

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF DEVELOPMENT APPLICATION NO. 143-6-2005

(FILE NO. 9039665)

ERECTION OF TWO APARTMENT BUILDINGS CONTAINING 340 RESIDENTIAL APARTMENTS, CHILDCARE CENTRE FOR 40 CHILDREN, CAR PARKING FOR 452 VEHICLES AND ASSOCIATED STRATA SUBDIVISION

I, the Minister for Planning, pursuant to Sections 80 (1) (a) and 80A of the *Environmental Planning & Assessment Act, 1979*, and clause 6 of *State Environmental Planning Policy (State Significant Development) 2005* 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 promote the orderly and ecologically sustainable use and development of land;
- (2) To promote the orderly and economic use and development of land;
- (3) To ensure that the development represents good design by providing an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings;
- (4) To ensure that the height, form and orientation of buildings take into account visual impact, both land and water based, solar access, ventilation, wind impact and the amenity and privacy of residences;
- (5) To protect and improve the unique visual qualities of the Parramatta River, Homebush Bay and Bray's Bay by ensuring that the character of the development, as viewed from the water, is compatible and sympathetic with the character of the surrounding foreshores;
- (6) To maximise amenity (including view sharing) and optimise safety and security, both internal to the development and for the public domain, so as to benefit of the future residents of the building and the wider community;
- (7) To ensure that the development represents good design by achieving an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements;
- (8) To ensure the development provides a high quality of landscaping and plantings; and
- (9) To ensure vehicular movement is consistent with the development of a high-quality pedestrian environment within the street system.

Frank Sartor MP
Minister for Planning

Sydney,

17 November 2005

SCHEDULE 1

PART A—TABLE

Application made by:	Meriton Apartments P / L 267-277 Castlereagh Street, Sydney
Application made to:	Minister for Planning
Development Application:	DA No. 143-6-2005
On land comprising:	Lot 12 DP 1062326
Local Government Area	City of Canada Bay
For the carrying out of:	Erection of two apartment buildings containing 372 residential apartments, childcare centre for 40 children, car parking for 483 vehicles and associated strata subdivision A detailed description of the development consented to is described in Conditions A1, Part A, Schedule 2
Estimated Cost of Works	\$93,000,000
Type of development:	State Significant Development, Integrated Development
S.119 Public inquiry held:	No
Approval Body / Bodies:	Council
Determination made on:	17 November 2005
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: (1) a shorter period of time is specified by the Regulations or (2) a condition in Schedule 2, or (3) the development has physically commenced.

PART B—NOTES RELATING TO THE DETERMINATION OF DA NO. 143-6-2005

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 receives notice of the development consent

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 must be served on the Director-General.

Section 94 Conditions

This development consent contains levies for development imposed under Section 94 of the Act. The imposing of levies where imposed in accordance with Concord Section 94 Plan, which includes the Renewing Rhodes Section 94 Framework adopted by the Department of Planning on December 2001. The Concord Section 94 Plan may be inspected at the following locations within Canada Bay Council during its normal business hours:

- Drummoyne Citizen Services Centre, 1A Marlborough Street, Drummoyne, and
- Concord Services Centre, Cnr Flavelle and Wellbank Street, Concord.

The Renewing Rhodes Section 94 Framework may be viewed at Department of Planning at 23-33 Bridge Street, Sydney its during normal business hours.

The specific public amenity or service or both are identified in the monetary contributions conditions in Part B of Schedule 2.

PART C—DEFINITIONS

In this consent,

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

Advisory Notes means advisory information relating to the approved development but do not form a part of this consent.

Applicant means Meriton Apartments P/L 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 City of Canada Bay Council.

DA No. 143-6-2005 means the development application and supporting documentation submitted by the Applicant on 9 June 2005.

Department means the Department of Planning or its successors.

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

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

Minister means the Minister for 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).

Rhodes DCP means the *Renewing Rhodes Development Control Plan* produced and adopted by the Department.

SREP 29 means *Sydney Regional Environmental Plan No.29—Rhodes Peninsula*.

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

SCHEDULE 2

CONDITIONS OF CONSENT

DEVELOPMENT APPLICATION NO. 143-6-2005

PART A—ADMINISTRATIVE CONDITIONS

A1 Development description

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

- (1) Six interconnected residential buildings comprising no more than 307 units and a Gross Floor Area of no more than 32,283.2 square metres
- (2) basement car parking of no more than 413 cars,
- (3) a childcare centre accommodating no more than 40 children, and
- (4) subdivision (including strata subdivision).

A2 Development in accordance with plans

The development must be in accordance with development application number DA No. 143-6-2005 submitted by the Applicant on 9 June 2005, and in accordance with the following:

Statement of Environmental Effects entitled Lot 12 Mary Street Rhodes (Precinct A) prepared by Meriton Apartments P / L, dated June 2005			
Architectural (or Design) Drawings prepared by <i>Marchese + Partners Architects</i> of Level 7, 107 Mount Street North Sydney			
Drawing No.	Revision	Name of Plan	Date
DA 0.01	E	Cover Sheet + Data	20.10.05
DA 1.01	D	Site Plan / Roof Plan	25.08.05
DA 2.01	F	Carpark Level 1 Floor Plan	20.10.05
DA 2.02	F	Level 0 Floor Plan	20.10.05
DA 2.03	F	Level 1 Floor Plan	20.10.05
DA 2.04	F	Level 2 Floor Plan	20.10.05
DA 2.05	E	Level 3 Floor Plan	20.10.05
DA 2.06	E	Level 4 Floor Plan	20.10.05
DA 2.07	E	Level 5 Floor Plan	20.10.05
DA 2.08	E	Level 6	20.10.05

		Floor Plan	
DA 2.09	E	Level 7 Floor Plan	20.10.05
DA 2.10	E	Level 8 Floor Plan	20.10.05
DA 2.11	E	Level 9 Floor Plan	20.10.05
DA 2.12	E	Level 10 Floor Plan	20.10.05
DA 3.01	E	East + North Elevation	20.10.05
DA 3.02	E	West + South Elevation	20.10.05
DA 4.01	E	Section A-A Section B-B	20.10.05
DA 4.02	E	Section C-C Section D-D	20.10.05
Landscape Drawings prepared by Guy Sturt + Associates			
Drawing No.	Revision	Name of Plan	Date
DA-0521-01		Lot 12, Marquet & Mary Streets, Rhodes Waterside Landscape Concept Plan	3.06.05
Survey Drawings prepared by John B White Pty Ltd of 67-69 Kimberley road Hurstville			
Plan Ref.	Revision	Name of Plan	Date
123407 / 1		Plan showing selected detail and levels over Lot 12 in Dp 1062326 at the corner of Mary Street and Marquete Street, Rhodes	12/04/05

except for any modifications which are 'Exempt Development' as identified in SREP 29 or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA.

A3 *Inconsistency between documents*

- (1) In the event of any inconsistency between:
 - (a) conditions of this consent, and
 - (b) the drawings or documents or both referred to in Condition A3,
 then the conditions of this consent must prevail to the extent of the inconsistency.
- (2) In order to avoid any confusion, despite any plan, drawing, document, figure or calculations for the purposes of identifying GFA, the maximum GFA permitted on the Subject Site is 32,342.5 square metres.

A4 *Prescribed conditions*

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

A5 *Remediation and hazardous materials*

This consent does not extend to include the removal of any contaminated land or hazardous material. The Applicant is wholly responsible for securing any necessary consents, approvals, or permits to undertake such an activity.

PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Design Details and Changes

B1 Gross floor area calculations

Before the Certifying Authority can issue a Construction Certificate for any works, the Applicant must lodge documentation that demonstrates and confirms the gross floor area in the consolidated set of plans for the Subject Site does **not** exceed 32,283.2 square metres. In complying with this condition, the Applicant should submit a set of A3 poly line drawings that:

- (1) show and number the included and excluded floor area for each level,
- (2) show the breakdown and cumulative total for each level of gross floor area, and
- (3) are signed off by a registered architect.

B2 Design modifications

In order to ensure the bulk and scale of buildings is consistent with both other approvals and the planning principles of SREP 29, the Applicant must prepare plans (including elevations if necessary) that address the following design modifications and submit these plans to and the written approval of the Director for their approval prior to the issue of any Construction Certificate:

(1) Entry to lift lobbies from public domain

Plans are to be prepared showing amendments to the entry to lift lobbies for each Building demonstrating that:

- (a) the method of accessing each building is clear and unimpeded,
- (b) the point of access achieves a satisfactory address to the public domain, and
- (c) leads directly to the adjoining public domain.

(2) Vehicle cross-overs

The consolidated set of plans must show that vehicle cross-overs from Mary Street into the Subject Site are consistent with Clause 4.1.1c of the *Rhodes Public Domain Technical Manual* that forms part of the Rhodes DCP..

B3 Additional details required before below ground works Construction Certificate

In order that the development is orderly and economic development, ecologically sustainable, and accessible, the Applicant must submit the following matters to and approved by the Director prior to the issue of Construction Certificate for basement works.

(1) Access report

The Applicant must submit a report from an accredited access consultant demonstrating that the below and above ground components of the development will deliver equality, independence and functionality to people with disabilities inclusive of people with sensory impairments, mobility impairments, dexterity impairments. The report is to include, but not be limited to, a demonstration that access to the development will comply with the Commonwealth *Disability Discrimination Act 1993* and the Australian Standard AS1428.

B4 Additional details required before above ground works Construction Certificate

In order that the development is orderly and economic development, ecologically sustainable, and accessible, the Applicant must submit the following matters to and approved by the Director prior to the issue of Construction Certificate for above ground works.

(1) Proposed air conditioning unit

The Applicant must demonstrate that any air conditioning units proposed for installation within the Subject Site will each achieve at least a 3 star rating in accordance with the Minimum Energy Performance Standards. The reference for the relevant standards applicable to air conditioning units is available from the Commonwealth Government's Australian Greenhouse Office website www.energyrating.gov.au.

(2) Reflectivity report

The Applicant must submit a report prepared by a suitably qualified and practising professional that analyses the visible light reflectivity from building materials used on the facade. The report is to

- (a) identify the reflectivity coefficient,
- (b) demonstrate that measures will be introduced to ensure that reflectivity does not cause a nuisance or interfere with any person or place, and
- (c) demonstrate that the building materials chosen will have a reflectivity coefficient that does not cause a nuisance or interfere with any person or place.

(3) Details of materials, colours and finishes

Final design details of the proposed external materials and finishes, including schedules and a sample board of materials and colours must be submitted by the Applicant and should include, but not be limited to:

- (a) a technical report on the quality and application of the painted finish to the building, its longevity, and the maintenance schedule for painting,
- (b) incorporate all design changes arising from the consolidated set of plans, and
- (c) a sample of sandstone proposed for the wall facing Marquet Street, Mary Street, Shoreline Drive, and the pedestrian / cycleway.

Final approved materials are to be consistent with the high quality architectural appearance of the development as submitted in the development application documentation and nothing in this condition is to be construed as permitting the replacement of previously submitted materials with inferior or inadequate materials or finishes.

B5 Design of childcare centre

The proposed childcare centre must be designed to comply with any relevant requirements of the NSW Department of Community Services including, but not limited to the *Centre Based and Mobile Child Care Services Regulation (No 2) 1996*, draft 2000 regulations (not yet adopted) and the Department of Community Services publication *Best Practice Guidelines in Early Childhood Physical Environments*. The Applicant is to submit documentary evidence demonstrating compliance with these requirements and have the approval of the Certifying Authority before the issuing of a Construction Certificate for above ground works.

B6 Outdoor lighting

The Applicant must demonstrate that all outdoor lighting will comply, 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 Certifying Authority prior to the issue of a Construction Certificate for above ground works.

B7 Design verification statement – Residential Flat Buildings

Prior to the issue of a Construction Certificate for above ground works, the Applicant must submit to the Certifying Authority 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*.

Demolition / Earthworks**B8 Erosion and sedimentation Control**

Soil erosion and sediment control measures must be designed in accordance with the document *Managing Urban Stormwater—Soils & Construction Volume 1 (2004) by Landcom*. Details are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate for below ground works.

B9 Pre-Construction Dilapidation Reports

The Applicant is to engage a qualified structural engineer to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all existing and adjoining completed and occupied buildings, infrastructure and roads. The report must be submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate.

A copy of the report is to be forwarded to the Director and Council.

Traffic & Parking**B10 Traffic Control Devices**

In order to ensure that vehicles exit the site in a safe manner, a suitable traffic control device (for example, signage, speed hump, line marking, traffic signals, etc) must be installed and must be clearly visible at the upper threshold of the driveway. Details of the type, location and operation of the device must be submitted by the Applicant to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate for basement works.

B11 Car park entry doors

In order to ensure that acoustic impacts on nearby residents is minimised, car park roller doors must be designed and constructed for quiet operation. The Applicant must submit details to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate for basement works that identifies the construction necessary to satisfy this requirement.

B12 Stack Parking

In order to minimise impacts arising from stack parking (also known as tandem parking), the Applicant must demonstrate the following to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate for basement works:

- (1) Stack parking of up to 2 cars is only permitted for 2 and 3 bedroom apartments,

- (2) The clear depth of all stack parking is no less than 10.8 metres, and
- (3) All stack parking within the Subject Site are allocated to a single dwelling.

B13 Number of Car Spaces

The maximum number of car spaces to be provided for the development must comply with the Car parking allocation table below. Details confirming the parking numbers must be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for basement works.

Car parking allocation	Number
Residential Car parking spaces	360
Residential car parking spaces to be disabled spaces for exclusive use by a residential lot in accordance with Condition E6, Part E	11
Childcare Centre parking spaces (staff only)	6
Parking spaces to operate in accordance with Condition E8, Part E	4
Visitor spaces	27
Visitor disabled space (NB: The Owners Corporation must retain these disabled spaces as common property pursuant to Condition E5 of Part E)	3
Service vehicle spaces	2
Total	413

B14 Number of Bicycle Spaces

A minimum of 114 residential and 29 visitor bicycle spaces are to be provided for the development. Details must be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for basement works.

B15 Number of Motorcycle Spaces

A minimum of 54 square metres or the equivalent of 4 car spaces must be provided within the enclosed parking area of the development for the purposes of motorcycle parking. Details must be submitted by the Applicant showing compliance with these requirements to be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate for basement works.

B16 Car Park and Service Vehicle Layout

- (1) The layout of the car park must comply with Australian Standard AS2890.1: 1993 *Parking Facilities Part 1: Off Street Parking*. All parking spaces are to be linemarked.
- (2) The layout of the service vehicle area must comply with Australian Standard AS2890.2: 1989 *Off Street Parking Part 2 – Commercial Vehicles Facilities*.
- (3) Details demonstrating compliance with these requirements must be submitted to the satisfaction of the Certifying Authority prior the issue of a Construction Certificate for basement works.

Landscaping

B17 Landscape plan – pedestrian / cycleway

In order to ensure the orderly and economic use and development of land, the Applicant must submit a revised landscape plan to and have approved by the Director before the issue of a Construction Certificate for any above ground works. The revised landscape plans must include, but not be limited to:

- (1) amendments that show:
 - (a) a 1.75 metre wide paved concrete path adjacent to the site boundary, and
 - (b) a 2.75 metre wide deep soil strip,
- (2) details showing that the construction and landscaping of the pedestrian / cycleway satisfies the requirements of clauses 4.1.6, 4.1.9, 4.2.3.ii and 4.2.4 of *Rhodes Peninsula Development Control Plan 2000*,
- (3) details on the size, type and location of all planting within the pedestrian / cycleway,
- (4) details on the quality of hard and soft landscaping materials within the pedestrian / cycleway, including the furniture and lighting proposed and its general compliance with the *Rhodes Peninsula Public Domain Technical Manual*.
- (5) A wind impact report pursuant to Condition B19 in this Part.

B18 Landscape plan – Remainder of Site

In order to ensure the orderly and economic use and development of land, the Applicant must submit a detailed landscape plan for the Site excluding the pedestrian/cyclepath (Remainder of Site) to and for approval by the Director before the issue of a Construction Certificate for any above ground works. The revised landscape plans must include, but not be limited to, the following information:

- (1) Details on the location and type of all hard and soft landscaping works,
- (2) Details on the types, size, of planting located within the Remainder of Site, and
- (3) Details on the type and location of lighting and all furniture within the Remainder of Site.
- (4) A wind impact report pursuant to Condition B19 in this Part.

B19 Landscape Design and Wind Impacts

In order to protect the amenity of residents, the Applicant must submit a wind impact report that demonstrates that the landscaping design and tree species chosen will likely ameliorate wind impacts on residents and people using the public domain and within the communal open space.

Ecologically Sustainable Development (ESD) – Residential

B20 NatHERS Rating – Multi-Unit Housing

The following NatHERS rating requirements must be complied with:

- (1) an average rating for all dwellings of 4 stars or better,
- (2) at least 20% of all dwellings must achieve better than 4.5 stars,
- (3) at least 80% of all dwellings must achieve better than 3.5 stars, and
- (4) no apartment must achieve less than 3 stars.

Prior to the issue of a Construction Certificate for above ground works, the Applicant must submit to the Certifying Authority a NatHERS certificate, prepared by an accredited NatHERS assessor, demonstrating compliance with the requirements of this condition.

B21 Energy Star Ratings

All classes of appliances that are available with an energy label or the subject of a Minimum Energy Performance Standard are to be installed within the premises are to have an energy star rating of 3 stars or more (excluding clothes dryers which are subject to Condition B21). The Applicant must submit to the Certifying Authority a statement demonstrating compliance with the requirements of this condition.

B22 Clotheslines and Clothes Dryers

- (1) The Applicant must submit to the Certifying Authority 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 must 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 to be installed must have a minimum height of 1 metre with a minimum of 3.5 metres combined line length.

B23 Water Ratings

All water fixtures installed within the premises are to have a AAA water rating or more. The Applicant must submit to the Certifying Authority a statement demonstrating compliance with the requirements of this condition.

B24 Water Recycling and Management System

The Applicant is to ensure that the Subject Site has provision for a dual supply to Sydney Water requirements for future connection to an approved waste water recycling plant. The Applicant is to ascertain the requirements of Sydney Water and Sydney Olympic Park Authority in this regard and submitted a copy of these requirements to the Certifying Authority prior to the issue of the Construction Certificate for below ground works.

Health

B25 Mechanical Ventilation

All mechanical ventilation systems must be installed in accordance with Part F4.5 of the Building Code of Australia and must comply with Australian Standards AS1668.2 and AS3666 *Microbial Control of Air Handling and Water Systems of Building*, to ensure adequate levels of health and amenity to the occupants of the building and to ensure

environment protection. Details must be submitted to the Certifying Authority before the issue of a Construction Certificate for basement works and issue of a Construction Certificate for above ground works that the proposed mechanical ventilation systems are capable of compliance with these requirements.

Waste Management

B26 Storage and Handling of Waste

The design and management of facilities for the storage and handling of waste must comply with the requirements of Council's Policy. Details are to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for basement works.

Monetary Contributions and Contributions-in-lieu

B27 Monetary Contributions

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

(1) Amount of Contribution

Contribution Category	Amount
Open Space	\$637,556.83
Community Facilities	\$645,901.10
Roads	\$345,480.06
TOTAL	\$1,628,937.99

(2) Timing and Method of Payment

The contribution must be paid in the form of cash or bank cheque, made out to Council. For accounting purposes, the contribution may require separate payment for each of the categories above and you are advised to check with Council.

Prior to the certifying authority issuing a Construction Certificate, evidence must be provided of either the payment to Council for contributions in lieu or evidence of an agreement with Council for contributions in kind.

(3) Indexing

All monetary amounts referred to in this condition are based on those specified in the *Concord Section 94 Contributions Plan 2000* (as adjusted by the Rhodes Peninsula Contributions Framework) and the actual amount for payment or for calculating offsets must be adjusted in accordance with Clause 7 of Part 2 of that Plan.

(4) Works-in-Kind

In accordance with Division 6 of Part 4 of the Act, the Applicant may undertake works in kind. The provision of works-in-kind must comply with the requirements set out in the Contribution Framework and have the written approval of the Director and Council.

B28 Monetary Contributions

In accordance with Division 6 of Part 4 of the Act, the Minister directs that the Applicant pay to the Department a monetary contribution for the engagement of a community liaison officer to be engaged by the Department to carry out liaison and consultation functions on behalf of developments across SREP 29:

(1) Amount of Contribution

Contribution Category	Amount
Community Liaison Officer	\$16,141.95

(2) Timing and Method of Payment

The contribution must be paid in the form of cash or bank cheque, made out to the Department. For accounting purposes, the contribution will require separate payment for the category above.

Evidence of the payment to the Department must be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

(3) Indexing

The above payments will be adjusted according to the relative change in the Consumer Price Index from the date of consent.

B29 Security Bond – Protection of Works

A Security Bond of \$18,600 for the protection of all existing current and future public domain must be deposited with Council prior to the issue of a Construction Certificate for below ground works. If any damage is caused to the existing or future public domain, Council must deduct from the Security Bond the reasonable cost of replacement of or rectification of these works.

B30 Security Bond – Satisfactory Completion of Works

- (1) A Security Bond of \$18,600 for the satisfactory completion of the pedestrian cycleway must be deposited with Council prior to the issue of a Construction Certificate for below ground works. The Bond must be released following certification by the PCA of the practical completion of the works.
- (2) Upon certification by the PCA of practical completion of the works, the Applicant must lodge with Council a cash bond or bank guarantee of \$18,600 to cover the satisfactory performance of the works. The bond/bank guarantee must be released following a satisfactory 6 month maintenance period following the practical completion of the works.

Subdivision Works**B31 Stormwater and Drainage Works Design**

Final design plans of the stormwater drainage systems within the proposed subdivision, prepared by a qualified practicing Civil Engineer and in accordance with the requirements of Council must be submitted to and approved by the PCA prior to issue of a Construction Certificate for basement works. The hydrology and hydraulic calculations must be based on models described in the current edition of Australian Rainfall and Runoff.

Compliance**B32 Compliance Report**

Prior to the issue of a Construction Certificate, the Applicant, or any party acting upon this consent, must submit to the Department a report addressing compliance with all relevant conditions of this consent.

PART C—PRIOR TO COMMENCEMENT OF WORKS

Excavation Works

C1 Notice to be Given Prior to Excavation

The PCA and Council must 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 must 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 BCA,
- (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 must be submitted to and approved by the Certifying Authority. The Plan must 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 C5 below),
- (4) noise and vibration management (see also C6 below),
- (5) waste management (see also C7 below),
- (6) erosion and sediment control (see also B8), and
- (7) flora and fauna management,

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

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 must be submitted to and approved by the Certifying Authority. The Plan must 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 must 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 must be submitted to and approved by the Certifying Authority. The Plan must 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) The construction noise objective specified in the conditions of this consent,
- (4) The construction vibration criteria specified in the conditions of this consent,
- (5) Determination of appropriate noise and vibration objectives for each identified sensitive receiver,
- (6) Noise and vibration monitoring, reporting and response procedures,
- (7) Assessment of potential noise and vibration from the proposed construction activities including noise from construction vehicles and any traffic diversions,
- (8) Description of specific mitigation treatments, management methods and procedures that will be implemented to control noise and vibration during construction
- (9) Justification of any proposed activities outside the construction hours specified in the conditions of this consent.
- (10) Construction timetabling to minimise noise impacts including time and duration restrictions, respite periods, and frequency,
- (11) Procedures for notifying residents of construction activities that are likely to affect their amenity through noise and vibration, and
- (12) Contingency plans to be implemented in the event of non-compliances and/or noise complaints.

The Applicant must 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 must submit to the satisfaction of the PCA a Waste Management Plan prepared by a suitably qualified person in accordance with Council's relevant Development Control Plan. The Applicant must submit a copy of the plan to the Department and Council.

C7 *Contact Telephone Number*

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

Compliance**C8 *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 a 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.

C9 *Compliance Report*

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

PART D—DURING CONSTRUCTION

Site Maintenance

D1 Erosion and Sediment Control

All erosion and sediment control measures, as designed in accordance with Condition B9, are to be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

D2 Disposal of Seepage and Stormwater

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

Structural Works

D3 Setting Out of Structures

The buildings must 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 must submit a plan to the PCA certifying that structural works are in accordance with the approved development application.

Construction Management

D4 Approved Plans to be On-site

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

D5 Site Notice

A site notice(s) must be prominently displayed at the boundaries of the site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Principal Certifying Authority and Structural Engineer. 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.

D6 *Contact Telephone Number*

The Applicant must 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.

D7 *Lighting during construction*

All lighting necessary for construction must comply with AS4282: 1997 *Control of the Obtrusive Effects of Outdoor Lighting*. Upon installation of lighting, but before it is finally commissioned, the Applicant must submit to the PCA evidence from an independent qualified practitioner demonstrating compliance in accordance with this condition.

D8 *Protection of Trees – Street Trees*

All street trees must be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction, must be replaced, to the satisfaction of Council.

D9 *Protection of Trees – On-site Trees*

All trees on the site that are not approved for removal are to be suitably protected by way of tree guards, barriers or other measures as necessary are to be provided to protect root system, trunk and branches, during construction.

D10 *Dust Control Measures*

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

- (1) Physical barriers must be erected at right angles to the prevailing wind direction or must be placed around or over dust sources to prevent wind or activity from generating dust emissions,
- (2) Earthworks and scheduling activities must be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed,
- (3) All materials must be stored or stockpiled at the best locations,
- (4) The surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs,
- (5) All vehicles carrying spoil or rubble to or from the site must at all times be covered to prevent the escape of dust or other material,
- (6) Gates must be closed between vehicle movements and must be fitted with shade cloth, and
- (7) Cleaning of footpaths and roadways must be carried out regularly.

Noise and Vibration**D11 *Hours of Work***

- (1) The hours of construction, including the delivery of materials to and from the site, must be restricted as follows:
 - (a) between 7:00 am and 6:00 pm, Mondays to Fridays inclusive;
 - (b) between 7:00 am and 3:00 pm, Saturdays;
 - (c) no work on Sundays and public holidays.

- (2) Works may be undertaken outside these hours where:
 - (a) the delivery of materials is required outside these hours by the Police or other authorities;
 - (b) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm;
 - (c) the work is approved through the Construction Noise and Vibration Management Plan; and
 - (d) 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.

D12 Construction Noise Objective

The construction noise objective for the Project is to manage noise from construction activities (as measured by a L_{A10} (15minute) descriptor) so it does not exceed the background L_{A90} noise level by:

- (1) For the first 4 weeks of the construction period, not more than 20dB(A);
- (2) From week 5 to the week 26 (inclusive) of the construction period, not more than 10dB(A); and
- (3) For construction periods greater than 26 weeks, not more than 5dB(A).

Background noise levels are those identified in the approved Construction Noise and Vibration Management Plan. The Applicant must implement all feasible noise mitigation and management measures with the aim of achieving the construction noise objective.

Any activities that have the potential for noise emissions that exceed the objective must be identified and managed in accordance with the approved Construction Noise and Vibration Management Plan.

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.

D13 Construction Noise Management

The Applicant must:

- (1) schedule rock breaking, rock hammering, sheet piling, pile driving and any similar activity only between the following hours unless otherwise approved in the Construction Noise and Vibration Management Plan:
 - (a) 9.00 am to 12.00 pm, Monday to Friday;
 - (b) 1.00 pm to 4.00 pm Monday to Friday; and
 - (c) 9.00 am to 12.00 pm, Saturday
- (2) ensure that wherever practical, and where sensitive receivers may be affected, piling activities are completed using bored piles. If driven piles are required they must only be installed where approved in the Construction Noise and Vibration Management Plan.

D14 Vibration Criteria

Vibration caused by construction at any residence or structure outside the subject site must be limited to:

- (1) for structural damage vibration, German Standard DIN 4150 Part 3 Structural Vibration in Buildings. Effects on Structures; and
- (2) for human exposure to vibration, the evaluation criteria presented in British Standard BS 6472- Guide to Evaluate Human Exposure to Vibration in Buildings (1Hz to 80 Hz) for low probability of adverse comment.

These limits apply unless otherwise approved in the Construction Noise and Vibration Management Plan.

D15 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.

Heritage

D16 Impact of Below Ground (Sub-surface) Works – Non-Aboriginal Relics

If any archaeological relics are uncovered during the course of the work, then the Applicant must cease all works immediately and the Applicant must contact the NSW Heritage Office. Depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the NSW *Heritage Act 1977* may be required before work may recommence.

D17 Impact of Below Ground (Sub-surface) Works – Aboriginal Relics

If any Aboriginal archaeological relics are exposed during construction works, the Applicant must cease work immediately and the Applicant must notify the Parks and Wildlife Division of the Department of Environment and Conservation (PWD). The Applicant may need to obtain any necessary approvals from the PWD before work may recommence. The Applicant must comply with any request made by the PWD to cease work for the purposes of archaeological recording.

Ecologically Sustainable Development

D18 Water Conservation

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

Compliance

D19 Compliance Report

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

PART E—PRIOR TO SUBDIVISION OR STRATA SUBDIVISION

Pedestrian / cycleway

E1 *Separate lot*

- (1) The Applicant is to subdivide the Site such that
 - (a) a new Torrens title lot for the purposes of a pedestrian / cycleway along the northern boundary that has a minimum depth at any point of 4.5 metres;
 - (b) the ownership of the lot is vested with the Owner's Corporation of the land south of the pedestrian / cycleway.
- (2) Notwithstanding Condition (1) (b) above, nothing in this consent prevents the Owner's Corporation dedicating to Council, subject to their agreement, the lot created by Condition (1) (a).

Easements

E2 *Access*

The Applicant must create documentary easements over the appropriate lots in the subdivision to provide for public access and 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*.

E3 *Public Access over pedestrian / cycleway*

Easements to provide for 24 hour unrestricted public access must be created over the lot referred to in Condition E1 pursuant to the relevant sections of the *Conveyancing Act, 1919*. The terms of the easements must require that public access will be provided to coincide with the occupation of development approved by this consent on land adjoining the public domain and require embellishment of the public domain over which access is being provided to be completed in accordance with the development consent

The terms of the proposed easements satisfying this condition of consent must form part of an application for the subdivision certificate.

E4 *Services*

Documentary 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*.

Restrictions on Title

E5 *Disabled Car Parking Spaces*

- (1) All dedicated disabled car parking spaces required by Condition B13 are to remain common property wholly within the ownership of the Owner's Corporation.
- (2) Upon request from an occupier or owner-occupier within the strata who does not have either a disabled capable car parking space or a disabled residential parking space, the Owner's Corporation must 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 with the above must be made available for disabled visitor parking.
- (4) The requirements for the lease of disabled car spaces outlined in this condition are to be made a restrictive covenant placed on title pursuant to Section 88B of the *Conveyancing Act, 1919*.

E6 Disabled Capable Car Parking Spaces

Before lodging the subdivision certificate, the Applicant is to ensure that, within each future Strata Plan, the following car spaces within the basement car parking areas are allocated only to accessible units within each future Strata Plan lot:

- (1) any single car parking space that has a width that will exceed 2.5 metres, or
- (2) any two car spaces located side by side and allocated to a single unit.

E7 Car parking restrictions

Any occupant, tenant, lessee or registered proprietor of the development site or part thereof must 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) restrictive covenant placed on title pursuant to Section 88B of the *Conveyancing Act, 1919*,
- (2) restriction on use under Section 68 of the *Strata Schemes (Leasehold Development) Act, 1986* 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.

E8 Child care centre

- (1) Car spaces identified in the table to Condition B13, Part B as "Parking spaces to operate in accordance with Condition E8, Part E" shall be made available for sole use by the Childcare Centre.
- (2) At such time as the childcare centre ceases to operate, the parking spaces identified in the table to Condition B13, Part B as "Parking spaces to operate in accordance with Condition E8, Part E" shall be:
 - (a) vested wholly in the ownership of the Owner's Corporation, and
 - (b) used only for visitor parking spaces.
- (3) The requirements of this condition shall be made a restrictive covenant placed on title pursuant to the relevant section of the *Conveyancing Act, 1919*.

E9 Common areas and facilities

Except as permitted by conditions in this Part, 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 prior consent of the relevant Council.

These requirements are to be made to the satisfaction of Council and a restrictive covenant placed on title pursuant to Section 88E of the *Conveyancing Act, 1919*.

Strata Allocation

E10 Disabled parking spaces

The Applicant must submit with the application for a subdivision certificate a report by an accredited access consultant confirming that the car parking space shown on the plan and identified as disabled residential parking spaces in Condition B13 are allocated to all units identified as being a disabled accessible unit. The report must also identify that all remaining spaces less one must be allocated to a unit that is:

- (1) contained over a single level,
- (2) is accessible from a lifted lobby, and
- (3) that the lobby is accessible from the Mary Street, Rider Boulevard, or Sevier Avenue.

E11 Stack Parking

In order that the strata subdivision of the site is consistent with all prior approvals, the Applicant must demonstrate prior to the issue of a Subdivision Certificate:

- (1) The number of instances of stack parking within the Subject Site does not exceed the total number of three bedroom units provided within the development,
- (2) The stack parking comprises no more than 2 cars, and
- (3) All stack parking within the Subject Site are allocated to a single dwelling.

Compliance

E12 Part 4A Certificate

Prior to the registration of final subdivision plan in the Office of the Registrar-General, a Part 4A certificate must be obtained under section 109D(1)(d) of the *Environmental Planning and Assessment Act 1979*.

Costs

E13 Costs to be Borne by Applicant

All costs associated with the creation of lots or the preparation and registration of any covenant or restriction on title required by this consent, whether directly or indirectly, will be borne solely by the Applicant.

PART F—PRIOR TO OCCUPATION OR COMMENCEMENT OF USE***Embellishment of public domain areas******F1 Pedestrian / cycleway***

Prior to the issue of an occupation certificate for any part of the development, the pedestrian / cycleway over the lot identified by Condition E1 (1) (a), Part E must be:

- (1) created and a subdivision certificate registered with Land and Property Information NSW and include all encumbrances, easements, and the like required by this consent, and
- (2) fully embellished in accordance with Condition B17, Part B.

Design Verification Statement – Residential Flat Buildings***F2 Design Verification Statement***

Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifying Authority 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*.

F3 Treatment of Vehicular Entry

In order to improve the appearance of the building when viewed from the street, any part of the walls and ceilings of vehicular entry points that are visible from the street must be finished in high quality materials and no service ducts or pipes are to be visible.

Engineering***F4 Fire Safety Certificate***

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

F5 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.

F6 Mechanical Ventilation

Following completion, installation and testing of all the mechanical ventilation systems, the Applicant must provide evidence to the satisfaction of the PCA, prior to the issue of any 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.

F7 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 any 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) must 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.

F8 Road Damage

The Applicant is to meet the cost of repairing any damage identified by Council or another Public Authority to its roadway assets resulting from construction traffic accessing the Subject Site or construction activity adjacent to the Subject Site. The Applicant need only pay for a part of the cost of rectifying damage where construction activity maybe attributed to the construction activities of development associated with other sites.

Note: Should the cost of damage repair work not exceed the 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**F9 Registration of Easements**

Prior to the issue of any Occupation Certificate, the Applicant must 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**F10 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.

Second Dilapidation Report

F11 Post-construction Dilapidation Report

- (1) The Applicant must engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works. This report to ascertain whether the construction works created any structural damage to adjoining buildings completed and occupied at the commencement of works, infrastructure and roads.
- (2) Before the issue of an occupation certificate, the Applicant is to submit to the PCA for them to determine whether adverse structural damage has occurred to adjoining buildings completed and occupied at the commencement of works, infrastructure and roads. In making this determination, the PCA must:
 - (a) compare the post-construction dilapidation report with the pre-construction dilapidation report required by Condition B11, and
 - (b) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
- (3) A copy of this report is to be forwarded to the Director and Council.

Compliance

F12 Clotheslines and Clothes Dryers

- (1) The Applicant must submit to the PCA a plan demonstrating that units are compliant with the requirements of Condition B23.
- (2) The PCA must not issue an Occupation Certificate for any unit within the development that does not have either a clothes line or clothes dryer installed.

F13 Storage

- (1) The Applicant shall demonstrate to the PCA by means of a table that the storage volume of each unit complies with the Rhodes DCP.
- (2) Where each unit shown in the table include a cubic volume of a “media unit” to comply with the Rhodes DCP, the Applicant shall submit amending plans and written documentation to the PCA that confirms the installation of the “media unit” to provide the required cubic volume before the issuing of the Occupation Certificate.

F14 Gross Floor Area

Prior to the issue of a Construction Certificate, the Applicant shall submit a set of A3 polyline drawings prepared by a registered surveyor and signed by the Architect that identifies the gross floor area not exceeding 32,243.2 square metres.

PART G—POST OCCUPATION

Fire Safety

G1 Annual Fire Safety Certification

The owner of the building must 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.

Traffic and Parking

G2 Loading and Unloading

All loading and unloading of service vehicles in connection with the use of the premises must be carried out wholly within the site at all times.

G3 Unobstructed Driveways and Parking Areas

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

Childcare centre operation

G4 Hours of Operation - Childcare centre

The hours of operation for the childcare centre must be restricted to between:

Day	Commencement	Cessation time
Monday	7.30 am	6.00 pm
Tuesday	7.30 am	6.00 pm
Wednesday	7.30 am	6.00 pm
Thursday	7.30 am	6.00 pm
Friday	7.30 am	6.00 pm
Saturday	Closed	Closed
Sunday	Closed	Closed
Public Holidays	Closed	Closed

Noise

G5 Noise Control – Childcare centre operation

Noise and amplified music emitted from the Childcare Centre must have a L_{A10} noise level not exceeding 5dB above the background (L_{A90}) noise level in any Octave Band Centre Frequency (31.5Hz to 8KHz inclusive) between the hours of operation or trading when assessed at the nearest affected residential boundary. The background noise level must be measured in the absence of noise emitted from the premises.

G6 *Noise Control – Plant and Machinery*

Noise associated with the operation of any plant, machinery or other equipment on the site, must not exceed 5dB(A) above the background noise level when measured at the boundary of the site.

Public Access**G7 *Public Way to be Unobstructed***

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.

G8 *Pedestrian / cycleway*

Nothing in this consent fetters the owner of the pedestrian / cycleway to dedicate to Council's satisfaction the lot referred to in Condition E1, Part E of this consent.

Compliance**G9 *Compliance Report***

The Applicant, or any party acting upon this consent, must submit to the Department a three monthly report addressing compliance with all relevant conditions of this consent.

PART H—GENERAL TERMS

No Conditions in this Part

ADVISORY NOTES

AN1 *Sydney Water*

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

AN2 *Trade waste requirements*

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

A trade waste permit to discharge must also be obtained before discharge into the sewer can commence. A trade waste permit will also be required for site remediation purposes. The application for a trade waste permit can be made to Sydney Water at the Section 73 Certificate application stage. The applicant can contact Sydney Water Customer Information Centre on 13 20 92 or Sydney Water's website at www.sydneywater.com.au.

AN3 *Requirements of Public Authorities for Connection to Services*

The Applicant must 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 must 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 Construction Certificate.

AN4 *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.

AN5 *Application for Hoardings and Scaffolding*

A separate application must 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 must include:

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

The Applicant must provide evidence of the issue of a Structural Works Inspection Certificate and structural certification must be submitted to the satisfaction of the PCA prior to the commencement of works.

AN6 Use of Mobile Cranes

The Applicant must 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 must 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
 - (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 must not be delivered to the site prior to 7.30am without the prior approval of Council.

AN7 Movement of Trucks Transporting Waste Material

The Applicant must notify the Roads and Traffic Authority's Traffic Management Centre (TMC) 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.

AN8 Construction Inspections

Compliance certificate/s must be issued by the Principal Certifying Authority 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 must 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.

AN9 Noise Generation

Any noise generated during the construction of the development must not exceed limits specified in any relevant noise management policy prepared pursuant to the *Protection of the Environment Operations Act, 1997* or exceed approved noise limits for the site.

AN10 Excavation – Aboriginal Relics

Should any Aboriginal relics be unexpectedly discovered then all excavations or disturbance to the area is to stop immediately and the National Parks and Wildlife Service must be informed in accordance with Section 91 of the *National Parks and Wildlife Act, 1974*.

AN11 Excavation – Historical Relics

Should any historical relics be unexpectedly discovered then all excavations or disturbance to the area is to stop immediately and the Heritage Council of NSW must be informed in accordance with Section 146 of the *Heritage Act, 1977*.

AN12 Application under Part 4A of the Act

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

AN13 Other Details Required prior to Issue of Subdivision Certificate

The Applicant must submit to the satisfaction of the consent authority or the council, the following information, prior to the issue of the Subdivision Certificate:

- (1) Documentary evidence of the payment of the open space/ community facility/ transport and access contribution(s),
- (2) Documentary evidence that the property has been developed in accordance with plans approved by Development Application No. 143-6-2005 and of compliance (or a Compliance Certificate) with the conditions of that consent.

AN14 Application under Section 37 of Strata Schemes (Freehold Development) Act, 1973

Section 37 and 37A of the *Strata Schemes (Freehold Development) Act, 1973* require an application to be submitted to the council or accredited certifier for approval prior to the issue of the certified strata plan of subdivision.

AN15 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. 143-6-2005 and of compliance (or a Compliance Certificate) with the conditions of that consent, prior to the issuing of Strata Plan of Subdivision.

AN16 Noise Generation

Any noise generated during the construction of the development must not exceed the limits specified in any relevant noise management policy prepared pursuant to the *Protection of the Environment Operations Act 1997*, or exceed approved noise limits for the site.

AN17 Street Numbering

Street numbers and the building name(s), if any, will need to be clearly displayed at either end of the ground level frontages in accordance with Council's relevant Policy, prior to the occupation of the building(s) or commencement of the use.

If street numbers or a change to street numbers are required, a separate application must be made to Council.

AN18 Compliance with National Code for Construction and fitout of food premises

An Applicant must obtain a certificate from a suitably qualified tradesperson, certifying that the kitchen, food storage and food preparation areas have been fitted in accordance with the

National Code for the Construction and Fitout of Food Premises. The Applicant must provide evidence of receipt of the certificate to the satisfaction of the PCA prior to the occupation of the building(s) or commencement of the use.

AN19 Stormwater drainage works or effluent systems

A construction certificate for works that involve any of the following:

- (1) water supply, sewerage and stormwater drainage work
- (2) management of waste

as defined by Section 68 of the *Local Government Act, 1993* will not be issued until prior separate approval to do so has been granted by Council under Section 68 of that Act. Applications for these works must be submitted on Council's standard Section 68 application form accompanied by the required attachments and the prescribed fees.

AN20 Temporary Structures

An approval under Section 68 of the *Local Government Act 1993* must be obtained from the Council for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the Building Code of Australia.

Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Council with the application under Section 68 of the *Local Government Act 1993* to certify the structural adequacy of the design of the temporary structures.

AN21 Place of Public Entertainment

An approval from the Council under Section 68 of the *Local Government Act 1993* must be obtained for a "Place of Public Entertainment Licence" prior to the use of the premises commencing. The Applicant must provide evidence of receipt of the approval to the satisfaction of the PCA prior to the occupation of the building(s) or commencement of the use.

AN22 Commonwealth Environment Protection and Biodiversity Conservation Act 1999

The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.

This application has been assessed in accordance with the New South Wales *Environmental Planning & Assessment Act, 1979*. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the proponents responsibility to consult Environment Australia to determine the need or otherwise for Commonwealth approval and you should not construe this grant of consent as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.