



Issued: 27 June 2017 4:43 PM

JUDGMENT/ORDER

COURT DETAILS

Court	Land and Environment Court of NSW
Division	Class 1
Registry	Land and Environment Court Sydney
Case number	2017/00132564

TITLE OF PROCEEDINGS

Applicant(s)	Landmark Group Australia Pty Ltd
Respondent(s)	Cumberland Council

DATE OF JUDGMENT/ORDER

Date made or given	26 June 2017
Date entered	26 June 2017

TERMS OF JUDGMENT/ORDER

The final orders to give effect to the parties' agreement under s34(3) of the Land and Environment Court Act 1979 are:

- (1) The Applicant is granted leave to rely on the amended plans and documents as referred to in the conditions of consent contained in Annexure "A".
- (2) The appeal is upheld.
- (3) Development application no. DA 2016/496 lodged on 15 November 2016 for construction of 2 x residential flat buildings (Buildings 3 and 4) with basement car parking at 1-11 Neil Street, Merrylands is approved subject to the conditions of consent contained in Annexure "A".

SEAL AND SIGNATURE

Signature	Maria Anastasi
Capacity	Acting Registrar
Date	27 June 2017



If this document was issued by means of the Electronic Case Management System (ECM), pursuant to Part 3 of the Uniform Civil Procedure Rules (UCPR), this document is taken to have been signed if the persons name is printed where his or her signature would otherwise appear.

PARTY DETAILS

First Civil Proceeding

Applicant(s)

First Applicant

Landmark Group Australia Pty Ltd

Respondent(s)

First Respondent

Cumberland Council
ABN 22798563329



Annexure 'A'
Conditions of Consent

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979
NOTICE OF DETERMINATION OF APPLICATION

DEFERRED COMMENCEMENT

TBA

Landmark Group Australia Pty Ltd
Attention: Joseph Scuderi
Level 22, Suite 22.01, Tower 2
101 Grafton Street, Bondi Junction NSW

Dear Sir/Madam

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

PROPERTY: Lot 11, DP 228782 & Lot 1, DP 203553

STREET ADDRESS: 1-7 & 9-11 Neil Street, Merrylands

DEVELOPMENT CONSENT NO: 2016/496/1

DECISION: Joint Regional Planning Panel

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

DATE OF EXPIRY OF CONSENT: TBA

PROPOSED DEVELOPMENT: Construction of a 2 x residential flat buildings (Buildings 3 & 4) over 3 levels of basement parking accommodating a total of 438 car parking spaces and 5 on-grade spaces; Building 3 being 12 storeys accommodating 178 units and Building 4 being Part 6, Part 8 and Part 12 storeys accommodating 133 units.

The application includes consolidation of 2 existing lots making up the overall site of 1-11 Neil Street and re-subdivision of the consolidated lot into 3 Torrens Title lots and 4 Stratum lots.



The project has a capital investment value of more than \$20M and the Sydney West Central Planning Panel is the Consent Authority

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

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



SCHEDULE "A"

This is a "Deferred Commencement" consent that is granted for construction of a 2 x residential flat buildings (Buildings 3 & 4) over 3 levels of basement parking accommodating a total of 438 car parking spaces and 5 on-grade spaces; Building 3 being 12 storeys accommodating 178 units and Building 4 being Part 6, Part 8 and Part 12 storeys accommodating 133 units., subject to a condition under section 80(3) of the Environmental Planning and Assessment Act 1979 ("EP&A Act") that the consent is not to operate until the applicant satisfies Council as to the matters set out in Schedule A below.

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

Sydney Trains

1. The Applicant shall prepare and provide to Sydney Trains for approval / certification the following final version items:
 - Geotechnical and Structural report / drawings that meet Sydney Trains requirements. The Geotechnical Report must be based on actual borehole testing conducting on the site closest to the rail corridor.
 - Construction methodology with construction details pertaining to structural support during excavation. The Applicant is to be aware that Sydney Trains will not permit any rock anchor / bolts (whether temporary or permanent) within its land or easements.
 - Cross sectional drawings showing the rail corridor, distances from excavation to rail corridor boundary, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the rail corridor. All measurements are to be verified by a Registered Surveyor.
 - Detail Survey Plan showing the relationship of the proposed development with respect to Sydney Trains easement, rail corridor land and adjacent road bridge.
 - Detailed stormwater drainage report and plans regarding any or potential run-off into the rail corridor, especially run-off which by-passes the OSD system.
 - If required by Sydney Trains, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.

Stormwater Design

2. The development application shall be supported by a Water Sensitive Urban Design strategy, prepared by a qualified civil engineer with suitable experience containing all information as stipulated under 7.5 Clause C2 in Part A of the Holroyd Development Control Plan 2013.



3. Plans shall be amended so that the Stormwater quality improvement device is located within the site. The location of the device shall be accessible for future access and maintenance vehicles.
4. The position of the outlet structure shall be located downstream from the bend of the open channel at a suitable angle.
5. Council requires the provision of basement stormwater storage in case of pumpout failure to accommodate the 1% AEP storm event - 12 hr duration storm event. Included in the storage shall be an above ground component which will act as a visual warning to the occupiers of the building. In this regard the basement storage shall consist of the following:
 - A Below ground storage tank shall be provided and capable of storing the volume of stormwater run-off generated from the catchment area draining to the pump out system in the 1% AEP (100 year ARI) - 90-minute storm event. The tank shall be clearly delineated on the stormwater drawings.
 - An Above ground storage area shall be provided and capable of storing the difference in volume of stormwater run-off generated from the catchment area draining to the pump out system between the 1% AEP (100 year ARI) 90 minute and the 1% AEP (100 year ARI) 12 hour storm event. The above ground storage area shall be clearly delineated on the stormwater drawings.
6. Stormwater is to be disposed of into Sydney Water's drainage system, subject to Sydney Water's approval. Sydney Water's written approval shall be submitted to Council in conjunction with the stormwater drainage plans.
7. Four (4) A1 size copies of plans and calculations for the design shall be submitted to Council. Inadequately prepared drawings and calculations will incur an initial checking fee of **\$675.70** with an additional fee of **\$225.00** per review for subsequent inadequate drawings.

Covenant to Prevent "Double Dipping"

8. A covenant is to be registered to prevent the creation of additional floor area on the part of the site known as Lot 1, DP 203553, greater than 9,424m², as approved under Development Consent 2016/80/1 – Court Case 2016/00178016.

Reason: The equivalent quantity of floor area will be created on Lot 11, DP 228782.

Urban Design – Finishes

9. Articulation of the form and façades of the buildings shall be provided through the use of different colours and materials, through the composition of openings and through variations in wall surfaces. The following shall be incorporated:-
 - Buildings should use simple building details. Surfaces that are stark and devoid of appropriate detail should be avoided.
 - Overdetailing and inappropriate detailing should be avoided.
 - Use of light weight material such as glass and aluminium should be increased.
 - Colours should be muted, with limited use of highlight colours.
 - Highlight colours and/or materials should be used to break-down the mass and form of a building and accentuate verticality.



- Large expanses of unbroken colour, or areas treated/ constructed with the same material should be avoided.
- The exclusive use of light colours can increase the visual prominence of a building compared to a building which incorporates darker colours. Following should be considered in applying building details:
 - The cautious use of porticos, quoining, columns, parapets, mouldings, banding, upper storey decks and balconies.
 - The addition of windows and detailing to break up wall areas.
 - Lighter colours to project forward and darker colours to recede.
 - Use of materials that complement prevailing materials found in the surrounding area.

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

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



SCHEDULE "B"

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

PRELIMINARY

1. This consent shall lapse if the above development is not physically commenced by the date of expiry shown on the front page of this Consent.
2. Development shall take place in accordance with the following plans and information, except where amended by the conditions of this consent:
 - Architectural plans prepared by Marchese Partners International Pty Ltd, Job Number 14001, listed below:

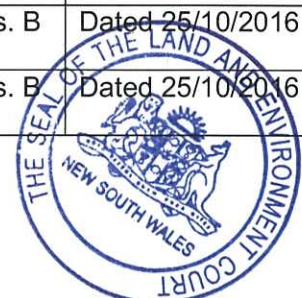
Drawing DA11.04	No.	Site Plan	Rev. A	Dated 28/10/2016
Drawing DA12.01	No.	Basement 3 Floor Plan	Rev. A	Dated 28/10/2016
Drawing DA12.02	No.	Basement 2 Floor Plan	Rev. A	Dated 28/10/2016
Drawing DA12.03	No.	Basement 1 Floor Plan	Rev. A	Dated 28/10/2016
Drawing DA12.04	No.	Building 3 Ground Floor Plan	Rev. B	Dated 16/02/2017
Drawing DA12.05	No.	Building 3 Level 1-8 Floor Plan	Rev. A	Dated 28/10/2016
Drawing DA12.06	No.	Building 3 Level 9-11 Floor Plan	Rev. A	Dated 28/10/2016
Drawing DA12.09	No.	Building 3 Roof Plan	Rev. A	Dated 28/10/2016
Drawing DA12.14	No.	Building 4 Ground Floor Plan	Rev. B	Dated 16/02/2017
Drawing DA12.15	No.	Building 4 Level 1-5 Floor Plan	Rev. A	Dated 28/10/2016
Drawing DA12.16	No.	Building 4 Level 6 Floor Plan	Rev. A	Dated 28/10/2016
Drawing DA12.17	No.	Building 4 Level 7 Floor Plan	Rev. A	Dated 28/10/2016
Drawing DA12.18	No.	Building 4 Level 8 Floor Plan	Rev. A	Dated 28/10/2016
Drawing DA12.19	No.	Building 4 Level 9-11 Floor Plan	Rev. A	Dated 28/10/2016
Drawing DA12.20	No.	Building 4 Roof Plan	Rev. A	Dated 28/10/2016
Drawing DA13.01	No.	Building 3 – Neil Street Elevation	Rev. B	Dated 28/03/2017
Drawing DA13.11	No.	Building 3 – North Elevation	Rev. B	Dated 28/03/2017
Drawing	No.	Building 3 – South Elevation	Rev.	Dated 28/03/2017



DA13.12			B	
Drawing DA13.13	No.	Building 3 – East Elevation	Rev. B	Dated 28/03/2017
Drawing DA13.14	No.	Building 3 – West Elevation	Rev. B	Dated 28/03/2017
Drawing DA13.21	No.	Building 4 – North Elevation	Rev. B	Dated 28/03/2017
Drawing DA13.22	No.	Building 4 – South Elevation	Rev. B	Dated 28/03/2017
Drawing DA13.23	No.	Building 4 – East Elevation	Rev. B	Dated 28/03/2017
Drawing DA13.24	No.	Building 4 – West Elevation	Rev. B	Dated 28/10/2016
Drawing DA14.01	No.	Building 3 – Section AA	Rev. A	Dated 28/10/2016
Drawing DA14.02	No.	Building 3 – Section BB	Rev. A	Dated 28/10/2016
Drawing DA14.03	No.	Building 4 – Section CC	Rev. A	Dated 28/10/2016
Drawing DA14.04	No.	Building 4 – Section DD	Rev. A	Dated 28/10/2016
Drawing DA16.01	No.	Building 3 – Adaptable Unit Plan 01	Rev. A	Dated 28/10/2016
Drawing DA16.03	No.	Building 3 – Adaptable Unit Plan 03	Rev. A	Dated 28/10/2016
Drawing DA16.04	No.	Building 3 – Adaptable Unit Plan 04	Rev. A	Dated 28/10/2016
Drawing DA16.05	No.	Building 3 – Adaptable Unit Plan 05	Rev. A	Dated 28/10/2016
Drawing DA16.11	No.	Building 4 – Adaptable Unit Plan 01	Rev. A	Dated 28/10/2016
Drawing DA16.12	No.	Building 4 – Adaptable Unit Plan 02	Rev. A	Dated 28/10/2016
Drawing DA16.13	No.	Building 4 – Adaptable Unit Plan 03	Rev. A	Dated 28/10/2016
Drawing DA16.14	No.	Building 4 – Adaptable Unit Plan 04	Rev. A	Dated 28/10/2016
Drawing DA16.15	No.	Building 4 – Adaptable Unit Plan 05	Rev. A	Dated 28/10/2016
Drawing DA16.16	No.	Building 4 – Adaptable Unit Plan 06	Rev. A	Dated 28/10/2016

- Landscape plans prepared by Greenplan, Job Number 16713, listed below:

Drawing No. LS	Landscape Cover	Iss. A	Dated 26/10/2016
Drawing No. LS-101	Landscape Site Photos	Iss. A	Dated 25/10/2016
Drawing No. LS-201	Landscape Site Plan Ground Floor	Iss. B	Dated 25/10/2016
Drawing No. LS-301	Landscape Plan Building 3 Ground Floor	Iss. B	Dated 25/10/2016
Drawing No. LS-302	Landscape Plan Building 4 Ground Floor	Iss. B	Dated 25/10/2016



Drawing No. LS-303	Landscape Plan Building 4 Level 6	Iss. B	Dated 25/10/2016
Drawing No. LS-401	Landscape Planting	Iss. A	Dated 25/10/2016
Drawing No. LS-402	Landscape Planting Details	Iss. A	Dated 25/10/2016

- Stormwater plans prepared by SGC, Project Number 20140028, listed below:

Drawing No. SW500	Cover Sheet	Rev. A	Undated
Drawing No. SW501	Stormwater Concept Design - Basement 3 Plan Building 3 & 4	Rev. A	Dated 01/11/2016
Drawing No. SW502	Stormwater Concept Design - Ground Floor Plan Sheet 1 of 2	Rev. A	Dated 01/11/2016
Drawing No. SW503	Stormwater Concept Design - Ground Floor Plan Sheet 2 of 2	Rev. A	Dated 01/11/2016
Drawing No. SW504	Stormwater Concept Design - Building 3 Roof Plan	Rev. A	Dated 01/11/2016
Drawing No. SW505	Stormwater Concept Design - Building 4 Roof Plan	Rev. A	Dated 02/11/2016
Drawing No. SW506	Stormwater Concept Design - Details Sheet	Rev. A	Undated
Drawing No. SW507	Erosion and Sediment Control - Plan and Details	Rev. A	Dated 02/11/2016

- Plans of Subdivision of Lot 1, DP 203553 and Lot 11, DP 228782 prepared by Christopher Thomas Norton, Surveyors Reference 16262 DP, listed below:

Sheet 1 of 5	Issue A	Dated 27/10/2016
Sheet 2 of 5	Issue A	Dated 27/10/2016
Sheet 3 of 5	Issue A	Dated 27/10/2016
Sheet 4 of 5	Issue A	Dated 27/10/2016
Sheet 5 of 5	Issue A	Dated 27/10/2016

- Site Waste Management Plan prepared by Senica Consultancy Group, Report Number 2016/0901, dated 1 November 2016;
- BASIX Certificate Number 770665M, dated 2 November 2016;
- Tree Report prepared by Dr. Treegood, Reference Number 2014-476, dated April 2014;
- Acoustic Report prepared by Rodney Stevens Acoustics, Report Number R160099B3, Revision 0, dated 1 November 2016;
- Site Contamination Audit Report prepared by Environmental Earth Sciences NSW, Version 1, dated 4 March 2016;
- Correspondence from Endeavour Energy, dated 22 March 2017, and all conditions contained therein;
- Correspondence from NSW Police Force – Holroyd Local Area Command, Police Reference D/2016/704554, dated 5 January 2017, and all conditions contained therein;
- Correspondence from Water NSW, dated 18 January 2017, and all conditions contained therein;
- Correspondence from Sydney Water, dated 4 April 2016, and all conditions contained therein;



- Correspondence from Sydney Trains, dated 7 April 2017, and all conditions contained therein; and
 - Correspondence from Heritage Office, Reference Number DOC16/618389, dated 17 January 2017, and all conditions contained therein.
 - All details, including plans and reports, approved by Council in accordance with the conditions in Schedule 'A'
 - a) As amended in red by Council. All amendments are to be incorporated in the Construction Certificate plans.
3. All building work shall be carried out in accordance with the requirements of the Building Code of Australia. Fully detailed plans including fire safety details shall be submitted with the Construction Certificate application. No work is to commence until such time as a Construction Certificate is obtained for the work/building permitted by this Consent.

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

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

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

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

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



BASIX (Building Sustainability Index)

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

Substations and Fire Hydrant Boosters

9. No approval is granted or implied for the installation of substations and fire hydrant booster pumps and construction of associated encasing structures i.e. blast walls and radiant heat shields. Separate Development Consent is required.

Cranes on Building Sites

10. 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 such cranes.

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



PRIOR TO ISSUE/RELEASE OF CONSTRUCTION CERTIFICATE

The following conditions must be complied with prior to the issue of a Construction Certificate. 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:-

Public Art

11. A Public Arts Plan in accordance with Council's Public Art Policy 2012-2015 shall be prepared and submitted to Council for approval, prior to the issue of a Construction Certificate. The following shall be considered in the preparation of the Public Art Plan:-
- The public art shall develop the cultural identity of the community and reflect the culture of the community.
 - Artworks shall be integrated into the design of the buildings and the landscape.
 - Within the Neil Street Precinct, the following thematic areas are to be considered in the public art / design:-
 - Industrial heritage of the locality including the grain mills, brick works and railway; and
 - A'Becketts Creek and the natural environment.

Payment of Bonds, Fees and Long Service Levy

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

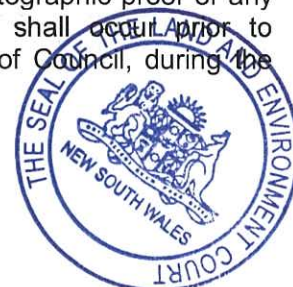
Section 94 Contribution

13. Prior to the issue of a Construction Certificate, a monetary contribution imposed under section 94 of the *Environmental Planning and Assessment Act 1979* and Holroyd Section 94 Development Contributions Plan 2013, for 311 units made up of, 116 x 1 bedroom units, 170 x 2 bedroom units and 25 x 3 bedroom units is to be paid to Council. At the time of this development consent, the current rate of the contribution is **\$6,256,853**. The amount of the contribution will be determined at the time of payment in accordance with the relevant s94 Contributions Plan in force at that time. A copy of the Holroyd Section 94 Development Contributions Plan 2013 can be viewed on Council's website at www.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

14. A cash bond/bank guarantee of **\$5,701.10** must be paid/lodged with Council to cover making good any damage caused to the property of Council, during the course of construction associated with the development. This will be held for 'six (6) months after the completion of works' or six (6) months after the issue of 'Final Occupation Certificate' (whichever occurs last) to remedy any defects that may arise within this time.

Note:- The applicant/owner shall be held responsible for and may be required to pay the full reinstatement costs for damage caused to Council's property, unless the applicant/owner notifies Council in writing and provides photographic proof of any existing damage to Council's property. Such notification shall occur prior to works/demolition commencing. However, if in the opinion of Council, during the



course of construction existing damage has worsened, Council may require full reinstatement. If damage does occur during the course of construction, prior to reinstating any damage to Council's property, the applicant/owner shall obtain design specifications of all proposed restoration works. Restoration/construction works within the road reserve shall be carried out by a licensed construction contractor at the applicant/owners expense and shall be inspected by Council prior to placement of concrete and/or asphalt.

Consistency with Endorsed Development Consent Plans

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

Landscape Inspection Fee

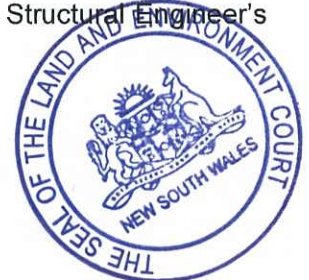
16. Payment of a **\$704** fee for the inspection by Council of landscape works and/or trees to be retained at the key stages, where Council is the Principal Certifying Authority.
17. If Council is engaged to provide a Construction Certificate, a fee of **\$704** is to be paid for the assessment of the required fully documented landscape plans.

Engineering Fees and Bonds

18. Payment of a **\$337.90** fee for the design, specifications and inspection by Council of the vehicular crossing/s prior to placement of concrete.
19. Payment of a **\$806.40** fee for the inspection by Council of the stormwater drainage and Onsite Stormwater Detention System, Overland Flowpath and Pollution Control Device/s at the key stages, where Council is the Principal Certifying Authority.
20. Payment of a **\$345.60** fee for the inspection by Council of the stormwater drainage connection in the public system at the key stages.
21. Payment of a **\$1,702.30** fee for the design checking and inspection by Council of the provisional road access and associated works.
22. The applicant shall lodge with Council a **\$6,000** cash bond to cover the registration of a Positive Covenant and Restriction as to User over the Onsite Stormwater Detention System, 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.
23. The applicant shall lodge with Council a **\$5000** cash bond or bank guarantee to cover the satisfactory completion of the stormwater connection into the public system.

Structures near Easements

24. 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, which ever 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.

Sight Distance

25. To maintain sight distance to pedestrians, all fencing and landscaping within 2.0m of a driveway shall have a maximum height of 1m and 50% transparent above a height of 0.5m. All solid posts higher than 0.5m (but lower than 1m) shall have a maximum width 350mm and a minimum spacing of 1.2m. Details shall be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

Required Submissions to Certifying Authority

26. 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.

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



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

34. 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.

35. A lighting plan shall be provided, detailing lighting along pedestrian access ways, common areas, communal open space areas, car parking entries and all entries. Detail is to be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

36. Visual privacy treatment shall be provided as follows:

- Privacy screen treatment to a minimum height of 1.5 metres as measured from the respective finished floor level for the north-western corner of balconies for units 4.L.13 on levels 1 to 5, for unit 4.6.08 on level 6 and unit 4.7.08 on level 7 as shown on the approved Architectural Plans; and
- Privacy screen treatment to a minimum height of 1.5 metres as measured from the respective finished floor level for the north-eastern balcony edges for units 4.L.14 on levels 4 to 5, unit 4.6.09 on level 6 and unit 4.7.09 on level 7 for up to the 9 metre setback line shown on the approved Architectural Plans; and
- Fixed non-operable windows with obscure glazing is to be provided for the north-east facing lounge windows for units 4.L.14 on levels 4 to 5, unit 4.6.09 on level 6 and unit 4.7.09 on level 7.

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

37. Mailboxes shall be provided in a convenient and accessible location that satisfies the requirements of Australia Post and shall be adequately protected. Detail is to be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

38. The Stormwater Plans and Landscape Plans shall be amended to reflect the approved set of Architectural Plans and submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

Fire Safety Upgrading & Essential Services

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



Car Wash Bay

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

Details to be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

Design Verification Statement

41. In accordance with Environmental Planning and Assessment Regulation 2000 and State Environmental Planning Policy (SEPP) 65 "Design Quality of Residential Apartment Development", the subject development must be undertaken or directed by a "qualified designer" (i.e., a "registered architect" under the Architects Act). In this regard, a design verification statement shall be submitted to the Principal Certifying Authority (PCA). The PCA shall ensure that the statement prepared by the qualified designer provides the following:-
- (i) A valid and current chartered architect's certificate number (as issued by the Board of Architects of NSW);
 - (ii) That the qualified designer has designed or directed the design of the subject development;
 - (iii) That the plans and specifications lodged with the Construction Certificate achieve or improve the design quality of the development for which the subject development consent was granted, having regard to the design principles set out in Part 2 SEPP 65.

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

Residential Flat Development Residential Waste Storage Area

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



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

Salinity

43. The site has been identified as having a potential salinity hazard. To prevent moisture/salinity from entering the built structure, appropriate construction methods are to be incorporated for all dwellings/buildings.

Details of proposed methods of construction are to be detailed in the engineering plans and submitted to the PCA with the application for a Construction Certificate.

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

Acoustic Measures

44. Plans and/or specifications indicating how compliance with the recommendations of the Acoustic Report prepared by Rodney Stevens Acoustics, Report Number R160099B3, Revision 0, dated 1 November 2016, will be achieved, are to be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

Heritage Matters

45. Prior to the issue of the Construction Certificate, the Applicant must provide a detailed Historical Archaeological Assessment undertaken by a suitably qualified and experienced historical archaeologist. The Assessment must identify the level of significance of any relics present; their location and the level of impact from the proposed development. If the archaeological assessment identifies the proposal will impact archaeological relics and they cannot be avoided in whole or part, the Applicant must submit and obtain an approved s140 application under the *Heritage Act 1977*.
46. If required, the s140 application must be accompanied by an archaeological excavation methodology and research design. The Excavation Director nominated to undertake the works must meet the Heritage Council Excavation Director Criteria for the significance level and activity proposed.
47. In the event the Archaeological Assessment identifies the potential for state significant archaeological relics on the site, the Applicant must consider how to appropriately manage these remains. The retention in whole or part of state significant archaeological relics may be required by the Heritage Council of NSW. Options such as redesign and avoidance must be considered based on the Assessment results. Additional approval of the Heritage Council of NSW would be required to cause harm to state significant archaeological relics.



Construction and Traffic Management Plan

48. Prior to the issue of a Construction Certificate, a Construction and 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 **\$496.30** 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.
49. The applicant shall also provide a Construction Management Plan, prepared by a suitably qualified consultant and submitted to Council for approval prior to the issue of a Construction Certificate. The following matters must be specifically addressed in the Plan:
- (a) A plan view (min 1:100 scale) of the entire site and frontage roadways indicating:
- Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways;
 - Signage type and location to manage pedestrians in the vicinity;
 - The locations of any proposed Work Zones in the frontage roadways – note: Work Zone fees apply in accordance with Council's Fees and Charges;
 - Locations and type of any hoardings proposed along all street frontages;
 - Area of site sheds and the like;
 - Location of any proposed crane standing areas;
 - A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
 - Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected;
 - The provision of an on-site parking area for employees, tradesperson and construction vehicles as far as possible; and
- (b) All necessary concurrences and approvals from RMS must be obtained for any construction works impacting on the Neil Street and nearby intersection.
- (c) A Traffic Control Plan for the site must be prepared for approval by Council incorporating the following: -
- (i) 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.
- (ii) 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: -
- a. Light traffic roads and those subject to a load or height limit must be avoided at all times; and



- b. A copy of this route is to be made available to all contractors, and shall be clearly depicted at a location within the site.
- (iii) Evidence of RMS concurrence where construction access is provided directly or within 20m of an Arterial Road.
- (iv) 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.
- (v) For those construction personnel that drive to the site, the Applicant shall provide on-site parking so that their personnel's vehicles do not impact on the area.
- (d) 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.
- (e) Any use of Council property shall require appropriate approvals and demonstration of liability insurances prior to such work commencing.
- (f) 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.
- (g) Dependent on the circumstances of the site, Council may request additional information to that detailed above.

Dressler Court Road extension – Provisional Access Road (PAR) Design

50. Council is currently working on the road and drainage design within the Neil Street Precinct in accordance with Council's Development Control Plan. If the Council Laneway Design is not available (Prior to Issue of Construction Certificate), then the applicant's engineer shall prepare a design for a 'provisional access' to the driveway entrance to the site from Dressler Court in accordance with the following conditions:-

- All works to be provided, as listed below, shall be shown on the submitted drawings prior to the issue of a Construction Certificate for the development and works commencing. All engineering works shall be designed and undertaken in accordance with the relevant aspects of the following documents, except as otherwise authorised by this consent:
 - Council's Works Specification for Subdivisions and Developments. (Current Version).
 - Council's Development Control Plan 2013.
 - For any works proposed or required within the existing public road and/or reserve the approval of the designs via the Construction Certificate, and the supervision of the construction, shall be the responsibility of Council. The design and construction of the works shall be to the total satisfaction of the Council.
- Engineering plans shall be lodged in quadruplicate for the proposed 'provisional access road' to the driveway entrance to the site from Dressler Court. The access



shall be designed to minimise the works required to complete the road construction of Dressler Court (road extension). The applicant shall submit satisfactory engineering drawings and details for the road and drainage, including section details of the road at minimum 20m intervals, long-sections of the road, a typical section detail. The following design considerations shall also be addressed -

- The cross sections and long sections for the provisional access road shall comply with Australian Standards, RMS guides and Council's specifications. The architectural and stormwater plans shall be updated accordingly to correspond with the future road and footpath levels. Low lying footpaths on the Council reserve will not be accepted.
- Road pavements shall be designed by a Professional Civil Engineer with NPER3 accreditation based upon soil tests performed by a registered N.A.T.A Soils Laboratory. The pavement and designs plus traffic loadings and associated Geotechnical report for the proposed roadway detailing the strength of the existing sub-grade, design of the proposed road pavement and pavement construction requirements, shall be lodged with Council, for approval. A minimum pavement is as follows:
 1. Sub-base layer - 150mm
 2. Basecourse layer - 150mm
 3. Final Layer - AC10 hotmix - 50mm (25mm AC10 in 2 layers),
- High standard lighting shall be provided to the temporary access road and designed by a suitably qualified person. Design plans for lighting shall be forwarded to Council for approval, after approval has been obtained from the responsible utility authority for lighting and shall be in accordance with AS 1158. The proposal shall include details of all lighting fixtures being proposed and underground power reticulation shall be allowed for in the design. A lighting design category of P4 shall be utilised. Light poles and lanterns shall be plain hot dipped galvanised steel.
- Details of appropriate temporary measures (such as mirrors, signals, signs, etc.) to maintain sight distance between vehicles at the road frontage and the basement entry/exit shall be provided on the temporary access driveway and shown on the plans.
- Vehicular Crossings shall be provided in accordance with Council's Vehicular Crossing Policy and coincide with the future finished levels of the Road extension.
- All kerb returns shall be shown with 150mm kerb and gutter starting at the tangent point of the road.
- All line marking proposed on temporary roads shall be thermoplastic.

The applicant shall liaise with Council's Engineer to ensure that the access road coincides with Council's final design of the roadway so as to minimise remedial works.

- High standard lighting of the temporary access shall be designed by a suitably qualified person. Design plans for lighting shall be forwarded to Council for approval, after approval has been obtained from the responsible utility authority for lighting and shall be in accordance with AS 1158. Alterations/additions to street lighting shall be carried out by the responsible utility authority for lighting, or to the satisfaction of that authority, and all capital contributions associated with the installation of the lighting



shall be borne by the applicant. The proposal shall include details of all lighting fixtures being proposed and underground power reticulation shall be allowed for in the design. The following shall also be provided:-

- Lighting design category shall be provided by Council.
- Light poles and lanterns shall be plain hot dipped galvanised steel and to Endeavour Energy Rate (2) two type or equivalent.
- All areas not for vehicular access shall be landscape to the satisfaction of Council. Detailed designs and specifications shall be prepared by a qualified Landscape Architect and submitted to the Council. The following shall also be addressed:
 - All footpath areas within the road/public reserve that are not concrete shall be turfed.

Advisory Note: If the Final Road design and construction plans prepared by Council is available prior to Issue of a Construction Certificate for the development, then the applicant may use Council's Final Road design for the temporary access to the site and the above 'road access' design conditions will not be applicable.

On-site Stormwater Detention (OSD)

51. 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 2016-099 and Council's On-site Stormwater Detention Policy shall be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate. The following shall also be addressed:
- The roof gutter and downpipe system shall be design to convey the 5 minute duration 1% AEP storm event into the OSD system with no gutter overflows.

Water Sensitive Urban Design (WSUD)

52. The development site has been identified as requiring WSUD which was considered as part of the development consent. In this regard design and construction details shall be submitted to the certifying authority prior to the issue of a construction certificate and the following shall also be addressed: -
- Plans shall be amended so that the Stormwater quality improvement device is located within the site. The location of the device shall be accessible for future access and maintenance vehicles.
 - Demonstrate compliance with Water Sensitive Urban Design Strategy approved as part of this Development Consent.

Flooding

53. The development site has been identified as a flood affected site in the 1% AEP storm event which was considered as part of the development consent. In this regard design and



construction details shall be submitted to the certifying authority prior to the issue of a construction certificate and the following shall also be addressed: -

- Demonstrate compliance with the latest SGC Stormwater Flood Advice submitted as part of the development application.
- Design and construction of the basement shall ensure that it is flood proofed up to and including the FPL (1% AEP flood plus 500mm freeboard).

Landscaping and Tree Retention

54. Prior to the issue of a Construction Certificate, all relevant plans are to show the retention of trees numbered 30-36 and 40-47 as per the Tree Report prepared by Dr. Treegood, Reference Number 2014-476, dated April 2014. In this regard, certification is to be provided from the Arborist that all relevant plans (which are to be referenced) satisfy their requirements for the retention and long term survival of trees.
55. Prior to the issue of a Construction Certificate, fully documented landscape plans are to be prepared for the site by a qualified Landscape Architect / Designer (LA/LD). The plans are to accord with the approved landscape plans and satisfy any relevant conditions of this consent. Certification from the LA/LD that the plans comply with this Development Consent is to be submitted to the Principal Certifying Authority, with the plans.

Environmental Management Plan

56. Specifications indicating how compliance with the Environmental Strategies 2016 - Activated Carbon Trench Environmental Management Plan, Reference Number 15100RP001_EMP, Revision 0, dated March 2016, will be achieved, are to be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.



PRIOR TO WORKS COMMENCING

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

Appointment of Principal Certifying Authority and Notification of Commencement of Work

57. Prior to any works commencing, 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

58. Prior to any works commencing, the person having the benefit of the Development Consent must:-
- (a) Notify the Principal Certifying Authority that the person will carry out the work as an owner-builder, if that is the case;

OR

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

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



Required Submissions to Council or the Principal Certifying Authority

59. 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 prior to any works commencing. 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

60. Prior to any works commencing, 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

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

Fencing of Sites

62. 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.

Fencing of the site is to be implemented in accordance with this condition prior to any works commencing.



Signs to be Erected on Sites

63. 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

64. 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

65. 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

66. 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 ~~ere to be in place prior~~



to the commencement of construction works. Such controls are to be provided in accordance with 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

67. Prior to any works commencing, 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.
68. 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

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

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land. (In this clause, *allotment of land* includes a public road and any other public place).

70. 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.

Tree Protection Conditions

71. An Arborist qualified to at least Australian Qualifications Framework (AQF) Certificate Level 4 shall be retained throughout all demolition/construction work to ensure the proper protection and management of the tree/s required to be retained/transplanted and that any necessary pruning work within 1m of the building/s approved, is carried out in accordance with Australian Standard 4373-1996 "Pruning of Amenity Trees". This includes on site supervision of the erection of tree protection measures and, where necessary, any works that are required within tree protection zones.
72. The tree/s identified on the endorsed plans as being retained/transplanted shall be protected prior to and throughout the demolition/construction process in accordance with the Tree Report prepared by Dr. Treegood, Reference Number 2014-478, dated April 2014, and the attached Guidelines for the Protection of Trees On and Adjacent To



Demolition/Building sites, and relevant conditions of this Consent. All trees not authorised to be removed by this Consent must be retained. Prior to any work commencing, certification of the installation and inspection of the required tree protection works is to be provided to the Principal Certifying Authority by a suitably qualified person or the Arborist (as appropriate) engaged to ensure the proper protection and management of the tree/s required to be retained/transplanted. A copy of the Certificate is to be issued to Council within seven (7) days of the inspection and prior to any works commencing. Additionally, trees identified for removal are to be retained until immediately prior to works commencing, to assist with soil management and erosion control.

73. Protective fencing is to be installed around the tree/s to be retained/transplanted in line with the outer edge of the canopy which overhangs the site and no further than 0.5m from any buildings. This fencing is to be constructed of chainwire mesh 1.8m high, which is supported by steel stakes or piping and braced to resist impacts. Where appropriate the trunk/s of the tree/s on the site and any street tree/s (which are not to be fenced other than as mentioned above), shall also be protected by vertical timber boards, installed by or under the supervision of a suitably qualified person or the arborist (as appropriate) engaged to ensure the proper protection and management of the trees required to be retained/transplanted to accepted horticultural and TAFE standards.

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

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

Toilet Facilities

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

Each toilet provided:

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

Residential Building Work - Insurance

76. 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 Council) has given Council written notice of the following information:-

- (a) in the case of work for which a Principal Contractor is required to be appointed:
 - (i) the name and licence number of the Principal Contractor, and



- (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
- (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

- 77. The applicant is to submit to Council an application for a road opening permit when the drainage connection into Council's system is within the road reserve. In this regard the applicant shall pay Council a **\$163.70** 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.
- 78. The new road is to be provided with underground electricity reticulation for street lighting and residential allotments. The applicant shall arrange with Integral Energy for the laying of service conduits and cables in the road and footpath areas prior to the construction of the road carriageway, vehicular crossings and concrete footpaving.
- 79. 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.
- 80. 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.
- 81. Any works requiring closure of any road or footway closure will require submission of a Council's Temporary Road Closure application form and payment of fees.

Works Within Council's Reserve

- 82. 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.
- 83. Prior to any works commencing, a Certificate of Currency of the contractor's Workers' Compensation Policy must be submitted to Council.



84. All construction works shall be in accordance with the WorkCover safety requirements. Insurance documentation demonstrating a minimum Public Liability cover of \$10,000,000 is to be submitted to Council prior to commencement of works. Council shall be named on the Certificate of Currency as an interested party.

Property/Street Number

85. 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 hcc@cumberland.nsw.gov.au or contact Council's Rates Section by Phone on 9840 9767.

Council's 'Allocation of Property Numbers' policy is available on Council's website www.cumberland.nsw.gov.au.



DURING CONSTRUCTION

The following conditions are applicable during construction:-

Endorsed Plans & Specifications

86. 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

87. For the purpose of preserving the amenity of neighbouring occupations building work including the delivery of materials to and from the site is to be restricted to the hours of 7.00am to 6.00pm Mondays to Fridays and 8.00am to 4.00pm Saturdays. Work on the site on Sundays and Public Holidays is prohibited. **Note: Demolition work is not permitted on weekends or Public Holidays - refer to specific demolition condition for approved hours.**

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

Site Control

88. All soil erosion measures required in accordance with the approved sediment and erosion control plan and any other relevant conditions of this Consent are to be put in place prior to commencement of construction works are to be maintained during the entire construction period until disturbed areas are restored by turfing, paving or revegetation. This includes the provision of turf laid on the nature strip adjacent to the kerb.
89. 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.
90. Stockpiles of sand, soil and other material shall be stored clear of any drainage line or easement, tree protection zone, water bodies, footpath, kerb or road surface and shall have erosion and sediment control measures in place to prevent the movement of such materials onto the aforementioned areas and adjoining land.

Waste Management Plan

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

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



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

93. 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

94. 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

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

Landscaping/Site Works

96. All turfed areas shall be finished level with adjoining surfaces and also fall evenly to approved points of drainage discharge.
97. New 1.8m high lapped and capped timber paling or colorbond fences (colour to be sympathetic with the development) determined in consultation with adjoining property owner(s), are to be erected along and within all side and rear boundaries and between courtyards at full cost to the developer, such fencing to be constructed on or within the property boundary. In situations where the boundary fence is proposed on top of a retaining wall, the height of the fence shall not exceed a maximum of 2.4m as measured



from the lower adjacent ground level. A Statutory Declaration or other documentary evidence of such consultation is to be submitted to the Principal Certifying Authority.

98. Fences are to taper from the front building line to be not more than 900mm high at the front boundary.
99. A single master T.V. antenna is to be installed to service each building and provision made for connection to each dwelling within that building.

Tree Protection

100. The tree/s identified on the endorsed plans as being retained/transplanted shall be protected against damage throughout the demolition/construction process in accordance with the Tree Report prepared by Dr. Treegood, Reference Number 2014-476, dated April 2014, and the attached Guidelines for the Protection of Trees On and Adjacent to Demolition/Building Sites and relevant conditions of this Consent.
101. Prior to any works commencing, a report is to be prepared and submitted to Council by the Arborist engaged to ensure the proper protection and management of the tree/s required to be retained/transplanted that:
 - i) Sets out maintenance work carried out on tree/s; and
 - ii) Assesses the health and condition of the tree/s required to be retained/transplanted and protected.

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

102. 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.
103. Branches of trees to be retained/transplanted within 1m of the approved building, may be pruned by an Arborist qualified to at least Australian Qualification Framework (AQF) Certificate Level 3 in accordance with Australian Standard AS4373-1996 'Pruning of Amenity Trees' to enable demolition/construction works to occur.

Note: Any other pruning works not authorised by this Consent are subject to the approval of an application for General Tree Works activities.

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

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



Inspection of On Site Detention Works

105. 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

106. 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

107. 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.

Inspection of Works

108. The stormwater drainage works connecting into Council stormwater pipe/open swale shall be inspected by Council during construction. 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 drainage connection.
 - (b) Prior to backfilling of the trench following the laying and connection of the storm water pipe.
 - (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.

Note: A private certifier or PCA cannot be engaged to do this inspection.

Road Works and Footpaving

109. 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".
110. All advisory and regulatory sign posting (for example parking restriction signage, pedestrian crossing signs, warning signs) are to remain in place during construction.

Structures Near Easements

111. The proposed structure/s 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.

Underground Cabling

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

Underground Power Connection

113. Power connection to the site is to be underground. No intermediate power pole is permitted even where electricity reticulation cannot be obtained directly from the street.



Alarms

114. 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.
115. With regard to the basement level pump out system, a suitable audible alarm with flashing light system shall be positioned at the first floor level of each common property stairwell within the building and a flashing light only shall be positioned at each common property entrance to the car parking area to provide a flood warning in the case of pump failure. The alarm system shall be to the satisfaction of Council's Engineer.

Basement Parking

116. A convex mirror is to be provided so that drivers can see up the driveway from within the basement.
117. An intercom device is to be located:
 - i) on the driver's side wall at the top of the driveway to the basement carpark, so that visitors can access the visitor carparking spaces; and
 - ii) within the basement foyer so that disabled persons can contact any unit if the lift is not working.
118. The entry point shall be provided with a suitable communication system to allow the security gate to be opened remotely by the occupants of the building. The width of the access driveway / ramp adjacent to the control device/s shall not restrict access for residents / visitors and shall be in accordance with the Australian Standards.

Rainwater Tank

119. The design of the rainwater tank(s) should allow a horizontal clearance of at least 450mm for pedestrian movement. This tank must not exceed 2.4 metres in height above ground level, including any stand for the tank.

Vehicle Cleansing

120. 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

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



Additional Information during Construction

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

Acoustic Measures

123. The recommendations provided within the Acoustic Report prepared by Rodney Stevens Acoustics, Report Number R160099B3, Revision 0, dated 1 November 2016, shall be implemented as part of this consent.



PRIOR TO ISSUE OF FINAL OCCUPATION CERTIFICATE

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

Certificates/Documentary Evidence

124. Prior to the issue of a final occupation certificate a final clearance is to be obtained from Endeavour Energy if such clearance has not previously been issued.
125. A Section 73 Certificate (Sydney Water) must be submitted to the Principal Certifying Authority prior to occupation of the development.
126. Prior to the issue of a final occupation certificate 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.

127. Prior to the issue of a final occupation certificate an Accredited Certifier shall submit to the Principal Certifying Authority a signed checklist as per Appendix A of AS4299-1995 confirming that sixty-three (63) units, as nominated on the approved Architectural plans, have achieved the desired level of adaptability (i.e. "Adaptable House Class A or B").

Landscaping/Tree Protection

128. Certification is to be provided to the Principal Certifying Authority (PCA), from the designer of the landscape proposal, that all tree planting/landscape works have been carried out in accordance with the endorsed plan. If Council **is** the PCA, the certification is to be submitted to Council prior to or at the final landscape inspection. If Council **is not** the PCA, a copy of the certification is to be provided to Council with the Occupation Certificate.
129. 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.
130. Prior to the issue of a final occupation certificate the Arborist engaged to ensure the proper protection and management of the trees required to be retained/transplanted is to provide a report to Council concerning the health and condition of the tree/s and if necessary any remedial works required. The report should also provide documentary evidence that the tree protection conditions were complied with throughout the demolition/construction phases, in the form of site notes and photographs. Should the trees require remedial works which are not exempt under Council's Tree Management Order, an application for General Tree Works will be required to be submitted and approved before the works are carried out and certified by the Arborist. Remedial works which are exempt under Council's Tree Management Order will also be required to be completed and certified.



131. 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.
132. Prior to the issue of a final occupation certificate boundary and courtyard fences must be erected and finished in a professional manner.

Parking/Driveway

133. Prior to the issue of a final occupation certificate 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.
134. Prior to the issue of a final occupation certificate all resident and visitors parking spaces shall be signposted and line marked in accordance with Australian Standards 2890.1.2004 and 2890.6.2009.
135. Prior to the issue of a final occupation certificate the entry / exit driveway shall be indicated with appropriate signage and linemarking to avoid conflict at the driveway.
136. Prior to the issue of a final occupation certificate the driveway shall be signposted indicating availability of visitor off-street parking. Spaces reserved for this purpose shall be marked as such.
137. Prior to the issue of a final occupation certificate the vehicle crossing between the street and front boundary shall be constructed of plain concrete with no colour or stencilling.
138. Prior to the issue of a final occupation certificate all disabled parking spaces shall be provided with a shared area, bollards and slip resistant surface in accordance with Australian Standard 2890.6.2009.
139. Prior to the issue of a final occupation certificate wheel stops shall be provided at appropriate parking locations and in accordance with AS 2890.1-2004.
140. Prior to the issue of a final occupation certificate the small car spaces within the basement levels of the development shall be allocated to resident visitor spaces, and not resident parking spaces.

Fire Safety

141. Prior to the issue of a final occupation certificate 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 must be submitted to Council.

NOTE:

1. Such Certificate shall state, pursuant to Clause 80E in relation to each essential fire safety measure mentioned in the certificate:—



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

On-site Stormwater Detention, Certification and Covenant

142. A copy of the as approved stormwater drainage and On Site Detention, Overland Flowpath and Pollution Control Device plan showing work as executed details shall be submitted to Council prior to the issue of a final occupation certificate. The work as executed plan shall be in accordance with Council's standards and specifications for stormwater drainage and on-site stormwater detention.
143. A certificate of compliance in accordance with Council's standards and specifications for stormwater drainage and On Site Detention, Overland Flowpath and Pollution Control Device shall be issued to the Principal Certifying Authority by a suitably qualified Civil Engineer prior to the issue of a final occupation certificate.
144. Prior to the issue of a final occupation certificate 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.
145. Prior to the issue of a final occupation certificate 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 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 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.

146. A maintenance schedule for the stormwater and On-Site Detention system including a sketch plan of the components forming the sites stormwater and On-Site Detention system shall be submitted to Council prior to the issue of a final occupation certificate. The



maintenance schedule shall be prepared by a qualified hydraulic engineer and shall be in accordance with the Upper Parramatta River Catchment Trust requirements.

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

Road Works

148. Any works requiring levels within the road reserve will require the submission of Council's Vehicle Crossing application form.

Prior to the issue of a final occupation certificate a full width **heavy** duty vehicular crossing shall be provided opposite each vehicular entrance to the site, with a maximum width of **6** metres and a minimum width of **5** metres at the boundary line. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with Council's issued drawings and level sheets.

149. Removal of all redundant vehicular crossings and laybacks along the full road frontage and replacement with kerb and gutter. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with Council's standard drawing number SD-8100.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 prior to the issue of a final occupation certificate.
150. The Applicant shall at their own expense engage an N.A.T.A. registered soil testing authority to ensure that the standard of compaction achieved within the proposed temporary access road pavements is in accordance with the approved specifications. The fill material to be used shall be properly compacted to achieve a minimum relative density of 98% standard compaction in accordance with AS1289 and that the completed works will accept the anticipated loads without exceeding reasonable settlement limits. Prior to the issue of a final occupation certificate a report shall be submitted to Council prepared by a qualified Geotechnical Engineer stating the level of compaction achieved is in accordance with the relevant Australian Standards.
151. Prior to the issue of a final occupation certificate filling and levelling of the site shall be carried out to the satisfaction of Council's Engineer. Special attention is drawn to the following requirements of Council's Works Specification – Civil:
- (a) Submission of compaction certificates for fill within temporary access road reserves etc.
 - (b) Submission of compaction certificates for temporary access road subgrade.
 - (c) Submission of compaction certificates for temporary access road pavement materials.
 - (d) Certificates from road material suppliers.
152. Prior to the issue of a final occupation certificate four (4) copies of Works as Executed plans together with an electronic copy shall be submitted to Council for the constructed temporary access road.



Dressler Court Road extension – Provisional Access Road (PAR) Construction

153. If the construction of the Dressler Court Road extension has not commenced at the time of when the development is near completion or 'lock up stage' (Prior to Issue of Occupation Certificate), then the applicant shall construct a 'provisional access road' to the driveway entrance to the site from Dressler Court in accordance with the approved Council drawings.

Flood Protection

154. 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 prior to the issue of a final occupation certificate.

Temporary Access – Rights of Way

155. Prior to the issue of a final occupation certificate a cash bond or bank guarantee in the sum of **\$5,000** must be lodged with Council to cover the costs of removal of the temporary works within the site. The bond/bank guarantee above will be released following a satisfactory 6 months maintenance period after completion of the landscape restoration works on the area of the New Easement/Swale.
156. Prior to the issue of a final occupation certificate the owner must grant Council a temporary right of carriageway over the owner's land known as Lot 1 DP 203553 (1-11 Neil Street) whereby:
- (a) the Council and every person authorised by the Council (including members of the public) has full and free right to go, pass and repass at all times with or without vehicles over the temporary access road;
 - (i) the New Easement can only be varied by written agreement between the Council and the Owner;
 - (ii) the Council is solely empowered to release the New Easement; and
 - (iii) the Council must release the New Easement when the Dressler Court extension (new road) is completed and dedicated to the public as road.
157. The owner must pay the reasonable legal costs (assessed on an indemnity basis) and out of pocket disbursements incurred by the Council with respect to the grant and the release of the New Easement.
158. A Section 88E Instrument pursuant to the Conveyancing Act 1919 in registrable form and one copy are to be submitted to Council prior to the issue of an Occupation certificate. Under the Section 88E Instrument, the owner (binding all successors in title) must covenant with Council that:
- (a) Vehicular access in accordance with the New Easement is only temporary pending construction of the Dressler Court extension within the northern precinct to Neil Street;
 - (b) All works of a temporary nature shall maintained by the applicant until the road has been dedicated to the public as road.



Section 88E Instrument – Temporary Access

159. Section 88E Instrument

- (a) A public positive covenant in favour of Council is to be registered on the land known as 1-11 Neil Street, Merrylands - Lot 1 DP 203553.
- (b) A section 88E instrument pursuant to the *Conveyancing* Act 1919 in registrable form and one copy are to be submitted to Council prior to the issue of an Occupation Certificate. Under the section 88E instrument, the owner must covenant with Council that access to and from the land in accordance with the New Easement is only temporary pending construction of the Dressler Court extension and that Council will fully release all of Council's rights under the ROW when the remaining road within the Northern Precinct is completed.
- (c) The instrument creating the public positive covenant under the provisions of section 88E required by these conditions of consent must be lodged for registration prior to the issue of an Occupation Certificate. Proof of registration of the covenant under section 88E required by these conditions of consent must be provided within 28 days of the issue of any Occupation Certificate.
- (d) The restriction and any associated documentation shall be prepared and registered at the sole cost of the Applicant, including the reasonable costs of Council in obtaining legal advice on the restriction terms, the cost and expense of negotiating the terms and conditions of the restriction, producing documents or otherwise facilitating the preparation and registration of the required documents, which shall bind all successors in title and shall only be subject to variation at the discretion of the Council.
- (e) Council must be named in the public positive covenant as the sole authority empowered to release vary or modify the instrument.

Dressler Court Road Extension (New Road 2) and Drainage Works

160. Prior to the issue of a final occupation certificate the land proposed for the future Dressler Court Road extension (New Road 2) and associated drainage works is required to be dedicated to the public as Road. All costs associated with the land dedication shall be borne by the Applicant.

Lot Consolidation

161. Prior to the issue of a final occupation certificate lot 11, DP 228782 and Lot 1, DP 203553 are to be consolidated into one lot on title and all works shall be completed in accordance with this Development Consent.
162. The covenant to prevent double dipping required by Condition 8 under Schedule 'A' shall be carried over to the newly consolidated allotment.

House/Street Number

163. Prior to the issue of a final occupation certificate a house/street number must be displayed on all newly developed properties in accordance with Council's "Policy on the Display of



House Numbers" available from the Customer Services Counter or Council's website, www.cumberland.nsw.gov.au.

The street address is as follows:-

- Building 3 – 22 Dressler Way, Holroyd; and
- Building 4 – 20 Dressler Way, Holroyd.

Design Verification Statement

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

- (i) A valid and current chartered architect's certificate number (as issued by the Board of Architects of NSW);
- (ii) That the completed development achieves the design quality of the development as shown in the plans and specifications submitted and approved with the Construction Certificate, having regard to the design quality principles set out in Part 2 SEPP 65.

Noise Compliance Report

165. A noise compliance report shall be submitted to Council prior to the issuing of the Occupation Certificate. The report shall state that the noise reduction measures detailed within the Acoustic Report prepared by Rodney Stevens Acoustics, Report Number R160099B3, Revision 0, dated 1 November 2016, have been implemented, and confirm that the noise emissions from the premises complies with Council's noise criteria specified in this consent.

Lighting

166. Prior to the issue of a final occupation certificate 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.

General

167. Prior to the issue of a final occupation certificate 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.
168. The glass balustrading associated with the balcony areas of the development, facing the public domain, shall be maintained to opaque glass.



PRIOR TO RELEASE OF LINEN PLAN

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

Linen Plan

169. Prior to the Release of the Linen Plan the linen plan for the subdivision when lodged for final approval must be accompanied by four (4) copies and linen plan release fee of **\$485**.

88B Instrument

170. As per Condition 145 of this Development Consent a restriction on the use of the land and a positive Covenant are to be created for the protection and ongoing maintenance of the On Site Detention. The Section 88B instrument required is to be created prior to the Release of the Linen Plan in association with the subdivision and is to be in accordance with Council's standard wording. The instrument should also be used to create any Right of Carriageway and easement required. Provision is to be made for the General Manager of the Council or his/her designate to sign the document and it is to be appropriately noted on the linen plan of strata subdivision.

Public Utilities

171. Prior to the Release of the Linen Plan the Principal Certifying Authority is to be provided with a current Section 73 Certificate for the property from Sydney Water.
172. Public utility services (including water, sewer, electricity and telephone) shall be provided and any easements necessary created to the satisfaction of the relevant servicing authorities.

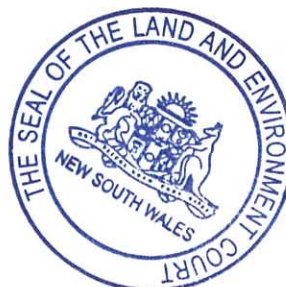
Evidence of such is to be submitted prior to release of the linen plan of subdivision.

Covenant to Prevent "Double Dipping"

173. The covenant to prevent double dipping required by Condition 8 under Schedule 'A' shall be carried over to proposed Lot 1 on the approved Plans of Subdivision of Lot 1, DP 203553 and Lot 11, DP 228782 prior to the Release of the Linen Plan.

General

174. Prior to the Release of the Linen Plan documentary evidence and/or certificate of compliance must be submitted to Council to show that all works have been completed in accordance with this Development Consent and its accompanying Construction Certificate.



CONDITIONS RELATING TO USE

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

Safety & Amenity

175. Where an intruder alarm is installed on the premises it shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.

Mechanical Ventilation System – Car Park

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

Traffic and Parking

177. At least 443 car parking spaces numbered and line marked in accordance with the endorsed plan, are to be made available at all times for resident and visitors' vehicles only in conjunction with the occupation of the building/premises.
178. All vehicles shall enter and leave the site in a forward direction.
179. The car wash bay/s shall be a common, independent area, and not serve as a visitor parking space.

Refuse & Trade Waste

180. Waste storage bins must be covered at all times to prevent entry of stormwater or dispersal by wind and must be sealed to prevent leakage.

Maintenance of Waste Storage Area

181. All waste and recycling containers shall be stored in the designated waste storage area. The body corporate shall be responsible for movement of the waste and recycling containers to the footpath for weekly collections, and the return of waste and recycling containers to the waste storage area. The Body Corporate shall clean the waste storage area, dry arrestor pit and waste collection containers.

Air Emissions

182. In the event of Council receiving complaints regarding excessive odour from the garbage bay area, the person(s) in control of the premises shall at their own cost arrange for an environmental investigation to be carried out (by a suitably qualified person) and submit a report to Council specifying the proposed methods for the control of odour emanating from the garbage bay area.



Alarms

183. 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: Conditions 114 and 115 above, prevents the developer/builder from installing audible alarms).

Emergency Procedures

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

Noise

185. The operation of the pump from the rainwater tank 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). Council may require an Acoustic Report to be submitted, prepared by a suitably qualified person, to ensure this requirement is met in the event of Council receiving complaints.
186. 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).
187. Noise and vibration from the use of the air conditioning system (if any installed) shall not exceed the background level by more than 5dB(A) and shall not be audible in any premises of a different occupancy between 10:00pm and 7:00am on weekdays and 10:00pm and 8:00am on weekends and public holidays.

Car Wash – Residential

188. 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.
189. The car wash bay shall be managed and maintained so that the following requirements are met:
- The Body Corporate or owner should advise all users of the car wash facilities how to operate, maintain and use the equipment so that good housekeeping practices can be adopted at all times.
 - Have clearly visible sign(s) indicating that no degreasing, engine washing or mechanical work is to be undertaken in the car wash bay, informs car wash bay users of how to use and maintain the system, and encourages users to minimise the use of detergents and water.

Lighting

190. 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

191. 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.

General

192. All privacy measures shall be maintained at all times, throughout the lifetime of the development.



ADVISORY NOTES

Other Necessary Approvals

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

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

- B. The applicant and Owner are advised that the Commonwealth Disability Discrimination Act 1992 may apply to this particular proposal. Approval of this application does not imply or confer compliance with this Act. Applicants and owners should satisfy themselves as to compliance and make their own enquiries to the Australian Human Rights Commission. Attention is also drawn to the provisions of Parts 2, 3 and 4 of Australian Standard 1428 - Design for Access and Mobility.
- C. A Construction Certificate shall be obtained in accordance with Section 81A (2)(a) of the Act, prior to the commencement of any work on site. Council can provide this service for you.
- D. An Occupation Certificate is to be issued by the Principal Certifying Authority prior to the occupation of the building.
- E. DEMOLITION
- (a) Demolition is to be carried out in accordance with AS2601-2001, *Demolition of Structures*.
 - (b) Demolition is to be carried out in such a way and with such control measures as are necessary to prevent the occurrence of any dust, noise, runoff or other nuisance.
 - (c) All sediment/soil is to be prevented from entering Council's stormwater drainage system.
 - (d) The public footpath and roadway is to be protected against damage as a result of demolition activities and is to be kept clean and free of all soil and other materials.
 - (e) On completion of demolition the site is to be left in a clean and tidy condition.
 - (f) Council has a Tree Management Order which applies to the entire City of Cumberland. 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 Council.

- (g) There shall be no burning of any waste, as this is prohibited within the City of Cumberland.
- (h) Demolition material can be recycled saving the environment and also tipping costs. For more information, contact the Environment Protection Authority's Recycling hotline on 9325 5555.
- (i) Public roads shall be kept clean and free of any materials which may fall from vehicles or plant to ensure safety and amenity of the area.

F. 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.

G. BANK GUARANTEES

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

H. SMOKE DETECTORS

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

I. TERMITE PROTECTION

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



shall be installed beneath the slabs plastic membrane to allow re-application of the chemical border.

J. WET AREAS

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

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

1. A current Certificate of Accreditation for the product.

AND

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

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

K. LANDINGS

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

L. SARKING

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

M. 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.

N. 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.

O. 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.



P. 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".

Q. DIAL BEFORE YOU DIG

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

R. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

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

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

S. DIVIDING FENCES

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

The Dividing Fences Act is administered by the Department of Lands who can act as a mediator in disputes. For further information please refer to the following information on Council's website:
www.holroyd.nsw.gov.au/building_and_development/local_plans_and_policies/dividing_fences

