bedroom units - 6m³
 - 2 bedroom units - 8m³
 - 3 bedroom units - 10m³

A minimum of 50% of the storage area shall be provided within the unit.

Detail is to be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

External Walls and Cladding Flammability

77. The external walls of the building including attachments must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of an Occupation Certificate, the Certifying Authority and Principal Certifying Authority must:
- (a) Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the NCC; and
 - (b) Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.

Fire Safety

78. The applicant/owner is to give written notice to the Certifying Authority of the measures that are currently implemented in the building or premises to ensure the safety of persons in the building in the event of fire. The schedule of measures must be provided with the Construction Certificate application.

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PRIOR TO DEMOLITION/WORKS COMMENCING

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

Appointment of Principal Certifying Authority and Notification of Commencement of Work

79. 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

80. 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 Certifying Authority

81. 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

82. 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

83. 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

84. 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

85. 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

- 86. 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

- 87. 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

- 88. 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

- 89. 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.

90. 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

91. 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:-
- must preserve and protect the building from damage, and
 - if necessary, must underpin and support the building in an approved manner, and
 - 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).

92. 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

93. 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:

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

Residential Building Work - Insurance

94. 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:-

- in the case of work for which a Principal Contractor is required to be appointed:
 - 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

- 95. 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 **the relevant 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.
- 96. 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.
- 97. Any works requiring closure of any road or footway closure will require submission of a Council's Temporary Road Closure application form and payment of fees.
- 98. 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

- 99. 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.
- 100. Submission to Council of a Certificate of Currency of the contractor's Workers' Compensation Policy prior to the commencement of works.
- 101. 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.

Property/Street Number

102. Council is the authority responsible for the allocation of all official property addresses. For ease of identification of your new development, it is important that the allocated property numbers are used and displayed prominently. It is requested that you contact Council as soon as possible before construction is commenced to discuss proposed addressing for your development.

Please email your site plan to council@cumberland.nsw.gov.au or contact Council's Rates Section by phone on 8757 9000.

Remediation and Validation Works

- 103.
- a) Remediation and validation works shall be carried out in accordance with the Remediation Action Plan prepared by EI Australia, Report E24021.E06_Rev0, dated 23 October 2018. The applicant shall inform Council in writing of any proposed variation to the remediation works. Council shall approve these variations in writing prior to the commencement of works. Please note that variations to the approved remediation works may require the submission to Council of a Section 4.55 Application or further Development Application pursuant to the *Environmental Planning and Assessment Act 1979*.
 - b) After completion of the remedial works, a copy of the Validation Report shall be submitted to Council prior to the commencement of construction works.

DURING REMEDIATION/DEMOLITION/CONSTRUCTION

The following conditions are applicable during demolition/construction:-

Endorsed Plans & Specifications

104. 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

105. 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

106. 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.
107. 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.
108. 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

109. 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).

Note: The person responsible for disposing of the above asbestos waste is to telephone the EPA on (02) 9995 5000 or Council's Waste Officer on (02) 8757 9000 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

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

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

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

- 112. 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

113. 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

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

Landscaping and Site Works

115.

a) 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.

b) All turfed areas shall be finished level with adjoining surfaces and also fall evenly to approved points of drainage discharge.

116. 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.

Acoustic Management

117. The recommendations provided in the Acoustic Assessment Report prepared by Acoustic Logic, Reference No. 20171427.1/1812A/R1/EC, Revision 1, dated 18 December 2017, and Supplementary information prepared by Acoustic Logic, Reference No. 20171427.1/2006A/R1/TT, dated 20 June 2018, shall be implemented in full.

Car Park Mechanical Ventilation

118. The car park is to be mechanically ventilated in accordance with the Building Code of Australia, AS1668 and other relevant legislation and standards to adequately remove the Volatile Organic Compounds (VOCs) and other noxious odours.

Inspection of Stormwater Drainage Works

119. The stormwater drainage works within the Road Reserve shall be inspected during construction by the Council. Documentary evidence of compliance with Council's specifications shall be obtained prior to proceeding to the subsequent stages of construction, encompassing not less than the following key stages:
- (a) Initial inspection to discuss concept and site conditions/constraints prior to commencement of the construction.
 - (b) After connection to the Council system and prior to covering.
 - (c) Final inspection.

Inspection of On Site Detention Works

120. 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

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

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

Inspection of Pollution Control Device/s

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

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

Structures Near Easements

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

Road Works and Footpaving

124. 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".
125. 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

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

Underground Power Connection

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

Balconies

128. All balconies shall be provided with obscure / opaque glazing.

Alarms

129. 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.
130. 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.

Parking and Traffic Management

131. 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.
132. 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.

Vehicle Cleansing

133. 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

134. 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

135. Remediation and validation works shall be carried out in accordance with the Remediation Action Plan prepared by EI Australia, Report E24021.E06_Rev0, dated 23 October 2018. 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/Demolition/Construction

136. 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.

PRIOR TO ISSUE OF **FINAL** OCCUPATION CERTIFICATE

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

Compliance Certificates/Documentary Evidence

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

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

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

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

139. 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.

140. An Accredited Certifier shall submit to the Principal Certifying Authority a signed checklist as per Appendix A of AS4299-1995 confirming that all **33** adaptable units have achieved the desired level of adaptability (i.e. "Adaptable House Class A or B").

Landscaping and Site Works

141. Certification is to be provided to the Principal Certifying Authority (PCA) from the installer of the playground equipment that the equipment has been constructed and installed in accordance with the relevant Australian Standards. If Council is not the PCA, a copy of this certification is to be provided to Council with the Occupation Certificate.
142. Certification is to be provided to the Principal Certifying Authority (PCA), from the designer of the landscape proposal (as appropriate), 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.

143. 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.
144. 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.
145. Boundary and courtyard fences must be erected and finished in a professional manner.

Fire Safety

146. 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.

External Walls and Cladding Flammability

147. The external walls of the building including attachments must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of an Occupation Certificate, the Certifying Authority and Principal Certifying Authority must:
 - (b) Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the NCC; and
 - (b) Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.

Certification

148. The On-site Stormwater Detention design summary calculation sheet using the Works-as-Executed levels shall be provided to Council.

Covenant and Maintenance Schedule

149. A maintenance schedule for the stormwater and On-site Stormwater Detention, Floodway/Overland flowpath, Pollution Control Device system including a sketch plan of the components forming the systems shall be submitted. The maintenance schedule shall be prepared by a practicing suitably qualified engineer with the OSD schedule being in accordance with the Upper Parramatta River Catchment Trust requirements.
150. An On-site Stormwater Detention plate shall be installed within the detention basin. 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.
151. Confined space signage and step irons at 300mm centres shall be provided to each access of any OSD tanks.
152. The applicant shall provide a standard OSD sign within the above ground basin area in accordance with Clause 7.1 (i) of the Council's OSD policy.

Road Works

153. Any works requiring levels within the road reserve will require the submission of Council's Vehicular Crossing application form.
154. A full width **heavy duty** vehicular crossing shall be provided opposite the vehicular entrance/exit to the site, with a maximum width of **10.0** metres and a minimum width of **8.0** metres at the boundary line. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with Council's approved drawings and level sheets.
155. The removal of existing and construction of footpath paving to the site frontage. Generally the works shall be in accordance with Council's Town Centre Master Plan (current version), and Council approved design and levels. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall address the following:
 - i. A minimum 2.5m wide footpath paving, and full width as required, with associated works.
 - ii. Pedestrian fencing (final fencing type and location to be approved by Council and compatible with the flooding) is required along Pitt Street and Terminal Place to encourage pedestrians to cross at dedicated crossing points.
 - iii. Street tree planting. In this regard trees shall be sited considering awnings, traffic signals, sight lines etc. Trees shall be planted in accordance with Council requirements for street trees eg. Numbers, species, size, guards, surface treatments, root barriers.
 - iv. All footpath areas within the road reserves that are not paved shall be turfed with ST85 Buffalo or 'Sir Walter'.

156. The removal of existing and reconstruction of the kerb and gutter and associated works along all areas of the site frontage, with extent of works to be confirmed by Council. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with Council approved design, levels and standard drawing SD 8100.
157. Dedication and construction of a 4 metre by 4 metre splay corner in favour of Council. Documents relative to the creation of the splay corner to be lodged with the Land Registry Services NSW with Registration being effected prior to issue of an Occupation Certificate. All costs associated with the construction, creation and dedication of the splay corner shall be borne by the applicant.
158. 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.

Fencing works

159. Completion of the fencing within Pitt Street, Merrylands. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with the approved plans and specifications.
160. Two (2) copies of Works as Executed plans together with an electronic copy shall be submitted for the constructed fencing.
161. Data shall be submitted to Council in electronic EXCEL format with the issue of WAE drawings. EXCEL spreadsheets shall contain the following table for the Median Island works:

	Type	Length (m)	Area (m ²)	Number	Construction completion date (month & year)	Total Value(\$)
Fencing			n/a	n/a		

Flood protection

162. 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, and a 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.
163. The applicant shall provide a standard Flood Warning Sign within the flood affected areas.
164. A flood management (including any flood proofing) and evacuation plan shall be developed for the site to advise owners/occupants of their roles and responsibilities.

Traffic

165. Prior to issue of any occupation certificate signage indicating the maximum size of the vehicle that can access the basement shall be placed at the entrance to the property

at Terminal Place to restrict larger vehicles than the approved vehicle. In this regard the following shall be addressed:

- i. The vehicle length shall be shown.
 - ii. The sign shall be maintained at all time.
 - iii. The management plan of the building shall incorporate the subject maintenance.
166. Prior to issue of any Occupation Certificate, the Principal Certifying Authority shall ensure that minimum of 3.5m clearance is available for trucks as per approved plans. In this regard, detailed work as executed plans demonstrating that a minimum 3.5m clear headroom is available for trucks for the full truck travelling, manoeuvring areas including turning bay area shall be submitted to Council as part of Occupancy Certificate.
 167. 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.
 168. All residents and visitors parking spaces shall be signposted, line-marked and wheel stops installed in accordance with the endorsed signs and line marking plans and Australian Standards (i.e. AS2890.1-2004 and 2890.6-2009).
 169. Directional arrows for internal circulation shall be prominently displayed on the pavement on approaches to, and within, the car park area.
 170. All parking spaces, aisle, driveway and internal roadways dimensions shall be in accordance with Australian Standard 2890.1.2004 and 2890.6.2009.
 171. The entry/exit driveway shall be indicated with appropriate signage and line-marking to avoid conflict at the driveway.
 172. The vehicle crossing between the street and front boundary shall be constructed of plain concrete with no colour or stencilling.
 173. The driveway shall be signposted, indicating availability of visitor off-street parking. Spaces reserved for this purpose shall be marked as such.

Onsite Stormwater Detention, Certifications and Covenants

174. A copy of the as approved stormwater drainage, On-Site Detention, Overland Flowpath and Pollution Control Device/s 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.
175. A certificate of compliance in accordance with Council's standards and specifications for stormwater drainage, On-Site Detention, Overland Flowpath and Pollution Control Device/s shall be issued to the Principal Certifying Authority by a suitably qualified Civil Engineer.
176. 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.

177. Documents giving effect to the creation of a Positive Covenant and Restriction on Use over the as constructed On-Site Detention, Overland Flowpath and Pollution Control Device/s 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, Overland Flowpath and Pollution Control Device/s is in accordance with the approved drawings and Council requirements.

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

Noise Compliance Report

178. A noise compliance report shall be submitted to Council prior to the issuing of any Occupation Certificate. The report shall certify that the noise reduction measures detailed in the Acoustic Assessment Report prepared by Acoustic Logic, Reference No. 20171427.1/1812A/R1/EC, Revision 1, dated 18 December 2017, and Supplementary information prepared by Acoustic Logic, Reference No. 20171427.1/2006A/R1/TT, dated 20 June 2018, have been satisfactorily implemented.

Lot Consolidation

179. Lot Y DP 416975, Lot 901 DP 592065, Lot 121 DP531896 and Lot 2 DP 544800 to be consolidated into one lot on title and all works shall be completed in accordance with Development Consent 2017/558.

House/Street Number

180. 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.

Design Verification Statement

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

Air Conditioning

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

Lighting

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

Remediation of Land - Validation Report

184. 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.

General

185. Clothes drying area shall be screened from public domain area.
186. 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.

Additional Urban Design Conditions

187. Play equipment on the roof top is to be fixed to the roof and also any perimeter planters on the edge of play area do not afford opportunities for climbing to ensure the safety of users of the children's play area.
188. The 2.4m wide awning at Level 4 slab level on the southern aspect of the tower to provide weather protection for Level 3 podium level private open spaces is to be constructed of impermeable glass.
189. The 2m high parapet around the perimeter of the southernmost of Level 3 podium level communal open space is to be constructed of glazed or Perspex screen.

190. Plantings on the Level 3 podium level communal open space planter boxes is to comply with the recommendation of Pedestrian Wind Environment Study prepared by Windtech, Report No. WD986-01F02, Revision 2, dated 22 August 2018. Mature tree with minimum height of 3m must be provided.

CPTED Condition

191. CCTV is to be installed within the building and surrounding grounds of the development, particularly within the residential entry and mail area.

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CONDITIONS RELATING TO USE

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

Safety and Amenity

192. 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.

Traffic and Parking

193. The car parking spaces, driveways and manoeuvring areas are to be used for residents, employees and visitors vehicles only and not for the storage of new or used materials, finished goods or commercial vehicles.
194. At least 315 car parking spaces numbered and line-marked in accordance with the endorsed plan, are to be made available at all times for residents and visitors' vehicles only in conjunction with the occupation of the building/premises.
195. All vehicles shall enter and leave the site in a forward direction.
196. All loading and unloading shall be undertaken on the site and not on surrounding streets.
197. The car wash bay shall be a common, independent area and not serve as a visitor parking space.
198. The largest heavy vehicle shall be restricted to Small Rigid Vehicle with an exception to accepted garbage truck by Council's Waste Management.

Maintenance of Waste Storage Area – Residential

199. 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.
200. 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.
201. 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.

Waste Storage Area

202. The waste storage area shall comply with the requirements of Part A, Section 11 of Council's Holroyd Development Control Plan 2013, including:
 - A water supply is to be provided to the storage area for cleaning purposes.
 - The floor is to be graded and drained to the sewer with the consent of Sydney Water.

- The access ramp is to have a maximum grade of 1:8.
- Ventilated to applicable standard.

Fire Safety Upgrading & Essential Services

203. 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.

Car Park Mechanical Ventilation

204. The car park mechanical ventilation shall be operated and maintained to ensure that it complies with the Building Code of Australia, AS1668 and other relevant legislation and standards to adequately remove the Volatile Organic Compounds (VOCs) and other noxious odours.
205. 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.

Mechanical Ventilation

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

Air Emissions

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

Alarms

209. 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 129 above prevents the developer/builder from installing audible alarms).

Noise

210. 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 LA_{90} level (in the absence of the noise under consideration).
211. 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.

212. 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.
213. 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.

Signage on Stormwater Drains

214. 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 'H₂O only'.

Car Wash

170. 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.
171. 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.

Clean Water Discharge

172. The operation of the premises shall be conducted in a manner, which does not pollute waters as defined by the *Protection of the Environment Operations Act 1997*.

Lighting

173. 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*.

Landscaping

174. Landscaping adjacent to the driveway shall not restrict pedestrian and vehicular visibility in accordance with Australian Standard 2890.1 – 2004. Regular maintenance shall be undertaken to ensure this requirement is satisfied.

Privacy Measures

175. All privacy measures shall be maintained in their approved condition for the life of the development and shall not be modified or removed without written consent from Council.

Future Use

176. No approval is granted or implied for the use of the commercial tenancies. Separate development consent is required PRIOR to occupation of each separate commercial tenancy.

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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 8.7 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 8.2 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 8.2 of the Act cannot be reviewed/determined after 6 months of the date of determination. Therefore, the submission of a Section 8.2 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 6.7 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 such a way and with such control measures as are necessary to prevent the occurrence of any dust, noise, runoff or other nuisance.
- (b) All sediment/soil is to be prevented from entering Council's stormwater drainage system.
- (c) 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.
- (d) On completion of demolition the site is to be left in a clean and tidy condition.
- (e) **Cumberland** 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 **Cumberland** Council.
- (f) There shall be no burning of any waste.
- (g) 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.
- (h) 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. 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.

I. 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.

J. 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.

K. 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.

L. 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.

M. 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.

N. 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.

O. 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.

P. 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.

Q. 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.

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 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.

Yours faithfully

Karl Okorn
MANAGER DEVELOPMENT ASSESSMENT

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