

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979**DETERMINATION OF DEVELOPMENT APPLICATION No. 156-6-2004****(File No.S04/01384/1)****“NAPOLI” – ADDITION OF 12 RESIDENTIAL UNITS AND MODIFICATION OF 4 RESIDENTIAL UNITS TO PREVIOUSLY APPROVED RESIDENTIAL DEVELOPMENT**

I, the Minister for Infrastructure and Planning, pursuant to Section 80 (1) (a) of the *Environmental Planning & Assessment Act, 1979*, clause 10 of State Environmental Planning Policy 56 – Sydney Harbour Foreshores and Tributaries and clause 10 of Sydney Regional Environmental Plan No. 24 - Homebush Bay Area, determine the development application referred to in the attached Schedule 1, by granting consent to the application subject to the conditions of consent in the attached Schedule 2.

The reasons for the imposition of conditions are:

- (1) To confirm and clarify the terms of development consent;
- (2) To advise of matters to be resolved prior to the commencement of works;
- (3) To encourage good urban design and a high standard of architecture;
- (4) To encourage appropriate provision of landscaping to enhance the external appearance of the development and the overall landscape quality of the area.
- (5) To maintain the amenity of the local area;
- (6) To ensure compliance with relevant statutory provisions, including the Environmental Planning and Assessment Act and Regulation plus the Building Code of Australia;
- (7) To ensure the requirements of Approval Bodies, other government agencies, service providers and Council are adhered to;
- (8) To ensure the provision of the necessary infrastructure and utility services commensurate with the development without additional demands on public sector resources;
- (9) To ensure the mitigation of traffic impacts and that works within road reserves are suitably authorised;
- (10) To ensure relevant environmental standards are met during the construction and operation of the development;
- (11) To ensure public safety and health is not compromised during construction and operation of the development;
- (12) To assist Council in the provision of Community Facilities and Infrastructure;
- (13) To ensure appropriate amenity, safety and health for residents and occupants of the development;
- (14) To indicate other approvals required for the development; and
- (15) To ensure development occurs on the basis on which it was assessed.

Craig Knowles MP

Minister for Infrastructure and Planning
Minister for Natural Resources

Sydney, 2005

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Diane Beamer MP

Minister for Juvenile Justice

Minister for Western Sydney

Minister Assisting the Minister for Infrastructure and Planning (Planning Administration)

Sydney,

2005

SCHEDULE 1**TABLE**

Application made by:	Payce Properties Pty Ltd 25 Bennelong Road, Homebush Bay NSW 2127
Application made to:	Minister for Infrastructure and Planning
Development Application:	156-6-2004
On land comprising:	Lot 16 in DP 270320 – known as “Napoli” 3 Stromboli Strait, Homebush Bay NSW 2127
For the carrying out of:	Development described in Condition A1, Part A, Schedule 2
Estimated Cost of Works	\$1,200,000
Type of development:	State Significant Development
S.119 Public inquiry held:	No
Determination made on:	
Determination:	A development consent is granted subject to the conditions in the attached Schedule 2.
Date of commencement of consent:	This development consent commences on the date identified in the formal notification letter accompanying the Determination.
Date consent is liable to lapse	This consent will lapse 5 years from the date of commencement of consent, unless: ▪ a shorter period of time is specified by the Regulations or ▪ a condition in Schedule 2, or ▪ the development has physically commenced.

NOTES RELATING TO THE DETERMINATION OF DA NO. 156-6-2004***Responsibility for other approvals / agreements***

The applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Appeals

The applicant has the right to appeal to the Land and Environment Court under Section 97 of the Environmental Planning and Assessment Act, 1979. The right to appeal is only valid: for a development application, within 12 months after the date on which the applicant received this notice, or

Appeals—Third Party

A third party right to appeal to this development consent is available under Section 123, subject to Section 101, of the Environmental Planning and Assessment Act, 1979.

Legal notices

Any advice or notice to the consent authority shall be served to the Director-General.

Section 94 Conditions

No Section 94 contributions are associated with this application.

DEFINITIONS

In this consent,

Act means the *Environmental Planning and Assessment Act, 1979* (as amended).

Applicant means Payce Properties Pty Ltd or any party acting upon this consent.

Approval Body has the same meaning as within Division 5 of Part 4 of the Act,

BCA means the Building Code of Australia.

Certifying Authority has the same meaning as Part 4A of the Act.

Council means Auburn Council.

DA 156-6-2004 means the development application and supporting documentation submitted by the applicant on 24 June 2004 and subsequently amended on 27 September 2004.

Department means the Department of Infrastructure, Planning and Natural Resources or its successors.

Director means the Director of the Urban Assessments (or its successors) within the Department.

Director-General means the Director-General of the Department.

Minister means the Minister for Infrastructure and Planning.

PCA means a Principal Certifying Authority and has the same meaning as Part 4A of the Act.

Regulations means the *Environmental Planning and Assessment Regulations, 2000* (as amended).

Residential (for the purpose of this consent) means the use of apartments for residential purposes, including leasing under the requirements of the Residential Tenancies Act 1987, and does not allow for the use of apartments for short-term stay, tourism or serviced apartments.

SOPA means Sydney Olympic Park Authority

Subject Site has the same meaning as the land identified in Part A of this schedule.

SCHEDULE 2**CONDITIONS OF CONSENT****DEVELOPMENT APPLICATION NO. 156-6-2004****PART A—ADMINISTRATIVE CONDITIONS****A1 Development Description**

Development consent is granted only to carrying out the development described in detail below:

- (1) Construction of 12 additional residential apartments to the approved residential development marketed as “Napoli”;
- (2) Reconfiguration of the approved apartments on Levels 3 and 4: Units 304, 305, 312, 313;
- (3) Strata subdivision for 82 lots and common property;
- (4) Modification of approved basement level car park to include motorbike parking, additional bicycle parking and the relocation of bicycle parking; and
- (5) Site services including water and sewer, power and gas, telecommunications, and storm water drainage.

A2 Development in Accordance with Plans

The development shall be generally in accordance with development application number DA No.156-6-2004 re-submitted by the applicant on 27 September 2004 and in accordance with the supporting documentation (as modified by these conditions) submitted with that application, including, but not limited to, the following:

Statement of Environmental Effects entitled Proposed Residential Development ‘Napoli’, Homebush Bay prepared by Sutherland Koshy, dated September 2004 and under the cover of letters amending parts of the SEE dated 3rd, 18th and 24th November 2004			
Architectural Drawings prepared by <i>Robertson Marks Architects</i>			
Drawing No.	Issue	Name of Plan	Date
NAP AR DA 800	C	LEVEL 4 FLOOR PLAN	11.10.04
NAP AR DA 801	C	LEVEL 5 FLOOR PLAN	11.10.04
NAP AR DA 802	C	LEVEL 6 FLOOR PLAN	11.10.04
NAP AR DA 803	B	LEVEL 3 FLOOR PLAN	27.09.04
NAP AR DA 804	B	STROMBOLI & NORTHEAST ELEVATIONS	27.09.04
NAP AR DA 805	A	AMALFI & CORNICHE ELEVATIONS	27.09.04
NAP AR DA 806	A	SECTION A-A	27.09.04
NAP AR DA 807	A	ROOF PLAN	11.10.04
NAP AR DA 808	E	BASEMENT PLAN	21.12.04

NAP AR DA 822	A	NAPOLI ELEVATIONS	16.11.04
NAP AR DA 823	A	NAPOLI ELEVATIONS	16.11.04

A3 *Lapsing of Consent*

The development consent shall lapse five years after the determination date in Part A of Schedule 1 of this consent.

A4 *Prescribed Conditions*

The Applicant shall comply with the prescribed conditions of development consent under clause 98 of the Regulation.

A5 *Modification of Consent*

In order for the development of land to proceed in a coordinated and orderly manner and to avoid potential conflicts with this consent, the following development consents are modified as follows:

Development Application No. 214-7-2002 (as modified by MOD 73-7-2003)	
Certificate of Title	Lot 16 in DP 270320
Development Description	Erection of a part 3 and part 4 storey residential apartment complex comprising 64 residential units, 128 car parking spaces, landscaping and associated site works, and strata subdivision.
Date	DA 214-7-2002 was approved on 24 September 2002
Extent of Modifications	1. Parking Provisions: The table of car parking allocation in B7 of this schedule replaces any parking schedule in DA 214-7-2002 and MOD 73-7-2003 and basement plan No. NAP AR DA 808 (Revision E) replaces any previous basement level plan. 2. Strata Subdivision for 82 lots and common property: 3. Reconfiguration of approved apartments (Units 304, 305, 312, 313) on Levels 3 and 4 in accordance with this consent.

END OF PART A.

PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Design Details and Changes

B1 Survey Plan

Prior to the issue of the relevant Construction Certificate, the Applicant shall submit to the Department a statement from a qualified Surveyor or registered Architect, stating the floor space of the approved development (measured as defined by the Homebush Bay DCP) and that the total floor space approved for Precinct F (at the time of issuing the certificate) does not exceed the specified maximums at the table in part 3.4.1 of Homebush Bay DCP.

B2 Reflectivity

The visible light reflectivity from building materials used on the facades of the buildings shall not exceed 20% and shall be designed so as not to result in glare that causes any nuisance or interference to any person or place. A report demonstrating compliance with these requirements is to be submitted to the satisfaction of the PCA prior to the issue of the relevant Construction Certificate.

B3 Design Verification Statement – Residential Flat Buildings

Prior to the issue of the relevant Construction Certificate, the Applicant shall submit to the PCA a Design Verification Statement from a qualified designer, verifying that the plans and specifications achieve or improve the design quality of the development, having regard to the design quality principles set out in Part 2 of *State Environmental Planning Policy No. 65—Design Quality of Residential Flat Development*.

B4 Outdoor Lighting

All outdoor lighting shall comply with, where relevant, AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the PCA prior to the issue of the relevant Construction Certificate.

B5 Disabled Access

Access and facilities for people with disabilities shall be provided in accordance with Part D3 of the BCA's Access Policy. Prior to the issue of the relevant Construction Certificate, a certificate certifying compliance with this condition from an appropriately qualified person shall be provided to the PCA.

Traffic & Parking

B6 Number of Car Spaces

The maximum number of car spaces to be provided for the development shall comply with the table below. This consent modifies DA 214-7-2004 and MOD 73-7-2003 in terms of the allocation of car parking on the basement level only. Details confirming the parking layout shall be submitted to the satisfaction of the PCA prior to the issue of the relevant Construction Certificate.

Car parking allocation	Number
Standard residential car parking spaces on Basement level	108
Disabled residential car parking spaces (see condition E4 of this consent)	3
Standard residential car parking visitor spaces on Basement level	15
Disabled Visitor Spaces on Basement level	1
Car Wash Bay	1
Total	128

B7 Disabled Visitor Spaces

A minimum of 4 disabled car parking spaces (which includes 1 visitor) are to be provided within the basement level of the development.

B8 Number of Bicycle Spaces

A minimum of 29 bicycle spaces and 5 visitor bicycle spaces are to be provided in the basement level car park for the development, as per details on Drawing No. NAP AR DA 808 (Revision E). Visitor bicycle spaces are to be clearly marked, secure and easily accessible.

B9 Number of Motorbike Spaces

A minimum of 5 motorbike spaces are to be provided in the basement level car park for the development, as per details on Drawing No. NAP AR DA 808 (Revision E).

B10 Car Park and Service Vehicle Layout

The layout of the car park shall comply with Australian Standard AS2890.1: 1993 *Parking Facilities Part 1: Off Street Parking*. All parking spaces are to be linemarked.

Ecologically Sustainable Development (ESD) – Residential

B11 NatHERS Rating – Multi-Unit Housing

The following NatHERS rating requirements shall be complied with for both the modified and additional apartments covered by this consent:

- (1) an average rating for all dwellings of 4 stars or better;
- (2) at least 20% of all dwellings shall achieve better than 4.5 stars; and
- (3) at least 70% of all dwellings shall achieve better than 3.5 stars.

Prior to the issue of the relevant Construction Certificate, the Applicant shall submit to the PCA a NatHERS certificate, prepared by an accredited NatHERS assessor, demonstrating compliance with the requirements of this condition.

B12 Energy Star Ratings

All classes of appliances that are available with an energy label or a Minimum Energy Performance Standard to be installed within the premises are to have an energy star rating of 3 stars or more (excluding clothes dryers which are to have a rating of 2.5 stars or more). The applicant shall submit to the PCA a statement demonstrating compliance with the requirements of this condition.

B13 Clotheslines and Clothes Dryers

- (1) The Applicant shall submit to the PCA a plan and written statement identifying those units to have clothes drying lines installed that are:
 - (a) not visible from the public domain, and
 - (b) preferably on secondary balconies or secondary areas of main balconies.
- (2) Based on the percentages shown in Column 1 for units with clotheslines installed, the Applicant shall install in all units a clothes dryer corresponding with the energy rating in Column 2,

Column 1: Percentage of units in each site with clotheslines installed	Column 2: Minimum energy rating for a clothes dryer in non-clothes line units
0%-49%	3 Star energy rating or more
50%-74%	2.5 Star energy rating or more
75%-100%	2 Star energy rating or more

- (3) Clothes lines are to be installed at a minimum height of 1 metre with a minimum of 5 metres combined line length.

B14 Water Ratings

All water fixtures installed within the premises are to have a AAA water rating or more. The applicant shall submit to the PCA a statement demonstrating compliance with the requirements of this condition.

Solar Access**B15 Kitchen Doors**

The door between the kitchen and the balcony on the northern side of Unit 504 will be made of full length glass to maximise solar access to the kitchen of this unit. Details of compliance with this condition shall be submitted to the PCA for approval prior to the issue of the relevant Construction Certificate.

B16 Skylights

Skylights shall be added in the roof above the kitchens of Units 602, 603 and 604 to maximise solar access to the kitchens of these units. Details of compliance with this condition, including a revised Roof Plan showing the added skylights, shall be submitted to the PCA for approval prior to the issue of the relevant Construction Certificate.

Apartment Layout**B17 Acoustic Issues**

In order to comply with the acoustic privacy requirements of the DCP, the construction of the walls between the following apartments shall achieve an $R_w + C_{tr}$ rating of 53, as per letter from *Acoustic Logic Consultancy Pty Ltd* dated 25.11.04:

- Level 5: Unit 504 (Living Room) / Unit 503 (Bed 1);
Unit 501 (Living Room) / Unit 502 (Bed 1);
- Level 6: Unit 604 (Living Room) / Unit 603 (Bed 1); and
Unit 601 (Living Room) / Unit 602 (Bed 1).

Wind Effects**B18 Wind Effects Study**

The Applicant shall prepare a Wind Effects Study including, but not limited to, the details stated in Part 4.1.7 of the DCP. This shall be approved by the PCA prior to the issue of the relevant Construction Certificate. If it is found that the proposed development creates adverse wind conditions on any of the surrounding public domain, the private open space areas of the development site, or the Olympic Archery Centre, plans and reports detailing ameliorative measures shall be submitted by the Applicant for the approval of the Director prior to the issue of the relevant Construction Certificate.

Waste Management**B19 Storage and Handling of Waste**

The design and management of facilities for the storage and handling of waste must comply generally with the requirements of the approved Waterfront Master Plan Waste Management Plan. Details are to be submitted to Council for comment 28 days prior to issue of the relevant Construction Certificate. The final Waste Management Plan, incorporating any comments from Council, is to be submitted to the satisfaction of the PCA prior to the issue of the relevant Construction Certificate.

Subdivision Works**B20 Stormwater and Drainage Works Design**

Final design plans of the stormwater drainage systems within the proposed development, prepared by a qualified practicing Civil Engineer and in accordance with any requirements of Auburn Council and SOPA shall be submitted to the PCA prior to the issue of the relevant Construction Certificate. The hydrology and hydraulic calculations shall be based on models described in the current edition of Australian Rainfall and Runoff.

B21 Plan stamping by Sydney Water for New Buildings

The relevant approved plan, which shows the building footprint, must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met prior to the issue of the relevant Construction Certificate.

For Quick Check agent details please refer to the web site www.sydneywater.com.au, see Your Business then Building & Developing then Building & Renovating or telephone 13 20 92.

B22 Monetary Contributions

In accordance with Division 6, Part 4 of the Act, the Applicant shall pay to Council the following monetary contributions:

Monetary Contributions towards Public Amenities and Services

- (1) Monetary contributions to provide community services and facilities within the Homebush Bay West precinct and provide traffic management works and infrastructure within the precinct and surrounding are shall be in accordance with the Developer Agreement between Payce Properties and Auburn Council dated 1 October 2004 at the following rates:

- \$1,343.00 per 1 bedroom dwelling;
 - \$2,014.00 per 2 bedroom dwelling;
 - \$2,590.00 per 3 bedroom dwelling;
 - \$2,877.00 per 4 bedroom dwelling.
- (2) In respect of the proposal for the development of an additional 12 units on Lot 16 in DP 270320 known as 'Napoli' the payment shall be:
- \$11,653.50 prior to the issue of a Construction Certificate authorising the construction of the dwellings approved under this development consent; and
 - \$11,653.50 prior to the issue of any Occupation Certificate in respect of the dwellings approved under this development consent.
- (3) This contribution shall be paid in the form of an unendorsed bank cheque for those amounts made payable to Auburn Council and lodged with the Department.
- (4) If the monetary contribution is paid after 1 September 2004, the above amounts of monetary contributions specified in part (2) above shall be indexed in accordance with the Consumer Price Index on a quarterly basis.
- (5) Calculation of monetary contributions for additional 12 units at levels 5 & 6 in Napoli:

		Rate	Total
1 bed	3	\$ 1,343.00	\$ 4,029.00
2 bed	7	\$ 2,014.00	\$14,098.00
3 bed	2	\$ 2,590.00	\$ 5,180.00
4 bed	0	\$ 2,877.00	\$ -
Total	12		\$23,307.00

Provision of Local Public Open Space

- (6) Contributions to provide local open space within the Homebush Bay West precinct shall be in accordance with the Developer Agreement between Payce Properties and Auburn Council dated 1 October 2004.

Compliance

B23 Compliance Report

Prior to the issue of a Construction Certificate, the Certifier shall submit to the Department a report addressing compliance with all relevant conditions of this part.

END OF PART B.

PART C—PRIOR TO COMMENCEMENT OF WORKS

Excavation Works

C1 Notice to be Given Prior to Excavation

The PCA and Council shall be given written notice, at least 48 hours prior to the commencement of excavation, shoring or underpinning works on the site.

Structural Works

C2 Structural Details

Prior to the commencement of construction, the Applicant shall submit to the satisfaction of the PCA structural drawings prepared and signed by a suitably qualified practising Structural Engineer that comply with:

- (1) the relevant clauses of the Building Code of Australia;
- (2) the relevant development consent;
- (3) drawings and specifications comprising the Construction Certificate; and
- (4) the relevant Australian Standards listed in the BCA (Specification A1.3).

Construction Management

C3 Construction Management Plan

Prior to the commencement of any works on the site, a Construction Management Plan shall be submitted to and approved by the PCA. The Plan shall address, but not be limited to, the following matters where relevant:

- (1) hours of work;
- (2) contact details of site manager;
- (3) traffic management (see also C4 below);
- (4) noise and vibration management (see also C5 below);
- (5) waste management (see also C6 below); and
- (6) erosion and sediment control.

The Applicant shall submit a copy of the approved plan to the Department and Council for their information.

C4 Traffic & Pedestrian Management Plan

Prior to the commencement of any works on the site, a Traffic and Pedestrian Management Plan prepared by a suitably qualified person shall be submitted to and approved by the PCA. The Plan shall address, but not be limited to, the following matters:

- (1) ingress and egress of vehicles to the site;
- (2) loading and unloading, including construction zones;

- (3) predicted traffic volumes, types and routes; and
- (4) pedestrian and traffic management methods.

The Applicant shall submit a copy of the approved plan to the Department and Council.

C5 Noise and Vibration Management Plan

Prior to the commencement of any works on the site, a Noise and Vibration Management Plan prepared by a suitably qualified person shall be submitted to and approved by the PCA. The Plan shall address, but not be limited to, the following matters:

- (1) Identification of the specific activities that will be carried out and associated noise sources;
- (2) Identification of all potentially affected sensitive receivers including residences, schools, and properties containing noise sensitive equipment;
- (3) Noise and vibration monitoring, reporting and response procedures;
- (4) Assessment of potential noise and vibration from the proposed construction activities including noise from construction vehicles and any traffic diversions;
- (5) Procedures for notifying residents of construction activities that are likely to affect their amenity through noise and vibration; and
- (6) Contingency plans to be implemented in the event of non-compliances and/or noise complaints.

The Applicant shall submit a copy of the approved plan to the Department and Council.

C6 Construction Waste Management Plan

Prior to the commencement of works, the Applicant shall submit to the satisfaction of the PCA a Waste Management Plan prepared by a suitably qualified person in accordance with Auburn Council's relevant Development Control Plan or standards. The Applicant shall submit a copy of the plan to the Department and Council.

C7 Contact Telephone Number

Prior to the commencement of the works, the Applicant shall forward to the Department and Council a 24 hour telephone number to be operated for the duration of the construction works.

Hazardous Materials

C8 Removal of Hazardous Materials

All hazardous materials shall be removed from the site and shall be disposed of at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works.

Compliance***C9 Compliance Report***

Prior to the commencement of works, the Applicant, or any party acting upon this consent, shall submit to the PCA a report addressing compliance with all relevant conditions of this part.

END OF PART C.

PART D—DURING CONSTRUCTION

Site Maintenance

D1 Disposal of Seepage and Stormwater

Any seepage or rainwater collected on-site during construction shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.

Structural Works

D2 Setting Out of Structures

The buildings shall be set out by a registered surveyor to verify the correct position of each structure in relation to property boundaries and the approved alignment levels. The registered surveyor shall submit a plan to the PCA certifying that structural works are in accordance with the approved development application.

Construction Management

D3 Approved Plans to be On-site

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of the Department, Council or the PCA.

D4 Site Notice

A site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of project details. The notice(s) is to satisfy all but not be limited to, the following requirements:

- (1) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
- (2) The notice is to be durable and weatherproof and is to be displayed throughout the works period;
- (3) The approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
- (4) The notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

D5 Contact Telephone Number

The applicant shall ensure that the 24 hour contact telephone number is continually attended by a person with authority over the works for the duration of the development.

D6 External Lighting

External Lighting shall comply with AS4282: 1997 *Control of the Obtrusive Effects of Outdoor Lighting*. Upon installation of lighting, but before it is finally commissioned, the applicant shall submit to the consent authority evidence from an independent qualified practitioner demonstrating compliance in accordance with this condition.

D7 Protection of Trees – Street Trees

All street trees shall be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction, shall be replaced, to the satisfaction of the PCA based on the advice of a suitably qualified arborist.

D8 Dust Control Measures

Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures must be adopted:

- (1) All vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material;
- (2) Covers are to be adequately secured;
- (3) Cleaning of footpaths must be carried out regularly;
- (4) Roadways must be kept clean;
- (5) Gates are closed between vehicle movements;
- (6) Gates are fitted with shade cloth; and
- (7) The site is hosed down when necessary.

Noise and Vibration**D9 Hours of Work**

The hours of construction, including the delivery of materials to and from the site, shall be restricted as follows:

- (1) between 7:00 am and 6:00 pm, Mondays to Fridays inclusive;
- (2) between 8.00am and 4.00pm, Saturdays if the type of work is 3dB or less above the average ambient noise level at the nearest residential receptor, otherwise 8.00am to 1.00pm; and
- (3) no work on Sundays and public holidays.

Works may be undertaken outside these hours where:

- (1) the delivery of materials is required outside these hours by the Police or other authorities;
- (2) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm;
- (3) the work is approved through the Construction Noise and Vibration Management Plan; and
- (4) residents likely to be affected by the works are notified of the timing and duration of these works at least 48 hours prior to the commencement of the works.

D10 Construction Noise Objective

The construction noise objective is to comply with AS 2436-1981 "Guide to Noise Control on Construction".

If the noise from a construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the NSW Industrial Noise Policy), 5dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise objective.

D11 Vibration Criteria

Vibration caused by construction to comply with AS 2187 – 1992 - :SAA Explosives Code, Part 2 – Use of Explosives and AS 2670.2 – 1990 “Evaluation of human exposure to whole body vibration, part 2: continuous and shock induced vibrations in buildings”

D12 Vibration Management

Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above.

Ecologically Sustainable Development

D13 Water Conservation

Water saving showerheads shall be fitted to all showers within the development to reduce water consumption and promote energy efficiency.

Compliance

D14 Compliance Report

The Applicant, or any party acting upon this consent, shall, for the duration of construction period, submit to the PCA a six monthly report addressing compliance with all relevant conditions of this part.

END OF PART D.

PART E—PRIOR TO SUBDIVISION OR STRATA SUBDIVISION CERTIFICATE**Easements****E1 Access**

Documentary evidence that common access to lifts, lobbies, fire stairs, service areas, loading areas and car parking areas, and created pursuant to Section 88B of the *Conveyancing Act 1919*.

E2 Services

Documentary evidence that easements for services, drainage, support and shelter, use of plant, equipment, loading areas and service rooms, repairs, maintenance or any other encumbrances and indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision, must be created over the appropriate lots in the subdivision pursuant to Section 88B of the *Conveyancing Act 1919*.

E3 Car parking restrictions

The on-site car parking spaces, exclusive of service spaces, are not to be used by those other than an occupant or tenant or visitor of the subject building. Any occupant, tenant, lessee or registered proprietor of the development site or part thereof shall not enter into an agreement to lease, license or transfer ownership of any car parking spaces to those other than an occupant, tenant or lessee of the building.

These requirements are to be enforced through the following:

- (1) restriction on use placed on title pursuant to Section 88B of the *Conveyancing Act, 1919*,
- (2) restriction on use under Section 39 of the *Strata Schemes (Freehold Development) Act, 1973* to all lots comprising in part or whole car parking spaces, and
- (3) sign visible at exits (excluding fire stairs and individual unit entries) from car parking areas.

All costs associated with the above requirements are to be borne solely by the applicant.

E4 Disabled Car Parking Spaces

- (1) All dedicated disabled visitor car parking spaces required by condition B7 are to be common property within the ownership of each Owner's Corporation.
- (2) Upon request from an occupier or owner-occupier within the strata, the Owner's Corporation shall lease one disabled car parking space for exclusive use to that person subject to their being eligible for a Mobility Parking Scheme authority Type A or Type C. Information on the Mobility Parking Scheme is available from the Roads and Traffic Authority (MPS: Details of the Mobility Parking Scheme[Published by the Roads and Traffic Authority, March 2001]).
- (3) Any disabled car parking space not leased in accordance shall be made available for disabled visitor parking.

The requirements for the lease of disabled car spaces are to be made a restriction on use placed on title pursuant to Section 88B of the *Conveyancing Act, 1919*.

E5 Common areas and facilities

No right of exclusive use and enjoyment of the whole or any specified part of the designated common area or similar in the approved plans will be conferred on any person or persons without the consent of the relevant approval authority.

These requirements are to be made, at no cost to the approval authority and to the satisfaction of the approval authority and a restriction on use placed on title pursuant to the *Conveyancing Act, 1919*.

E6 Compliance with Conditions

The applicant shall submit to the satisfaction of the consent authority, the following information, prior to the issue of the Strata Subdivision Certificate:

- (1) Documentary evidence of the agreement between the Applicant and Auburn Council on the payment of Section 94 Contributions; and
- (2) Documentary evidence that the property has been developed in accordance with plans approved by Development Application No. 156-6-2004 and of compliance (or a Compliance Certificate) with the relevant conditions of that consent that relate to strata titling.

END OF PART E.

PART F—PRIOR TO OCCUPATION OR COMMENCEMENT OF USE***Design Verification Statement – Residential Flat Buildings*****F1 *Design Verification Statement***

Prior to the issue of an Occupation Certificate, the Applicant shall submit to the PCA a Design Verification Statement from a qualified designer, verifying that the plans and specifications achieve or improve the design quality of the development, having regard to the design quality principles set out in Part 2 of *State Environmental Planning Policy No. 65—Design Quality of Residential Flat Development*.

Ecologically Sustainable Development**F2 *Air Conditioning Units***

Should any air conditioning unit systems be installed prior to the occupation of the building, they shall achieve a minimum 2.5 star energy rating. A certificate verifying compliance with this condition is to be submitted to the PCA prior to the issue of an Occupation Certificate.

Engineering**F3 *Fire Safety Certificate***

A Fire Safety Certificate shall be furnished to the PCA for all the Essential Fire or Other Safety Measures forming part of this approval prior to issue of an Occupation Certificate. A copy of the Fire Safety certificate must be submitted to the consent authority and Council by the PCA.

F4 *Annual Fire Safety Statement*

An Annual Fire Safety Statement must be provided to Council and the NSW Fire Brigade commencing within 12 months after the date on which the consent authority initial Fire Safety Certificate is received.

F5 *Mechanical Ventilation*

Following completion, installation and testing of all the mechanical ventilation systems, the applicant shall provide evidence to the satisfaction of the PCA, prior to the issue of the Occupation Certificate, that the installation and performance of the mechanical systems complies with:

- (1) The Building Code of Australia;
- (2) Australian Standard AS1668 and other relevant codes;
- (3) The development consent and any relevant modifications; and,
- (4) Any dispensation granted by the New South Wales Fire Brigade.

F6 *Structural Inspection Certificate*

A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the PCA prior to the issue of an Occupation Certificate and/or use of the premises. A copy of the Certificate with an electronic set of final drawings (contact consent authority for specific electronic format) shall be submitted to the consent authority and the Council after:

- (1) The site has been periodically inspected and the Certifier is satisfied that the Structural Works is deemed to comply with the final Design Drawings; and
- (2) The drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

F7 Road Damage

The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the subject site as a result of construction works associated with the approved development, is to be met in full by the applicant/developer prior to the issue of an Occupation Certificate.

Note: Should the cost of damage repair work not exceed any road maintenance bond, Council will automatically call up the bond to recover the costs. Should the repair costs exceed the bond amount; a separate invoice will be issued.

Easements

F8 Registration of Easements

Prior to the issue of an Occupation Certificate, the applicant shall provide to the PCA evidence that all easements required by this consent, approvals, and other consents have been or will be registered on the certificates of title.

Sydney Water

F9 Sydney Water

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

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

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

The Section 73 Certificate must be submitted to the PCA prior to occupation of the development or release of the plan of subdivision.

END OF PART F.

PART G—POST OCCUPATION***Fire Safety******G1 Annual Fire Safety Certification***

The owner of the building shall certify to Council every year that the essential services installed in the building for the purpose of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard. This purpose of this condition is to ensure that there is adequate safety of persons in the building in the event of fire and for the prevention of fire, the suppression of fire and the prevention of spread of fire.

G2 Unobstructed Driveways and Parking Areas

All driveways and parking areas shall be unobstructed at all times. Driveways and car spaces shall not be used for the manufacture, storage or display of goods, materials or any other equipment and shall be used solely for vehicular access and for the parking of vehicles associated with the use of the premises.

G3 Vehicular Access

Signs shall be exhibited in a prominent location on the site advising that all vehicles entering or leaving the site are to be driven in a forward direction at all times.

Public Access***G4 Public Way to be Unobstructed***

Any materials, vehicles, refuse, skips or the like, under any circumstances, must not obstruct the public way.

Compliance***G5 Compliance Report***

The Applicant, or any party acting upon this consent, shall submit to the PCA a report, within 12 months of occupation addressing compliance with all relevant conditions of this consent.

END OF PART G.

ADVISORY NOTES

AN1 Sydney Water

An application shall be made to Sydney Water for a Certificate under Part 6, Division 9, Section 73 of the Water Board (Corporatisation) Act, 1994 (Compliance Certificate). Evidence that a Compliance Certificate has been applied for (i.e. Notice of Requirements) shall be produced to the satisfaction of the PCA prior to the issue of the relevant Construction Certificate. The Section 73 Certificate shall be submitted to the PCA prior to the occupation of the development or release of the linen plan.

The proposed development will affect water and wastewater systems and future extensions of the recycled water system. Developers are required to obtain a Section 73 Compliance Certificate. Issuing of the Certificate will confirm that the proponent of the development has met Sydney Water's detailed requirements, which include:

- (1) Correctly sized water, recycled water and wastewater mains;
- (2) Extensions or amplifications to existing water, recycled water and wastewater systems;
- (3) Installation of backflow prevention devices at all water meters and appropriate treatment facilities for Sydney Water to accept trade waste discharge to its sewerage/wastewater system;
- (4) Building over/adjacent to Sydney Water sewers;
- (5) Payment of Sydney Water charges; and
- (6) The completion of any other requirements.

Developers are to be advised to engage the services of a Water Servicing Coordinator (WSC) to obtain a Section 73 Certificate and manage the servicing aspects of their projects. Details are available from any Sydney Water Customer Centre on 13 20 92 or Sydney Water's website at www.sydneywater.com.au.

Water

Note: The proposed development will be serviced with potable water by the Silverwater Concord Gravitation Zone.

Sewer

Note: This development will have an impact on the Sydney Water's sewerage system. On current information, it would appear that this development is served by a 100mm PEP common rising main in Baywater Drive.

Trade Waste Requirements

Note: All industrial/commercial customers discharging trade waste into Sydney Water sewerage systems must obtain written permission from Sydney Water. Depending upon the type of business/trade waste, Sydney Water will issue a trade waste permit or enter into a trade waste agreement. Compliance with requirements helps ensure that Sydney Water can discharge or reuse wastewater in a way that protects the environment and complies with regulatory requirements.

In regards to future development a Trade Waste Licence is required for the disposal of wastewater from any future commercial development on site. A Trade Waste permit to discharge must be obtained before discharge into the sewer can commence. This application can be made to Sydney Water at the Section 73 Certificate application stage.

Water Conservation Measures

Note: Sydney Water recommends that Council require developers to adopt a water efficiency objective in order to promote and encourage water conservation. Sydney Water recommends that any subsequent developments adopt AAA (or higher) rated water conservation devices such as dual flush toilets, shower head fittings and tap fittings. In addition suitably sized rainwater tanks should be considered in conjunction with the fitting of the above low cost water efficient devices. Rainwater tanks are best used to provide water for flushing toilets, in washing machines, watering gardens and washing cars.

For further information on how to conserve water and Sydney Water's regulations regarding the installation of rainwater tanks, please refer to the Water Conservation and Recycling section of Sydney Water's website at www.sydneywater.com.au.

AN2 Requirements of Public Authorities for Connection to Services

The applicant shall comply with the requirements of any public authorities (e.g. Energy Australia, Sydney Water, Telstra Australia, AGL, etc) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services shall be the responsibility of the applicant. Details of compliance with the requirements of any relevant public authorities are to be submitted to the satisfaction of the PCA prior to the issue of the relevant Construction Certificate.

AN3 Compliance with Building Code of Australia

The applicant is advised to consult with the PCA about any modifications needed to comply with the BCA prior to submitting the application for a Construction Certificate.

AN4 Application for Hoardings and Scaffolding

A separate application shall be made to Council for approval under Section 68 of the *Local Government Act, 1993*, to erect a hoarding or scaffolding in a public place. Such an application shall include:

- (1) Architectural, construction and structural details of the design in accordance with relevant Auburn Council Policy.
- (2) Structural certification prepared and signed by a suitably qualified practising structural engineer.

The applicant shall provide evidence of the issue of a Structural Works Inspection Certificate and structural certification (including documentary evidence that all relevant fees and charges have been paid) shall be submitted to the satisfaction of the PCA prior to the commencement of works.

AN5 Use of Mobile Cranes

The applicant shall obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works. In particular, the following matters shall be complied with to the satisfaction of the PCA:

- (1) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council:
 - (a) at least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions, and

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- (b) at least 4 weeks prior to the works for full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
 - (2) The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7.30am without the prior approval of Council.

AN6 Movement of Trucks Transporting Waste Material

The applicant shall notify the Roads and Traffic Authority's Traffic Management Centre (TMC), SOPA and Council of the truck route(s) to be followed by trucks transporting waste material from the site, prior to the commencement of the removal of any waste material from the site.

AN7 Construction Inspections

Compliance certificate/s shall be issued by the PCA and submitted to Council in accordance with the mandatory inspection requirements of the *Building Legislation Amendment—Quality of Construction Act, 2002* for each stage of construction, such as the following:

- (1) Foundations,
- (2) Footings,
- (3) Damp proof courses and waterproofing installation,
- (4) Structural concrete, including placing of reinforcement and formwork prior to pouring,
- (5) Structural beam and column framing,
- (6) Timber wall and roof framing, and
- (7) Stormwater disposal.

Any Compliance Certificate issued for the above stages of construction shall certify that all relevant ancillary or dependent work has been undertaken in accordance with the Building Code of Australia and any other conditions of consent.

AN8 Noise Generation

Any noise generated during the construction of the development shall not exceed the limits specified in the *Protection of the Environment Operations Act, 1997* or exceed approved noise limits for the site.

AN9 Application under Part 4A of the Act

An application under Part 4A of the Act shall be submitted to the consent authority along with a plan of subdivision prepared by a registered surveyor, for certification prior to the issue of the Subdivision Certificate.

AN10 Compliance with Conditions

The applicant will be required to submit, documentary evidence that the property has been developed in accordance with plans approved by Development Application No. 156-6-2004 and of compliance (or a Compliance Certificate) with the conditions of that consent, no later than 3 months of the issue of an Occupation Certificate.
